

CHAPTER I

MISHNAH. . SHAMMAI RULED: FOR ALL WOMEN¹ IT SUFFICES [TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM THE] TIME [OF THEIR DISCOVERING THE FLOW].² HILLEL RULED: [THEIR PERIOD OF UNCLEANNESS IS TO BE RECKONED RETROSPECTIVELY] FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION,³ EVEN [IF THE INTERVAL EXTENDED] FOR MANY DAYS. THE SAGES, HOWEVER, RULED: [THE LAW IS] NEITHER IN AGREEMENT WITH THE OPINION OF THE FORMER⁴ NOR IN AGREEMENT WITH THAT OF THE LATTER,⁵ BUT [THE WOMEN ARE DEEMED TO HAVE BEEN UNCLEAN] DURING [THE PRECEDING] TWENTY-FOUR HOURS⁶ WHEN THIS⁷ LESSENS THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION, AND DURING THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION WHEN THIS⁸ LESSENS THE PERIOD OF TWENTY-FOUR HOURS.

FOR ANY WOMAN WHO HAS A SETTLED PERIOD IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW: AND IF A WOMAN USES TESTING-RAGS WHEN⁹ SHE HAS MARITAL INTERCOURSE, THIS IS INDEED¹⁰ LIKE AN EXAMINATION WHICH LESSENS EITHER THE PERIOD OF THE [PAST] TWENTY-FOUR HOURS OR THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION. HOW [IS ONE TO UNDERSTAND THE RULING THAT]¹¹ IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW'? IF SHE WAS SITTING ON A BED AND WAS OCCUPIED WITH RITUALLY CLEAN OBJECTS¹² AND, HAVING LEFT THEM, OBSERVED A FLOW, SHE IS RITUALLY UNCLEAN WHILE THE OBJECTS¹³ REMAIN RITUALLY CLEAN.

ALTHOUGH THEY¹⁴ HAVE LAID DOWN THAT SHE¹⁵ CONVEYS UNCLEANNESS FOR A PERIOD OF TWENTY-FOUR HOURS [RETROSPECTIVELY]¹⁶ SHE COUNTS [THE SEVEN DAYS OF HER MENSTRUATION]¹⁷ ONLY FROM THE TIME SHE OBSERVED THE FLOW.

GEMARA. What is Shammai's reason?¹⁸ — He is of the opinion that a woman¹⁹ should be presumed to enjoy²⁰ her usual status, and the status of the woman²¹ was one of cleanness.²² And Hillel?²³ — When is it said that an object is presumed to possess its usual status? Only when the unfavourable condition²⁴ is not internal;²⁵ but as regards a woman,

(1) In respect of menstrual uncleanness.

(2) It being assumed that up to that moment there was no vestige of blood even in the ante-chamber (cf. Mishnah infra 40a). Hence only objects that were touched by the woman after the discovery become ritually unclean. All objects touched prior to that moment remain clean.

(3) When she discovered the discharge. If the last, for instance, took place at 5 p.m. on a Thursday and the previous one at 8 a.m. on the preceding Sunday, all objects touched since the Sunday examination are deemed to be ritually unclean because it is assumed that some blood, prevented from leaving the body by the walls of the womb, may have made its way into the ante-chamber immediately after that examination.

(4) Shammai, whose ruling is too lenient.

(5) Hillel, who is too restrictive, since blood could not well be retained in the ante-chamber for a very long time.

(6) Me'eth le'eth, lit., 'from time to time'.

(7) An interval of more than twenty-four hours having intervened between the two examinations.

(8) The two examinations having taken place within twenty-four hours.

(9) Before and after.

(10) Lit., 'behold this'.

- (11) In the case of 'ANY WOMAN WHO HAS A SETTLED PERIOD (supra).
- (12) In the preparation, for instance, of foodstuffs.
- (13) The bed, and the foodstuffs which she handled.
- (14) The Sages.
- (15) A woman who had no settled period.
- (16) From the time she observed the flow.
- (17) Prescribed in Lev. XV, 19.
- (18) For his ruling in the first clause of our Mishnah.
- (19) About whom it is uncertain when her flow began.
- (20) Lit., 'cause to stand . . . upon'.
- (21) Spoken of in our Mishnah.
- (22) Since she was occupied with ritually clean things.
- (23) How, in view of Shammai's reason, can he maintain his ruling.
- (24) Which might impair its status.
- (25) But is due to some external cause. MS.M. adds, 'as, for instance, when it is doubtful whether one did, or did not touch (an unclean object)'.

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since what she observes [is a discharge] from her own body, it cannot be held that she is presumed to have her usual status.

Wherein, however, does this¹ essentially differ² from that of a ritual bath of which we learnt: If a ritual bath³ was measured and found lacking, all purifications that have heretofore been effected through it, whether it was in a public⁴ or in a private domain,⁵ are regarded⁶ as unclean?⁷ According to Shammai⁸ the difficulty arises from 'heretofore'; while according to Hillel the difficulty arises, does it not, from the certainty; for, whereas in the case of the twenty-four hours' period⁹ of the menstruant [any terumah¹⁰ she touched] is only held in suspense, it being neither eaten nor burned,¹¹ here¹² the uncleanness is regarded as a certainty?¹³ — The reason¹⁴ there¹⁵ is that it may be postulated that the unclean person shall be regarded as being in his presumptive status¹⁶ and assumed¹⁷ not to have performed proper immersion.¹⁸ On the contrary! Why not postulate that the ritual bath shall be regarded as being in its presumptive status of validity and assume that it was not lacking?¹⁹ — Surely a lacking [bath] is before you. But in this case also,²⁰ is not blood before you? — She has only just now observed it.²¹ In that case²² too, is it not²³ lacking only just now?²⁴ — What a comparison!²⁵ In that case²² it might well be presumed that the water was gradually diminishing,²⁶ but can it here also be presumed that she was gradually observing the flow?²⁷ — What an objection is this! Is it not possible that she observed the blood only when it was coming in profusion?²⁸ — In the former case²⁹ there are two unfavourable factors³⁰ while in the latter³¹ there is only one unfavourable factor.³² Wherein, however,³³ does this³¹ differ from the case of the jug concerning which we have learnt:³⁴ If one tested³⁵ a wine jug for the purpose of periodically taking from it terumah [for wine kept in other jugs]³⁶ and, subsequently,³⁷ it was found to contain vinegar,³⁸ all³⁹ three days it is certain,⁴⁰ and after that it is doubtful.⁴¹ Now does not this⁴² present an objection against Shammai?⁴³ — The reason there⁴⁴ is that it can be postulated that the tebel⁴⁵ shall be regarded as having its presumptive status, and then it may be presumed that it had not been ritually prepared.⁴⁶ On the contrary! Why not postulate that the wine be regarded as having its presumptive status⁴⁷ and then it might be assumed that it had not become sour? — Surely it stands sour before you. But in that case also⁴⁸ is there not blood before you? — She has only just now observed it. But in that case too⁴⁹ is it not sour only just now? — What a comparison! In the latter case⁴⁹ it might well be presumed that the wine turned sour by degrees,⁵⁰ but can it also be said in the former case⁴⁸ that she observed the flow by degrees?⁵¹ — What an objection is this! Is it not possible that she observed the blood only when it came in profusion? — In the former case⁴⁹ there are two unfavourable factors⁵² while in the latter⁴⁸ there is only one such factor.⁵³

An incongruity, however, was pointed out between the case of the jug⁵⁴ and that of the ritual bath:⁵⁵ Wherein lies the essential difference between the two⁵⁶ that in the latter case⁵⁷ [the retrospective uncleanness is regarded as] a certainty while in that of the former⁵⁸ [the uncleanness of the terumah is deemed] doubtful? — R. Hanina of Sura replied: Who is the author [of the ruling concerning the] jug? R. Simeon, who in respect of a ritual bath also regards [the retrospective uncleanness] as a matter of doubt; for it was taught:⁵⁹ If a ritual bath was measured and found lacking all purifications heretofore effected through it whether it was in a public or in a private domain, are regarded as unclean.⁶⁰ R. Simeon ruled: In a public domain they are regarded as clean but in a private domain they are regarded as being in suspense.⁶¹

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- (1) The case of the menstruant.
 - (2) Both according to Shammai and Hillel.
 - (3) Which must contain a minimum of forty se'ah of water.
 - (4) Where a case of doubtful uncleanness is elsewhere regarded as clean.
 - (5) Where a doubtful case is regarded as unclean (cf. prev. n.).
 - (6) Since the bath is now ritually invalid.
 - (7) Mik. II, 2.
 - (8) Who ruled that the period of uncleanness of menstruant women begins FROM THE TIME OF THEIR DISCOVERY OF THE FLOW and not retrospectively.
 - (9) According to the Sages; or the interval between her last and previous examinations according to Hillel (v. our Mishnah).
 - (10) V. Glos.
 - (11) As explained infra 6a.
 - (12) In the case of the ritual bath, where it is categorically stated 'are retrospectively unclean'.
 - (13) And the terumah must be burned.
 - (14) For the restrictions.
 - (15) The case of the ritual bath.
 - (16) Of uncleanness, which before valid immersion is a certainty.
 - (17) On account of the discovered invalidity of the ritual bath he used.
 - (18) Since the invalidity may have begun at the time the immersion took place.
 - (19) At the time of the immersion.
 - (20) That of the menstruant.
 - (21) Hence there is no need to assume that the flow began any earlier.
 - (22) Ritual bath.
 - (23) As far as is known.
 - (24) Why then should it be assumed to have been lacking earlier?
 - (25) Lit., 'thus, now'.
 - (26) So that the presumptive state of validity has long ago been impaired. And since it is not known when the process began the restrictive ruling given is well justified.
 - (27) Obviously not. Hence it may well be assumed that the flow began only at the moment when it was discovered.
 - (28) While in fact a particle of it which is quite sufficient to cause uncleanness (cf. infra 40) may have been in the antechamber long before she was aware of any flow.
 - (29) That of the ritual bath.
 - (30) The assumption that the unclean person was in his confirmed status of uncleanness and the lacking condition of the bath.
 - (31) The case of the menstruant.
 - (32) The present observation of the blood. Since against this factor there is the favourable one of the woman's previous condition of confirmed cleanness it may well be assumed that the flow began not earlier than the moment when it was observed.
 - (33) According to Shammai.
 - (34) What follows is a Baraita (Tosef. Ter. IV) and is quoted here as Mishnah. This is not an isolated instance. V.

Higger Ozar ha Beraitoth, pp. 37ff.

(35) Either by tasting some of its contents (Rashi) the terumah and tithe having been duly taken from it (Rashb. B.B. 96a) or by smelling it (Tosaf. l.c.).

(36) In order that he might be allowed to use the wine in the other jugs he keeps this one jug for the purpose of taking from it daily, or whenever required, the appropriate quantity of wine as terumah or tithe for the wine in the other jugs.

(37) After a month or two, for instance.

(38) A liquid which (according to Rabbi, B.B. 84b) may not be used as terumah for wine.

(39) So MS.M. and Rashal. Cur. edd. in parenthesis insert 'the first'.

(40) V. following note.

(41) Tosef. Ter. IV. The meaning according to R. Johanan (B.B. 96a) is that during the first three days after the test the contents of the jug are regarded as 'certain' wine because in less than three days wine cannot turn into vinegar. Even if it be assumed that it began to turn sour immediately after the test it could not be called 'vinegar' until full three days had elapsed. The terumah given within these three days must inevitably have been wine and consequently have exempted the wine in the other jugs. After three days the contents are regarded as 'doubtful wine' since it is possible that the wine began to deteriorate only three days before it was found to be vinegar, into which it may have turned just at that moment. As the terumah is accordingly of a doubtful nature another portion must be set aside for the purpose. The meaning according to R. Joshua b. Levi (ibid.) is that during the last three days prior to the discovery that it had turned into vinegar, it is regarded as 'certain' vinegar because, in his opinion, the contents are deemed to be vinegar as soon as the wine begins to deteriorate in odour though its taste may still be that of wine. Since it is now proper vinegar the deterioration must have commenced at least three days earlier. Prior to the three days it is regarded as 'doubtful' because it is unknown when the deterioration had set in.

(42) The ruling in the Baraita cited according to which where unfavourable factors exist restrictions are applied retrospectively.

(43) Who ruled in our Mishnah that menstruants are not deemed to have been unclean for any length of time retrospectively, but reckon their period of uncleanness only from the moment OF THEIR DISCOVERING THE FLOW.

(44) In the Baraita cited.

(45) The untithed wine, v. Glos.

(46) Sc. that the priestly and levitical dues have not been duly set aside for it.

(47) Of being wine.

(48) That of the menstruant.

(49) That of the jug of wine.

(50) So that it lost its status long before it completely turned into vinegar.

(51) Of course not. Hence the assumption that the flow began the moment it was discovered.

(52) The confirmed status of the wine as tebel and its present sour condition.

(53) The present observation of the blood.

(54) Cited supra from Tosef. Ter. IV.

(55) Mik. II, 2, also cited supra.

(56) In both of which (as stated supra) there are equally two unfavourable factors.

(57) Mik. II, 2.

(58) Cited supra from Tosef. Ter. IV.

(59) So marg. gl. Cur. edd. 'we learnt'.

(60) Supra q.v. notes.

(61) Tosef. Mik. I; the reason is discussed infra.

Talmud - Mas. Nidah 3a

And both¹ deduced it² from no other law than that of sotah.³ The Rabbis⁴ hold [that the law of the ritual bath is the same] as that of sotah; as [the offence of] the sotah is a matter of doubt and is regarded as a certainty⁵ so here also⁶ [where the uncleanness is] a matter of doubt it is regarded as a certainty. If [the inference, however, is made] from the sotah might it not be argued: It is like the sotah in this respect, viz., that as the sotah is clean [if she is suspected of an offence] in a public domain⁷ so should [all the purifications effected in] this case also⁶ be regarded as clean [if the bath

was] in a public domain? — What a comparison!⁸ There⁹ the cause¹⁰ is seclusion¹¹ but seclusion in a public domain is impossible,¹² but here,⁶ the cause¹³ being the deficiency,¹⁴ what matters it whether the deficiency takes place in a public, or in a private domain?¹⁵ And should you argue: Is not every doubtful case of ritual uncleanness in a public domain regarded as clean [it could be retorted:] Since [in the case of the bath] there are two unfavourable factors¹⁶ it is regarded as certain uncleanness. R. Simeon, however, holds [that the law of the ritual bath is the same as that of sotah [in this respect]: As the sotah is regarded as clean [where she is suspected of an offence] in a public domain so also here¹⁷ [are all the purifications effected regarded as] clean [if the bath was] In a public domain. If [the inference, however, is made] from the sotah, might it not be argued: It is like the sotah in this respect viz., that as the sotah [if suspected of the offence] in a private domain is regarded as definitely unclean so should also [all purifications effected in this case] be deemed to be definitely unclean [where the bath was] in a private domain? — What a comparison!¹⁸ In that case¹⁹ there is some basis for the suspicion,²⁰ seeing that he²¹ had warned her and she had secluded herself with the stranger; what basis for uncleanness,²⁰ however, is there here?²²

And if you prefer I might say that this is R. Simeon's reason:²³ He infers the law of the termination of uncleanness²⁴ from that of the inception of uncleanness,²⁵ as with the inception of uncleanness if it is doubtful whether an object has or has not touched an uncleanness in a public domain it is deemed to be clean, so also with the termination of uncleanness, if it is doubtful whether an object had been duly immersed or not, in a public domain it is deemed to be clean. And the Rabbis?²⁶ — What an inference!²⁷ There,²⁸ since the man is in the presumptive status of ritual cleanness, we cannot on account of a doubt transfer him to a state of uncleanness, but here,²⁹ seeing that the man is in the presumptive status of uncleanness, we cannot on account of a doubt release him from his uncleanness.

Wherein, however, does this³⁰ essentially differ³¹ from the case of an alley of which we learnt: If a dead creeping thing was found in an alley it causes ritual uncleanness retrospectively³² to such time as one can testify, 'I examined this alley and there was no creeping thing in it',³³ or to such time as it was last swept?³⁴ — There³⁵ also, since there are creeping things from the alley itself and also creeping things that make their way into it from the outside world, the case is the same as one that has two unfavourable factors. And if you prefer I might reply,³⁶ This is Shammai's reason:³⁷ Because a woman is herself conscious [when she suffers a flow].³⁸ And Hillel?³⁹ — She might have thought that the sensation⁴⁰ was that of urine. As to Shammai, is there not [the possibility of suffering a flow while] asleep?⁴¹ — A woman asleep too would⁴² awake on account of the pain,⁴³ as is the case where one feels a discharge of urine.⁴⁴ But is there not the case of an imbecile?⁴⁵ — Shammai agrees⁴⁶ in the case of an imbecile. But did he not state, ALL WOMEN?⁴⁷ — [He meant:] All sensible women. Then why did he not merely state WOMEN?⁴⁸ — He intended to indicate that the law is not in agreement with R. Eliezer; for R. Eliezer mentioned 'Four classes of women'⁴⁹ and no more, hence he⁵⁰ informed us [that the law applies to] ALL WOMEN. But is there not the case of stains?⁵¹ Must we then⁵² assume that we learnt the Mishnah about stains⁵³ in disagreement with Shammai? — Abaye replied: Shammai agrees⁵⁴ in the case of stains. What is the reason? — Since she was neither handling a slaughtered bird nor was she passing through the butchers' market, whence could that blood have come?⁵⁵ And⁵⁶ if you prefer I might reply, This is Shammai's reason: If in fact any blood were there⁵⁷ it would have flowed out earlier.⁵⁸ And Hillel?⁵⁹ — The walls of the womb may have held it back.⁶⁰ And Shammai?⁶¹ — The walls of the womb do not hold blood back. But what can be said for a woman⁶² who⁶³ uses an absorbent in her marital intercourse?⁶⁴ — Abaye replied: Shammai agrees⁶⁵ in the case of one who uses an absorbent,⁶⁶ Raba replied: An absorbent too [does not affect Shammai's ruling, since] perspiration causes it to shrink.⁶⁷ Raba, however, agrees⁶⁸ in the case of a tightly packed absorbent.⁶⁹

What, however, is the practical difference between the latter explanation?⁷⁰ and the former explanation?⁷¹

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- (1) R. Simeon and the first Tanna.
 - (2) Each his respective rulings in the Baraita just cited.
 - (3) V. Glos., in connection with whom Scripture speaks of uncleanness or defilement (cf. Num. V, 13).
 - (4) Sc. the first Tanna (cf. supra n. 7).
 - (5) A sotah, until her innocence is proved by the test (cf. Num. V, 15-28), being definitely forbidden to her husband.
 - (6) The case of the ritual bath under discussion.
 - (7) Where no privacy is possible.
 - (8) Lit., 'thus, now'.
 - (9) Sotah.
 - (10) Of the woman's uncleanness or prohibition to her husband.
 - (11) Of the woman with the suspected stranger.
 - (12) Hence the ruling that in such a case the woman is deemed clean.
 - (13) Of uncleanness.
 - (14) Of the water in the bath.
 - (15) Nothing. Hence the Rabbis' ruling that all purifications effected, irrespective of domain, are deemed to be unclean.
 - (16) As pointed out supra 2b.
 - (17) The case of the ritual bath under discussion.
 - (18) Lit., 'thus, now'.
 - (19) Sotah.
 - (20) Lit., 'there are feet for the thing'
 - (21) Her husband.
 - (22) In the case of the bath. As there is no basis whatever for the assumption that this deficiency occurred before the purifications had been effected it may well be assumed that it occurred afterwards immediately before the bath was measured. It has thus been shown, as R. Hanina replied supra, that according to R. Simeon all cases of doubtful uncleanness in a private domain where there is no basis for the affirmation of the uncleanness, are regarded as being in suspense.
 - (23) For holding doubtful cases of uncleanness in a public domain to be clean.
 - (24) Sc. ritual immersion which takes place when the period of uncleanness is concluded.
 - (25) I.e., uncleanness contracted from coming in contact with an unclean object.
 - (26) How, in view of R. Simeon's inference, could they maintain (v. supra 2b ad fin.) that 'all purifications . . . whether it was in a public or in a private domain, are unclean'?
 - (27) Lit., 'thus, now'.
 - (28) The case of the inception of uncleanness.
 - (29) In a case of termination of uncleanness.
 - (30) The case of the menstruant in our Mishnah.
 - (31) According to Shammai.
 - (32) To all clean objects that were in the alley prior to its discovery.
 - (33) Sc. only clean objects that were in the alley prior to that examination are ritually clean since the examination has established that during that time there was no creeping thing in the alley.
 - (34) Infra 56a; and no creeping thing was found. The sweeping, which is presumably accompanied by a search for any unclean things, has the same force as a direct examination. Hence (cf. prev. n.) only objects that were in the alley prior to the sweeping are clean while those that were there after the sweeping, since a creeping thing may have fallen into the alley immediately after the sweeping was over, are regarded as unclean. Now seeing that here uncleanness in a doubtful case is caused retrospectively, why does Shammai in our Mishnah restrict the period of uncleanness to the time of THEIR DISCOVERING only?
 - (35) The case of the alley in the Mishnah just cited.
 - (36) To the objection raised against Shammai.
 - (37) For his ruling that menstruants begin their period of uncleanness from the time OF THEIR DISCOVERING OF THE FLOW only and not, as in the case of the alley, retrospectively.
 - (38) As she did not feel any prior to her present discovery it may be safely assumed that previously there had not been any.

- (39) How, in view of this argument, can he maintain that a menstruant's uncleanness is RECKONED RETROSPECTIVELY?
- (40) Of the menstrual flow.
- (41) When the woman is unconscious of it. As this is quite possible, why does not Shammai extend the period of uncleanness retrospectively?
- (42) In Shammai's opinion.
- (43) Of the flow.
- (44) As she did not awake, it may well be presumed that the flow began just before its discovery.
- (45) Who is incapable of distinguishing the first appearance of a flow.
- (46) That the period of uncleanness extends retrospectively.
- (47) Which presumably includes the imbecile also.
- (48) Omitting 'ALL'.
- (49) Infra 7a.
- (50) Shammai.
- (51) Of menstrual blood, which (v. infra 56a) cause uncleanness retrospectively, though prior to the moment of its discharge the woman was unaware of any flow.
- (52) Since Shammai does not extend the unclean period retrospectively, maintaining that a woman is invariably aware when her flow first appears.
- (53) Where it was ruled that a stain causes uncleanness even where the woman had felt no flow whatever.
- (54) That the menstruant's uncleanness is extended retrospectively.
- (55) Hence it must be assumed to have come from the woman's menstrual flow.
- (56) So Bah. Cur. edd. omit 'and'.
- (57) Sc. prior to its discovery.
- (58) As none flowed out it may well be assumed that the flow began only just before it had been discovered.
- (59) Sc. how can he maintain his ruling in view of the argument here advanced for Shammai?
- (60) As, however, it might have made its way to the ante-chamber the period of uncleanness must extend from that time onwards.
- (61) Cf. prev. n. but one mut. mut.
- (62) Of the three classes enumerated infra 45a.
- (63) To prevent conception.
- (64) As the material used would also absorb any menstrual blood, there could be no proof that the discharge did not begin prior to the discovery. How then could Shammai rule that the menstrual uncleanness begins only at 'THE TIME OF THEIR DISCOVERING THE FLOW'?
- (65) That menstrual uncleanness is reckoned retrospectively.
- (66) Cf. prev. n. but one.
- (67) Lit., 'on account of perspiration it inevitably shrinks' and consequently, enables the blood to pass out. As no blood appeared prior to the discovery Shammai may well maintain that the uncleanness does not begin prior to the DISCOVERING OF THE FLOW.
- (68) With Abaye.
- (69) Since the blood cannot pass through it.
- (70) That (a) 'a woman feels' and (b) 'it would have flowed out earlier' (supra).
- (71) Supra 2a, 'a woman should be presumed to enjoy her usual status'.

Talmud - Mas. Nidah 3b

— The practical difference between them is the possibility of pointing out an incongruity [between the ruling in our Mishnah and the rulings concerning] the jug, the ritual bath and the alley:¹ According to the former explanation such an incongruity may justifiably be pointed out¹ while according to the latter explanations such an incongruity does not exist. But what practical difference is there [in the case of the latter] between the one and the other explanation? — According to Abaye² there is the case of the absorbent,³ and according to Raba² there is the case of the absorbent tightly packed.⁴ It was taught in agreement with that explanation that 'if in fact any blood were there it

would have flowed out earlier': Hillel said to Shammai, 'Do you not agree that in the case of a basket one corner of which was used for levitically clean objects while in another corner was found⁵ a dead creeping thing, the objects that were formerly clean are regarded as unclean retrospectively?'⁶ — 'Indeed', the other replied. 'Then [Hillel rejoined] what is the difference between the one case and the other?'⁷ — 'The one⁸ [Shammai replied] has a bottom,⁹ the other¹⁰ has none.'¹¹ Raba stated: Shammai's reason¹² is to avoid¹³ neglect of marital life.¹⁴ So it was also taught: Shammai said to Hillel, 'If so,¹⁵ you cause the daughters of Israel the neglect of marital life'.¹⁶ Now according to him¹⁷ who taught this explanation¹⁸ [it may be objected:] Was it not taught,¹⁹ in agreement with the former explanation,¹⁸ that 'if in fact any blood were there it would have flowed out earlier'? — There¹⁹ it was Hillel who erred. He thought that Shammai's reason was that if any blood had been there it would have flowed out earlier and, therefore, he raised an objection against him from the case of the basket,²⁰ but Shammai answered him, 'My reason is the avoidance of the neglect of marital life; and as regards your erroneous assumption too, in consequence of which you raised an objection from the case of the basket, the latter has a bottom while the former has none.'²¹

But according to him who taught²² the first explanation²³ [it may be objected:] Was it not in fact taught, in agreement with the latter version, that the reason is to avoid the neglect of propagation? It is this that Hillel in fact said to Shammai, 'Even if you give as your reason that "if in fact any blood were there it would have flowed out earlier," you must nevertheless make a fence²⁴ for your ruling, for why should this law be different from all the Torah for which a fence is made?' To this the other replied, 'If so,²⁵ you would cause the daughters of Israel to neglect marital life'.²⁶ And Hillel?²⁷ — 'Do I [he can reply] speak of marital life?²⁸ I only speak of levitical cleanness'. And Shammai?²⁹ — [Restrictions, he holds, must] not [be imposed] even as regards levitical cleanness, since otherwise³⁰ the man might have scruples³¹ and keep away altogether.³²

(Mnemonic:³³ Bottom examined covered in a corner.)

It was stated: If one corner of a basket was used for levitically clean objects and a dead creeping thing was found in another corner, Hezekiah ruled that the objects that were formerly³⁴ clean remain clean. R. Johanan ruled: The objects that were formerly³⁵ clean are now regarded as retrospectively unclean. But do not Shammai³⁶ and Hillel in fact agree³⁷ in the case of a basket that the objects that were formerly clean are deemed to be retrospectively unclean?³⁸ — Shammai and Hillel agree³⁹ only in the case of a basket that had a bottom,⁴⁰ while Hezekiah and R. Johanan differ in that of a basket that had no bottom.⁴¹ But if the basket had no bottom what could be R. Johanan's reason?⁴² — It had no bottom, but it had⁴³ a rim.⁴⁴ But surely, it was taught:⁴⁵ 'If a man drew⁴⁶ ten buckets of water one after the other⁴⁷ and a creeping thing was found in one of them, this one⁴⁸ is unclean and all the others⁴⁹ remain clean',⁵⁰ and in connection with this Resh Lakish citing R. Jannai stated, 'This⁵¹ was taught only in a case where the bucket had no rim⁵² but if it had a rim⁵³ all the buckets of water are deemed to be unclean.' Now must it be assumed that Hezekiah⁵⁴ does not adopt the view of R. Jannai?⁵⁵ — [No, since] water⁵⁶ glides⁵⁷ while fruits⁵⁸ do not glide,⁵⁹ or else [it may be replied] one is not particular with water⁶⁰ but with fruit one is particular.⁶¹ And if you prefer I might reply: Shammai and Hillel agree⁶² only in respect of a basket that was not [previously]⁶³ examined⁶⁴

(1) Supra 2b and 3a.

(2) Supra 3a ad fin.

(3) If the explanation is that 'a woman feels' the period of menstrual uncleanness would begin at the time of the discovery of the blood even where a woman used an absorbent, while if the explanation is that 'it would have flowed out earlier' uncleanness would begin retrospectively since the discharge might have begun earlier but was soaked up by the absorbent.

(4) Cf. prev. note.

(5) After the clean objects had been removed from the basket.

(6) Lit., 'the former clean are unclean', because it is possible that the creeping thing was in the basket before the objects

had been removed and that it consequently imparted uncleanness to the basket from which it was conveyed to the objects. If the creeping thing, it may be added, had been found in the same corner in which the objects were previously kept there could be no question that the latter remain clean, since it may be regarded as certain that they had been removed before the creeping thing had fallen into the basket. For if it had been there earlier it would have been discovered at the time the objects were being removed.

(7) Sc. why is the uncleanness deemed to be retrospective in the case of the basket and not in that of the menstruant?

(8) The basket.

(9) Where the creeping thing may well have rested quite unobserved by the person who removed the objects.

(10) The menstruant.

(11) Sc. had any blood found its way to the ante-chamber it would inevitably have flowed out.

(12) For his ruling in the first clause of our Mishnah that the uncleanness is not retrospective.

(13) Lit., 'on account of'.

(14) Lit., 'propagation'. Were it to be assumed that blood can make its way to the vagina even when the woman is unconscious of it, men would abstain from all marital intercourse in order to avoid possible complications of uncleanness.

(15) That menstrual uncleanness is to be retrospective (v. our Mishnah).

(16) Cf. note 10.

(17) Raba.

(18) Of Shammai's reason.

(19) Supra.

(20) Where it is not assumed (on the analogy of the blood of the menstruant) that if a creeping thing had been there it would have come out together with the objects when the basket had been cleared.

(21) Cf. notes supra.

(22) Supra.

(23) That Shammai's reason is that if any blood had been in the vagina it would have flowed out earlier.

(24) I.e., add some restriction (retrospective uncleanness) in order to avoid possible transgression of the law itself.

(25) That menstrual uncleanness is to be retrospective (v. our Mishnah).

(26) V. supra p. 11 n. 10.

(27) How, in view of this reply, could he maintain his ruling.

(28) No. He did not say that any marital relations were to be affected.

(29) Cf. note 8 mut. mut.

(30) Lit., 'for if so', were retrospective uncleanness to be imposed.

(31) Owing to the possibility of some flow of blood in the vagina.

(32) Lit., 'his heart beats him and he separates (from his wife)'.

(33) Containing striking words or phrases from each of the four following explanations of the points on which Shammai and Hillel on the one hand and Hezekiah and R. Johanan on the other differ.

(34) Lit., 'the first'.

(35) Lit., 'the first'.

(36) So Bah and MS.M. Cur. edd. in parenthesis insert 'Beth'.

(37) Supra. — MS.M. reads, 'Does not Shammai agree with Hillel'.

(38) How then can Hezekiah differ from the unanimous ruling of both?

(39) Var. lec. 'Shammai agrees with Hillel' (MS.M.).

(40) And the objects were removed through the open top, so that it was quite possible for the creeping thing to be at the time of the removal at the bottom of the basket and thus to have escaped observation.

(41) And that was used while it was lying on its side. In such circumstances the objects would be removed by inverting the basket in which case all its contents, including any creeping thing that might have been there, would fall out.

(42) For treating the objects as unclean.

(43) Near the position of the bottom.

(44) Turning inwards, so that the creeping thing might have been caught by it and there remained unobserved.

(45) Var. lec., 'we learnt' (Bah citing Toh. IV, 4, which, however, differs slightly from the version here cited).

(46) With the same bucket.

(47) All of which were poured into one large tank.

- (48) In which the creeping thing was found.
- (49) Since no creeping thing was observed to be in them when they were being emptied into the tank.
- (50) It being assumed that the creeping thing had not fallen into the bucket until it was filled for the last time.
- (51) That all the others remain clean.
- (52) Turning inwards so that the creeping thing could not possibly have remained in the bucket when it was tipped over the tank.
- (53) On which the creeping thing might have been caught and remained unobserved at the time.
- (54) Who, as explained supra in the case of the basket, holds the objects to be clean even where the basket had a rim.
- (55) Is it likely, however, that Hezekiah would differ from such an authority?
- (56) When the bucket is tipped.
- (57) Hence it is not necessary to incline the bucket at too great an angle when it is being emptied. The creeping thing might, therefore, well have remained within the bucket, held by the rim and unobserved.
- (58) From a basket.
- (59) If the basket is only slightly inclined. As it must consequently be turned upside down before all the fruit it contains can be emptied it is quite impossible for the creeping thing to have remained within. If, therefore, one was subsequently found in the basket it may be safely assumed that it fell in after the clean objects had been removed.
- (60) And does not mind if some of it remains in the bucket. Hence one does not tip the bucket very much, and the creeping thing might consequently have remained within the bucket behind the rim.
- (61) And turns the bucket upside down in order to get out even the last fruit (cf. prev. n. but one mut. mut.).
- (62) Var. lec. 'Shammai agrees with Hillel' (MS.M.).
- (63) Before the clean objects were put into it.
- (64) Hence it cannot be regarded as having a presumptive state of cleanness.

Talmud - Mas. Nidah 4a

while Hezekiah and R. Johanan differ in the case of a basket that had been examined. One Master¹ holds [the objects to be clean because the basket] surely had been examined,² and the other Master³ [holds them to be unclean, since] it might be assumed that the creeping thing fell in just when the man⁴ removed his hand.⁵ But [the case of the basket,]⁶ surely, was taught in the same manner as that of the woman,⁷ and is not a woman⁸ deemed to be duly examined?⁹ Since the flow of blood from her body is a regular occurrence she is regarded as unexamined.¹⁰ And if you prefer I might reply:¹¹ Shammai and Hillel agree¹² only in respect of a basket that¹³ is uncovered,¹⁴ while Hezekiah and R. Johanan differ in respect of a covered basket.¹⁵ 'Covered'! Then how [could the creeping thing]¹⁶ have fallen into it? — [This is possible when] for instance, the way of using it was by [opening and closing] its cover.¹⁷ But [the case of the basket] surely, was taught in the same manner as that of the woman,¹⁸ and is not a woman¹⁹ in the condition of being covered?²⁰ — Since the flow of blood from her body is a regular occurrence she is regarded as being in an uncovered condition.²¹ And if you prefer I might reply:²² Shammai and Hillel agree²³ only in respect of the corner of a basket, while Hezekiah and R. Johanan differ in that of the corner of a room.²⁴ But was not a 'basket' spoken of?²⁵ — It is this that was meant:²⁵ If a basket was used for clean objects in one corner of a room and, when it was moved into another corner,²⁶ a creeping thing was found [in it while it was] in that other corner, Hezekiah holds that we do not presume the uncleanness found in one place²⁷ to apply to another place,²⁸ while R. Johanan holds that we do presume.²⁹ But do we²⁹ apply the rule of presumptive uncleanness? Have we not learnt: 'If a man touched someone in the night and he did not know whether it [was a person who was] alive or [one that was] dead, and in the morning when he got up he found him to be dead, R. Meir declares [the man] clean, but the Sages declare [him] to be unclean because all questions of uncleanness are determined by [the condition of the objects at] the time they are found',³⁰ and in connection with this it was taught, 'As at the time they are found and in accordance with the place in which they are found'³¹ And should you reply that this³² holds good only³³ in respect of the law of burning³⁴ but that in respect of the law of suspense it is well applied,³⁵ have we not learnt, [it could be retorted,] If a needle³⁶ was found³⁷ full of rust or broken³⁸ it is regarded as clean³⁹ because all questions of uncleanness are determined by [the condition of the

objects at] the time they are found?⁴⁰ Now why should this be so?⁴¹ Why should it not rather be assumed that this needle was formerly⁴² in a sound condition⁴³ and that it produced the rust just now?⁴⁴ Furthermore, have we not learnt: If a burnt creeping thing was found upon olives and so also if a tattered⁴⁵ rag⁴⁶ was found upon them it is clean,⁴⁷ because all [questions of] uncleanness are determined by [the conditions of the objects at] the time they are found?⁴⁸ And should you reply that [the uncleanness is determined] in accordance with [the condition of the objects at] the time they are found, irrespective of whether the result is a relaxation⁴⁹ or a restriction of the law,⁵⁰ only in the place where they⁵¹ are found, but [if the doubt arises] in regard to the place in which they⁵¹ were not found⁵² the objects⁵³ are not to be burned but are nevertheless to be held in suspense,⁵⁴ was it not in fact taught,⁵⁵ [it could be retorted,] If a loaf of bread was lying on a shelf under which⁵⁶ lay an object of a minor degree of uncleanness,⁵⁷ [the loaf,]⁵⁸ although if it had fallen down it would have been impossible for it not to touch the unclean object,⁵⁹ is clean, because it is assumed that a clean person entered there and removed it,⁶⁰ unless one can testify, 'I am certain that no one entered there',⁶¹ in connection with which R. Eleazar stated: This assumption⁶² was required only in the case of a sloping shelf?⁶³ — There⁶⁴ the reason⁶⁵ is as stated,⁶⁶

(1) Hezekiah.

(2) And since at the time it contained no unclean objects a presumptive state of cleanness has been established.

(3) R. Johanan.

(4) Who conducted the examination.

(5) And the clean objects were still in the basket.

(6) On which Shammai and Hillel differ.

(7) Hillel having asked (supra 3b) 'what is the difference between the one case and the other?'

(8) Whose duty it is to examine herself every morning and evening.

(9) Apparently she is. Hence the basket also, which is in a similar condition (cf. prev. n. but one), must be deemed to be duly examined. Now since it was stated that the objects that were in the basket were regarded as retrospectively unclean an objection arises against Hezekiah.

(10) And so also the basket. Hence the justification for Hezekiah's ruling.

(11) To the difficulty raised supra 3b ad fin on the apparent contradiction between the joint ruling of Shammai and Hillel and the view of Hezekiah.

(12) MS.M. 'Shammai agrees with Hillel'.

(13) Though examined.

(14) So that the creeping thing might well have fallen in as soon as the examiner has removed his hand.

(15) Into which nothing could fall in by accident. Hence the justification for Hezekiah's ruling that the objects are clean.

(16) Which was actually found in it.

(17) Hezekiah is of the opinion that as long as clean objects are in the basket one is careful to keep it closed in order to prevent any unclean object from falling into it, but when the basket is empty care is no longer exercised and it is quite possible, therefore, for the creeping thing to have fallen in then. R. Johanan, however, holds that it is possible for the creeping thing to have fallen in unobserved, even while the clean objects were still in the basket, at a moment when the latter was opened in the ordinary course of use.

(18) Hillel having asked (supra 3b) 'what is the difference between the one case and the other?'

(19) Since no blood from the outside can flow into her body.

(20) Cf. supra p. 14, n. 19, mut. mut.

(21) And so also the basket. Hence the justification for Hezekiah's ruling.

(22) V. supra p. 14, n. 21.

(23) MS.M., 'Shammai agrees with Hillel'.

(24) This is explained presently. Lit., 'house'.

(25) In the statement, supra 3b ad fin, under discussion.

(26) After the objects had been taken out.

(27) If the unclean object was first discovered in the second place.

(28) It is rather assumed that the creeping thing fell into the basket when it was already in the second place after the objects had been removed from it.

- (29) Even in such a case.
- (30) Lit., 'as the time of their finding', Toh. V, 7.
- (31) Sc. if in the morning the person was found dead in the place where he was touched in the night the man who touched him is unclean, but if he was found dead in a different place he remains clean. Thus it follows that we do not presume uncleanness found in one place to apply to another. How then could R. Johanan maintain that the rule is applied even in such a case?
- (32) That the rule that we do not presume uncleanness found in one place to apply to another.
- (33) Since the uncleanness is not a matter of certainty.
- (34) If it was *terumah*; sc. the *terumah* need not be burned on account of the doubtful nature (cf. prev. n.) of its uncleanness.
- (35) Lit., 'to suspend we suspend', i.e., the uncleanness of the objects thus affected is treated as a matter of doubt, and R. Johanan's ruling might be given the same interpretation and may thus be reconciled with that of the Mishnah just cited.
- (36) That was known to be unclean.
- (37) In contact with clean objects.
- (38) Conditions which render it useless as a 'vessel'. Only a proper vessel contracts and conveys uncleanness.
- (39) I.e., it (cf. prev. n.) conveys no uncleanness whatsoever to the objects with which it was found in contact.
- (40) Toh. III, 5. Hence it is assumed that the objects and the needle came in contact after the latter had lost the status of 'vessel' when it was no longer able to convey any uncleanness.
- (41) That the objects should be regarded as absolutely clean and their uncleanness should not be regarded even as doubtful.
- (42) When it first came in contact with the objects under discussion.
- (43) When it duly conveyed its uncleanness to the objects.
- (44) Since, however, the assumption is not made and the objects are not subjected either to a certain or to a suspended condition of uncleanness, even, presumably, where there was a change of place, how could R. Johanan maintain, even only in respect of a condition of suspense, that the rule of presumptive uncleanness is applied?
- (45) *Aliter*: scorched.
- (46) That was cut off from the unclean garment of a *zab* (v. *Glos.*).
- (47) Sc. it is assumed that the creeping thing or the rag did not come in contact with the olives until after it had lost its uncleanness (the former by the burning and the latter by becoming tattered or scorched) and was unable to convey any.
- (48) Toh. IX, 9. Now since the olives are not subjected even to the status of suspended uncleanness (as the categorical rule 'it is clean' implies) it follows that presumptive uncleanness does not apply when there was a change of time and so also, presumably, where there was a change of place. How then could R. Johanan maintain his ruling?
- (49) As in the case of the needle and the rag (cited from Toh. III, 5 and IX, 9) where the objects are declared clean.
- (50) Where a man touched some person in the night (cited from Toh. V, 7) in which case the man, according to the Sages, is decidedly unclean.
- (51) The objects about which the doubt had arisen.
- (52) I.e., whence the objects have been removed, as is the case with the basket with which R. Johanan was concerned.
- (53) *Terumah*, for instance.
- (54) And the same interpretation might also be given to R. Johanan's ruling which would thus be reconciled with the one cited from Toh. IX, 9.
- (55) V. marg. *glos.* Cur. edd. 'we learnt'.
- (56) On the ground.
- (57) *Middaf*. This is now assumed to be an object (a garment, for instance) which, though not subject to *midras* (v. *Glos.*) uncleanness (which could convey uncleanness to both man and vessels) conveys nevertheless uncleanness to foodstuffs and the like, *Pentateuchally*.
- (58) Found on the ground away from the unclean object.
- (59) Which would have conveyed uncleanness to it.
- (60) From the shelf, and placed it on the ground where it was found.
- (61) *Tosef.* Toh. IV.
- (62) 'That a clean person entered etc.'
- (63) From which the loaf is most likely to slide down and fall on the unclean object below. Now, since even in such a case it is not presumed that the loaf fell upon the unclean object and contracted uncleanness before it rolled away to its

present position, it follows that the rule of presumptive uncleanness is not applied when two different places are involved. How then could R. Johanan rule supra (3b ad fin.) that presumptive uncleanness is applied even (as in the case of the basket and the creeping thing) where two places are involved?

(64) In the Baraitha just cited.

(65) Why the rule of presumptive uncleanness is not applied to the loaf.

(66) Lit. — ‘as he learned the reason’.

Talmud - Mas. Nidah 4b

‘Because it is assumed that a clean person entered there and removed it’.¹ But why should it not be assumed here also² that a raven came and dropped [the creeping thing into the basket]?³ — In the case of a man who acts⁴ with intention such an assumption⁵ is made, but in that of a raven which⁶ does not act with intention such an assumption⁷ is not made. But consider: The loaf⁸ is a case of doubtful uncleanness in a private domain. Now is not any case of doubtful uncleanness in a private domain regarded as unclean?⁹ — [The loaf is deemed to be unclean] because it is a thing that possesses no intelligence to answer questions,¹⁰ and any thing that possesses no intelligence to answer questions, irrespective of whether it was in a public or in a private domain, is in any doubtful case of uncleanness regarded as clean.¹¹ And if you prefer I might reply: Here¹² we are dealing with a Rabbinical uncleanness.¹³ A deduction [from the wording]¹⁴ also supports this view, for the expression used is ‘middaf’¹⁵ which is analogous to the Scriptural phrase, ‘a driven [niddaf] leaf’.¹⁶

THE SAGES, HOWEVER, RULED: [THE LAW IS] NEITHER IN AGREEMENT WITH THE OPINION OF THE FORMER NOR IN AGREEMENT WITH THAT OF THE LATTER etc. Our Rabbis taught: And the Sages ruled, [The law is] neither in agreement with the opinion of the former nor in agreement with that of the latter, neither [that is] in agreement with the opinion of Shammai who¹⁷ provided no fence for his ruling¹⁸ nor in agreement with the opinion of Hillel who¹⁹ restricted far too much,²⁰ but [the women are deemed to be unclean] during the preceding twenty-four hours when this lessens the period from the [previous] examination to the [last] examination, and during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours. ‘[The women are deemed to be unclean] during the preceding twenty-four hours when this lessens the period from the [previous] examination to the [last] examination’. How is this to be understood? If a woman examined her body on a Sunday²¹ and found herself to be clean and then she spent Monday and Tuesday without holding any examination while on Wednesday she examined herself and found that she was unclean, it is not ruled that she should be deemed to be unclean retrospectively from the previous examination to the last examination but only [that she should be deemed to be unclean] during the preceding twenty-four hours. ‘And during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours’. How is this to be understood? If the woman examined her body during the first hour of the day and found herself to be clean and then she spent the second and the third hour without holding any examination while in the fourth hour she examined herself and found that she was unclean, it is not ruled that she should be deemed to be unclean retrospectively for a period of twenty-four hours but only during the period from the previous examination to the last examination. But is it not obvious that, since she has examined herself during the first hour and found that she was clean, she is not to be deemed unclean retrospectively for twenty-four hours?²² — As it was taught, ‘during the preceding twenty-four hours when this lessens the period from the [previous] examination to the [last] examination’²³ it also stated,²⁴ ‘during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours’.

Rabbah stated: What is the reason of the Rabbis?²⁵ Because a woman well feels herself.²⁶ Said Abaye to him: If so,²⁷ [a period of uncleanness from] the time of her observation of the flow should suffice!²⁸ And Rabbah?²⁹ — He only wished to exercise Abaye's wits.³⁰ What then is the reason of the Rabbis?³¹ — It is one such as that which Rab Judah gave in the name of Samuel: The Sages have

ordained for the daughters of Israel that they should examine themselves in the morning and in the evening; 'in the morning', in order to verify the cleanness of objects they handled during the previous night,³² 'and in the evening' in order to verify the cleanness of objects they handled during the previous day;³³ but this woman,³⁴ since she did not [regularly] examine her body,³⁵ has³⁶ lost one 'onah.³⁷ But what could be meant by 'one 'onah'?³⁸ — One additional 'onah.³⁹ Said R. Papa to Raba: But would you not sometimes find that there are three 'onahs in twenty-four hours?⁴⁰ — The Sages have laid down a uniform limit⁴¹ in order that there shall be no variations in the twenty-four hours' period. And⁴² if you prefer I might reply:⁴³ [the period extends to three 'onahs] in order that the sinner⁴⁴ shall not⁴⁵ be at an advantage.⁴⁶ What is the practical difference between them?⁴⁷ — The practical difference between them is the case of a woman who was the victim of circumstances and in consequence of which she did not hold her examination.⁴⁸

FOR ANY WOMAN WHO HAS A SETTLED PERIOD etc. Must it be conceded that our Mishnah represents the view of R. Dosa and not that of the Rabbis seeing that it was taught:⁴⁹ R. Eliezer ruled, For four classes of women it suffices [to reckon the period of their uncleanness from the time they discovered the discharge,] viz., a virgin,⁵⁰ a pregnant woman, a woman that gives suck and an old woman; and R. Dosa ruled, For any woman who has a settled period it suffices [to reckon her period of uncleanness from] the time she discovered the discharge?⁵¹ — It may even be held [that our Mishnah represents the view of] the Rabbis, for the Rabbis differ from R. Dosa only [in respect of a flow] that did not occur at the woman's set time⁵² but [in the case of one that did occur] at her set time they might agree with him; and our Mishnah deals with a flow that occurred at the woman's set time and it, therefore, represents the view of both.⁵³ Thus⁵⁴ it follows that R. Dosa maintains his view even where a flow did not occur at the woman's set time. Who then is the author of the following which the Rabbis taught: Though a woman has a settled period her bloodstain⁵⁵ is deemed to be unclean retrospectively,⁵⁶ for were she to observe a flow when it is not her set time she would be unclean retrospectively for a period of twenty-four hours?⁵⁷ Must it be conceded⁵⁸ to be the Rabbis only and not R. Dosa?⁵⁹ — It may be said to be even R. Dosa; for R. Dosa may disagree with the Rabbis only in the case where the flow occurred at the woman's set time but where it occurred when it was not her set time he agrees with them,⁶⁰ and our Mishnah deals with one that occurred at her set time and it is, therefore, in agreement with the opinion of R. Dosa

(1) This assumption cannot, of course, be made in the case of the basket, with which R. Johanan deals, since the unclean object (the dead creeping thing) was actually found in it, and when it was found it was still in its state of uncleanness.

(2) In the case of the basket and the creeping thing.

(3) After the clean objects had been removed from it and after it had been moved into its new position.

(4) When he removed the loaf from the sloping shelf.

(5) That the man entered and moved the loaf to its present safer place.

(6) Even if it were to drop the creeping thing into the basket.

(7) That the raven dropped the thing after the clean objects had been removed etc. (cf. supra n. 11).

(8) Since (a) it is uncertain whether it touched the unclean object or not and (b) it was found within a house.

(9) The answer being in the affirmative, the difficulty arises, why is the loaf deemed to be clean?

(10) Lit., 'to be asked', whether it came in contact with the unclean object or not.

(11) Because the rule that doubtful uncleanness in a private domain is deemed to be unclean is deduced from that of sotah (v. Glos.) and consequently only rational beings like the sotah herself (who is able to answer whether she was or was not defiled) are subject to the same restrictions.

(12) In the case of the loaf.

(13) One, for instance, of those enumerated in Hag. 18b and 20b. A doubtful case of Rabbinical uncleanness is regarded as clean even in a private domain.

(14) Of the Tosef. Toh. IV cited.

(15) Rendered (supra 4a) 'an object of a minor degree of uncleanness'.

(16) Lev. XXVI, 36; the rt. of niddaf, and so also that of middaf implying something 'light', 'of minor importance', hence a 'minor degree of or Rabbinical uncleanness'.

- (17) Having laid down that the period of uncleanness begins only 'FROM THE TIME OF THEIR DISCOVERING OF THE FLOW'.
- (18) I.e., made no restriction whatever against the possible infringement of the actual law.
- (19) Laying down that the period of uncleanness 'IS TO BE RECKONED RETROSPECTIVELY FROM THE PREVIOUS EXAMINATION'.
- (20) Lit., 'who broke through beyond his measures.
- (21) Lit., 'on the first of the week'.
- (22) Of course it is. Why then should such an obvious ruling have to be stated?
- (23) A ruling that had to be enunciated, since otherwise it could have been argued that the flow began on the Sunday immediately after the examination.
- (24) As a kind of antithesis.
- (25) For fixing a twenty-four hours' period of uncleanness. The reason for Hillel's period, 'from examination to examination' (cf. our Mishnah), is quite intelligible since the flow may well have begun as soon as the previous examination was concluded, but the twenty-four hours' period appears to have no logical justification whatsoever.
- (26) Any flow. Had it begun immediately after the conclusion of her previous examination she would have been aware of it.
- (27) That a woman is aware of the flow as soon as it begins.
- (28) It being obvious that the flow began only at that moment, for if it had begun earlier she (cf. prev. n.) would have been aware of the fact. Why then should her period of uncleanness extend backwards for twenty-four hours? An objection against Rabbah.
- (29) Sc., why did he take up such an untenable position?
- (30) Lit., 'to sharpen (the mind) of Abaye'. Rabbah advanced the reason merely to afford an opportunity for Abaye, whose guardian and teacher he was, to prove it to be wrong.
- (31) Cf. p. 20. n. 5.
- (32) If a woman finds herself on examination to be clean it is thereby verified that all clean objects she handled during the previous night are to be regarded as clean; and should she discover any flow later at the evening examination the doubtful uncleanness would extend only to objects she handled during the day.
- (33) Cf. prev. n. mut. mut.
- (34) Spoken of in our Mishnah, and in the Baraita cited.
- (35) In defiance of the ordinance of the Rabbis.
- (36) As a penalty.
- (37) Lit., 'a time' or 'a period' of one day or night, sc. her uncleanness begins retrospectively one 'onah earlier.
- (38) Seeing that the uncleanness extends backwards for twenty-four hours which represent two 'onahs.
- (39) I.e., in addition to the 'onah immediately preceding the one in which her last examination was held (during which she is in any case unclean owing to the doubt as to when the flow began), she must suffer the penalty of being treated as unclean retrospectively even during the 'onah that preceded that one.
- (40) When, for instance, the first examination after a number of days without an examination took place at midday. If the uncleanness extended backwards for a period of twenty-four hours it would cover
- (41) the 'onah of the day of the examination,
- (42) the 'onah of the preceding night and
- (43) the 'onah of the day preceding that night. Now since the penalty imposed was only one additional 'onah why should it in this case be increased to two 'onahs? (1) Lit., 'made their measures equal', i.e., the period of twenty-four hours has been fixed, irrespective of whether it covers two 'onahs or three. (2) So Bah. Cur. edd. omit. (3) To the objection why in the case mentioned (cf. supra p. 21, n. 15) the uncleanness should extend over three 'onahs.
- (44) The woman who, not only failed to examine her body regularly in accordance with the ordinance of the Sages but also delayed her last examination from the morning hour to noon.
- (45) By having her period of uncleanness reduced to less than twenty-four hours.
- (46) Over one in a similar position who held her examination in the early morning and whose period of uncleanness is extended retrospectively for a full period of twenty-four hours to the previous morning.
- (47) The two replies offered.
- (48) According to the first reply she would be subject to uncleanness for a full period of twenty-four hours, while according to the second reply, since in this case she is no sinner, the period would be reduced to two 'onahs and her

uncleanness would be reckoned from the beginning of the previous evening only.

(49) What follows, with the exception of R. Dosa's ruling occurs also in the Mishnah infra 7a.

(50) I.e., one, whether married or unmarried, who suffered a flow for the first time in her life.

(51) Now, since the Rabbis elsewhere differ from R. Dosa's ruling, must it be conceded that our Mishnah represents his view only?

(52) As the appearance is obviously irregular it may well be suspected that one occurred earlier also.

(53) Lit., 'and the words of all', those of the Rabbis as well those of R. Dosa.

(54) Since the dispute between R. Dosa and the Rabbis has been limited to a flow that did not occur at the set time.

(55) Sc. one on a garment of hers.

(56) From the time it had been washed.

(57) As in this case, despite the woman's settled period, the uncleanness is deemed to be retrospective so it is retrospective in the case of the stain also.

(58) Since, from what has been said, it is only the Rabbis who impose retrospective uncleanness in the case of a woman who, though having a settled period, suffered a flow before or after that time.

(59) Is it likely, however, that R. Dosa would differ from an anonymous Baraitha?

(60) That the uncleanness is retrospective.

Talmud - Mas. Nidah 5a

while the Baraitha¹ is in agreement with both.² But why should not the final assumption be³ reversed?⁴ — As it is possible to adopt an explanation that leads to a relaxation of the law⁵ and one that leads to a restriction of it⁶ we adopt the one that leads to the restriction.

Now it was just taught,⁷ 'For were she to observe a flow when it is not her set time she would be unclean retrospectively for a period of twenty-four hours' — [If this⁸ is] the reason⁹ [it follows] that only in the case of a woman who has a settled period do the Rabbis draw a distinction between her stain and her observation¹⁰ [of a flow],¹¹ but in the case of the other women¹² concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow¹³ [the extent of the uncleanness of] their stains is like that of their observation of a flow.¹⁴ Now whose view is this? — It is that of R. Hanina b. Antigonus; for Rab Judah citing Samuel who had it from R. Hanina b. Antigonus stated, In the case of all women their stains cause uncleanness retrospectively but in that of the women¹² concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow [the extent of the uncleanness of] their stains is like that of their observation of a flow,¹⁴ the exception being a child who has not yet attained the age of the suffering of a flow of whom, though her sheets are soiled with blood,¹⁵ no notice is to be taken.¹⁶ But does R. Hanina at all uphold¹⁷ the law of the uncleanness of a stain?¹⁸ Was it not taught: In the case of all women their stains are unclean and also in the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow their stains are unclean; while R. Hanina b. Antigonus ruled, The women concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow are not subject to the law of uncleanness of the stain? Now does not this mean that they are not subject at all to the law of uncleanness of the stain?¹⁹ — No, it means that they are not subject to the law of the uncleanness of the stain retrospectively but they are well subject to it from now²⁰ onwards. Does this²¹ then imply that the first Tanna²² is of the opinion that their uncleanness is even retrospective? — Yes; it²³ being the view of R. Meir who restricts the law in respect of stains. For it was taught: In the case of all women their stains are unclean retrospectively and also in the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow their stains are unclean retrospectively; so R. Meir. R. Hanina b. Antigonus ruled, In the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow [the uncleanness of] their stains is like that of their observation [of their flow]; and a child who has attained the age of suffering a flow is subject to the law of the

uncleanness of the stain while one who has not attained that age is not subject to the uncleanness of a stain, and when does she attain the age of suffering a flow? When she attains her maidenhood.²⁴

AND IF A WOMAN USES TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE etc. Rab Judah citing Samuel ruled: A testing-rag used before²⁵ marital intercourse does not reduce [the doubtful period²⁶ of retrospective uncleanness] as an examination. What is the reason? — R. Kattina replied: Because the woman is in a hurry to do her marital duty.²⁷ But what matters it even if she is in a hurry to do her marital duty? — Since she is in a hurry to do it she does not insert the testing-rag into depressions and folds.²⁸

We learnt: IF A WOMAN USES TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE, THIS IS INDEED LIKE AN EXAMINATION. Does not this mean that she uses one before intercourse and one after it?²⁹ — No, the one as well as the other is used after intercourse but³⁰ one is for the man³¹ and the other is for her; as we learnt: It is the custom of the daughters of Israel when having marital intercourse to use two testing-rags, one for the man and the other for herself.³² What a comparison!³³ If you concede that one is used before intercourse and the other after it one can well understand the necessity for the ruling.³⁴ As it might have been presumed that on account of her being in a hurry to do her marital duty she does not properly perform her test we were informed that THIS IS INDEED LIKE AN EXAMINATION. If you maintain, however, that the one testing-rag as well as the other is used after marital intercourse, is not the ruling obvious?³⁵ — It might have been presumed [that the test should be ineffective]³⁶ on account of the possibility of the appearance of a drop of blood of the size of a mustard seed³⁷ which semen might cover up,³⁸ hence we were informed [that such a remote possibility need not be considered]. And if you prefer I might reply: The Rabbis required a woman to perform two tests, one before intercourse and one after it,³⁹ and in stating ‘THIS IS INDEED LIKE AN EXAMINATION’ the reference is to the one after the intercourse. But was it not stated, IF A WOMAN USES etc.?⁴⁰ — Read: And a woman shall use.⁴¹

LESSENS EITHER THE PERIOD OF THE PAST TWENTY-FOUR HOURS. Now that you stated that it⁴² lessens THE PERIOD OF THE PAST TWENTY-FOUR HOURS⁴³

(1) Just cited, dealing with the bloodstain.

(2) Cf. supra n. 3.

(3) Lit., ‘and let him make it stand’.

(4) As has been suggested at first, that our Mishnah represents the view of the Rabbis as well as that of R. Dosa while the Baraitha represents only that of the Rabbis.

(5) As has been previously suggested: That a flow at the set time causes no retrospective uncleanness in accordance with the general opinion, while one occurring at any other time is subject to retrospective uncleanness only in accordance with the view of the Rabbis.

(6) The one finally adopted: That a flow at the set time causes retrospective uncleanness according to the Rabbis at least, while one at any other time causes retrospective uncleanness even according to R. Dosa.

(7) In the Baraitha supra 4b ad fin.

(8) ‘For were she to observe etc.’.

(9) Why a stain causes retrospective uncleanness, sc. though a stain cannot be subject to greater restrictions than a discharge it causes uncleanness retrospectively, since a flow that occurred at any time other than the set time also causes retrospective uncleanness.

(10) At the set time.

(11) Sc. while in the latter case the uncleanness is not retrospective in the former, for the reason stated (cf. prev. n.) it is.

(12) The four classes, for instance, mentioned supra 4b and infra 7a.

(13) So that in their case the law of retrospective uncleanness never applies.

(14) Sc. both are not retrospective.

(15) It being unknown whether it came from her body or from elsewhere.

(16) It being assumed, though the assumption might be most unlikely, that she passed through a butcher's market and

soiled her sheets there. In no case is it assumed that the blood came from her own body because the law of uncleanness, as far as stains are concerned, is merely Rabbinical, and in the case of a minor no Rabbinical measure was enacted.

(17) In the case of the four classes of women mentioned.

(18) Even after it had been discovered.

(19) How then could it be said supra that R. Hanina does uphold the law of the uncleanness of the stain?

(20) The time of discovery.

(21) The explanation according to which R. Hanina agrees with the first Tanna as regards the uncleanness of stains from the time they are discovered onwards, and that he only differs from him in rejecting their retrospective uncleanness.

(22) Whose opinion is stated in the first clause of the Baraitha cited.

(23) The first clause (cf. prev. n.).

(24) The age when she assumes the status of na'arah (v. Glos.), i.e., the age when she grows two pubic hairs or (she has no pubic hairs) when she is twelve years and one day old.

(25) I.e., only before but not after (cf. relevant note on our Mishnah).

(26) Either that of the twenty-four hours or the one between the previous and the last examination.

(27) Lit., 'she is in a state of excitement about her house'.

(28) The examination, therefore, is not a proper one.

(29) Which shows that the test before intercourse, despite R. Kattina's argument, is deemed to be a proper one.

(30) In reply to the objection, why two rags.

(31) For wiping.

(32) Infra 14a.

(33) Lit., 'that, what'.

(34) In our Mishnah, that the test is effective.

(35) And why should an obvious ruling be enunciated?

(36) Even though it took place after intercourse.

(37) That is sufficient to cause uncleanness.

(38) Thus rendering the test useless.

(39) Hence the mention of RAGS in the plural.

(40) Emphasis on IF which implies that there is no obligation. How then could it be maintained that 'the Rabbis required her etc.'?

(41) Sc. the clause is to be divided into two separate rulings, (a) that a woman shall use two testing-rags, one before intercourse and the other after it and (b) the second test is indeed like an examination.

(42) The testing-rag examination.

(43) Though it is a comparatively long period extending as it does to the previous day.

Talmud - Mas. Nidah 5b

was it also necessary to state that it lessens THE PERIOD FROM THE PREVIOUS EXAMINATION TO THE LAST EXAMINATION?¹ — As it might have been presumed that only in the case of the twenty-four hours' period did the Rabbis² take into consideration the possible loss of clean things³ but not in that of the period from the previous examination to the last examination,⁴ we were informed [that both periods are equally reduced].

HOW [IS ONE TO UNDERSTAND THE RULING THAT] 'IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW' etc. What need was there⁵ for stating, IF SHE WAS SITTING ON A BED AND WAS OCCUPIED WITH RITUALLY CLEAN OBJECTS, when it should rather have been stated,⁶ IF SHE WAS OCCUPIED⁷ WITH RITUALLY CLEAN OBJECTS AND HAVING LEFT THEM, OBSERVED A FLOW? — It is this that we were informed:⁸ The reason [why the bed is regarded as clean is] because [in the case of that woman]⁹ it suffices [for her to reckon] her [period of uncleanness from the] time [of her discovery of the flow] but¹⁰ [where the uncleanness extends backwards over] twenty-four hours the bed also is regarded as unclean.¹¹ This provides support for Ze'iri, for Ze'iri ruled: [A woman¹² during] the twenty-four hours preceding her discovery of a menstrual flow causes

bed and seat¹³ to convey uncleanness to a man who in turn conveys it to his clothes.¹⁴ But consider: This bed is a thing that has no sense to answer questions,¹⁵ and is not doubtful uncleanness¹⁶ in the case of an object that has no sense to answer questions regarded as clean?¹⁷ Ze'iri explained: [This¹⁸ refers to a case] where her friends were carrying her in the bed so that the latter may be regarded as the hand of her friends.¹⁹ Now, however, that R. Johanan ruled that in the case of doubtful uncleanness conveyed through a human agency²⁰ the object in doubt,²¹ though lying on the ground, is deemed to be capable of answering questions as if it had been a human being who has the sense to answer questions²² [this²³ holds good] even though her friends were not carrying her in the bed.

[Reverting to] the [above] text, 'R. Johanan ruled: In the case of doubtful uncleanness conveyed through a human agency the object in doubt, though lying on the ground, is deemed to be capable of answering questions as if it had been a human being who has the sense to answer questions'.²⁴ An objection was raised: If a man was wrapping himself in his cloak while clean or unclean objects were at his side²⁵ or above his head and it is doubtful whether there was contact²⁶ or not, they²⁷ are deemed to be clean,²⁸ but if it was impossible [for the cloak and the other objects] not to have come in contact they²⁹ are regarded as unclean. R. Simeon b. Gamaliel ruled: The man is told, 'Do it again'³⁰ and he does it again.³¹ They,³² however, said to him: No repetition [test³³ is recognized] in questions of cleanness.³⁴ Now why [should they³⁵ be clean]³⁶ seeing that this is a case of uncleanness that is conveyed through a human agency?³⁷ — This is beside the point,³⁸ for R. Hoshaia learnt: In a private domain [such a case of] doubtful uncleanness³⁹ is regarded as unclean, and in a public domain it is regarded as clean.⁴⁰

[Reverting to] the [above] text, 'Ze'iri ruled: [A woman during] the twenty-four hours preceding her discovery of a menstrual flow causes bed and seat to convey uncleanness to a man who in turn conveys it to his clothes'.⁴¹ But, surely, this cannot be correct.⁴² For did not Abimi from Be Hozai⁴³ when he came bring with him⁴⁴ a Baraitha which stated, 'During the twenty-four hours preceding the discovery of her menstrual flow a woman's bed and seat are [as unclean] as the object she touches', which means, does it not, that as an object she touches does not convey uncleanness to a human being⁴⁵ so also does not her bed convey uncleanness to a human being?⁴⁶ — Raba retorted: And do you understand this ruling⁴⁷ seeing that it [may be refuted by an inference] a minori ad majus: If an earthen vessel that was covered with a tight fitting lid, which is protected from uncleanness in a corpse's tent,⁴⁸ is yet not so protected [from the uncleanness] of the twenty-four hours preceding the discovery of a menstrual flow,⁴⁹ is it not logical that the beds and seats [of a menstruant], which are not protected from uncleanness in a corpse's tent, should not be protected from the uncleanness of the twenty-four hours preceding the discovery of a menstrual flow?⁵⁰ — But did not Abimi of Be Hozai quote a Baraitha?⁵¹ — Read:⁵² A woman's bed and seat⁵³

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- (1) Which is a much shorter one (cf. prev. n.) being confined to the limits of the same day.
 - (2) By enacting that the test is effective and reduces it.
 - (3) Which the woman may have handled during this comparatively long time.
 - (4) A shorter period (cf. supra n. 10) during which not many things could have been handled and a much lesser loss is consequently involved.
 - (5) Lit., 'wherefore to me'.
 - (6) Lit., 'let him teach'.
 - (7) Omitting the apparently superfluous 'WAS SITTING ON A BED'.
 - (8) By the additional words (cf. prev. n.).
 - (9) Who has a settled period.
 - (10) In the case of a woman whose periods were not regular.
 - (11) As the bed of a confirmed menstruant (cf. Lev. XV, 21) which conveys uncleanness to the man that touches it as well as to the clothes he wears though the latter did not come in direct contact with it.
 - (12) Cf. prev. n. but one.
 - (13) On which she lay or sat.

- (14) Cf. supra n. 6.
- (15) Lit., 'to be asked'.
- (16) Such as that caused by the woman in question during the twenty-four hours preceding the time she observed the flow.
- (17) Of course it is, since the law of treating doubtful uncleanness as unclean is deduced from that of the sotah (v. Glos.) who is able to answer questions.
- (18) The ruling in our Mishnah, which does regard (by implication) the bed on which the woman sat as unclean.
- (19) The hand, being part of a human being who is well able to answer questions, is justly compared to the sotah whose doubtful uncleanness is regarded as unclean. It is for a similar reason (that things handled by a human being are regarded as his hand), it may be added, that the things the woman handled when sitting on the bed are regarded as unclean even where the bed was resting on the ground, and this explains why the objection supra was raised in connection with the bed and not in connection with the things the woman has handled.
- (20) As in that of the bed and the menstruant during the twenty-four hours preceding the observation of the flow or in that of a dead creeping thing that was carried by a man and a doubt arose as to whether it came in contact with a certain clean object.
- (21) Since the uncleanness, if any, was brought to it by a human agency.
- (22) And in a private domain is regarded as unclean. Only when the inanimate object in doubt was near an unclean one that was also inanimate, and 'no human agency was involved, is it regarded as clean.
- (23) V. p. 28, n. 14.
- (24) Supra q.v. notes.
- (25) He being either unclean (in the former case) or clean (in the latter one).
- (26) Between the cloak and the objects in its vicinity. If there was contact, the cloak that (in the former case) contracted uncleanness from its wearer would convey uncleanness to the clean objects, or the unclean objects (in the latter case) would convey uncleanness to the cloak.
- (27) The objects in the vicinity (in the former case) and the cloak (in the latter case).
- (28) Even, it is now assumed, in a private domain, because the cloak as well as the objects in its vicinity are incapable of answering questions.
- (29) The objects in the vicinity (in the former case) and the cloak (in the latter case).
- (30) Sc. to wrap himself again in his cloak in the same place and position in which he did it first.
- (31) In this manner it is ascertained whether the cloak and the other objects have or have not come in contact.
- (32) The Rabbis who disagreed with him.
- (33) Since it may not exactly reproduce the former conditions.
- (34) Tosef. Toh. IV which, however, has the following variation: 'R. Dosa ruled, He is told, "Do it again" ... They, however, said to him, No repetition . . . R. Simeon b. Gamaliel ruled, He sometimes does it again'.
- (35) V. p. 29, n. 10.
- (36) According to the first Tanna.
- (37) Which according to R. Johanan is unclean.
- (38) Lit., 'outside of that'.
- (39) One involving conveyance through a human agency.
- (40) No objection, therefore, may be raised from the Tosef. cited which may be explained to refer to a case in a public domain.
- (41) Supra q.v. notes.
- (42) Lit., 'I am not'.
- (43) The Khuzistan.
- (44) Lit., 'came and brought'.
- (45) Only a primary uncleanness can do that. An object touched by a menstruant assumes only the status of a first grade of uncleanness which conveys uncleanness to objects but not to a human being.
- (46) The answer apparently being in the affirmative, the difficulty arises: How could Ze'iri maintain that the woman causes bed and seat to convey uncleanness to a man who in turn etc.?'?
- (47) Which seems to reduce the uncleanness of the bed and seat of the menstruant in question to a lower degree than that of earthenware.
- (48) Only when uncovered does it contract uncleanness (cf. Num. XIX, 15).

(49) If it was touched by the woman during the twenty-four hours (cf. *infra* 6a)

(50) As the soundness of this argument cannot be questioned Abimi's ruling is obviously untenable and may well be disregarded.

(51) Which is an authoritative utterance.

(52) The ruling in the Baraitha.

(53) During the twenty-four hours preceding her discovery of a menstrual flow.

Talmud - Mas. Nidah 6a

are [as unclean] as that which touches the body of the menstruant herself; just as the touching of her body causes the uncleanness of a human being who in turn causes the uncleanness of the clothes he wears¹ so does the touching of her bed or seat cause the uncleanness of a human being who in turn causes the uncleanness of the clothes he wears.

It was taught in agreement with Raba: A woman who observed a bloodstain² conveys uncleanness retrospectively.³ And what are the things to which she conveys the uncleanness?⁴ Foodstuffs and drinks,⁵ beds and seats,⁶ as well as any earthen vessel, even though it was covered with a tightly fitting lid,⁷ and her counting⁸ is⁹ disturbed,¹⁰ and she conveys¹¹ uncleanness to the man who cohabited with her retrospectively. R. Akiba¹² ruled: She conveys uncleanness to the man who cohabited with her but begins her counting¹³ from the time only of her observing a flow. If she observed a flow of blood,¹⁴ she conveys uncleanness retrospectively for twenty-four hours.¹⁵ And what are the things to which she conveys uncleanness?¹⁶ Foodstuffs and drinks,¹⁷ beds and seats¹⁸ as well as any earthen vessel, though it was covered with a tightly fitting lid,¹⁹ her counting²⁰ is not²¹ disturbed and she does not convey²² uncleanness to the man who cohabited with her.²³ In either case, however,²⁴ the uncleanness²⁵ is held in suspense [and any consecrated foodstuffs touched] must neither be eaten nor burned.²⁶ As to Raba, however,²⁷ if he heard of the Baraitha,²⁸ why did he not say [that his ruling is derived from] a Baraitha? And if he did not hear of the Baraitha, whence did he [derive the law for his inference] a *minori ad majus*? — The fact is that he heard of the Baraitha, but²⁹ were he to derive his ruling from the Baraitha it could have been objected [that the uncleanness³⁰ is conveyed] either to the man or to his clothes³¹ but not to the man as well as to the clothes he wears,³² hence he had recourse to his inference a *minori ad majus*.³³

R. Huna ruled: [The retrospective uncleanness during] the twenty-four hours [preceding the observation] of a menstrual flow is conveyed only to hallowed things but not to *terumah*. But if so, should not this law have been mentioned together with those of the other grades [of sanctity]?³⁴ — Only cases that involve definite uncleanness are enumerated but any in which no definite uncleanness is involved³⁵ is not mentioned.

An objection was raised: What are the things to which she conveys uncleanness? Foodstuffs and drinks.³⁶ Does not this³⁷ mean those that are hallowed as well as those that are *terumah*? — No, only those that are hallowed.³⁸

Come and hear: R. Judah ruled [that priestly women must examine their bodies] even after they have concluded a meal³⁹ of *terumah*,⁴⁰ and the point raised, 'Is not the consumed meal a matter of the past?'⁴¹ [And to this] R. Hisda replied: This⁴² was necessary only for the sake of ensuring the fitness of the remnants before her?⁴³ — R. Huna reads:⁴⁴ 'To burn the remnants that were in her hands',⁴⁵ the examination being held immediately after⁴⁶ [the meal].⁴⁷

Come and hear: It once happened that Rabbi acted⁴⁸ in accordance with the ruling of R. Eliezer,⁴⁹ and after he reminded himself⁵⁰ he observed, 'R. Eliezer deserves to be relied upon

(1) Torath kohanim on Lev. XV, 19.

- (2) So Bah and MS.M. Cur. edd. 'blood'.
- (3) Cf. prev. n. (Cur. edd. read 'twenty-four hours'), from the time the garment was last washed, it being unknown how soon after this the stain was made.
- (4) During the period mentioned (cf. prev. n.).
- (5) Which she touched (cf. foll. n.).
- (6) On which she lay or sat. (Cur. edd. reverse the order.)
- (7) Provided the woman shook the vessel and did not merely touch it.
- (8) Of the 'eleven days' following the seven days of a menstrual period.
- (9) Cur. edd. 'is not'.
- (10) So MS.M and Rashi; because it is unknown when the flow actually appeared and the limits of the menstruation period cannot consequently be determined.
- (11) Cur. edd. 'does not convey'.
- (12) MS.M inserts R. Akiba's ruling infra before 'In either case, however'.
- (13) Of the seven days of menstruation.
- (14) So Bah and MS.M. Cur. edd., 'stain'.
- (15) Bah and MS.M. Cur. edd. omit 'for twenty-four hours'.
- (16) During the period mentioned.
- (17) Which she touched.
- (18) On which she lay and sat.
- (19) Provided the woman shook the vessel and did not merely touch it.
- (20) Of the 'eleven days' following the seven days of a menstrual period.
- (21) Cf. Rashi and MS.M. Cur. edd. omit 'not'.
- (22) So MS.M. Cur. edd., 'she conveys'.
- (23) Cur. edd. add, 'but begins her counting from the time only of her observing of the flow'.
- (24) Whether there was only a stain or a flow.
- (25) During the period mentioned.
- (26) Thus it has been shown that, in agreement with Raba, the Baraita tacitly assumes that the beds and seats under discussion convey uncleanness not only to the man who came in contact with them but also to the clothes he wears (cf. Tosaf. Asheri a.l.).
- (27) Who (supra 5b ad fin.) took the law of the uncleanness of an earthen vessel for granted and deduced from it that of the bed.
- (28) That was just cited, in which the law of the earthen vessel is explicitly enunciated.
- (29) As to the reason why he did not quote it.
- (30) Of the bed or seat.
- (31) Whichever of them came in contact with the unclean object.
- (32) Which did not come in direct contact with the seat or the bed.
- (33) From an earthenware vessel.
- (34) In Hag. 20b where are enumerated the restrictions that are applicable to hallowed things and not to terumah and vice versa.
- (35) Such as that of the twenty-four hours' period under discussion where the uncleanness is merely a preventive measure.
- (36) Supra, in the Baraita last cited.
- (37) 'Foodstuffs and drinks'.
- (38) The oil of a meal-offering, for instance, or the wine of libation.
- (39) Lit., 'at the time of their passing away from eating'.
- (40) Infra 11a.
- (41) Lit., 'what has been, has been', sc. what is the use of an examination after the meal has been consumed when nothing can be done even if the woman were to be found unclean.
- (42) The examination.
- (43) Should a woman, for instance, discover a flow later in the day the examination after her morning meal would ensure the cleanness of the terumah that remained from that meal. Thus it follows that in the absence of an examination the terumah would be deemed to be unclean retrospectively. How, then, could R. Huna maintain that the uncleanness is

conveyed to hallowed things only?

(44) In place of R. Hisda's version of R. Judah's meaning.

(45) Sc., if she finds herself on examination to be unclean the remnants of her meal, since she touched them, are deemed to be unclean and, as unclean terumah must be burned.

(46) Heb. Keshi'ur weseth (v. Rashi). Evthion (Tosaf. Asheri) **, 'forthwith' (cf. Jast.).

(47) So that it may be taken for granted that the terumah she had just handled had come in contact with a confirmed menstruant. Where, however, the woman held no examination immediately after her meal, a subsequent discovery of a place causes no retrospective uncleanness to the terumah she handled.

(48) In the case of a young woman who did not suffer a flow during three consecutive periods (of thirty days each).

(49) That the period of uncleanness is to be reckoned from the discovery of the flow and not retrospectively. The Rabbis who differ from R. Eliezer hold this ruling to apply to an old woman only (whose senility might be assumed to be the cause of the irregularity) but not to a young one (cf. prev. n.).

(50) This is discussed presently.

Talmud - Mas. Nidah 6b

in an emergency'.¹ And the point was raised, What could be the meaning of 'after he reminded himself'? If it be explained, 'After he remembered that the halachah was not in agreement with R. Eliezer but in agreement with the Rabbis', [the difficulty would arise:] How could he act according to the former's ruling² even in an emergency? Hence,³ [it means after he recalled] that it was not stated whether the law was in agreement with the one Master or with the other Master, and having recalled that it was not an individual that differed from him⁴ but that many differ from him he observed, 'R. Eliezer deserves to be relied upon in an emergency'.¹ Now if it is granted [that retrospective uncleanness applies also] to terumah⁵ one can well understand the incident⁶ since terumah was in existence in the days of Rabbi, but if it is maintained [that retrospective uncleanness is applicable only] to hallowed things⁷ [the objection would arise:] Were there hallowed things in the days of Rabbi?⁸ — [This may be explained] on the lines of a statement of 'Ullah. As 'Ulla stated, 'The Associates'⁹ in Galilee¹⁰ keep their things¹¹ in levitical cleanness';¹² so they may have done it in the days of Rabbi.

Come and hear: It once happened that R. Gamaliel's¹³ maid was baking bread loaves of terumah and after each¹⁴ she rinsed her hands with water and held an examination. After the last one when she held the examination she found herself to be unclean and she came and asked R. Gamaliel who told her that they were all unclean.¹⁵ 'Master', she said to him, 'did I not hold an examination after each one'?¹⁴ 'If so', he told her, 'the last¹⁶ is unclean¹⁷ while all the others are clean'. At all events was it not here stated, 'bread loaves of terumah'?¹⁸ — By terumah was meant¹⁹ the bread loaves²⁰ of a thanksgiving-offering.²¹ But how does it come about that the loaves of a thanksgiving-offering²² should require to be baked?²³ This is a case where they²⁴ were set aside²⁵ while they were being kneaded,²⁶ this being in line with what R. Tobi b. Kattina²⁷ ruled: 'If a man baked the loaves of a thanksgiving-offering in four loaves²⁸ he has performed his duty'. [For when] the objection was raised, 'Do we not require forty loaves',²⁹ [the reply was that] this³⁰ is just a religious requirement.³¹ But, surely, [it was asked,] is it not necessary to separate terumah²⁵ from each?³² And should you reply that one might break off a piece from each³³ [it could be retorted that:] The All Merciful said, one³⁴ which implies that one must not break off a piece.²⁵ [To this] it was replied that 'they were set aside while they were being kneaded',³⁵ so here also³⁶ it may be explained that they were separated while they were being kneaded.³⁷

Come and hear: Another incident took place when R. Gamaliel's maid was sealing wine jars with clay that after each she rinsed her hands with water and held an examination. After the last one when she held the examination and found herself to be unclean she came and asked R. Gamaliel who told her that they were all unclean. 'But, surely', she said to him, 'I held an examination after each one'. 'If so', he told her, 'the last³⁸ is unclean while all the others are clean'. Now if it is conceded that one

incident³⁹ concerned hallowed things and the other terumah, it can be well understood why she asked a second time, but if it is contended that the former as well as the latter concerned hallowed things, why should she have asked him a second time? — [Each] incident occurred with a different maid.⁴⁰

Another version: R. Huna ruled, [The retrospective uncleanness during] the twenty-four hours [preceding the observation] of a menstrual flow is conveyed both to hallowed things and to terumah. Whence is this⁴¹ inferred? From its omission in the enumeration of⁴² the various grades [of sanctity].⁴³ Said R. Nahman to him: Surely, a Tanna⁴⁴ recited [that the retrospective uncleanness]⁴⁵ applies only to hallowed things and not to terumah. R. Samuel son of R. Isaac accepted this [teaching]⁴⁶ from him [and explained it] as applying to common food that was prepared under conditions of hallowed things and not to common food that was prepared in conditions of terumah.⁴⁷ We learnt elsewhere: If a question of doubtful uncleanness has arisen about a dough⁴⁸ before it was rolled⁴⁹ it may be prepared in uncleanness,⁵⁰ [but if the doubt has arisen] after it had been rolled⁵¹ it must be prepared in cleanness.⁵² ‘Before it was rolled it may be prepared in uncleanness’, because it is common food and it is permitted to cause uncleanness to common food in Erez Israel. ‘After it had been rolled it must be prepared in cleanness’, because common food that is in a condition of tebel⁵³ in respect of the dough-offering is regarded as dough-offering, and it is forbidden to cause uncleanness to the dough-offering. A Tanna taught:

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- (1) *Infra* 9b. Lit., ‘in the time of pressure’. For the nature of the emergency cf. Tosaf. contra Rashi.
 - (2) Which is contrary to the halachah.
 - (3) Cur. edd. in parenthesis insert ‘not’.
 - (4) R. Eliezer.
 - (5) Contrary to the view of R. Huna (*supra* 6a).
 - (6) That occurred in Rabbi's time.
 - (7) As R. Huna laid down (cf. prev. n. but one).
 - (8) Surely not, since the Temple was no longer in existence at that time!
 - (9) *Habraiya* pl. of *haber* (v. *Glos.*).
 - (10) In their hope and expectation that the Temple might at any moment be rebuilt.
 - (11) Wine, for instance, which was used in the Temple for libation or oil that was used for the meal-offerings.
 - (12) Sc. bestow upon them the same care as if they were hallowed things. *V. Hag.*, *Sonc. ed.*, p. 157 notes.
 - (13) R. Gamaliel the Elder (*Rashb.*), prob. R. Gamaliel of Jamnia (*Tosaf.*).
 - (14) Lit., ‘between each one and one’.
 - (15) On account of the twenty-four hours of her retrospective uncleanness.
 - (16) Lit., ‘it’.
 - (17) Owing to retrospective uncleanness from the previous examination to the last examination.
 - (18) And yet the law of retrospective uncleanness was applied (cf. prev. n.). How then could R. Huna maintain (*supra* 6a) that it applies only to hallowed things?
 - (19) Lit., ‘what terumah?’
 - (20) Sc. the four loaves (one from each of the four kinds) which are given to the priest and are subject to the restrictions of hallowed things though they are called terumah (cf. *Lev. VII, 14*).
 - (21) Cf. *Lev. VII, 11ff.*
 - (22) I.e., the four that (cf. prev. n. but one) are given to the priest, which are to be taken from the forty (cf. *Men. 76a*) baked loaves of the offering.
 - (23) After they have been hallowed by having been given to the priest.
 - (24) The four loaves.
 - (25) For the priest.
 - (26) Hence the baking after they have been hallowed (cf. *supra* n. 10).
 - (27) Var. lec. ‘b. R. Kisna’.
 - (28) I.e., of the dough of each of the four kinds he made only one loaf instead of the prescribed ten (cf. *Men. 76a*).
 - (29) How then can four suffice?

- (30) The number of forty.
- (31) But no sine qua non.
- (32) Of the four kinds, one from each.
- (33) Of the four big loaves.
- (34) Lev. VII, 14, 'and . . . shall offer one', 'one' implying a whole one. (Men. 77b.)
- (35) One loaf from each kind was set aside for the priest while nine of each were left for the owner, and subsequently each of the four small and the four large (representing nine small) loaves were duly baked.
- (36) In the case of R. Gamaliel's maid.
- (37) The maid having been engaged in the baking of the priest's share.
- (38) Lit., 'it'.
- (39) Of the two in which the maid figured.
- (40) Lit., 'it was with two maids'.
- (41) That the uncleanness mentioned is equally applicable to terumah and hallowed things.
- (42) Lit., 'since he does not teach it at'.
- (43) Hag. 20b where the restrictions that apply to hallowed things and not to terumah and vice versa are enumerated.
- (44) V. Glos. s.v. (b).
- (45) During the twenty-four hours preceding the observation of a flow.
- (46) Reported by R. Nahman in the name of a Tanna.
- (47) It does not, however, apply to
- (48) Lit., 'was produced about it'.
- (49) So that it was not yet subject to the dough-offering. Only after it had been rolled is a dough regarded as ready and, therefore, subject to the dough-offering.
- (50) Because owing to its doubtful state of uncleanness it may not be eaten in any case.
- (51) When it is already subject to the obligation of the offering (cf. prev. n. but one) and when consequently part of it is virtually hallowed.
- (52) Hal. III, 2; since it is forbidden to cause uncleanness to a hallowed thing (cf. Bek. 34a) though the dough in question could not in any case be eaten on account of its doubtful condition of uncleanness.
- (53) V. Glos.

Talmud - Mas. Nidah 7a

Its dough-offering¹ is in a suspended condition² and it may neither be eaten nor burned. In respect of what doubt did they³ give this ruling?⁴ In respect of a doubt applicable to the dough-offering.⁵ What is meant by 'a doubt applicable to the dough-offering'? — Both Abaye and Raba explained: That one should not assume that the ruling⁶ applies only to⁷ a case of likely uncleanness⁸ such as that of the two paths,⁹ for in that case even mere common food contracts uncleanness;¹⁰ but that it applies also in the case

actual terumah which is subject to the same restrictions as hallowed things where only 'leaning' might be assumed;¹¹ for we learnt: If a zab¹² and a clean person were unloading an ass or loading it, if the load was heavy¹³ [the latter] is unclean; if it was light¹⁴ he is clean and in either case¹⁵ he is regarded as clean¹⁶ [even if he is] of the members of the Synagogue¹⁷ but as unclean¹⁸ in respect of terumah,¹⁹ and 'unconsecrated food that is in a condition of tebel in respect of the dough-offering' is regarded as dough-offering.²⁰ But have we not learnt:²¹ A woman who is a tebulath yom²² may²³ knead her dough and cut off from it its dough-offering²⁴ and put it on an inverted basket of palm-twigs or on a board,²⁵ and then²⁶ bring it close [to the major portion of the dough] and designate it [as dough-offering;²⁷ this procedure being permitted] because the uncleanness of the dough²⁸ is only of the third grade,²⁹ and the third grade is regarded as clean in common food.³⁰ Now if you were to maintain that 'common food that is in a condition of tebel in respect of the dough-offering is regarded as dough-offering' [the objection would arise:] Did she not in fact convey uncleanness to it?³¹ — Said Abaye: In regard to any object,³² that conveys certain uncleanness to common food, uncleanness has been imposed as a preventive measure, even in a doubtful case,

where common food that is in a condition of *tebel* in respect of the dough-offering is concerned,³³ but in regard to the woman who is a *tebulath yom*, since she does not convey certain uncleanness to common food,³⁴ no uncleanness has been imposed as a preventive measure in a doubtful case where common food that is in a condition of *tebel* in respect of the dough-offering is concerned.³³ But is there not the case of the retrospective uncleanness of the twenty-four hours [preceding the observation] of a menstrual flow which³⁵ conveys certain uncleanness to common food and in connection with which, nevertheless, no uncleanness has been imposed as a preventive measure in a case of doubt³⁶ where common food that is in a condition of *tebel* in respect of the dough-offering is concerned;³³ for has not the Master said, ‘R. Samuel son of R. Isaac accepted from him this [teaching, and explained it] as applying to common food that was prepared under conditions of hallowed things and not to common food that was prepared in conditions of *terumah*’?³⁷ — In the former case³⁸ no *terumah* is kneaded up with the common food³⁹ but in the latter case *terumah*⁴⁰ is kneaded up with the dough.⁴¹ And if you prefer I might reply: Leave out of the question the retrospective uncleanness of the twenty-four hours, since it is merely a Rabbinical measure.

MISHNAH. R. ELIEZER RULED: IN THE CASE OF FOUR CLASSES OF WOMEN IT SUFFICES [FOR THEM TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERING OF THE FLOW]: A VIRGIN,⁴² A WOMAN IN PREGNANCY,⁴² A NURSING WOMAN,⁴² AND AN OLD WOMAN.⁴² R. JOSHUA SAID: I HAVE ONLY HEARD [THE RULING⁴³ APPLIED TO] A VIRGIN.⁴⁴

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- (1) Though it was prepared in cleanness.
 - (2) On account of the doubt that had arisen earlier before the offering had been set aside.
 - (3) The Rabbis.
 - (4) That the dough-offering is in a suspended state of uncleanness.
 - (5) And not to common food, *hullin* (v. *Glos.*). This is explained presently.
 - (6) Concerning the uncleanness of the dough.
 - (7) Lit., ‘we learnt’.
 - (8) Lit., ‘evidences’.
 - (9) One of which was clean and the other unclean, and a person walked through one of them and it is unknown which one it was (Rashi). For a different interpretation cf. *Tosaf.*
 - (10) And is applicable to common food which is prepared under conditions of levitical purity. Much more then would this uncleanness apply to the common food from which dough-offering must be, set aside, and the ruling would be superfluous.
 - (11) Sc. (cf. next n. but one) where the likelihood of uncleanness is rather remote and not applicable to common food prepared under conditions of levitical purity.
 - (12) V. *Glos.*
 - (13) Since it is possible that on account of its heavy weight one of the men leaned on the other and was thus shaken by him, ‘shaking’ (*hesset*) being a means of conveying the uncleanness of a *zab* (cf. Rashi and *Tosaf. Asheri*).
 - (14) Cf. prev. n. *mut. mut.*
 - (15) Lit., ‘and all of them’, i.e., even in the case of a heavy load (Rashi); a light load (*Tosaf.*).
 - (16) Since (a) there might have been no shaking at all and (b) if there was it could not obviously have been a proper shaking.
 - (17) Who observe levitical cleanness in common food also.
 - (18) Rabbinically.
 - (19) *Zabin III, 2.* Similarly in the case of the dough-offering under discussion the expression ‘a doubt applicable to the dough-offering’ means a doubtful uncleanness that does not apply to members of the Synagogue in respect of common food but applies to common food from which the dough-offering has to be taken.
 - (20) Which is in the same category as *terumah* and consequently subject to uncleanness arising from doubtful leaning.
 - (21) So *MS.M* and *marg. n. Cur. edd.*, ‘it was taught’.
 - (22) *Fem. of tebul yom* (v. *Glos.*).
 - (23) Though she, as cleanness could not be completely attained before sunset, is still subject to an uncleanness of the

second grade.

(24) Without designating it as such, so that it still retains its status of common food.

(25) Sc. on an object that is not susceptible to ritual uncleanness. Neither the board, nor the basket in its inverted position, has a receptacle, and it is only 'vessels' with proper receptacles that are susceptible to uncleanness.

(26) Since the dough-offering when being set aside must be close to the dough for which it is offered.

(27) By that time the uncleanness of the woman can no longer be imparted to it since the object on which it rests (cf. prev. n. but one) intervenes.

(28) Lit., 'it'; that had been touched by the woman who (v. supra) is of the second grade of uncleanness.

(29) A clean object touched by an unclean one being always (with some exceptions) subject to a grade of uncleanness that is by one grade lower than the latter.

(30) T.Y. IV, 2; such as the dough is presumably before the dough-offering had been taken from it.

(31) When she first touched it. What then was the use of the entire procedure and precaution after that?

(32) Such, e.g., as the load carried by a zab.

(33) Lit., 'on account of'.

(34) A third grade of uncleanness, as stated supra, being regarded as clean.

(35) During the actual period of the flow.

(36) I.e., during the twenty-four hours preceding the observation of the flow when the uncleanness is only doubtful.

(37) Supra 6b ad fin. 'Common food that was prepared in conditions of terumah' being presumably in an analogous position to 'common food that is in a condition of tebel in respect of the dough-offering' both should be subject to the same restrictions. Why then was the former exempted from the restriction while the latter was subjected to it?

(38) Cf. prev. n. Lit., 'there'.

(39) Lit., 'in them'.

(40) Sc. the dough-offering.

(41) The latter must consequently be subject to greater restrictions.

(42) This is explained presently.

(43) Of R. Eliezer that IT SUFFICES etc.

(44) But not to the other three classes.

Talmud - Mas. Nidah 7b

THE HALACHAH, HOWEVER, IS IN AGREEMENT WITH R. ELIEZER.

WHO IS REGARDED AS 'VIRGIN'? ANY WOMAN, EVEN THOUGH SHE IS MARRIED, WHO HAS NEVER YET OBSERVED A FLOW. 'A WOMAN IN PREGNANCY'? ONE WHOSE EMBRYO CAN BE DISCERNED. 'A NURSING WOMAN'? A WOMAN BEFORE SHE HAS WEANED HER CHILD. IF SHE GAVE HER CHILD TO A NURSING WOMAN, IF SHE WEANED IT, OR IF IT DIED, R. MEIR RULED: SHE CONVEYS UNCLEANNESS RETROSPECTIVELY FOR TWENTY-FOUR HOURS;¹ BUT THE SAGES RULED: IT SUFFICES FOR HER² [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME OF HER [OBSERVATION OF THE FLOW]. WHO IS REGARDED AS 'AN OLD WOMAN'? ANY WOMAN OVER WHOM THREE 'ONAHs³ HAVE PASSED⁴ NEAR THE TIME OF HER OLD AGE.⁵ R. ELIEZER⁶ RULED: FOR ANY WOMAN⁷ OVER WHOM HAVE PASSED⁴ THREE 'ONAHs IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME OF HER [OBSERVING OF A FLOW]. R. JOSE RULED: FOR A WOMAN IN PREGNANCY AND A NURSING WOMAN OVER WHOM THREE 'ONAHs HAVE PASSED⁸ IT SUFFICES [TO RECKON THEIR PERIOD OF UNCLEANNESS FROM] THE TIME OF THEIR [OBSERVATION OF THE FLOW].⁹

AND OF WHAT DID THEY¹⁰ SPEAK¹¹ WHEN THEY LAID DOWN¹² THAT 'IT SUFFICES [FOR THEM TO RECKON] THEIR PERIOD OF UNCLEANNESS FROM THE TIME [OF THEIR DISCOVERING OF THE FLOW]'? OF A FIRST OBSERVATION,¹³ BUT AT A SUBSEQUENT OBSERVATION¹⁴ SHE CONVEYS UNCLEANNESS RETROSPECTIVELY

FOR A PERIOD OF TWENTY-FOUR HOURS. IF, HOWEVER, SHE SUFFERED THE FIRST FLOW ON ACCOUNT OF AN ACCIDENT¹⁵ IT SUFFICES FOR HER EVEN AT A SUBSEQUENT OBSERVATION [TO RECKON HER UNCLEANNESS FROM] THE TIME OF HER [OBSERVING OF THE FLOW].

GEMARA. It was taught: R. Eliezer said to R. Joshua, ‘You have not heard¹⁶ but¹⁷ I have heard; you have only heard one tradition but I have heard many;¹⁸ people do not ask him who has not seen the new moon to come and tender evidence¹⁹ but only him who has seen it.’ Throughout the lifetime of²⁰ R. Eliezer the people acted in accordance with the ruling of R. Joshua, but after the passing away of R. Eliezer, R. Joshua re-introduced the earlier practice.²¹ Why did he²² not follow R. Eliezer during his lifetime? — Because R. Eliezer was a disciple of Shammai²³ and he²⁴ felt that if they²⁵ would act in agreement with his ruling in one matter²⁶ they²⁵ would act in agreement with his rulings in other matters also²⁷ and that out of respect for R. Eliezer no one could interfere²⁸ with them; but after the passing away of R. Eliezer, when the people²⁹ could well be interfered with, he²⁴ re-introduced the original practice.

Rab Judah citing Samuel ruled: The halachah is in agreement with R. Eliezer in four cases. One is that which has just been mentioned.³⁰ The other is that about a woman who was in a hard travail³¹ [concerning whom it was stated:] For how long must she be relieved from pain³² so as to be regarded a zabah?³³ Twenty-four hours;³⁴ so R. Eliezer.³⁵ And the halachah is in agreement with his view.³⁶ And the third³⁷ is the following: If a zab and a zabah³⁸ examined themselves on the first day³⁹ and found themselves clean and on the seventh day also⁴⁰ and found themselves clean, but did not examine themselves during the other days,⁴¹ R. Eliezer ruled: Behold these⁴² are in a presumptive condition of cleanness,⁴³ and R. Joshua ruled: They are entitled [to reckon as clean] only the first day and the seventh day,⁴⁴ while R. Akiba ruled: They are entitled [to reckon as clean] the seventh day alone,⁴⁵ and it was taught: R. Simeon and R. Jose stated, ‘The view of R. Eliezer⁴⁶ is more feasible than that of R. Joshua,⁴⁷ while that of R. Akiba is more feasible than those of both,⁴⁸ but the halachah agrees with that of R. Eliezer’.⁴⁹ And the fourth is the following.⁵⁰ For we have learnt: If the outer sides⁵¹ of vessels were rendered unclean⁵² by liquids,⁵³ R. Eliezer ruled, they convey uncleanness⁵² to other liquids⁵⁴ but they⁵⁵ do not render foodstuffs unfit.⁵⁶ ‘They convey uncleanness to liquids’ even where the latter are common, but they ‘do not render foodstuffs unfit’, even where the latter are terumah. R. Joshua ruled: They convey uncleanness to liquids and also render foodstuffs unfit.⁵⁷ Said R. Joshua: This may be inferred a minori ad majus: If a tebul yom who⁵⁸ does not convey uncleanness to a common liquid,⁵⁹ nevertheless renders foodstuffs of terumah unfit how much more then should the outsides of vessels which do convey uncleanness to an unconsecrated liquid render foodstuffs of terumah unfit. And R. Eliezer?⁶⁰ — The uncleanness of the outsides of vessels⁶¹ is only Rabbinical⁶² while that of a tebul yom⁶³ is pentateuchal;⁶⁴ and, where it is a question of deducing a Rabbinical from a Pentateuchal law, no inference a minori ad majus can be applied.⁶⁵ For in accordance with Pentateuchal law no foodstuff conveys uncleanness to a vessel and no liquid conveys uncleanness to a vessel, and it is only the Rabbis that have ordained such uncleanness as a preventive measure against possible laxity in the case of the fluid⁶⁶ of a zab or a zabah;⁶⁷ hence it is only in the case of liquids, which are prone to contract uncleanness, that the Rabbis have enacted a preventive measure, but in that of foodstuffs, since they are not prone to contract uncleanness, the Rabbis enacted no preventive measure. What, however, is the reason for the mention of the outsides of vessels?⁶⁸ — Because their restrictions are lighter.⁶⁹ For we have learnt: If the outside of a vessel came in contact with unclean liquids,⁷⁰ its outside becomes unclean while its inside, its hanger,⁷¹ its rim and its handles remain clean, but if its inside has become unclean all of it is unclean.⁷²

But what does Samuel teach us,⁷³ seeing that in all these cases we learnt that the law [was in agreement with R. Eliezer]? And should you reply that he mainly informed us about the ‘outsides of vessels’ concerning which we did not learn [elsewhere what the law was], why [it could be retorted]

did he not simply state, 'The halachah is in agreement with R. Eliezer in the case of the outsides of vessels'? — The fact is that it is this that he informed us:⁷⁴ That the halachah may not be derived from a theoretical statement.⁷⁵

But are there no more [than the four rulings]?⁷⁶ Is there not in fact another, since we have learnt: R. Eliezer ruled,

- (1) Preceding the time of her observation of the flow.
- (2) During the twenty-four months after the child's birth throughout which she is expected to suckle it (v. Gemara infra).
- (3) 'Periods'. This is explained in the Gemara infra.
- (4) Without her observing of a flow.
- (5) This is explained in the Gemara infra.
- (6) Var. lec., 'Eleazar'.
- (7) Even a young one.
- (8) Without her observing of a flow.
- (9) If three consecutive 'onahs, however, have not passed, there applies the law of retrospective uncleanness, contrary to the view of R. Eliezer and the first Tanna supra.
- (10) The Rabbis, supra.
- (11) So Bah. Cur. edd. 'he spoke'.
- (12) Supra in the case of the CLASSES OF WOMEN. This is discussed in the Gemara infra.
- (13) After the three 'onahs have passed over the virgin, the woman in pregnancy or the old woman.
- (14) Lit., 'at the second', since her natural proneness to the flow is re-established.
- (15) So that it cannot be ascribed to the woman's natural disposition (cf. prev. n.).
- (16) Cf. R. Joshua's statement in our Mishnah.
- (17) Cf. Bah. Cur. edd. omit the waw.
- (18) Reading *harbeh*. Var. lec. *arba* ('four') sc. women, cf. Bah.
- (19) That he has seen it. Such evidence was essential to enable the Great Beth-din in Jerusalem (who regulated the lengths of the months and the fixation of the festival dates) to proclaim the beginning of a new month.
- (20) Lit., 'all his days'.
- (21) Lit., 'restored the thing to its old (state)', when the practice was in agreement with the view of R. Eliezer.
- (22) R. Joshua.
- (23) So R. Tam and Rashb. (contra Rashi who, referring to B.M. 59b, renders *shamuthi* 'one placed under the ban'). Wherever Beth Hillel differed from Beth Shammai the law (with a very few exceptions) is always in agreement with the former.
- (24) R. Joshua.
- (25) Lit., 'we'.
- (26) I.e., the one mentioned in our Mishnah where the law in fact is in agreement with his view.
- (27) Sc. even in those where the law is in agreement with Beth Hillel.
- (28) Lit., 'we are not able to prevent'.
- (29) If they were to follow R. Eliezer in other matters (cf. prev. n. but one) also.
- (30) Cf. supra n. 6.
- (31) For three days (during the 'eleven days' between the menstrual periods) on each of which there was a discharge of blood. If the discharge was not due to the travail she, having observed the blood on three consecutive days, would be subject to the restrictions of a zabah; but if it was due to travail she would be exempt from these restrictions. If a zabah she would have to count after childbirth seven days (as a zabah) in addition to the number of days prescribed for a woman after childbirth, and she would also have to bring two sacrifices one as a zabah and the other as one after childbirth.
- (32) After the three days mentioned (cf. prev. n.) and before the birth of the child.
- (33) Retrospectively, on account of the discharges on the three days. If the pain had continued until delivery it would have been obvious that the discharge on the three days mentioned was also due to the same cause, but if it ceased some considerable time before birth it may well be concluded that that discharge had no connection with the childbearing and the woman would consequently come within the category of zabah (cf. prev. n. but one).

- (34) If such a period has intervened it is obvious that the discharge mentioned was in no way due to travail.
- (35) *Infra* 36b.
- (36) Though R. Joshua differs from him.
- (37) *Lit.*, 'and the other'.
- (38) *Sc.* the same law applies to either.
- (39) After the flux had ceased.
- (40) *Cf. prev. n.* Seven days without any discharge must pass before a zab or a zabah can attain cleanness.
- (41) The intermediate five.
- (42) Since on the first and the last day they were definitely clean.
- (43) And on performing immersion at the close of the seventh day they became clean.
- (44) *Sc.* two days only. As the cleanness of the intermediate days is a matter of doubt they must count another five days to make up the prescribed number of seven. In the case of a certain discharge on any of the days all the prescribed seven days must, of course, be counted all over again.
- (45) *Infra* 68b; since it is possible that there was a discharge on the sixth day, when there was no examination (*cf. prev. n. last clause*).
- (46) Who is consistent in disregarding completely the possibility of a discharge on any of the five days that intervened between the first and last clean ones. *Cf. following n.*
- (47) Who (*cf. prev. n.*) is inconsistent, seeing that he assumes the possibility of a discharge during the intermediate days and at the same time allows counting the first day as one of the seven clean days.
- (48) A possible, like a certain discharge (*cf. supra n. 11, last clause*) on the sixth day might quite reasonably be regarded as sufficient ground for cancelling all the previous days counted, including the first.
- (49) *Infra* 68b.
- (50) *Lit.*, 'and the other'.
- (51) In a case where the insides are not affected (as explained *infra lit.*, 'backs').
- (52) Rabbiniically (*cf. following two notes*).
- (53) Through contracting uncleanness from a dead creeping thing. The latter being a primary uncleanness causes the liquids to be an uncleanness of the first grade which (though Pentateuchally, since their uncleanness is not a primary one, it cannot, as explained in *Pes. 18a*, convey uncleanness to vessels) renders the vessels unclean Rabbiniically. As the uncleanness that is conveyed to vessels by liquids is merely Rabbinical, and as it was desired to make a distinction between Pentateuchal and Rabbinical uncleanness, it was enacted that, in such a case, only the outsides of vessels and not their insides shall contract the uncleanness.
- (54) Because liquids are prone to uncleanness. In consequence they contract from the vessels a first grade of uncleanness, the same grade as that of the outer sides of the vessels themselves.
- (55) Since Pentateuchally (*cf. prev. n. but one*) they are deemed to be clean.
- (56) *Toh. VIII, 7*; much less do they render them unclean. (This is explained presently.)
- (57) *Toh. VIII, 7*.
- (58) Being subject to a secondary grade of uncleanness only (*v. following n.*).
- (59) As explained in *Pes. 14b*.
- (60) How in view of this inference can he maintain his ruling?
- (61) Contracted from liquids.
- (62) *Cf. supra n. 3*.
- (63) In respect of conveying uncleanness to foodstuffs of *terumah*.
- (64) As deduced from Scripture in *Yeb. 74b*.
- (65) Since it is obvious that Pentateuchal uncleanness should be subject to greater restrictions.
- (66) *E.g.*, spittle.
- (67) Which is a primary uncleanness Pentateuchally (*cf. Lev. XV, 8*).
- (68) *Lit.*, 'wherein is the difference . . . that he took up', *sc.* why should not the Mishnah equally speak of the insides of vessels that similarly contracted from liquids Rabbinical uncleanness?
- (69) Than those that govern the insides of vessels. In the latter case R. Eliezer agrees that *terumah* is rendered invalid.
- (70) *Lit.*, 'a vessel whose back became unclean by liquids'.
- (71) *Lit.*, 'its ear'.
- (72) *Kelim XXV, 6*.

(73) By stating supra that 'the halachah is in agreement with R. Eliezer in four cases'.

(74) By laying down the halachah (cf. prev. n.) in the case of rulings where a similar statement was actually embodied in the Mishnah.

(75) Talmud, lit., 'learning'. All statements as to what is the halachah added by a Tanna to a ruling in a Mishnah or a Baraita must be regarded as a mere opinion or theory which a disciple expressed with reference to a ruling of his master. It is only the carefully considered decisions of the later Amoras that, being based on a minute examination and thorough analysis of their predecessor's views that may be relied upon as authoritative in determining the halachah (cf. Rashi).

(76) Referred to supra by Rab Judah in the name of Samuel, concerning which the halachah is in agreement with R. Eliezer.

Talmud - Mas. Nidah 8a

'A minor¹ is to be instructed² to exercise her right of mi'un against him'³ and in connection with this Rab Judah citing Samuel stated, 'The halachah is in agreement with R. Eliezer'⁴ — When Samuel stated 'the halachah is in agreement with R. Eliezer in four cases he referred to rulings in the Order of Toharoth,⁵ but in the other Orders there are many such rulings. This⁶ also stands to reason, for we learnt: R. Eliezer ruled, Also in the case of one who shovels out loaves of bread⁷ from an oven and puts them into a basket,⁸ the basket causes them to be combined in respect of their liability to the dough-offering',⁹ and in connection with this Rab Judah citing Samuel stated, 'The halachah is in agreement with R. Eliezer.'¹⁰ This is conclusive. But why is the latter¹¹ a more valid proof¹² than the former?¹³ — Because in the former case R. Eleazar takes up the same standpoint as he,¹⁴ for we learnt: R. Eleazar ruled, The minor is to be instructed¹⁵ to exercise her right of mi'un against him.¹⁶ But does he¹⁷ take up the same standpoint?¹⁸ Have we not in fact shown¹⁹ that both²⁰ were required because they are not like one another?²¹ — Rather say, Because R. Judah b. Baba takes up the same position as he,²² for we learnt,²³ 'R. Judah b. Baba testified concerning five things: That minors are urged to exercise their right of mi'un,²⁴ that a woman²⁵ is allowed to remarry on the evidence of one witness,²⁶ that a cock was stoned²⁷ in Jerusalem because it had killed a person,²⁸ that²⁹ wine which was only forty days old³⁰ was poured as a drink-offering upon the altar, and that²⁹ the continual morning sacrifice was offered³¹ [as late as] at the fourth hour [of the day]'.³² Now does not the expression 'minors'³³ imply³⁴ the one of which R. Eleazar and the one of which R. Eliezer spoke?³⁵ — No; by the expression³⁶ 'minors' minors in general³⁷ were meant.³⁸ If so,³⁹ should it not have been stated, in the case of the woman⁴⁰ also, 'women', meaning thereby⁴¹ women in general?⁴² As in the latter case,⁴³ however, it was stated 'woman',⁴⁴ and in the former 'minors',⁴⁵ it may be concluded that the expressions are to be taken literally.⁴⁶ This is conclusive.

R. Eleazar⁴⁷ also⁴⁸ stated, 'The halachah is in agreement with R. Eliezer in four things'. But are there no more of such rulings?⁴⁹ Have we not in fact learnt, 'R. Eliezer ruled, The minor is to be instructed to exercise her right of mi'un against him'⁵⁰ and R. Eleazar stated, 'The halachah is in agreement with R. Eliezer'⁵¹ And were you to reply that when R. Eleazar stated, 'The halachah is in agreement with R. Eliezer in four things' he referred to the rulings in the Order of Toharoth, but that in the other Orders there are many more such rulings⁴⁹ [it could be retorted:] But are there any such? Have we not in fact learnt, 'The rose, henna,⁵² lotus⁵³ and balsam as well as their proceeds are subject to the laws of the Sabbatical year⁵⁴ and they and their proceeds are also subject to the law of removal,⁵⁵ in connection with which R. Pedath⁵⁶ is observed, 'Who taught⁵⁷ that balsam is a fruit?⁵⁸ R. Eliezer'; and R. Zera replied, 'I see that between⁵⁹ you and your father you will cause balsam to be permitted to the world,⁶⁰ since you said, "Who taught that balsam is a fruit? R. Eliezer" and your father said, "The halachah is in agreement with R. Eliezer in four things"'.⁶¹ Now, if it were so,⁶² why did he⁶³ not reply to him,⁶⁴ 'When my father said, "The halachah is in agreement with R. Eliezer in four things" he referred only to rulings in the Order of Toharoth but in other Orders there are many more'⁶⁵ — But then,⁶⁶ does not the previous difficulty⁶⁷ arise? — [In the case of mi'un⁶⁸ the halachah is in agreement with R. Eliezer] because R. Eleazar [b. Shammua'] takes up the same

standpoint as he; for we have learnt: R. Eleazar ruled, The minor is to be instructed to exercise her right of mi'un against him.⁶⁹ But does he⁷⁰ take up the same standpoint? Have we not in fact shown that both⁷¹ were required because they are not like one another?⁷² — Rather say: Because R. Judah b. Baba takes up the same standpoint as he.⁷⁰ But are there no more such rulings?⁷³

Have we not in fact learnt: 'R. Akiba ruled, One says it⁷⁴ as an independent benediction;⁷⁵ R. Eliezer ruled, One includes it in the benediction of thanksgiving';⁷⁶ and in connection with this R. Eleazar⁷⁷ stated,⁷⁸ 'The halachah is in agreement with R. Eliezer'? — R. Abba replied: [The halachah agrees with him] in that case because he [may have] said it in the name of R. Hanina b. Gamaliel, for it was taught: R. Akiba ruled, One says it⁷⁹ as an independent benediction;⁷⁵ R. Hanina b. Gamaliel ruled, One includes it in the benediction of thanksgiving.

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- (1) Who was fatherless and was given in marriage by her mother or brothers (so that her marriage is only Rabbinically valid) and who had a sister that was of age and was married to the minor's husband's brother who died without issue. In accordance with the laws of the levirate marriage the surviving brother must marry the widow, but such marriage cannot take place in this case on account of the prohibition to marry a wife's sister. The minor, furthermore, is now forbidden to live with her husband (whose marriage with her is only Rabbinically valid) on account of the levirate bond between him and her sister (which is Pentateuchal). Rashi speaks here of two 'orphan' sisters, but the Mishnah in Yeb, speaks of 'deaf' sisters.
 - (2) In order to avoid (cf. prev. n.) the difficulties mentioned.
 - (3) Her husband. In virtue of mi'un (v. Glos.) she annuls her marriage and sets her husband free to perform the Pentateuchal law of the levirate marriage. Yeb. 109a.
 - (4) Yeb. 110a.
 - (5) The sixth, and last order of the Talmud in which the tractate of Niddah is included.
 - (6) That Samuel referred to the Order of Toharoth alone.
 - (7) That were made of quantities of dough each of which was never greater than five kab. Only when dough is no less than five kab in bulk is it subject to the dough-offering.
 - (8) And in their total they amounted to no less than five kab.
 - (9) Hal. II, 4.
 - (10) Which shows that outside the Order of Toharoth there are other rulings concerning which the halachah is in agreement with R. Eliezer.
 - (11) Hal. II, 4.
 - (12) In support of the explanation given (cf. n. 10).
 - (13) The ruling cited from Yeb. Lit., 'and what is the strength of that from that?'
 - (14) R. Eliezer.
 - (15) In certain cases enumerated in Yeb. 111a.
 - (16) Yeb. 111a, a ruling that is analogous to that of R. Eliezer in Yeb. 109a, and it might have been assumed that only in this case, since R. Eliezer is supported by the authority of R. Eleazar, is the halachah in agreement with the former but not in other cases where he has no such support; hence the citation from Hal, where the halachah is in agreement with R. Eliezer even though his ruling has his own authority alone.
 - (17) R. Eleazar.
 - (18) As R. Eliezer.
 - (19) Yeb. 111b.
 - (20) Statements of Samuel, that the halachah is in agreement with (a) R. Eliezer and (b) R. Eleazar.
 - (21) How then could it be suggested here that R. Eleazar's ruling provides support for that of R. Eliezer?
 - (22) R. Eliezer.
 - (23) So MS.M. Cur. edd. 'it was taught'.
 - (24) Cf. notes on the similar ruling of R. Eliezer (cited from Yeb. 109a supra).
 - (25) Whose husband left for a country overseas.
 - (26) Who testifies that her husband was dead.
 - (27) In accordance with Ex. XXI, 28 (as expounded in B.K. 54b), though the text speaks only of an ox.
 - (28) It pecked out the brain of a child.

- (29) Lit., 'and about'.
- (30) One that is less than forty days old is invalid as 'wine from the vat', which is too new (cf. B.B. 97a, Sonc. ed. p. 405).
- (31) On one occasion, during the Syrian Greek siege of Jerusalem, when no sacrifice could be secured.
- (32) 'Ed. VI, 1.
- (33) Sc. the use of the plural form.
- (34) Lit., 'what minors? Not?' etc.
- (35) The answer being presumably in the affirmative it follows that R. Eliezer's ruling is supported by the authority of R. Judah b. Baba.
- (36) Lit., 'what'.
- (37) Of the class spoken of by R. Eleazar.
- (38) Excluding the one spoken of by R. Eliezer who, consequently, stands unsupported.
- (39) That the plural form in this context is used to indicate the class.
- (40) 'That a woman is allowed etc.'
- (41) Lit., 'and let us say'.
- (42) Obviously it should.
- (43) Lit., 'since here' (cf. supra p. 47, n. 25).
- (44) In the sing., though the whole class is included.
- (45) In the plural.
- (46) Lit., 'he learns exactly', sc. that 'minors' in the plural refers to the two classes of minor, the one dealt with by R. Eleazar and the one spoken of by R. Eliezer.
- (47) I.e., R. Eleazar b. Pedath who was an Amora. R. Eleazar who laid down the rule of mi'un is a Tanna and was b. Shammua'.
- (48) Like Rab Judah who cited Samuel supra 7b.
- (49) In regard to which the halachah is in agreement with R. Eliezer.
- (50) Supra q.v. notes.
- (51) Yeb. 110a.
- (52) Or 'cyprus flower'.
- (53) Or 'gum-mastich'.
- (54) Shebi. VII, 6: sc. during that year they must be treated as hefker (v. Glos.) and no trade may be carried on with them.
- (55) Sc., as soon as none of these products respectively remained in the field the owner must remove from his house all that he had previously gathered in. The last quoted part, 'and they . . . removal' is wanting in the Mishnah.
- (56) The son of R. Eleazar b. Pedath.
- (57) In the Mishnah cited from Sheb.
- (58) Were it no fruit it would not have been subject to the laws of the Sabbatical Year.
- (59) Lit., 'from'.
- (60) During the Sabbatical Year, i.e., to be exempt from its restrictions.
- (61) But no more. R. Eliezer's restrictive law concerning balsam, since it is not included in the four, must consequently be against the halachah and must, therefore, be disregarded.
- (62) That outside the Order of Toharoth there are other rulings of R. Eliezer in agreement with the halachah.
- (63) R. Pedath.
- (64) R. Zera.
- (65) And R. Zera's objection would thus have been met. Since R. Pedath, however, gave no such reply it follows that R. Eleazar's statement that 'the halachah is in agreement with R. Eliezer in four things' applies to all the Orders of the Talmud.
- (66) Cf. prev. n.
- (67) How is it that in the case of mi'un (which is not included in the four) the halachah is also in agreement with R. Eliezer?
- (68) Though it is not one of the four (cf. prev. n.).
- (69) Supra q.v. notes.
- (70) R. Eleazar [b. Shammua'].

(71) The rulings of R. Eliezer and R. Eleazar respectively.

(72) Supra q.v. notes.

(73) Concerning which the halachah is in agreement with R. Eliezer.

(74) The benediction of habdalah in the evening service at the conclusion of the Sabbath (cf. P.B., p. 46).

(75) Sc. it is not to be included in any of the statutory benedictions.

(76) Ber. 29a, 33a. Cf. P.B., p. 51.

(77) b. Pedath (cf. supra).

(78) M. J. Ber. (Tosaf).

(79) The benediction of habdalah in the evening service at the conclusion of the Sabbath (cf. P.B., p. 46).

Talmud - Mas. Nidah 8b

But was he¹ not much older than he?² — Rather say:³ Because R. Hanina b. Gamaliel took up⁴ the same line as he, But did he⁵ take it up? Was it not in fact taught: On the night of the Day of Atonement⁶ one recites in his prayers seven benedictions and makes confession; in the morning⁶ one recites seven benedictions and makes confession; during the additional prayer⁷ one recites seven benedictions and makes confession; in the afternoon prayer one recites seven benedictions and makes confession; In the concluding prayer⁸ one recites seven benedictions and makes confession, and in the evening⁹ one recites seven benedictions embodying the substance of the Eighteen;¹⁰ and R. Hanina b. Gamaliel in the name of his ancestors ruled: One must recite in his prayers¹¹ all the eighteen benedictions because it is necessary to include habdalah¹² in 'who favourest man with knowledge'?¹³ — R. Nahman b. Isaac replied: He cited it¹⁴ in the name of his ancestors but he himself¹⁵ does not uphold it.

Said R. Jeremiah to R. Zera:¹⁶ But do you not yourself hold that he who taught that balsam was a fruit is R. Eliezer, seeing that we have learnt: R. Eliezer ruled, Milk curdled with the sap of 'orlah is forbidden?¹⁷ — This¹⁸ might be said to agree even with the view of the Rabbis, since they differed from R. Eliezer only in respect of the sap of the tree but in the case of the sap of the fruit they agree with him, for we have learnt: R. Joshua stated, I have explicitly heard that milk curdled with the sap of the leaves or with the sap of the roots is permitted, but if it was curdled with the sap of unripe figs it is forbidden because the latter is regarded as a proper fruit.¹⁹ And if you prefer I might reply: The Rabbis differ from R. Eliezer only in respect of a fruit producing tree but in the case of a tree that does not produce fruit they agree that its sap is regarded as its fruit, for we have learnt: R. Simeon ruled, Balsam is not subject to the laws of the Sabbatical Year²⁰ and the Sages ruled, Balsam is subject to the laws of the Sabbatical Year because the sap of the tree is regarded as its fruit.²¹ Now who are the Sages? Are they not in fact the Rabbis who differ²² from R. Eliezer?²³ — Thus, a certain elder replied to him, said R. Johanan, 'Who are the "Sages"? R. Eliezer who ruled that its balsam is its fruit'. But if by the 'Sages' R. Eliezer was meant what was the point in speaking of a tree that does not produce fruit seeing that even where a tree produces fruit its sap is regarded as its fruit? — He²⁴ spoke to them²⁵ according to the view of the Rabbis. 'According to my view' [he said in effect,] 'even in the case of a fruit producing tree its sap is regarded as its fruit, but according to your view²⁶ agree with me at least in this case of a tree that produces no fruit that its sap is its fruit. But the Rabbis told him: No difference is made.'²⁷

WHO IS REGARDED AS A 'VIRGIN'? ANY WOMAN WHO HAS NOT YET OBSERVED etc. Our Rabbis taught: [If a virgin] married and observed a discharge of blood that was due to the marriage, or if when she bore a child she observed a discharge of blood that was due to the birth, she is still called a 'virgin', because the virgin of whom the Rabbis spoke is one that is a virgin as regards menstrual blood but not one who is so in regard to the blood of virginity.²⁸ Can this, however, be correct?²⁹ Has not R. Kahana in fact stated, 'A Tanna taught: There are three kinds of virgin, the human virgin, the soil virgin and the sycamore virgin. The "human virgin" is one that never³⁰ had any sexual intercourse, the practical issue³¹ being her eligibility to marry a High Priest³²

or else her claim to a kethubah of two hundred zuz;³³ the "virgin soil" is one that had never³⁰ been cultivated, the practical issue³¹ being its designation as "a rough valley"³⁴ or else its legal status as regards purchase and sale;³⁵ the "virgin sycamore" is one that has never³⁶ been cut,³⁷ the practical issue³⁸ being its legal status as regards purchase and sale³⁹ or else the permissibility to cut it³⁷ in the Sabbatical Year, as we have learnt: A virgin sycamore may not be cut in the Sabbatical Year because such cutting is regarded as cultivation'.⁴⁰ Now if this⁴¹ were correct why did he⁴² not mention this one also? — R. Nahman b. Isaac replied: He only mentioned such as has no special⁴³ name⁴⁴ but one which bears a special⁴³ name⁴⁵ he does not mention. R. Shesheth son of R. Idi replied: He⁴⁶ only mentioned those, the loss of whose virginity⁴⁷ is dependent on an act⁴⁸ but one the loss of whose virginity⁴⁷ is not dependent on an act⁴⁹ he does not mention. R. Hanina son of R. Ika replied: He⁴⁶ only mentioned those⁴⁷ which do not change⁵⁰ into their original condition⁵¹ but one which does change to its original condition⁵² he does not mention. Rabina replied: He⁵³ only mentioned that to which a purchaser is likely to object⁵⁴ but that to which a purchaser is not likely to object⁵⁵ he does not mention. But do not people object?⁵⁶ Was it not in fact taught, 'R. Hiyya stated: As leaven is wholesome for the dough so is menstrual blood wholesome for a woman'⁵⁷ and it was also taught in the name of R. Meir, 'Every woman who has an abundance of menstrual blood has many children'⁵⁷ — Rather say: He⁵³ only mentioned that which a purchaser is anxious to acquire⁵⁸ but that⁵⁹ which a purchaser is not anxious to acquire⁶⁰ he does not mention.

Our Rabbis taught: What is meant by a virgin soil? One which⁶¹ turns up clods⁶² and whose earth is not loose. If⁶¹ a potsherd is found in it, it may be known that it had once been cultivated;⁶³ if flint, it is undoubtedly⁶⁴ virgin soil.

'A WOMAN IN PREGNANCY'? ONE WHOSE EMBRYO 'CAN BE DISCERNED. At what stage⁶⁵ is the embryo discernible? — Symmachus citing R. Meir replied: Three months after conception. And though there is no actual proof for this statement there is an allusion⁶⁶ to it, for it is said in Scripture, And it came to pass about three months after⁶⁷ etc. 'An allusion to it' [you say], is not this a text of Scripture and a most reliable⁶⁸ proof? — [It can only be regarded as an allusion] because some women⁶⁹ give birth after nine months and others after seven months.⁷⁰

Our Rabbis taught: If a woman was⁷¹ in a condition of presumptive pregnancy and after observing a discharge of blood she miscarried an inflated object⁷² or any other object which had no vitality⁷³ she⁷⁴ is still deemed to be⁷⁵ in the condition of her presumptive pregnancy and it suffices for her to reckon her period of menstrual uncleanness from the time of her observation of the discharge.⁷⁶ And though there is no actual proof for this ruling⁷⁷ there is an allusion⁷⁸ to it, for it is said in Scripture, We have been with child, we have been in pain, we have as it were brought forth wind.⁷⁹ But why only 'an allusion to it' seeing that the text provides actual⁸⁰ proof? — That text was in fact written about males.⁸¹

I would, however, point out an incongruity: If a woman was in hard labour⁸² for two days⁸³ and on the third day⁸⁴ she miscarried an inflated object or any thing that had no vitality, she⁸⁵ is regarded as bearing in the condition of a zabah.⁸⁶ Now if you maintain that such miscarriage is a proper birth

(1) R. Eliezer, a contemporary and brother-in-law of R. Gamaliel the son of Simeon who was one of the 'Ten Royal Martyrs' (Rashi).

(2) Hanina, who was a son of R. Gamaliel of Jamnia (v. Tosaf.). Now is it likely that an older scholar would quote a tradition on the authority of a younger one?

(3) In explanation why the halachah is in agreement with R. Eliezer in this particular case.

(4) At a later date. Lit., 'stands'.

(5) R. Hanina.

(6) The 'Day' extending over a night and the following day.

(7) Musaf, which on Sabbaths and festivals is recited after the morning service.

- (8) Ne'ilah, the last prayer before sunset on the Day of Atonement.
- (9) That follows the solemn day.
- (10) I.e., instead of all the 'eighteen (now nineteen) benedictions' that are to be recited at ordinary weekday services (cf. P.B., p. 44ff) one recites on this occasion only the first three and the last three benedictions, and inserts between a shortened prayer embracing the salient features of the intermediate ones (cf. P.B., p. 55).
- (11) Even on the evening mentioned.
- (12) The prayer added to the service at the conclusion of Sabbaths and festival days (cf. P.B., p. 46).
- (13) Yoma 87b, Pes. 3a. Cf. P.B., i.e. In the shortened prayer, where this benediction is reduced to a few words, this cannot be done. Now, since R. Hanina here states that habdalah is to be included in the benediction 'who favourest etc.' how could it be said supra that he adopts the same line as R. Eliezer who requires it to be included in the benediction of thanksgiving?
- (14) The last quoted ruling.
- (15) Who is in agreement with R. Eliezer.
- (16) Who objected (supra 8a) to R. Pedath's assertion as to the authorship of the ruling on balsam.
- (17) 'Orlah I, 7; because the sap is considered a fruit to which the prohibitions of 'orlah apply. Balsam also being a sap, must not the ruling that balsam is a fruit obviously be that of R. Eliezer?
- (18) The ruling just cited.
- (19) 'Orlah I, 7.
- (20) 'Because it is not regarded as a fruit', Sheb. VII, 6.
- (21) This quotation does not actually occur in the Mishnah cited (cf. prev. n.) but is implied from the ruling of the first Tanna ibid.
- (22) In the case of other trees.
- (23) Presumably they are. Thus it follows, as R. Zera submitted, that in the case of balsam the Rabbis are of the same opinion as R. Eliezer and that there is no need, therefore, to attribute to him the ruling which is in agreement with the halachah.
- (24) R. Eliezer.
- (25) Those who differed from him.
- (26) Which does not regard the sap of a fruit bearing tree as fruit.
- (27) Between the two kinds of tree. In neither case can sap be regarded as fruit.
- (28) Or birth.
- (29) Lit., 'I am not'.
- (30) Lit., 'all the time that she (had) not'.
- (31) Between being regarded as a virgin or not.
- (32) Cf. Lev. XXI, 13.
- (33) Only a virgin is entitled to that sum. One who is no virgin is entitled to one hundred zuz only.
- (34) Deut. XXI, 4, in the case where a murdered man was found in a field and his murderers cannot be discovered when a heifer is brought into a rough valley and a prescribed ceremonial is performed (v. ibid. 1ff).
- (35) If a plot of land has been sold or bought as 'virgin soil' it must be one that has never before been cultivated.
- (36) Lit., 'all the time that she (had) not'.
- (37) Since the cutting causes new growth.
- (38) Between being regarded as a virgin or not.
- (39) Cf. supra n. 10 mut. mut.
- (40) Which is forbidden (cf. Lev. XXV, 4); Sheb. IV, 5.
- (41) That there is also a virginity as regards menstrual blood.
- (42) R. Kahana who only spoke of three kinds of virgin.
- (43) Lit., 'attached', 'accompanying'.
- (44) 'Virgin' alone being sufficient.
- (45) Such as the 'virgin in respect of menstrual blood' whom 'virgin' alone would not sufficiently describe.
- (46) R. Kahana who only spoke of three kinds.
- (47) Lit., 'a thing that'.
- (48) Such as intercourse, cultivation or cutting.
- (49) As is the case with a discharge of menstrual blood which is a natural and involuntary process.

- (50) After intercourse, cultivation and cutting respectively.
- (51) Lit., 'to its creation', neither the woman nor the soil nor the sycamore can (cf. prev. n.) change into her or its original condition.
- (52) A woman in old age loses her flow and changes, in this respect, into a condition similar to her original virginity.
- (53) R. Kahana who only spoke of three kinds.
- (54) No one who could help it would be likely to marry a non-virgin or to buy land that was already exploited or a sycamore that was cut.
- (55) One who marries a virgin does not care whether or not she ever had her menstrual flow.
- (56) Cf. prev. n.
- (57) Keth. 10b.
- (58) Lit., 'that . . . jumps on it', people are anxious to marry a virgin, to buy a plot of land that was never before exploited and a sycamore that was never before cut.
- (59) A virgin who has no menstrual flow.
- (60) For the reasons indicated by R. Hiyya and R. Meir supra.
- (61) On being broken up.
- (62) That need crushing.
- (63) How else could the potsherd have found its way into it?
- (64) Lit., 'behold this'.
- (65) Lit., 'and how much'.
- (66) Lit., 'remembrance'.
- (67) That it was told . . . she is with child, Gen, XXXVIII, 24.
- (68) Lit., 'great'.
- (69) Lit., 'there is'.
- (70) And it might have been assumed that the three months of the text (representing a third of nine) applied to the former only while in the case of the latter the stage of recognition begins after $7/3 = 2 \frac{1}{3}$, months.
- (71) Lit., 'behold she was'.
- (72) Lit., 'wind'.
- (73) Lit., 'existence'.
- (74) Despite the fact that her pregnancy, as is now evident, was not natural.
- (75) As regards retrospective uncleanness.
- (76) Not twenty-four hours retrospectively as is the case with one who is not pregnant.
- (77) That an inflated object (cf. supra n. 12) is regarded as a viable embryo in respect of pregnancy.
- (78) Lit., 'remembrance'.
- (79) Emphasis on the last word. Isa. XXVI, 18. Tosef. Nid. I.
- (80) Lit., 'great'.
- (81) In whose case conception and birth are mere metaphorical expressions.
- (82) Accompanied by a flow of blood.
- (83) During the eleven days in which she is susceptible to the uncleanness of a zabah (v. foll. nn.).
- (84) After a further discharge of blood, so that (cf. prev. n. but one) her bleeding and pain extended over three consecutive days.
- (85) Since there was no proper birth though she had no relief from her pain between the time of the discharge and the miscarriage.
- (86) V. Glos. Sc. she must count seven days and bring the sacrifice prescribed for a zabah before she can attain cleanness.

Talmud - Mas. Nidah 9a

did not the All Merciful [it may be objected] ordain that [a flow of blood in] painful labour immediately before birth¹ is regarded as clean?² — R. Papi replied: Leave alone the question of the twenty-four hours retrospective uncleanness³ which only involves a Rabbinical enactment.⁴ R. Papa replied: The actual reason⁵ is that the woman⁶ feels a heaviness in her head and limbs;⁷ well then, here also⁸ she feels a heaviness in her head and in her limbs.⁹

R. Jeremiah enquired of R. Zera: What is the ruling¹⁰ where a woman observed a flow and immediately after her pregnancy was discerned? Is she retrospectively unclean because her pregnancy was not known at the time she observed the flow or is she not retrospectively unclean since she observed it immediately before she became aware of her pregnancy? — The other replied: The sole reason¹¹ is that she¹² feels a heaviness in her head and limbs¹³ but¹⁴ at the time she observed the flow she felt no heaviness either in her head or in her limbs.¹⁵

A certain old man asked R. Johanan: ‘What is the ruling if, when the time of her fixed period had come during the days of her pregnancy and she did not examine herself? I am raising this question on the view of the authority who laid down [that a woman's duty to hold an examination on the arrival of her] fixed periods is an ordinance of the Torah.¹⁶ What is the ruling [I ask]? Must she¹⁷ examine herself since [the duty of holding an examination on the arrival of] the fixed periods is an ordinance of the Torah¹⁶ or is it possible that since¹⁸ her menstrual blood is suspended,¹⁹ she requires no examination’?²⁰ — The other²¹ replied, You have learnt it: R. Meir ruled, If a woman was in a hiding-place²² when the time of her fixed period arrived and she did not examine herself she is nevertheless clean because fear suspends the menstrual flow.²³ Now the reason is²⁴ that there was fear, but if there had been no fear and the time of her fixed period had arrived and she did not examine herself she would have been deemed unclean. It is thus clear²⁵ [that a woman's duty to examine herself at the time of the arrival of her] fixed periods is an ordinance of the Torah and that, nevertheless, since there was fear, her menstrual blood is deemed to be suspended and she requires no exemption; so also here,²⁶ since her menstrual blood is suspended she requires no examination.

‘A NURSING WOMAN’? A WOMAN BEFORE SHE HAS WEANED etc. Our Rabbis taught: A nursing mother whose child died within twenty-four months²⁷ is in exactly the same position as all other women²⁸ and causes retrospective uncleanness for a period of twenty-four hours or from the previous to the last examination. If, therefore,²⁹ she continued to suck it for four or five years it suffices for her to reckon her period of uncleanness from the time she has observed the flow; so R. Meir. R. Judah, R. Jose and R. Simeon ruled: Only during the twenty-four months³⁰ does it suffice for women to reckon their uncleanness from the time they have observed a flow.³¹ Therefore,³² even if she suckled it for four or five years she causes uncleanness retrospectively for twenty-four hours or from the previous to the last examination.³³ Now if you will carefully consider [the views just expressed] you will find that³⁴ according to the view of R. Meir the menstrual blood is decomposed and turns into milk while according to the view of R. Jose, R. Judah and R. Simeon the woman's limbs³⁵ are disjointed and her natural vigour³⁶ does not return before the lapse of twenty-four months. Why the necessity for the ‘therefore’³⁷ of R. Meir?³⁸ — On account of the ‘therefore’³⁹ of R. Jose. But why the necessity for the ‘therefore’ of R. Jose?⁴⁰ — It might have been assumed that R. Jose maintains that⁴¹ there are two [causes];⁴² hence we were informed⁴³ [that he upholds the one cause only].⁴⁴ So it was also taught: The menstrual blood⁴⁵ is decomposed and turns into milk; so R. Meir. R. Jose stated: Her limbs⁴⁶ are disjointed and her natural strength does not return before twenty-four months.⁴⁷ R. Elai explained: What is R. Meir's reason?⁴⁸ That it is written, Who can bring a clean thing⁴⁹ from out of an unclean?⁵⁰ Is it not the Only One?⁵¹ And the Rabbis?⁵² — R. Johanan replied: The reference⁵³ is to semen which is unclean, while the man who is created from it is clean; and R. Eleazar replied: The reference⁵³ is to the water of sprinkling⁵⁴ in the case of which the man who sprinkles it as well as the man upon whom it is sprinkled is clean while he who touches it is unclean. But is the man who sprinkles it clean? Is it not in fact written, And he that sprinkleth the water of sprinkling shall wash his clothes?⁵⁵ — What is meant by ‘He that sprinkleth’? He that touches it. But is it not actually written, ‘He that sprinkleth’⁵⁵ and also ‘He that toucheth’?⁵⁵ Furthermore, is not ‘He that sprinkleth’ required to wash his clothes⁵⁵ while ‘He that toucheth’ is not required to do so?⁵⁵ — Rather say: What is meant by ‘He that sprinkleth’? He that carries.⁵⁶ Then why was it not written, ‘He that carries’? — We were informed⁵⁷ that uncleanness is not contracted unless one carried the minimum quantity prescribed for sprinkling. This is a satisfactory explanation

according to him who holds⁵⁸ that sprinkling must be performed with a prescribed minimum of the water⁵⁹. What, however, can be said according to him who holds that no prescribed minimum is required?⁵⁸ — Even according to him who holds that no prescribed quantity is required the ruling refers only to the quantity applied to the body of the man but as regards that which is in the vessel a prescribed quantity is required; as we have learnt: What must be the quantity of water⁵⁹ that it shall suffice for a sprinkling? As much as suffices for both the dipping therein of the tops of the stalks and for the sprinkling.⁶⁰ It is, in fact, in view of such laws⁶¹ that Solomon observed, I said: 'I will get wisdom'; but it was far from me.⁶²

WHO IS REGARDED 'AN OLD WOMAN'? ANY WOMAN OVER WHOM THREE ONAHS HAVE PASSED NEAR THE TIME OF HER OLD AGE. What is to be understood by NEAR THE TIME OF HER OLD AGE? — Rab Judah replied: The age when her women friends speak of her as an old woman; and R. Simeon⁶³ replied:

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- (1) The woman having had no relief from her pain between the appearance of the flow and birth (cf. prev. n. but one).
 - (2) V. infra 37b. Why then should the woman here be treated as a zabah?
 - (3) With which the first of the apparently contradictory Baraithas deals.
 - (4) And could, therefore, be relaxed even in the case of a pregnancy that ended in a miscarriage. As regards the pentateuchal uncleanness of a zabah, however, a miscarriage of the nature spoken of in the last cited Baraitha cannot be regarded as a proper birth.
 - (5) Why a pregnant woman is to reckon her menstrual uncleanness from the very moment she has observed a discharge and not retrospectively.
 - (6) During her pregnancy.
 - (7) Sc. she is suffering from a malady which causes her menstrual flow to disappear.
 - (8) In the case of a pregnancy that ended in a miscarriage spoken of in the first of the Baraithas under discussion.
 - (9) It is obvious, therefore, that she also suffers from the same malady (cf. prev. n. but one) in consequence of which she is entitled to the same privileges (cf. supra n. 10).
 - (10) In respect of the twenty-four hours retrospective uncleanness.
 - (11) V. p. 55, n. 10.
 - (12) During her pregnancy.
 - (13) V. p. 55, n. 12.
 - (14) In the case about which R. Jeremiah enquired.
 - (15) She cannot, therefore, be regarded as a pregnant woman, and her uncleanness is retrospective.
 - (16) Sc. a traditional halachah handed down from the time of Moses (Rashi), so that since the flow may be expected to make its appearance on the regular day, a woman who did not examine herself at such a period, must be regarded as unclean (v. infra 16a).
 - (17) If she is to be regarded as clean.
 - (18) During pregnancy.
 - (19) And the regular appearance of her menstrual blood need not be expected.
 - (20) I.e., she is deemed to be clean even if she did not examine herself.
 - (21) R. Johanan.
 - (22) In fear of her life.
 - (23) Infra 39a.
 - (24) Why in this particular case the woman is regarded as clean.
 - (25) Since in the absence of fear the woman is deemed to be unclean.
 - (26) The case of the pregnant woman referred to in the old man's enquiry.
 - (27) After birth. This is the normal period a mother is expected to suckle her child.
 - (28) Who are not pregnant or nursing; because the menstrual flow is suspended only on account of its transformation into the mother's milk, but when the child dies and the milk is no longer used the blood changes into its original condition.
 - (29) Since the cleanness of the woman is entirely due to her suckling (cf. prev. n.).
 - (30) Irrespective of whether the child is suckled or not.

- (31) The suspension of the menstrual blood for twenty-four months being due in their opinion to the physical disturbance caused by the process of childbearing.
- (32) Since it is the process of bearing and not the suckling of the child (cf. prev. n.) that causes the suspension of the blood and since that suspension does not continue longer than twenty-four months.
- (33) Cf. Tosef. Nid. II where, however, 'R. Judah' is omitted.
- (34) Lit., 'as you will find to say'.
- (35) When she is in childbirth.
- (36) Manifested by her menstrual flow.
- (37) 'If, therefore, she continued etc.' supra.
- (38) Sc. since R. Meir ruled that the death of the child causes its mother to resume the status of an ordinary non-nursing woman it obviously follows that the main cause of her former exemption from retrospective uncleanness was her suckling of the child, what need then was there to specify an inference (cf. prev. n.) which is all too obvious?
- (39) 'Therefore, even if she suckled etc.', supra.
- (40) Cf. prev. n. but one mut. mut.
- (41) For the suspension of the menstrual flow.
- (42) (a) The blood turns into milk and (b) the woman's limbs are disjointed on account of (b) the woman is exempt from retrospective uncleanness during the twenty-four months following her childbearing, irrespective of whether the child is suckled or not, while on account of (a) she should be similarly exempt throughout the time she is suckling the child.
- (43) By the addition of 'Therefore' (cf. supra n. 14).
- (44) That 'the woman's limbs are disjointed'.
- (45) Of a nursing woman.
- (46) Those of a woman in childbirth.
- (47) Bek. 6b.
- (48) For holding that the menstrual blood turns into milk.
- (49) Milk.
- (50) Menstrual blood.
- (51) Job XIV, 4; E. V. 'not one'.
- (52) Sc. how do they, who differ from R. Meir, in maintaining that the blood does not turn into milk, explain the text cited?
- (53) In Job XIV, 4 cited.
- (54) Cf. Num. XIX, 9.
- (55) Ibid. 21.
- (56) The water of sprinkling.
- (57) By the expression, 'He that sprinkleth' instead of 'he that carries'.
- (58) Cf. Zeb. 80a.
- (59) The water of sprinkling.
- (60) Parah XII, 5.
- (61) Which are apparently paradoxical: The man who sprinkles the water or is sprinkled upon is clean while he who merely touched it is unclean.
- (62) Eccl. VII, 23.
- (63) MS.M. adds 'b. Lakish'.

Talmud - Mas. Nidah 9b

when people call her mother in her presence¹ and she does not blush. R. Zera and R. Samuel b. Isaac differ:² One says, '[When she is called mother] and³ she does not mind,' and the other says, 'And³ she does not blush' — What is the practical difference between them? — The practical difference between them is the case of one who blushes but does not mind.

What is the length of an 'onah? — Resh Lakish citing R. Judah Nesi'ah⁴ replied: A normal 'onah is thirty days; but Raba, citing R. Hisda, replied: Twenty days. In fact, however, there is no difference of opinion between them. One Master⁵ reckons both the clean and the unclean days⁶ while

the other Master⁷ does not reckon the unclean days.⁸

Our Rabbis taught: If over an old woman have passed three 'onahs⁹ and then she observed a flow, it suffices for her to reckon her period of uncleanness from the time she observed the flow; if another three 'onahs have passed⁹ and then she observed a flow, it again suffices for her to reckon her uncleanness from the time she observed it. If, however, another three 'onahs have passed⁹ and then she observed a flow she is regarded¹⁰ as all other women and causes uncleanness retrospectively for twenty-four hours or from the previous examination to the last examination. This¹¹ is the case not only¹² where she observed the flow at perfectly regular intervals¹³ but even where she observed it at successively decreasing intervals or¹⁴ increasing intervals.¹⁵ [You say,] 'Even¹⁶ where she observed it at successively decreasing intervals'. It thus follows¹⁷ that there is no need to mention that this law¹¹ applies where she observed the flow at perfectly regular ones. But should not the law be reversed, seeing that where she observes a flow at perfectly regular intervals she thereby establishes for herself a fixed period and it should, therefore, suffice for her to reckon her period of uncleanness from the time she observed the flow? And should you reply that this¹⁸ represents the view of the Rabbis who differ from R. Dosa in maintaining that even a woman who has a fixed period causes retrospective uncleanness for twenty-four hours,¹⁹ [it could be objected:] Should not the order²⁰ have been reversed to read as follows: Not only where she observed the flow at successively decreasing intervals or increasing intervals²¹ but even where she observed it at perfectly regular ones?²² — Read: Not only where she observed the flow at successively decreasing intervals or increasing intervals²¹ but even where she observed it at perfectly regular ones.²³ And if you prefer I might reply, It is this that was meant: This²⁴ does not apply where a woman observed the flow at perfectly regular intervals but only where she observed it at successively decreasing or increasing ones. Where, however, she observed it at perfectly regular intervals she thereby establishes for herself a fixed period and it suffices for her to reckon her uncleanness from the time she has observed the flow. And whose view does this represent? That of R. Dosa.¹⁹

R. ELIEZER RULED: FOR ANY WOMAN OVER WHOM HAVE PASSED etc. It was taught: R. Eliezer said to the Sages. It once happened to a young woman at Haitalu²⁵ that her menstrual flow was interrupted for three 'onahs, and when the matter was submitted to the Sages they ruled that it sufficed for her to reckon her uncleanness from the time she observed the flow. They replied: A time of emergency is no proof. What was the emergency? — Some say, It was a time of dearth,²⁶ while others say, The quantity of foodstuffs the woman had prepared²⁷ was rather large and the Rabbis took into consideration the desirability of avoiding the loss of the levitically clean things.

Our Rabbis taught: It once happened that Rabbi acted in agreement with the ruling of R. Eliezer, and after he reminded himself observed, 'R. Eliezer deserves to be relied upon in an emergency'. What could be the meaning of 'after he reminded himself'? If it be explained: After he reminded himself that the halachah was not in agreement with R. Eliezer but in agreement with the Rabbis [the difficulty would arise:] How could he act according to the former's ruling even in an emergency? — The fact is that it was not stated whether the law was in agreement with the one Master or with the other Master. Then what is meant by 'after he reminded himself'? — After he reminded himself that it was not an individual that differed from him but that many differed from him, he observed 'R. Eliezer deserves to be relied upon in an emergency'.

Our Rabbis taught: If a young girl who had not yet attained the age of menstruation²⁸ observed a discharge, after the first time it suffices for her to reckon her uncleanness from the time she observed it; after the second time also²⁹ it suffices for her to reckon her uncleanness from the time she observed it, but after the third time³⁰ she is in the same position as all other women³¹ and³² causes uncleanness retrospectively³³ for twenty-four hours or from her previous examination to her last examination. If subsequently three 'onahs have passed over her³⁴ and then she again observed a discharge it suffices for her³⁵ to reckon her uncleanness from the time she observed it.³⁶ If another

three 'onahs have passed over her³⁴ and then again she observed a discharge it suffices for her to reckon her uncleanness from the time she observed it. But if another three 'onahs have passed over her³⁷ and she again observed a discharge she is in the same position as all other women³⁸ and causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last one.³⁹ When, however, a girl had attained the age of menstruation,⁴⁰ after the first observation it suffices for her to reckon her uncleanness from the time she observed the discharge, while after the second time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination.⁴¹ If subsequently three 'onahs have passed over her⁴² and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it.⁴³

The Master said,⁴⁴ 'If subsequently three 'onahs have passed over her and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it'.

(1) So MS.M. Cur. edd. 'mother, mother'.

(2) On what was meant by 'near old age'.

(3) Lit., 'all that'.

(4) The Prince, Judah II.

(5) Resh Lakish.

(6) I.e., the interval between one period and another which is thirty days.

(7) Raba.

(8) Which number ten (seven as menstruant and three as zabah) leaving (thirty minus ten are) twenty clean days (Rashi. Cf., however, Tosaf.).

(9) Without her observing any flow during all this time.

(10) Lit., 'behold she'; since the appearance of the flow for the third time establishes the fact that her menstrual flow had not yet ceased and that only the length of the intervals between its periodic appearances has changed.

(11) That after a third appearance the woman's uncleanness begins twenty-four hours retrospectively.

(12) Cf. MS.M and marg. n. Cur. edd. 'and it is not necessary (to state)', the word 'necessary' appearing in parenthesis.

(13) I.e., if each interval was, for instance, exactly ninety days.

(14) Cur. edd. in parenthesis. 'and even'.

(15) Sc. irrespective of whether (a) the first interval extended over ninety-three days, the second over ninety-two and the third only over ninety or (b) the first extended over ninety-one days, the second over ninety-two and the third over ninety-three days.

(16) Emphasis on this word.

(17) Since the expression 'even' is used (cf. prev. n.).

(18) That the woman is unclean retrospectively even when she has a fixed period.

(19) Supra 4b.

(20) Of the Baraita under discussion.

(21) Is her uncleanness retrospective for twenty-four hours.

(22) Where it might have been presumed that she has thereby established for herself a fixed period.

(23) Cf. prev. n. but one; the ruling representing the view of the Rabbis (supra 4b).

(24) That after a third appearance the woman's uncleanness begins twenty-four hours retrospectively.

(25) [Babylonian form for Aitalu, modern Aiterun, N.W. of Kadish. V. S. Klein, Beitrage, p. 47.]

(26) When a decision to regard all the foodstuffs the woman had touched during the preceding twenty-four hours as unclean would have involved a serious loss and undue hardship.

(27) During the preceding twenty-four hours.

(28) Lit., 'whose time to see (the menses) has not arrived'.

(29) Since presumptive menstruation like any other condition of presumption cannot be established by one occurrence.

(30) Since according to Rabbi (with whose view, as shown infra, this Baraita agrees) two occurrences suffice to establish a condition of presumption.

(31) Who are in a condition of presumptive menstruation.

(32) In accordance with Rabbinic law.

(33) As a preventive measure enacted in the case of all such women (cf. prev. n. but one).

- (34) Without her observing any discharge.
- (35) Since the complete absence of the flow for three 'onahs is regarded as the cessation of the flow.
- (36) In agreement with R. Eliezer (cf. our Mishnah).
- (37) Without her observing any discharge.
- (38) Who are in a condition of presumptive menstruation.
- (39) Because the appearance of the discharge for the third time proved that her flow had not ceased and that only the intervals between the discharges had been lengthened.
- (40) This being the case spoken of in our Mishnah: AND OF WHAT DID THEY SPEAK . . . OF A FIRST OBSERVATION.
- (41) Cf. our Mishnah: BUT AT A SUBSEQUENT OBSERVATION . . . HOURS.
- (42) Without her observing any discharge.
- (43) In agreement with R. Eliezer (cf. our Mishnah).
- (44) Supra; in regard to a young girl who had not yet attained the age of menstruation and who observed a discharge at the end of each of three consecutive 'onahs.

Talmud - Mas. Nidah 10a

What is the ruling where¹ she again observes discharges at the end of subsequent single 'onahs?² — R. Giddal citing Rab replied: After the first time and after the second time it suffices for her to reckon her uncleanness from the time of her observation of the discharge, but after the third time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination.

'If another three 'onahs have passed over her and then again she observed a discharge it suffices for her to reckon her uncleanness from the time she observed it'. What is the ruling where she again observes discharges at the end of single 'onahs?³ — R. Kahana citing R. Giddal who had it from Rab replied: After the first time it suffices for her to reckon her uncleanness from the time she observed the discharge but after the second time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination. Whose view does this⁴ represent? That of Rabbi who laid down that if a thing has occurred twice presumption is established.⁵ Read then the final clause:⁶ 'If subsequently three 'onahs have passed over her and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it'. Does not this agree only with the view of R. Eliezer?⁷ And should you reply that it in fact represents the view of Rabbi but that in the case of [an interval of three] 'onahs he holds the same view as R. Eliezer, [it could be retorted]: Does he indeed hold the same view seeing that it was stated, 'After he reminded himself'⁸ — The fact is that it represents the view of R. Eliezer but⁹ [in respect of presumption in the case of] menstrual periods he is of the same opinion as Rabbi.¹⁰

A stain [discovered by one who had not yet reached the age of menstruation] between her first and second [observation of a discharge] is regarded as clean,¹¹ but as regards one discovered between her second and third observation, Hezekiah ruled: It is unclean, while R. Johanan ruled: It is clean. 'Hezekiah ruled: It is unclean', since, when she observed [a discharge for the third time] she becomes unclean [retrospectively],¹² her stain also¹³ causes her to be unclean; 'while R. Johanan ruled: It is clean,' for this reason: Since¹⁴ she was not yet confirmed in the condition of presumptive menstruation¹⁵ she cannot be regarded as unclean on account of her stain.

(1) After the one discharge at the end of the three 'onahs respectively.

(2) Sc. does it suffice for her to reckon her uncleanness from the time she observes the discharge or is her uncleanness to be retrospective? The reasons for and against are discussed in Rashi.

(3) V. p. 63, n. 10.

(4) The ruling that after the second time she is already in a condition of presumptive menstruation.

(5) Infra 64a, Keth. 43b, Yeb. 26a.

- (6) The case of one who 'had attained the age of menstruation'.
- (7) Who ruled in our Mishnah: FOR ANY WOMAN OVER WHOM HAVE PASSED THREE 'ONAH'S IT SUFFICES . . . TO RECKON FROM THE TIME SHE OBSERVED IT.
- (8) Supra 9b q.v., from which it is evident that only after much hesitation and reluctance did he follow R. Eliezer's view.
- (9) As regards the difficulty of establishing presumption after two occurrences.
- (10) Who in all cases holds that two occurrences constitute presumption.
- (11) I.e., it is not deemed to be due to menstrual blood. Cf. supra 5a.
- (12) Which shows that her presumptive menstruation begins after her second discharge.
- (13) Since it appeared at a period of (cf. prev. n.) presumptive menstruation.
- (14) At the time the stain was discovered.
- (15) This condition being established retrospectively only after the appearance of a third discharge.

Talmud - Mas. Nidah 10b

R. Elai demurred:¹ But what is the difference between this class of woman and a virgin [just married] whose blood is clean?² — R. Zera replied: In the case of the latter her secretion³ is frequent⁴ but in that of the former her secretion is not frequent.⁵

'Ulla stated: R. Johanan who had it from R. Simeon b. Jehozadak⁶ ruled, 'If a young girl who had not yet attained the age of menstruation observed a discharge, her spittle or her midras- uncleanness in the street⁷ after a first discharge and after a second discharge is clean,⁸ and her stain is also clean'; but I do not know [whether the last ruling]⁹ was his own or his Master's.¹⁰ In what practical issue could this matter? — In respect of establishing the ruling¹¹ to be the view of one authority¹¹ against two authorities.¹² When Rabin and all the other seafarers came¹³ they stated that the ruling was in agreement with the view of R. Simeon b. Jehozadak.

R. Hilkiyah b. Tobi ruled: In the case of a young girl who had not yet reached the age of menstruation¹⁴ a discharge of menstrual blood, even if it continued¹⁵ throughout all the seven days,¹⁶ is regarded as a single observation.¹⁷ [Since you say,] 'Even¹⁸ if it continued'¹⁵ it follows that there is no necessity to state that the law is so¹⁹ where there was a break.²⁰ But is not this contrary to reason, seeing that a break would cause the discharge to be like two separate observations? — Rather read: In the case of a young girl who had not yet reached the age of menstruation,¹⁴ a discharge of menstrual blood that²¹ continued throughout all the seven days²² is regarded as a single observation. R. Shimi b. Hiyya ruled: Dripping is not like an observation.²³ is But does not the woman in fact observe it?²⁴ — Read: It is not like a continuous discharge but like one broken up.²⁵ Does this²⁶ then imply that the continuous discharge²⁷ was one like²⁸ a river?²⁹ — Rather read: It is only like a continuous discharge.³⁰

Our Rabbis taught: It is established that the daughters of Israel before reaching the age of puberty are definitely³¹ in a condition of presumptive cleanness and the [elder] women need not examine them. When they have reached the age of puberty they are definitely³¹ in a condition of presumptive uncleanness and [elder] women must examine them. R. Judah ruled: They must not examine them with their fingers³² because they might corrupt them,³³ but they dab them with oil within and wipe it off from without and they are thus self examined.³⁴

R. JOSE RULED: FOR A WOMAN IN PREGNANCY etc. A Tanna recited in the presence of R. Eleazar, 'R. Jose ruled: As for a woman in pregnancy and a nursing woman over whom three onahs have passed it suffices for her³⁵ [to reckon her³⁵ period of uncleanness from] the time of her [observation of the flow]'. 'You', the other remarked, 'began with two³⁶ and finished with one;³⁷ do you perchance mean: A pregnant woman who was also³⁸ a nurse,³⁹ and this⁴⁰ teaches us incidentally the law that [in respect of an interval of three 'onahs]⁴¹ the days of a woman's pregnancy supplement those of her nursing and those of her nursing supplement those of her pregnancy? As it was taught:

‘The days of her pregnancy supplement those of her nursing and the days of her nursing supplement those of her pregnancy. In what manner? If there was a break⁴² of two ‘onahs during her pregnancy and of one during her nursing, or of two during her nursing and one during her pregnancy, or of one and a half during her pregnancy and one and a half during her nursing, they are all combined into a series of three ‘onahs’.⁴³ One can well understand the ruling that ‘the days of her pregnancy supplement those of her nursing’ since this is possible where a woman became pregnant while she was still continuing her nursing. But how is it possible that ‘the days of her nursing⁴⁴ supplement those of her pregnancy’?⁴⁵ — If you wish I might reply: This is possible in the case of a dry birth.⁴⁶ And if you prefer I might reply: Menstrual blood is one thing and birth blood is another thing.⁴⁷ And if you prefer I might reply: Read the first clause only.⁴⁸

OF WHAT DID THEY SPEAK WHEN THEY LAID DOWN THAT IT SUFFICES [FOR THEM TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERY OF THE FLOW]’? etc. Rab stated: This⁴⁹ refers to all of them,⁵⁰ and Samuel stated: This⁴⁹ was learnt only in respect of a virgin⁵¹ and an old woman⁵² but for pregnant or nursing women⁵³ it suffices for them, throughout all the days of their pregnancy and throughout all the days of their nursing respectively to reckon their uncleanness from the time of their observing a flow. In the same manner R. Simeon b. Lakish stated: This⁵⁴ refers to all of them; while R. Johanan stated: This was learnt only in respect of a virgin and an old woman but for pregnant or nursing women it suffices throughout all the days of their pregnancy and throughout all the days of their nursing respectively to reckon their uncleanness from the time of their observing the flow. This dispute⁵⁵ is analogous to one between Tannas. [For it was taught]: If pregnant or nursing women were

(1) Against Hezekiah.

(2) In the case of the latter the blood is assumed to be that of the wound caused by a first intercourse which is exempt from the laws of uncleanness. If on the following day, however, the colour of the discharge changed the woman becomes unclean, but a bloodstain discovered after intercourse (cf. infra 60a) is nevertheless clean. Why then should a stain in the former case be unclean on account of the subsequent discharge? (V. Tosaf.).

(3) The discharge of the wound (cf. prev. n.).

(4) So that there is a double reason why the stain should be regarded as clean. For (a) it might be attributed to blood that issued from a foreign body and (b) even if it is to be attributed to blood of the woman's own body that blood might have been the secretion of the wound (v. Tosaf.).

(5) And if the stain is due to blood that originated from the woman's body it could not be other than menstrual which causes uncleanness.

(6) This is not the scholar of the same name mentioned in Sanh. 26a who was spoken of disparagingly in the presence of R. Johanan (R. Tam.). The one here mentioned was a teacher of R. Johanan whose honour the latter would have protected had anything derogatory been said against him in his presence.

(7) I.e., if it was discovered in a public place and it is uncertain whether the girl was a menstruant at that time.

(8) As presumptive menstruation had not yet been established uncleanness cannot be imposed in a doubtful case (cf. prev. n.).

(9) Concerning the stain.

(10) R. Simeon b. Jehozadak's.

(11) Of Hezekiah (supra 10a).

(12) R. Johanan and R. Simeon b. Jehozadak; and the law would accordingly be in agreement with the majority. If R. Johanan, however, gave the ruling in his own name alone Hezekiah is opposed by one authority only and the law need not necessarily be against him.

(13) From Palestine to Babylon.

(14) Lit., ‘whose time to see (the menses) has not arrived’.

(15) Lit., ‘she pours’.

(16) The normal period of menstruation.

(17) Sc. until there were two more observations her period of uncleanness does not begin retrospectively but from the time she observes the discharge.

- (18) Emphasis on this word.
- (19) That the discharge 'throughout all the seven days is regarded as a single observation'.
- (20) Though it was followed by a renewal of the discharge.
- (21) Omitting 'even' (cf. supra n. 9) used in the first version supra.
- (22) The normal period of menstruation.
- (23) Lit., 'one who drips is not like one who sees'. This is now assumed to mean that dripping is not regarded even as a single observation.
- (24) The dripping. How then can it be maintained that it is not regarded even as one observation (cf. prev. n.)?
- (25) I.e., like a number of separate observations. By the time the dripping ceases completely the woman is deemed to be in a confirmed condition of presumptive menstruation and any subsequent discharge causes her uncleanness to be retrospective.
- (26) The distinction drawn between 'dripping' and a 'continual discharge'.
- (27) Since it is regarded as a single observation.
- (28) Cur. edd. in parenthesis, 'also'.
- (29) Sc. without a stop. But is this likely? No woman surely could survive a discharge of blood that was continuous for seven days.
- (30) It is regarded as one observation and the girl is not subject to retrospective uncleanness before she has experienced two more menstrual discharges.
- (31) Lit., 'behold they'.
- (32) Lit., 'with the hand'.
- (33) By teaching them unnatural gratification (Jast.). Aliter: They might injure them with their nails (Rashi).
- (34) Since at puberty an application of oil induces the menstrual flow.
- (35) The use of the sing, for the plural is discussed presently.
- (36) 'A woman in pregnancy and a nursing woman'.
- (37) By using the sing. (cf. prev. n. but one).
- (38) Rendering the waw as 'who' instead of 'and'.
- (39) A woman, for instance, (v. infra) who became pregnant while she was still nursing her last-born child.
- (40) Since the same law applies also to one who is pregnant only.
- (41) Which exempts a woman from retrospective uncleanness.
- (42) In the menses.
- (43) Infra 36a.
- (44) Between which and pregnancy there must be the childbirth and consequent bleeding.
- (45) Would not the bleeding at childbirth interrupt the bloodless interval of the three 'onahs'?
- (46) So that there is no bleeding (cf. prev. n. but one) to interrupt the three 'onahs'.
- (47) I.e., the latter does not in any way interrupt the interval of the former.
- (48) Lit., 'one', viz., 'the days of her pregnancy supplement those of her nursing', omitting the final clause, 'the days of her nursing . . . pregnancy'.
- (49) The statement just quoted the conclusion of which is that 'AT A SUBSEQUENT OBSERVATION SHE CONVEYS UNCLEANNESS RETROSPECTIVELY FOR A PERIOD OF TWENTY-FOUR HOURS'.
- (50) Sc. the four classes enumerated earlier in our Mishnah.
- (51) Who, after two observations, may well be deemed to have reached the age of presumptive menstruation.
- (52) Who also, since after the interruption she had her menses twice, may be assumed to be reverting to her former status of presumptive menstruation while the interruption might be attributed to a mere delay in the appearance of the discharge.
- (53) Whose menstrual flow must normally cease and any discharge of blood on whose part, however often that may occur (cf. Tosaf.), can only be regarded as an irregular and passing phase.
- (54) For notes on the statements of R. Simeon b. Lakish and R. Johanan cf. those on the statements of Rab and Samuel supra.
- (55) Between the Amoras mentioned regarding a pregnant and a nursing woman.

bleeding profusely it suffices for them, throughout all the days of their pregnancy and throughout all the days of their nursing respectively, to reckon their uncleanness from the time of their observing their flow; so R. Meir. R. Jose and R. Judah and R. Simeon, however, ruled: Only after a first observation did [the Sages] rule that it suffices for them¹ to reckon their uncleanness from the time of their observing the flow but after a second observation they cause uncleanness retrospectively for twenty-four hours or from their previous examination to their last examination.

IF, HOWEVER, SHE SUFFERED THE FIRST FLOW etc. R. Huna ruled: If on three occasions she jumped and suffered a flow she² has thereby established for herself a fixed period.³ In what respect?⁴ If it be suggested, In respect of certain days,⁵ could it not be objected that on any day on which she did not jump she observed no flow?⁶ — Rather, [the fixation meant is in respect] of jumps.⁷ But surely it was taught: ‘Any regular discharge established as a result of an accident, even though it had been repeated many times, does not establish a fixed period’. Does not this mean that no fixed period whatsoever⁸ is established? — No, it means that no fixed period is established in respect of days alone⁹ or jumps alone,¹⁰ but as regards days and jumps jointly¹¹ a fixed period is well established.¹² But ‘is it not obvious¹³ [that no fixed period can be established] in respect of days alone?¹⁴ — R. Ashi replied: [This¹⁵ was necessary in a case] for instance, where the woman jumped on two Sundays and suffered a flow while on a Sabbath¹⁶ she jumped and suffered no flow but on the Sunday following she observed one without jumping. As it might have been presumed that it had now become known retrospectively that¹⁷ it was the day¹⁸ and not the jumping¹⁹ that had caused the flow,²⁰ we were informed²¹ that it was the jump of the previous day¹⁶ ‘that was the cause²² and that the reason why the woman did not observe it was because the jump was premature.’²³

Another reading:²⁴ R. Huna’ ruled: If on three occasions she jumped and suffered a flow she has thereby established for herself a fixed period in respect of days but not in respect of jumps. In what circumstances?²⁵ — R. Ashi replied: If a woman jumped on two Sundays and on each occasion suffered a flow while²⁶ on one²⁷ Sunday she suffered one without jumping where it is obvious that it is the day²⁸ that is the cause.²⁹

MISHNAH. ALTHOUGH [THE SAGES] HAVE LAID DOWN THAT [FOR A WOMAN WHO HAS A SETTLED PERIOD] IT SUFFICES TO RECKON HER PERIOD OF UNCLEANNES FROM THE TIME SHE OBSERVED THE FLOW, SHE MUST NEVERTHELESS EXAMINE HERSELF [REGULARLY],³⁰ EXCEPT WHERE SHE IS A MENSTRUANT³¹ OR³² IS CONTINUING IN THE BLOOD OF PURIFICATION.³³ SHE³⁴ MUST ALSO USE TESTING-RAGS WHEN³⁵ SHE HAS MARITAL INTERCOURSE EXCEPT WHEN SHE CONTINUES IN THE BLOOD OF PURIFICATION³³ OR WHEN SHE IS A VIRGIN³⁶ WHOSE BLOOD IS CLEAN.³⁷ AND TWICE [DAILY] MUST SHE³⁴ EXAMINE HERSELF: IN THE MORNING³⁸ AND AT THE [EVENING] TWILIGHT,³⁹ AND ALSO WHEN SHE IS ABOUT⁴⁰ TO PERFORM HER MARITAL DUTY.⁴¹ PRIESTLY WOMEN ARE SUBJECT TO AN ADDITIONAL RESTRICTION [IN HAVING TO MAKE EXAMINATION] WHEN THEY ARE ABOUT TO EAT TERUMAH. R. JUDAH RULED: [THESE MUST EXAMINE THEMSELVES] ALSO AFTER THEY HAVE CONCLUDED A MEAL⁴² OF TERUMAH.

GEMARA. EXCEPT WHEN SHE IS A MENSTRUANT, because during the days of her menstruation she needs no examination.⁴³ This⁴⁴ is quite satisfactory according to R. Simeon b. Lakish who ruled, ‘A woman may establish for herself a settled period during the days of her zibah⁴⁵ but not during the days of her menstruation’,⁴⁶ [since the discarding of an examination would be] well justified.⁴⁷ According to R. Johanan, however, who ruled, ‘A woman may establish for herself a settled period during the days of her menstruation’, why should she not examine herself seeing that it is possible that she had established for herself a settled period?⁴⁸ — R. Johanan can answer you: I only spoke of a case where the woman observed the flow issuing⁴⁹ from a previously closed source,⁵⁰ but I did not speak of one where she observed it issuing⁵¹ from an already open source.⁵²

OR IS CONTINUING IN THE BLOOD OF PURIFICATION. It was assumed that the reference is to one who is only desirous of continuing in the blood of purification.⁵³ Now this⁵⁴ is quite satisfactory according to Rab who holds that 'it⁵⁵ all emanates from the same source which the Torah declared to be unclean [during a certain period]⁵⁶ and clean [during another period]'⁵⁷ [since the discarding of an examination would be] well justified;⁵⁸ but according to Levi who holds that 'it⁵⁵ emanates from two different sources'⁵⁹ why should she not examine herself, seeing that it is possible⁶⁰ that the unclean source had not yet ceased to flow?⁶¹ — Levi can answer you: This⁶² is in agreement with⁶³

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- (1) Pregnant and nursing women.
 - (2) Though a flow resulting from a jump is obviously an accident.
 - (3) This is explained presently.
 - (4) Is the period fixed.
 - (5) I.e., if the jump and resulting flow took place, for instance, on three Sundays, every subsequent Sunday is regarded as the fixed day so that even in the absence of a jump, if on examination she discovered a flow, her uncleanness is not retrospective, while if she failed to examine herself she is deemed to be unclean on the presumption that the flow had appeared at the fixed time.
 - (6) Which proves that the day itself is not the fixed period. How then could a Sunday on which she does not jump (cf. prev. n.) be regarded as the fixed period?
 - (7) Sc. on any day she jumped she is presumed to be unclean unless on examination she found herself to be clean.
 - (8) Even in respect of jumps.
 - (9) The Sundays, for instance, (cf. supra, p. 69, n. 7) on which she did not jump.
 - (10) On any day other than a Sunday.
 - (11) I.e., a Sunday on which she jumped.
 - (12) If she jumped on any Sunday that day is deemed to be her fixed period.
 - (13) Since each discharge was preceded by a jump.
 - (14) The answer being in the affirmative the difficulty arises: What need was there to teach the obvious?
 - (15) The ruling that no fixed period is established in respect of days alone.
 - (16) Saturday.
 - (17) As on the Saturday on which she jumped she suffered no flow while on the Sunday following on which she did not jump she observed one.
 - (18) The Sunday, since it was the third on which she observed a flow.
 - (19) Cf. prev. n. but one.
 - (20) And Sunday might consequently be regarded as her fixed period irrespective of whether she jumped on it or not.
 - (21) By the ruling under discussion (cf. supra n. 10).
 - (22) Of the discharge on the Sunday.
 - (23) Lit., 'the time of jumping had not yet arrived'. Her fixed period, therefore, is only a Sunday (not any other day of the week) on which she jumped (and no Sunday on which she did not jump).
 - (24) Cf. nn. on first reading supra, mut. mut.
 - (25) Lit., 'how is this to be imagined?'
 - (26) Cur. edd. in parenthesis, 'and on the Sabbath (Saturday) she jumped and did not observe (a flow)'. Cf. Elijah Wilna's glosses.
 - (27) Cur. edd. insert 'another' in parenthesis.
 - (28) In this case the Sunday.
 - (29) Of the discharge. Hence the ruling that a fixed period has been established 'in respect of days'.
 - (30) Morning and evening; in order to make sure that there was no discharge whatsoever.
 - (31) Who, having suffered a flow, is unclean for seven days irrespective of whether she had a flow or not on any of the last six days.
 - (32) After a childbirth.
 - (33) Cf. Lev. XII, 4. The examination would be purposeless since even the appearance of blood would not affect her cleanness.

(34) WHO HAS A FIXED PERIOD.

(35) Before or after.

(36) Newly married

(37) During the first four nights (cf. supra n. 9).

(38) To make sure that the objects she handled during the previous night are clean.

(39) Cf. prev. n. mut. mut.

(40) Lit., 'passes'.

(41) Lit., 'to serve her house'.

(42) Lit., 'at the time of their passing away from eating'.

(43) Cf. relevant n. on our Mishnah.

(44) That no examination is necessary.

(45) I.e., during the eleven days between the periods of menstruation. If, for instance, she suffered a menstrual flow on the first day of two consecutive months and also on the fifteenth day (which is one of the eleven days of zibah) of the same months, while on the first of the third month she had no menstrual flow and on the fifteenth of that month she again observed a flow she (on account of the three observations on the fifteenth) establishes for herself a settled period on the fifteenth of the subsequent months though the first two observations had taken place during the eleven days of zibah.

(46) If, for instance, she suffered a flow on the first and on the fifth day of one month and again on the fifth of the two subsequent months no settled period is thereby established for the fifth of the month, because during menstruation, a woman normally bleeds and a recurrent discharge proves no settled habit.

(47) Lit., 'beautiful', 'right'. Such an examination could serve no useful purpose whatsoever. It cannot serve the purpose of ascertaining whether she is clean (since she is in any case unclean even in the absence of a discharge) and it cannot serve the purpose of enabling her to establish a settled period (since no settled period can be established during the seven days of menstruation).

(48) Cf. prev. n. but one mut. mut.

(49) On each of the three occasions.

(50) If, e.g., the flow made its first appearance (cf. infra 39b) on the first day of three consecutive months as well on the twenty-fifth of the second month. In this case the first day of each subsequent month is regarded as the settled period, because the first two of the three discharges originated from a closed source (there having been no flow before) while the last (though it appeared after the menstruation had begun on the twenty-fifth of the previous months) is also regarded as originating from a closed source since the discharge on the twenty-fifth which originated from a closed source is deemed to be the commencement of the flow on the first of the following month that followed it.

(51) Even on one of the three occasions.

(52) As is the case spoken of in our Mishnah where even the first observation would be made during menstruation where the source is already open.

(53) But had not yet commenced then, i.e., a woman after childbirth who concluded the seven unclean days for a male or the fourteen unclean days for a female (cf. Lev. XII, 1-5).

(54) The ruling that no examination is necessary on the seventh or fourteenth day (cf. prev. n.).

(55) The blood discharged within forty or eighty days respectively after childbirth (cf. Lev. XII, 1-5).

(56) Cf. supra, n. 3.

(57) The thirty-three days after the seven for a male and the sixty-six days after the fourteen for a female (cf. Lev. XII, 4f).

(58) Lit., 'beautiful', 'right'. Such an examination would be purposeless since after the seventh and the fourteenth day respectively the woman would in any case be clean irrespective of whether there was any discharge or not.

(59) The unclean source being open during the first seven and fourteen days respectively and after the forty and eighty days respectively when the clean one is closed, while the latter is open during the thirty-three and sixty-six days respectively when the former is closed.

(60) Where there was a continuous issue from the unclean period into the clean one (cf. infra 35b).

(61) Unless there was an examination and it had been ascertained that there was a definite break in the flow at the end of the seven and the fourteen days respectively the woman might still be unclean even though the unclean period prescribed had passed. Why then should no examination be necessary?

(62) The ruling that the menstruant needs no examination.

(63) Lit., 'whose'.

Talmud - Mas. Nidah 11b

Beth Shammai who hold that 'it¹ all emanates from the same source'.² But would the Tanna teach an anonymous Mishnah³ in agreement with the view of Beth Shammai?⁴ — This is an anonymous ruling that is followed by a divergence of opinion, and wherever an anonymous ruling is followed by a dispute the halachah does not agree with the anonymous ruling. And if you prefer I might reply: Was it stated,⁵ 'desirous of CONTINUING'?⁶ It was only stated, 'CONTINUING'.⁷ But if the woman was already 'continuing'⁷ what was the purpose of stating the ruling?⁸ — It might have been assumed that she should examine herself in case she establishes for herself⁹ a settled period, hence we were informed [that no examination is necessary] because no settled period can be established [by the regularity of a discharge from] a clean source for that of an unclean one. This is satisfactory according to Levi who stated that there are two sources,¹⁰ but according to Rab who stated that there was only one source¹⁰ why should she not examine herself seeing that she might have established for herself⁹ a settled period? — Even in that case she cannot establish a settled period in the clean days for the unclean ones.

SHE MUST ALSO USE TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE etc. We have learnt elsewhere: If a young girl, whose age of menstruation¹¹ had not yet arrived, married, Beth Shammai ruled: She is allowed¹² four nights,¹³ and Beth Hillel ruled: Until the wound is healed.¹⁴ R. Giddal citing Samuel stated: They¹⁵ learnt this¹⁶ only in the case where bleeding through intercourse had not ceased, though she subsequently observed a discharge that may not have been due to intercourse;¹⁷ but if bleeding through intercourse had ceased¹⁸ and then she observed a discharge¹⁹ she²⁰ is unclean.²¹ If one night has passed without intercourse and then she observed a discharge she is unclean. If the colour of her blood changed²² she is unclean.

R. Jonah raised an objection:²³ **OR WHEN SHE IS A VIRGIN WHOSE BLOOD IS CLEAN** [she need not use testing-rags]. But why should she not rather use testing-rags²⁴ seeing that it is possible that the colour of her blood had changed? — Raba replied, Read the first clause: **EXCEPT WHERE SHE IS A MENSTRUANT OR IS CONTINUING IN THE BLOOD OF PURIFICATION**, from which it follows that only in those cases no examination is required but that a virgin whose blood is clean does require one.²⁵ But, then, are not the two rulings²⁶ mutually contradictory? — The former²⁷ refers to one who had marital intercourse, where it might well be assumed that the membrum was the cause of the change;²⁸ while the latter²⁹ refers to one who had no marital intercourse.³⁰ So it was also taught: This³¹ applies only in the case where 'bleeding through intercourse had not ceased, though she subsequently observed a discharge that may not have been due to intercourse, but if bleeding through intercourse had ceased and then she observed a discharge she is unclean. If one night has passed without intercourse and then she observed a discharge she is unclean. If the colour of her blood has changed she is unclean.'³²

TWICE [DAILY] MUST SHE etc. Rab Judah citing Samuel stated: They learnt this³³ only in respect of clean things, but to her husband she is permitted.³⁴ Is not this³⁵ obvious, seeing that we learnt, **IN THE MORNING**?³⁶ — Rather, if the statement³⁷ was at all made it was in connection with the final clause: **AND**³⁸ **ALSO WHEN SHE IS ABOUT TO PERFORM HER MARITAL DUTY**; Rab Judah citing Samuel stated, They learnt this only as regards a woman who was handling clean things, who, since it is necessary that she examine herself³⁹ for the sake of the clean things,⁴⁰ must also examine herself⁴¹ for the sake of her husband, but if a woman was not handling clean things she requires no examination. But what new point does he⁴² teach us, seeing that we have learnt: All women are in a condition of presumptive cleanness for their husbands?⁴³ — If the ruling were to be derived from the Mishnah⁴³ it might have been presumed that the ruling applied only to a woman who had a settled period but that a woman who had no settled period does require examination.⁴⁴ But does not our Mishnah⁴⁵ deal with one who has a settled period?⁴⁶ — Our Mishnah deals with

both one who had a settled period, and one who had no settled period,⁴⁷ and it is this that was meant,⁴⁸ that although she had a settled period, since she must be examined for the sake of the clean things she handled she must also be examined for the sake of her husband. But did not Samuel state this⁴⁹ once, for R. Zera citing R. Abba b. Jeremiah who had it from Samuel stated, 'A woman who had no settled period may not perform marital intercourse before she has examined herself'⁵⁰ and it has been explained⁵⁰ to refer to one who was engaged in the handling of clean things?⁵¹ — The one statement⁵² was inferred from the other.⁵³ So it was also taught: This⁵⁴ applies only to clean things⁵⁵ but to her husband she is permitted.⁵⁶ This,⁵⁷ however, applies only where he left her in a state of presumptive cleanness, but if he left her in one of presumptive uncleanness she remains for ever in her uncleanness until she tells him, 'I am clean'.

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- (1) The blood discharged within the forty or eighty days respectively after childbirth (cf. Lev. XII, 1-5).
 - (2) *Infra* 35b.
 - (3) Which, as a rule, represents the halachah.
 - (4) Whose rulings generally are contrary to the halachah which is in agreement with those of Beth Hillel.
 - (5) As has been arbitrarily assumed *supra*.
 - (6) Certainly not.
 - (7) *Sc.* the clean days had already begun.
 - (8) That no examination is necessary. Is it not obvious that an examination in such circumstances could serve no purpose whatsoever?
 - (9) During the period of clean days, by a discharge at regular intervals.
 - (10) *Supra* 11a.
 - (11) *Lit.*, 'her time to see'.
 - (12) After the first intercourse.
 - (13) In which intercourse with her husband is permitted despite the flow of blood, it being assumed that the flow is not due to menstruation (as is the case with one who married after attaining the age of menstruation) but to the wound that had been caused by the first intercourse.
 - (14) *Keth.* 6a. Cf. *prev.* two nn. *mut. mut.*
 - (15) Beth Hillel.
 - (16) 'Until the wound is healed'.
 - (17) As intercourse invariably caused the wound to bleed, any discharge of blood before the wound is healed is attributed to the same cause.
 - (18) Even if only on one occasion.
 - (19) Irrespective of whether it occurred during intercourse or at any other time.
 - (20) Since during one intercourse at least there was no bleeding and the wound may consequently be presumed to have been healed.
 - (21) The discharge being attributed to menstruation.
 - (22) From that of the blood at the first intercourse.
 - (23) Against the last ruling, 'If the colour etc.'.
 - (24) Before and after intercourse.
 - (25) As R. Jonah expected.
 - (26) The one referred to by R. Jonah and the inference from the first clause of our Mishnah cited by Raba.
 - (27) *Lit.*, 'here', the ruling referred to by R. Jonah.
 - (28) *Lit.*, 'the attendant (euphemism) disturbed them', so that the test after the intercourse would prove nothing: and since no test is to be made after intercourse none is required before it (*v.* Rashi).
 - (29) The inference of Raba.
 - (30) And a change of colour would be a clear indication that the wound is healed and the blood is that of menstruation.
 - (31) For notes *v.* those on R. Giddal's statement *supra*.
 - (32) For notes *v.* those on R. Giddal's statement *supra*.
 - (33) That there must be an examination (*v.* our Mishnah).
 - (34) Even without an examination.
 - (35) That the ruling had no reference to the woman's permissibility to her husband.

- (36) When no marital intercourse is permitted.
- (37) Of Samuel, 'They learnt this only etc.'
- (38) She must examine herself.
- (39) After intercourse.
- (40) It being possible that intercourse was the cause of some menstrual discharge.
- (41) Before intercourse.
- (42) Samuel, by the statement cited.
- (43) Infra 15a.
- (44) Hence the necessity for Samuel's ruling that even such a woman requires no examination in respect of her husband.
- (45) Which begins, ALTHOUGH . . . A WOMAN WHO HAS A SETTLED PERIOD and to which Samuel referred.
- (46) How then could it have been maintained that Samuel applied the law to one who had no settled period?
- (47) Since (as has explicitly been stated) the former requires examination it is self-evident that the latter also requires it.
- (48) By our Mishnah.
- (49) That even a woman who had no settled period need not be examined as far as her husband is concerned unless she was also in the habit of handling clean things.
- (50) Infra 12b.
- (51) But not to one who was not so engaged.
- (52) Cited in the name of Samuel.
- (53) Samuel himself having made one statement only.
- (54) That examination is required.
- (55) Sc. to ascertain whether the things the woman has handled are clean.
- (56) Even without an examination.
- (57) That to her husband she is permitted even without an examination.

Talmud - Mas. Nidah 12a

R. Zera enquired of Rab Judah: Should¹ a wife examine herself² for her husband? — The other replied: She should not examine herself. But [why should she not] examine herself, seeing that none could be the worse for it?³ If [she were to do] so her husband would be uneasy in his mind⁴ and he would keep away from her.

R. Abba enquired of R. Huna: Must⁵ a woman examine herself immediately [after intercourse] in order to make her husband liable to a sin-offering?⁶ The other replied: Is it at all possible for an examination to take place immediately [after intercourse], seeing that it was taught: 'What is meant by "immediately"?' This may be illustrated by the parable of an attendant⁷ and the witness⁸ who stand at the side of the lintel⁹ where the witness enters immediately after the attendant goes out, this being the interval which the Rabbis allowed as regards wiping off¹⁰ but not as regards examination?¹¹ — The question rather is whether she must wipe herself.¹² Some there are who say that it was this that he¹³ enquired of him:¹⁴ Must a woman examine herself [after intercourse]¹⁵ in order to make her husband liable¹⁶ to a suspended guilt-offering?¹⁷ — The other replied: She should not examine herself. But [why should she not] examine herself, seeing that none could be the worse for it?¹⁸ — If [she were to do] so¹⁹ her husband would be uncertain in his mind²⁰ and he would keep away from her.

AND ALSO WHEN SHE IS ABOUT etc. R. Ammi citing R. Jannai remarked: And this is the test²¹ of virtuous women.²² Said R. Abba b. Memel to R. Ammi: The Tanna learnt MUST,²³ [how then could] you learn 'virtuous women'?²² — The other replied: Because I maintain that whosoever observes the enactments of the Sages may be described as²⁴ virtuous.²⁵ Said Raba: Would then²⁶ one who does not observe the enactments of the Sages merely lose the designation of²⁷ virtuous man but would not be called wicked? Rather, said Raba, as for virtuous women the testing-rag, with which they have examined themselves before one intercourse, they do not use it before any other intercourse, but those who are not virtuous use it and do not mind.

[Reverting to] the main text,²⁸ ‘R. Zera citing R. Abba b. Jeremiah who had it from Samuel stated: A woman who has no settled period may not perform marital intercourse before she has examined herself’. Said R. Zera to R. Abba b. Jeremiah: Is it²⁹ only one who has no settled period that must have an examination while a woman who has a settled period requires no examination?³⁰ — The other replied: A woman who has a settled period must have an examination³¹ only when she is awake³² but not when she is asleep;³³ while a woman who has no settled period must have an examination whether she is awake or asleep. Raba observed: Could he³⁴ not reply³⁵ that a woman who had a settled period must be examined³⁶ in respect of clean things³⁷ but not in respect of her husband [alone]³⁸ while a woman who had no settled period must have an examination even in respect of her husband [alone]?³⁹ As, however, he did not give such a reply it may be inferred that Samuel holds the view that in respect of her husband alone³⁸ a woman⁴⁰ needs no examination.⁴¹

Our Rabbis taught: The wives of ass-drivers,⁴² labourers⁴³ and people coming from a house of mourning⁴³ or a house of feasting⁴⁴ are in respect of their husbands⁴⁵ deemed to be in a state of presumptive cleanness and the latter may, therefore, come and stay with them whether they are asleep or awake. This, however, applies only where the men⁴⁶ left the woman in a state of presumptive cleanness but if they left them in a state of presumptive uncleanness each woman is forever regarded as unclean until she announces to her husband ‘I am clean’. But how does Samuel⁴⁷ explain this case?⁴⁸ If it refers to a woman who has a settled period, does not a difficulty arise from the case where she is awake?⁴⁹ And if it refers to one who has no settled period, does not a difficulty arise both from the case where she is awake and from that where she is asleep?⁵⁰ — As a matter of fact it refers to one who had a settled period⁵¹ but⁵² as the husband had solicited her⁵³ there can be no more reliable⁵⁴ examination than this.⁵⁵

R. Papa asked Raba: May one⁵⁶ act in accordance with that Baraita?⁵⁷

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- (1) Lit., what is it (the ruling)’.
 - (2) Before intercourse.
 - (3) Lit., ‘and what is there in it’.
 - (4) Lit., ‘his heart beats him’.
 - (5) Lit., ‘what is it (the ruling)’.
 - (6) Should any trace of blood be found. If any blood is discovered immediately after intercourse the discharge is presumed to have begun before or during intercourse and the man is liable to a sin-offering (cf. infra 14a.).
 - (7) Euphemism, ‘the membrum’.
 - (8) The testing-rag. The consonants of the Hebrew equivalent may be rendered ‘witness’ as well as ‘testing-rag’.
 - (9) Euphemism.
 - (10) Externally.
 - (11) Infra 14b; which requires a longer interval. How then could it happen that an examination should be carried out ‘immediately’?
 - (12) Immediately after intercourse, so as to ascertain (cf. supra p. 77, n. 17) whether her husband is liable to a sin-offering.
 - (13) R. Abba.
 - (14) R. Huna.
 - (15) After the lapse of the interval defined supra as ‘immediately’.
 - (16) Should any blood be discovered.
 - (17) Which is incurred in the case of a doubtful transgression. The discovery of blood (cf. prev. n.) is no proof that the discharge began before or during the intercourse as it may have begun after.
 - (18) Lit., ‘and what is there in it’.
 - (19) Even if only after intercourse.
 - (20) Lit., ‘his heart beats him’.
 - (21) Lit., ‘their time’ or ‘testing-rag’.

- (22) Ordinary women, however, examine themselves only morning and evening (cf. Mishnah infra 14a).
- (23) Implying that every woman is subject to the obligation.
- (24) Lit., 'is called'.
- (25) Sc. it is the duty of every woman who desires to live in accordance with Rabbinic law to examine herself on each of the occasions specified in our Mishnah.
- (26) If R. Ammi's submission is correct.
- (27) Lit., 'would not be called'.
- (28) Quoted supra 11b ad fin.
- (29) Since Samuel spoke only of a woman 'who has no settled period'.
- (30) But how could this assumption be upheld in view of our Mishnah which prescribes an examination though it speaks of a woman who had a settled period?
- (31) Before intercourse is permitted.
- (32) Because (a) as she is then able to handle clean things and would have to be examined for the purpose she must also be examined for the sake of her husband: and (b) an examination when one is awake does not involve undue inconvenience.
- (33) When (a) she is unable to handle clean things and (b) an examination would mean much inconvenience (cf. prev. n. mut. mut.).
- (34) R. Abba b. Jeremiah.
- (35) To R. Zera.
- (36) For the sake of her husband also.
- (37) Sc. if she handled such objects. As she must be examined on account of the latter she must also be examined on account of the former.
- (38) If she handled no clean things.
- (39) Sc. even if no clean things had been handled by her.
- (40) Even if she has no settled period.
- (41) Samuel's statement supra that 'a woman . . . may not . . . before she examined herself' refers, therefore, to one who was engaged in the handling of clean things.
- (42) Sc. people whose occupations take them away from their homes for considerable periods.
- (43) Cf. prev. n.
- (44) Beth ha-mishteh, usually a wedding feast.
- (45) When these return home.
- (46) On departing.
- (47) Who, according to R. Abba b. Jeremiah, holds that (a) one who has a settled period must be examined when awake but not when asleep, while (b) one who has no settled period must be examined even when asleep.
- (48) In the Baraitha just cited.
- (49) Of course it does. According to this Baraitha no examination is required while according to Samuel (cf. (a) note 6) an examination is required.
- (50) In both cases (even when the woman is awake), no examination is expected, while according to Samuel (cf. (b) note 6) an examination must be held even when she is asleep.
- (51) Hence the ruling that no examination is necessary when she is asleep (cf. note 6).
- (52) In reply to the objection why no examination is required when she is awake.
- (53) And she consented.
- (54) Lit., 'great'.
- (55) Had she not ascertained beforehand that she was clean she would not have consented. Samuel's ruling, however, which ordains an examination applies only to husbands whose occupations do not take them away from their homes, and not to such (of whom the Baraitha speaks) as returned home after a considerable absence (cf. Tosaf. and Tosaf. Asheri).
- (56) Lit., 'what is it'.
- (57) Of the ass- drivers etc., i.e., (cf. Tosaf. contra Rashi) that no examination is necessary, as far as the husband is concerned, where the woman is half asleep (v. Tosaf, s.v. ב"י).

Talmud - Mas. Nidah 12b

— The other replied: Brewer,¹ no; because [otherwise]² she would become repulsive to him.

R. Kahana stated, 'I asked the women folk of the house of R. Papa and of R. Huna son of R. Joshua, "Do the Rabbis on coming home from the schoolhouse require you to undergo an examination"? And they answered me in the negative'. But why did he³ not ask⁴ the Rabbis themselves? — Because it is possible that they imposed additional restrictions upon themselves.⁵

Our Rabbis taught: A woman who has no settled period is forbidden marital intercourse and is entitled neither to a kethubah⁶ nor to a usufruct⁷ nor to maintenance,⁸ nor to her worn-out clothes.⁹ Her husband, furthermore, must divorce her and may never marry her again; so R. Meir. R. Hanina b. Antigonus ruled: She must use two testing-rags when she has marital intercourse; they render her unfit¹⁰ and they also render her fit.¹¹ In the name of Abba Hanan it was stated: Woe to her husband.¹² 'She is forbidden marital intercourse', because she might¹³ cause him moral injury. 'And is entitled neither to a kethubah', since she is unfit for cohabitation she is not entitled to a kethubah. 'Nor to usufruct nor to maintenance nor to her worn-out clothes' because the provisions¹⁴ embodied in the agreed terms of a kethubah are subject to the same laws as the kethubah itself.¹⁵ 'Her husband, furthermore, must divorce her and may never marry her again'. Is not this obvious?¹⁶ — It was necessary in the case where she was subsequently cured.¹⁷ As it might have been presumed that [in such a case] he may remarry her we were informed [that this is forbidden], because it may sometimes happen that having proceeded to marry another man she would be cured and [her first husband] would then say, 'Had I known that to be the case I would not have divorced her even if you had given me a hundred maneh', and the get would thus be annulled and her children would be bastards.¹⁸

'In the name of Abba Hanan it was stated: Woe to her husband'. Some explain: He said this in opposition to R. Meir,¹⁹ because [Abba Hanan maintains that] she must be allowed to collect her kethubah. Others there are who explain: He said it in opposition to R. Hanina b. Antigonus,²⁰ because [Abba Hanan maintains that intercourse is always forbidden] since thereby she might²¹ cause her husband to sin.

Rab Judah citing Samuel stated: The halachah is in agreement with R. Hanina b. Antigonus. But in what case? If it is one where the woman is engaged in the handling of clean things, has not Samuel [it may be objected] said it once?²² And if it is one where she was not engaged in the handling of clean things, did he not say [it may again be objected] that as far as her husband is concerned she requires no examination, for did not R. Zera in fact state in the name of R. Abba b. Jeremiah who had it from Samuel, 'A woman who had no settled period may not perform marital intercourse before she examines herself', and it has been explained to refer to one who was engaged in the handling of clean things?²³ — He who taught the one did not teach the other.²⁴ [

(1) Sodani, reference to R. Papa's occupation. (Cf. B.M. 65a). Aliter: 'Learned' or 'wise man' (v. Rashi).

(2) I.e., (cf. Tosaf.) if it had been necessary for the husband to rouse her and to wait until she has collected her thoughts and was in a condition to reply (contra Rashi).

(3) R. Kahana.

(4) What the law was.

(5) And this could be ascertained only by enquiring from the women. Had the enquiry been addressed to the Rabbis themselves they might have given the lenient ruling which applied to all, while R. Kahana was anxious to adopt any additional restrictions which the Rabbis may have imposed upon themselves.

(6) Sc. the fixed amount that is due to her from her husband on divorce or when he dies (v. Glos.).

(7) Of the melog (v. Glos.) property which she brought to her husband. Her husband is entitled to the usufruct despite the fact that she is deprived of her kethubah.

(8) Sc. if her husband before divorcing her went abroad the court does not authorize her to collect her maintenance expenses from his estate.

- (9) Though a woman as a rule is entitled to take with her when divorced whatever is left of the clothes she brought to her husband on marriage as melog property (cf. Keth. 79b).
- (10) If any blood is observed on them.
- (11) If they remained clean.
- (12) This is explained infra.
- (13) Should a discharge occur during intercourse.
- (14) Such as are the benefits mentioned.
- (15) As she cannot claim her kethubah she cannot claim these benefits either.
- (16) Why then should an obvious ruling have to be enunciated?
- (17) I.e., acquired a settled period.
- (18) Hence the ruling that he may never again marry her, even if she subsequently acquired a settled period. On the basis of this ruling the husband is duly cautioned when divorce is arranged that his act is definite and final and, consequently, any subsequent plea of his 'Had I known etc.' has no validity whatsoever (cf. Git. 46a).
- (19) Who ruled that she is not entitled to her kethubah from her husband.
- (20) Who holds that if she uses testing-rags she may have intercourse.
- (21) Were a discharge to occur during intercourse.
- (22) Cf. supra 11b ad fin. and infra.
- (23) Supra l.c.
- (24) It refers indeed to the case where the woman was engaged in handling clean things: but Samuel having given his ruling only once, Rab Judah applied it to the ruling of R. Hanina b. Antigonus, while R. Abba quoted it as an independent ruling.

Talmud - Mas. Nidah 13a

CHAPTER II

MISHNAH. EVERY HAND THAT MAKES FREQUENT EXAMINATION IS IN THE CASE OF WOMEN PRAISEWORTHY,¹ BUT IN THE CASE OF MEN IT OUGHT TO BE CUT OFF.²

GEMARA. Wherein [in this respect]³ do women differ from men?⁴ — Women [in this matter] are not sensitive,⁵ hence they are praiseworthy,¹ but in the case of men who are highly sensitive [their hands] ought to be cut off.² But, if so,² what was the point in saying 'MAKES FREQUENT' [seeing that the same reason² applies] also where [the examinations are] infrequent? — When 'MAKES FREQUENT' was mentioned it was intended to refer to women only.⁶

One taught: This⁷ applies only to the emission of semen but as regards flux⁸ a man also is as praiseworthy as the women;⁹ and even in regard to the emission of semen, if he desires to make the examination with a splinter or with a potsherd¹⁰ he may do so. May he not, however, do it with a rag, seeing that it was taught: A man may examine himself with a rag or with any other thing he wishes? — As Abaye stated elsewhere: 'With a thick rag'.¹⁰ so also here¹¹ it may be explained: With a thick rag.¹⁰ And in what connection was Abaye's statement made? In connection with the following: If a priest, while eating terumah, felt a shiver run through his body¹² he takes hold of his membrum¹³ and swallows the terumah.¹⁴ 'Takes hold'! But has it not been taught: R. Eliezer said, 'Whoever holds his membrum when he makes water is as though he had brought a flood on the world'?¹⁵ To this Abaye replied. 'With a thick rag'.¹⁶ Raba replied: It¹⁷ may even be said to apply to a soft rag for once the semen has been detached the subsequent touch does no longer matter.¹⁸ And Abaye?¹⁹ — He made provision against the possibility of an additional discharge.²⁰ And Raba? — He does not consider the possibility of any additional discharges. But does he not, seeing that it was taught, 'To what may this²¹ be compared? To the putting of a finger upon the eye where, as long as the finger remains on it, the eye continues to tear'?²² Now Raba?²³ — It is quite uncommon for one to get heated twice in immediate succession.²⁴

[Reverting to] the main text: 'R. Eliezer said, Whoever holds his membrum when he makes water is as though he had brought a flood on the world'. But, they said to R. Eliezer, would not the spray bespatter his feet and he would appear to be maimed in his privy parts so that he²⁵ would be the cause of casting upon his children the reflection of being illegitimate? — It is preferable, he answered them, that a man should be the cause of casting upon his children the reflection of being illegitimate than that he should make himself a wicked man, even for a while, before the Omnipresent. Another [Baraitha] taught: R. Eliezer replied to the Sages. It is possible for a man to stand on a raised spot and to make water or to make water in loose earth and thus to avoid making himself wicked, even for a while, before the Omnipresent. Which²⁶ did he²⁷ tell them²⁸ first? If it be suggested that it was the first mentioned statement that he gave them first [is it likely, it may be objected], that after he spoke to them of a prohibition²⁹ he would merely offer a remedy?³⁰ — The fact is that it was the last mentioned statement³¹ that he gave them first, and when they asked him, 'What is he to do when he can find no raised spot or loose earth', he answered them, 'It is preferable that a man should be the cause of casting upon his children the reflection of being illegitimate than that he should make himself a wicked man, even for a while, before the Omnipresent'.

But why all these precautions?³² — Because otherwise one might emit semen in vain, and R. Johanan stated: Whosoever emits semen in vain deserves death, for it is said in Scripture. And the thing³³ which he did³³ was evil in the sight of the Lord, and He slew him also.³⁴ R. Isaac and R. Ammi said. He³⁵ is as though he shed blood, for it is said in Scripture. Ye that inflame yourselves among the terebinths, under every leafy tree, that slay the children in the valleys under the clefts of the rocks;³⁶ read not 'that slay'³⁷ but 'that press out'.³⁸ R. Assi said: He³⁹ is like one who worships idols; for here³⁶ it is written, 'Under every leafy tree' and elsewhere⁴⁰ it is written, upon the high mountains . . . and under every leafy tree.⁴¹

Rab Judah and Samuel once stood upon the roof of the Synagogue of Shaf-weyathil⁴² in Nehardea. Said Rab Judah to Samuel 'I must make water'. 'Shinena',⁴³ the other replied, 'take hold of your membrum⁴⁴ and make the water outside [the roof]'. But how could he⁴⁵ do so, seeing that it was taught: R. Eliezer said, Whoever holds his membrum when he makes water is as though he brought a flood on the world? — Abaye replied: He treated this case as that of a reconnoitering troop, concerning which we learnt, 'If a reconnoitering troop has entered a town in time of peace the open wine jars are forbidden⁴⁶ and the closed ones are permitted,⁴⁷ but in times of war the former as well as the latter are permitted because the troops have no time to offer libations'.⁴⁸ Thus it clearly follows that owing to their being in a state of fear they do not think⁴⁹ of offering libations, and so also in this case, since he⁴⁵ was in a state of fear he would not think of lustful matters. But what fear could there be here? — If you wish I might reply: The fear of the night and of the roof.⁵⁰ If you prefer I might reply: The fear of his Master.⁵¹ If you prefer I might say: The fear of the Shechinah.⁵² If you prefer I might say: The fear of the Lord that was⁵³ upon him,⁵⁴ for Samuel once remarked of him⁵⁵ 'This man is no mortal being'.⁵⁵ If you prefer I might say: He was a married man, and concerning such R. Nahman ruled, 'If a man was married, this is permitted'. If you prefer I might say: It was this that he taught him, viz., that which R. Abba the son of R. Benjamin b. Hiyya learnt: But he may support the testicles from below. And if you prefer I might say: It was this that he taught them, viz., that which R. Abbahu stated in the name of R. Johanan: It has a limit; from the corona downward [touch] is permitted

(1) Since both husband and wife are thereby saved either from doubtful uncleanness or from certain transgression.

(2) Because of masturbation.

(3) FREQUENT EXAMINATION.

(4) Sc. why is the hand of the former PRAISEWORTHY while that of the latter OUGHT TO BE CUT OFF?

(5) I.e., the examination does not unduly excite their passions.

(6) Cf. n. 1.

(7) The culpability of men who make such examinations.

- (8) I.e., when a man is suffering from gonorrhoea and is desirous of ascertaining the number of attacks he had (v. next n.).
- (9) Since it is necessary to ascertain whether the attack occurred only twice or three times. In the former case the man is only unclean while in the latter he must also bring a sacrifice.
- (10) Avoiding masturbation.
- (11) In the Baraitha just cited.
- (12) Lit., 'that his limbs trembled', an indication of the imminent emission of semen.
- (13) To restrain the emission. Uncleanness does not set in until the semen has actually left the body.
- (14) Infra 40a.
- (15) Shab. 41a, infra 43a. The generation of the flood were guilty of such offences (cf. R.H. 12a). Now how, in view of R. Eliezer's statement, could one be allowed to commit an offence even for the sake of terumah?
- (16) Avoiding masturbation.
- (17) In the Baraitha just cited.
- (18) Lit., 'since it was uprooted it was uprooted', no more semen would be emitted despite the heat engendered.
- (19) Why, in view of Raba's explanation, does he restrict the application to a thick rag only?
- (20) Of semen.
- (21) The touching of the membrum after an emission.
- (22) Infra 43a. Lit. 'tears and tears again'.
- (23) How could he differ from this Baraitha?
- (24) Lit., 'any being heated and being heated again in its time'. Hence the ruling in the Mishnah infra 40a. The Baraitha infra 43a, on the other hand, refers to one who practised self-abuse.
- (25) Being assumed to be incapable of procreation.
- (26) Of the two statements cited.
- (27) R. Eliezer.
- (28) The Sages.
- (29) Which applies in all cases.
- (30) Implying that where the remedy is inapplicable the prohibition may be disregarded.
- (31) Lit., 'that'.
- (32) Lit., 'and all such, why'.
- (33) 'He spilled it on the ground' (Gen. XXXVIII, 9).
- (34) Gen. XXXVIII, 10.
- (35) Who emits semen in vain.
- (36) Isa. LVII, 5.
- (37) שוהטי.
- (38) מוהטי interchange of the sibilants shin and sin.
- (39) Who emits semen in vain.
- (40) In reference to idolatry.
- (41) Deut. XII, 2; an inference by analogy.
- (42) The name of a man or place. v. Meg. (Sonc. ed.) p. 175, n. 5.
- (43) 'Keen-witted', 'long-toothed' (denoting some facial characteristic) or 'man of iron endurance', cf. B.B. (Sonc. ed.) p. 561, n. 14.
- (44) To prevent the water from falling on the roof.
- (45) Rab Judah.
- (46) Because the troops may have offered them as libation to their idols.
- (47) It being assumed that the troops who have at their disposal the open jars would not meddle with the closed ones.
- (48) Keth. 27a, A.Z., 70b.
- (49) Lit., 'come'.
- (50) Standing on its edge in the darkness of the night he is afraid of falling off.
- (51) Samuel.
- (52) Which abides in the Synagogue.
- (53) Always, even when not on a roof or in the darkness of night.
- (54) So that no impure thoughts would occur to him even at any other time or place.

(55) Lit., 'born of woman'.

Talmud - Mas. Nidah 13b

but from the corona upwards¹ it is forbidden.

Rab stated: 'A man who wilfully causes erection should be placed² under the ban'. But why did he³ not say, 'This is forbidden'? Because the man⁴ merely incites his evil inclination against himself.⁵ R. Ammi, however, stated: He⁴ is called a renegade, because such is the art of the evil inclination: To-day it incites man to do one wrong thing,⁶ and to-morrow⁷ it incites him to worship idols and he proceeds to worship them.

There are others who read: R. Ammi⁸ stated, He who excites himself by lustful thoughts will not be allowed to enter the division of the Holy One, blessed be He. For here it is written, Was evil in the sight of the Lord,⁹ and elsewhere it is written, For Thou art not a God that hath pleasure in wickedness; evil shall not sojourn with Thee.¹⁰

R.¹¹ Eleazar stated: Who are referred to¹² in the Scriptural text, Your hands are full of blood?¹³ Those that commit masturbation with their hands.

It was taught at the school of R. Ishmael, Thou shalt not commit adultery¹⁴ implies, Thou shalt not practise masturbation either with hand or with foot.

Our Rabbis taught: 'proselytes and those that play with children delay the advent of the Messiah'. The statement about proselytes may be understood on the lines of the view of R. Helbo, for R. Helbo said, 'proselytes are as hard for Israel to endure as a sore',¹⁵ what, however, could be meant by 'those that play with children'?¹⁶ If it be suggested: Those that practise pederasty [it could well be objected]: Are not such people subject to stoning?¹⁷ If, however, it be suggested: Those that practise onanism through external contact¹⁸ [it could be objected]: Are not such deserving destruction by flood?¹⁷ — The meaning rather is: Those that marry minors who are not capable of bearing children, for R. Jose¹⁹ stated: The Son of David²⁰ will not come before all the souls in Guf²¹ will have been disposed of, since it is said, For the spirit that enwrappeth itself is from Me, and the souls which I have made.²² BUT IN THE CASE OF MEN IT OUGHT TO BE CUT OFF. The question was raised: Have we here²³ learnt a law or merely an execration? 'Have we here learnt a law' as in the case where R. Huna cut off one's hand;²⁴ 'or merely an execration'? — Come and hear what was taught: R. Tarfon said, 'If his hand touched the membrum let his hand be cut off upon his belly'. 'But', they said to him,²⁵ 'would not his belly be split'? 'It is preferable', he replied, 'that his belly shall be split rather than that he should go down into the pit of destruction'.²⁶ Now if you concede that we have here²⁷ learnt a law²⁸ one can well understand why they said, 'Would not his belly be split'; but if you maintain that we have only learnt of an execration,²⁹ what could be meant by [the question] 'His belly be split'? — What then would you suggest, that we have learnt here a law, would it not suffice, [it may be objected, that the cutting off shall] not be done on his belly? — The fact, however, is that it was this that R. Tarfon meant: Whosoever puts his hand below his belly that hand shall be cut off. They said to R. Tarfon, 'If a thorn stuck in his belly, should he not remove it'? 'No', he replied. 'But [they said] would not his belly be split'?³⁰ 'It is preferable', he replied, 'that his belly shall be split rather than that he should go down to the pit of destruction'.²⁶ MISHNAH. IN THE CASE OF A DEAF,³¹ AN IMBECILE, A BLIND OR AN INSANE³² WOMAN, IF OTHER WOMEN OF SOUND SENSES ARE AVAILABLE³³ THEY ATTEND TO HER,³⁴ AND SHE MAY THEN EAT TERUMAH.

GEMARA. Why should not a DEAF woman make her own examination, seeing that it was taught: Rabbi stated, A deaf woman was living in our neighbourhood and not only³⁵ did she examine herself

but her friends also on observing a discharge would show it to her?³⁶ — There it was a woman who could speak but not hear while here the reference is to one who can neither speak nor hear; as we have learnt: The deaf person of whom the Sages spoke is always³⁷ one who can neither hear nor speak.³⁸

A BLIND. Why should she not make her own examination and show the testing-rag to her friend? — R. Jose son of R. Hanina replied: The ‘blind’ is no part of the Mishnah.³⁹

OR AN INSANE WOMAN. Is not this exactly the same as IMBECILE?⁴⁰ This refers to one whose mind was deranged owing to a disease.

Our Rabbis taught: A priest who is an imbecile may be ritually immersed and then fed with *terumah*⁴¹ in the evening.⁴² He must also be watched that he does not fall asleep.⁴³ If he falls asleep he is deemed unclean⁴⁴ and if he does not fall asleep he remains clean. R. Eliezer son of R. Zadok ruled: He should be provided with a leather bag.⁴⁵ The Rabbis said to him: ‘Would not this cause heat all the more?’ ‘According to your view’, he replied, ‘should an imbecile have no remedy?’ ‘According to our view’, they retorted, ‘only if he falls asleep⁴⁶ is he deemed unclean but if he does not fall asleep he remains clean, while according to your view there is the possibility that he might discharge a drop of blood of the size of a mustard seed and this would be absorbed in the bag’.⁴⁷

A Tanna taught: It was stated in the name of R. Eleazar, The imbecile is to be provided with a metal bag. Abaye explained: It must be one of copper, as we have learnt.⁴⁸ R. Judah ruled, Those buds of hyssop⁴⁹ are regarded⁵⁰ as if they had been made of copper.⁵¹

R. Papa remarked: From this⁵² it may be inferred that breeches⁵³ are forbidden. But is it not written in Scripture, And thou shalt make them linen breeches to cover the flesh of their nakedness?⁵⁴ — That may be explained as it was taught: To what were the breeches of the priests like? They were like the knee breeches of horsemen, reaching upwards to the loins and downwards to the thighs. They also had laces but had no padding either back or front.⁵⁵

Abaye stated:

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- (1) In the direction of the body.
 - (2) Cf. Tosaf.
 - (3) Rab.
 - (4) Who indulges in the reprehensible practice.
 - (5) The practice, therefore, could only be condemned but not forbidden.
 - (6) Lit., ‘tells him: Do so’.
 - (7) Lit., ‘and on the morrow’.
 - (8) MS.M., ‘Assi’.
 - (9) Gen. XXXVIII, 10.
 - (10) Ps. V, 5. analogy between the two expressions of ‘evil’. Alfasi (Shab. XIV) inserts, ‘R. Eleazar said, What is meant by evil shall not sojourn with thee? The evil (minded) man shall not sojourn in Thy dwelling’.
 - (11) So MS.M. and Bah. Cur. edd. and Alfasi, ‘and R.’
 - (12) Lit., ‘what’.
 - (13) Isa. I, 15.
 - (14) Ex. XX, 13.
 - (15) V. Yeb. 47b.
 - (16) Who apparently commit no crime at all.
 - (17) They are; while here they are merely described as delaying the advent of the Messiah.
 - (18) Lit., ‘by way of limbs’.
 - (19) Var. lec. ‘Assi’ (Yeb. 62a) ‘Joseph’ (MS.M.).

- (20) The Messiah.
- (21) Lit., 'Body', the region inhabited by the souls of the unborn.
- (22) Isa. LVII, 16.
- (23) In the expression of 'OUGHT TO BE CUT OFF'.
- (24) Though the same expression (cf. prev. n.) was used. Sanh. 58b.
- (25) Cur. edd. in parenthesis, 'If a thorn stuck in his belly should he not remove it? He said to them: No'.
- (26) Gehenna.
- (27) In the expression of 'OUGHT TO BE CUT OFF'.
- (28) So that R. Tarfon's statement is to be taken literally.
- (29) The 'cutting off' being a mere figure of speech.
- (30) By the thorn.
- (31) I.e., deaf-mute (v. Gemara infra).
- (32) Lit., 'whose mind was deranged'.
- (33) Lit., 'they have'.
- (34) Lit., 'they prepare them', i.e., make the necessary examination and supervise the prescribed ritual immersion.
- (35) Lit., 'it was not enough'.
- (36) Who was an authority on the subject, in order to obtain her opinion on the colour whether it was that of clean or of unclean blood.
- (37) Lit., 'in every place'.
- (38) Hag. 2b.
- (39) It is a spurious addition.
- (40) Apparently it is; why then the repetition?
- (41) Which is forbidden to an unclean priest.
- (42) Since after due immersion one attains to cleanness at nightfall.
- (43) In his sleep under his bedclothes heat might be engendered and this would cause him to emit semen which would render him unclean and, therefore, unfit to eat terumah.
- (44) Cf. prev. n.
- (45) Which can be examined for traces of semen before any terumah is given to him.
- (46) After immersion and after nightfall.
- (47) Tosef. Nid. II. As it would thus be lost to sight the priest would be regarded as clean and terumah would, as a result, be eaten by one who is in fact unclean; and consequently an offence that is punishable by death (at the hand of God) would unconsciously be committed.
- (48) MS.M. and marg. n. Cur. edd., 'as it was taught'.
- (49) Used in connection with the water of purification.
- (50) When the water is measured to ascertain whether it contained sufficient for a sprinkling (cf. supra 9a).
- (51) Parah Xli, 5. Sc. as if they did not absorb any water at all; from which it follows, in support of Abaye's explanation, that copper is a non-absorbent.
- (52) The prohibition of a bag supra on account of the heat it engenders.
- (53) Such as engender heat, v. infra.
- (54) Ex. XXVIII, 42.
- (55) Hanging loosely round the organ the breeches could engender no heat.

Talmud - Mas. Nidah 14a

Camel riders¹ are forbidden to eat terumah.² So it was also taught: All camel-drivers are wicked,³ all sailors are righteous,⁴ but among the ass-drivers some are wicked and others righteous. Some say: The latter are those who use a saddle⁵ and the former are those who use no saddle;⁶ while others say: The former are those who ride astraddle⁷ and the latter are those who do not ride astraddle.⁸

R. Joshua b. Levi cursed the man who sleeps on his back.⁹ But this, surely, is not correct,¹⁰ for did not R. Joseph rule that one lying on his back should not read the shema',¹¹ from which it follows, does it not, that it is only the shema' that he must' not read but that he may well sleep in this

manner? — As regards sleeping on one's back this is quite proper if one slightly inclines sideways, but as regards the reading of the shema' even if one inclines sideways this is forbidden.¹² But did not R. Johanan turn slightly on his side and read the shema'? — R. Johanan was different [from other people] because he was corpulent.¹³

MISHNAH. IT IS THE CUSTOM OF THE DAUGHTERS OF ISRAEL WHEN HAVING MARITAL INTERCOURSE TO USE TWO TESTING-RAGS, ONE FOR THE MAN AND THE OTHER FOR HERSELF,¹⁴ AND VIRTUOUS WOMEN PREPARE ALSO A THIRD RAG WHEREBY TO MAKE THEMSELVES FIT FOR MARITAL DUTY.¹⁵ IF A VESTIGE OF BLOOD IS FOUND ON HIS RAG¹⁶ THEY ARE BOTH UNCLEAN¹⁷ AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE.¹⁸ IF ANY BLOOD IS FOUND ON HER RAG IMMEDIATELY AFTER THEIR INTERCOURSE THEY ARE BOTH UNCLEAN AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE. IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME THEY ARE UNCLEAN¹⁹ BY REASON OF DOUBT²⁰ BUT EXEMPT FROM THE SACRIFICE. WHAT IS MEANT BY 'AFTER A TIME'? WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE.²¹ BUT [IF BLOOD WAS FOUND SOME TIME] AFTER SUCH AN INTERVAL SHE CAUSES UNCLEANNESS RETROSPECTIVELY²² FOR A PERIOD OF TWENTY-FOUR HOURS²³ BUT SHE DOES NOT CAUSE THE MAN WHO HAD INTERCOURSE WITH HER TO BE UNCLEAN.²⁴ R. AKIBA RULED: SHE²⁵ ALSO CAUSES THE MAN WHO HAD INTERCOURSE WITH HER TO BE UNCLEAN.²⁶ THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO OBSERVED A BLOODSTAIN CONVEYS UNCLEANNESS TO THE MAN WHO HAD INTERCOURSE WITH HER.

GEMARA. But²⁷ why should not the possibility be considered that the blood might be that of a louse?²⁸ — R. Zera replied that place is presumed to be tested as far as a louse is concerned. There are others, however, who reply: It is too narrow for a louse. What is the practical difference between them?²⁹ — The practical difference between them is the case where a crushed louse was found.³⁰ According to the reply³¹ that the place is presumed to be tested, this must have come from somewhere else,³² but according to the reply³¹ that the place is too narrow it might be presumed that the attendant³³ has crushed it.³⁴

It was stated: If a woman examined herself with a rag that she had previously examined,³⁵ and then she pressed it against her thigh on which she found blood on the following day, Rab ruled: She³⁶ is subject to the uncleanness of a menstruant.³⁷ Said R. Shimi b. Hiyya to him: But, surely, you told us, 'She has only to take the possibility³⁸ into consideration'. It was also stated: Samuel ruled: She is subject to the uncleanness of a menstruant.³⁷ And so they also ruled at the schoolhouse: She is subject to the uncleanness of a menstruant.

It was stated: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood,³⁹ R. Joseph stated: Throughout all his lifetime R. Hiyya regarded [her] as unclean but in his old age he ruled that [she] was clean. The question was raised: What⁴⁰ does he⁴¹ mean: That throughout all his⁴² lifetime he regarded [her] as menstrually unclean⁴³ and in his old age he ruled that [she] was clean as far as menstruation is concerned but unclean on account of the bloodstain,⁴⁴ or it is possible that throughout his lifetime he regarded [her] as unclean on account of the stain⁴⁴ and in his old age he ruled that [she] was absolutely⁴⁵ clean? — Come and hear what was taught: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood, Rabbi ruled: She is regarded as menstrually unclean,⁴⁶ and R. Hiyya ruled: She is regarded as unclean on account of the bloodstain.⁴⁷

(1) Though priests.

- (2) The friction is apt to engender heat resulting in an emission of semen which renders them unclean and therefore unfit to eat terumah.
- (3) Cf. prev. n.
- (4) Because, though most of their life is spent on the perilous seas, they nevertheless remain constant in their ancestral faith.
- (5) When riding. Hence no heat is engendered (v. foll. n.).
- (6) Cf. prev. n. Contact with the animal's bare back engenders heat, as in the case of the camel-riders who never use a saddle.
- (7) Which is a cause of friction.
- (8) Holding both legs on one side.
- (9) Since this causes erection.
- (10) Lit., 'I am not'.
- (11) Cf. P. B., p. 40ff.
- (12) One must either sit or lie fully on his side.
- (13) It would have been too great a strain for him to lie on his side.
- (14) Supra 5a q.v. notes.
- (15) By examining themselves before intercourse. On the difference between the practice of the virtuous and that of the ordinary women cf. supra 12a.
- (16) Even though he made use of it some considerable time after intercourse.
- (17) Since it is obvious that the blood was due to a menstrual discharge during intercourse. As the woman is unclean the man also is unclean (cf. Lev. XV, 24).
- (18) For the sin of intercourse during uncleanness.
- (19) For seven days.
- (20) Anything they touched is, therefore, in a suspended state of uncleanness.
- (21) Euphemism.
- (22) According to Rabbinic, but not Pentateuchal law.
- (23) Both to objects and human beings, their uncleanness lasting until the evening.
- (24) For seven days. He is unclean, however, on the same day until evening in accordance with Rabbinic law (cf. prev. two nn.).
- (25) On account of the doubt.
- (26) For seven days (cf. supra 6a).
- (27) With reference to the ruling that IF A VESTIGE OF BLOOD IS FOUND . . . THEY ARE BOTH UNCLEAN . . . AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE.
- (28) As this is not impossible the uncleanness should only be one of a doubtful nature, so that if any terumah is involved it should not be burned but only kept in suspense, and the sacrifice also should be one for doubtful (asham talui) and not one for certain trespass (asham waddai).
- (29) The two replies.
- (30) On the testing-rag at some distance from the blood mark.
- (31) Lit., 'that expression which says'.
- (32) The blood must, therefore, be assumed to be that of menstruation.
- (33) Euphemism.
- (34) During intercourse, and the blood may consequently be attributed to it.
- (35) And ascertained that it was clean.
- (36) Since the rag was examined by her before use and found to be clean, and the blood that was transferred from it to her thigh must consequently be that of menstruation.
- (37) Sc. her uncleanness is definitely established. It is not regarded as one of a doubtful nature despite the possibility that the blood on her thigh may have come from some object other than the rag.
- (38) That the blood was that of menstruation.
- (39) And it is uncertain whether the blood was that of menstruation or of some other source with which the rag may have come in contact before the woman had used it.
- (40) Lit., 'how'.
- (41) R. Joseph.

- (42) R. Hiyya's.
 (43) I.e., certain uncleanness.
 (44) I.e., uncleanness of a doubtful nature.
 (45) Lit., 'from nothing'.
 (46) I.e., certain uncleanness.
 (47) I.e., uncleanness of a doubtful nature.

Talmud - Mas. Nidah 14b

Said R. Hiyya to him: 'Do you not agree that it¹ must be slightly bigger than the size of a bean?'² 'Indeed', the other replied. 'If so',³ the first retorted, 'you also regard it as a stain'.⁴ Rabbi, however, holds the opinion that it is necessary for the stain to be slightly bigger than the size of a bean in order to exclude the possibility of its being the blood of a louse, but as soon as this possibility is ruled out the blood must undoubtedly have come from her body. Now did not this occur⁵ when he was in his old age but when he was young he regarded it⁶ as menstrually unclean?⁷ This is conclusive.

Rabbi was commending R. Hama b. Bisa to R. Ishmael son of R. Jose as a great man, when the latter said to him, 'If you come across him⁸ bring him to me'. When he⁹ came he¹⁰ said to him, 'Ask me something'. 'What is the ruling', the other asked, 'if a woman examined herself with a rag which she had not previously examined and having put it into a box she found some blood upon it on the following day?' 'Shall I give you,' the first answered, 'the ruling according to the views of my father¹¹ or shall I rather give it to you according to the views of Rabbi?'¹² 'Tell me,' the other said, 'the ruling according to Rabbi'. 'Is this the person', R. Ishmael exclaimed, 'of whom it is said that he is a great man! How could one ignore¹³ the views of the Master¹⁴ and listen to those of the disciple?'¹⁵ R. Hama b. Bisa, however, was of the opinion that since Rabbi was the head of the college and the Rabbis were frequently in his company his traditions were more reliable.¹⁶ What is the view of Rabbi [that has just been referred to] and what is that of R. Jose? — R. Adda b. Mattena replied: — A Tanna taught, Rabbi declares her¹⁷ unclean and R. Jose declares her clean. In connection with this R. Zera stated: When Rabbi declared her unclean he did so in agreement with the ruling of R. Meir, but when R. Jose declared her clean he did so in accordance with his own view. For we learnt:¹⁸ If a woman when attending to her needs¹⁹ observed a discharge of blood, R. Meir ruled: If she was standing at the time she is unclean but if she was sitting she is clean. R. Jose ruled: In either case she is regarded as clean.²⁰ Said R. Aha son of Raba to R. Ashi: But did not R. Jose the son of R. Hanina state that when R. Meir ruled that the woman was unclean he did so only on account of the bloodstain,²¹ whereas Rabbi regarded her as unclean by reason of menstruation?²² — The other replied, What we maintain is this: When that ruling²³ was stated it was that the uncleanness was due to menstruation.²⁴

IF ANY BLOOD IS FOUND ON HER RAG IMMEDIATELY AFTER HER INTERCOURSE THEY ARE BOTH UNCLEAN etc. Our Rabbis taught:²⁵ What is meant by 'immediately'? This may be illustrated by the parable of the attendant and the witness who stood at the side of the lintel where the witness enters immediately after the attendant goes out, this being the interval which the Rabbis allowed as regards wiping off,²⁶ but not as regards an examination.²⁷

IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME etc. A Tanna taught: They²⁸ do incur the obligation of bringing a suspensive guilt-offering. But what is the reason of our Tanna?²⁹ — It is essential³⁰ [that the doubt shall be of the same nature as in the case of the consumption of] one piece of two pieces.³¹

WHAT IS MEANT BY 'AFTER A TIME'? etc. Is not, however, this³² incongruous with the following: What is meant by 'after a time'? R. Eleazar³³ son of R. Zadok explained: Within an interval in which³⁴ she can stretch out her hand, put it under the cushion or bolster, take out a

testing-rag and make examination with it?³⁵ — R. Hisda replied: By AFTER is meant the interval following this interval.³⁶ But was it not stated in connection with this,³⁷ IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME THEY ARE UNCLEAN, BY REASON OF THE DOUBT BUT EXEMPT FROM THE SACRIFICE. WHAT IS MEANT BY ‘AFTER A TIME’? WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE?³⁸ — It is this that was implied.³⁹ WHAT IS MEANT BY ‘AFTER A TIME’? Within an interval in which she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it; and WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE [the question of uncleanness is subject to] a divergence of view between R. Akiba and the Sages. But was it not stated,⁴⁰ AFTER SUCH AN INTERVAL?⁴¹ — It is this that was meant: And this is the interval concerning which R. Akiba and the Sages are at variance.

R. Ashi replied: The former and the latter⁴² represent the same length of time; when she has the testing-rag in her hand the time IS WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE, but if she has not the rag in her hand the time is limited to ‘within an interval in which she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it’.

An objection was raised: What is meant by ‘after a time’? This question was submitted by R. Eleazar son of R. Zadok to the Sages at Usha when he asked them,

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- (1) The bloodmark on the rag.
 - (2) Lit., ‘like a bean and more’. If it is smaller it may be presumed to be that of a louse (cf. infra 58b).
 - (3) That the stain must be no less than a certain minimum.
 - (4) Cf. supra n. 2. Had it been regarded as menstrual blood the smallest speck of it would have sufficed to cause certain uncleanness (cf. infra 40a)
 - (5) Lit., ‘he stood’.
 - (6) In agreement with Rabbi.
 - (7) Obviously he did, since in his youth he would not have ventured to differ from Rabbi who was his master (Rashi). Aliter: In his youth he would not have addressed Rabbi in the second person (cf. B.B. 158b) but as ‘the Master’ (Tosaf.).
 - (8) Lit., ‘when he comes to your hand’.
 - (9) R. Hama.
 - (10) R. Ishmael.
 - (11) R. Jose.
 - (12) These views are stated infra.
 - (13) Lit., ‘put down’.
 - (14) R. Jose.
 - (15) Rabbi.
 - (16) Lit., ‘sharpened’.
 - (17) The woman referred to in R. Bisa's question.
 - (18) So MS.M. and marg. gl. Cur. edd., ‘it was taught’.
 - (19) Making water.
 - (20) Mishnah infra 59b q.v. notes.
 - (21) I.e., doubtful uncleanness.
 - (22) Certain uncleanness. How then could R. Zera maintain that Rabbi followed the view of R. Meir?
 - (23) Of R. Jose b. Hanina.
 - (24) Cf. prev. n. but one mut. mut.
 - (25) Supra 12a, q.v. notes.
 - (26) Externally, which takes place instantly after intercourse.
 - (27) Internally, which must inevitably take place after a longer interval than the one allowed had elapsed. In the former case the uncleanness is certain and the sacrifice incurred is a sin-offering, while in the latter case the uncleanness is of a

doubtful nature and the sacrifice incurred is a suspensive guilt-offering.

(28) Husband and wife, contrary to the ruling of the Tanna of our Mishnah that they are EXEMPT FROM THE SACRIFICE.

(29) Cf. prev. n.

(30) If a suspensive guilt-offering is to be incurred.

(31) One of which was e.g., permitted fat and the other was forbidden fat, and it is not known which of the two pieces the person in question had consumed. Only in such a case of doubt is a suspensive guilt-offering incurred (cf. Ker. 17b). Where, however, the doubt involves only one object or person (as is the case under discussion where only one woman is concerned) no suspensive guilt-offering can be incurred.

(32) The definition of 'AFTER A TIME'

(33) So Bah. Cur. edd. 'Eliezer'.

(34) While still in bed.

(35) This interval (cf. prev. n.) being shorter than the one IN WHICH SHE CAN DESCEND FROM THE BED etc., it follows that, according to this Baraitha, during the longer interval the woman does not convey uncleanness to her husband and is only subject to the lesser restrictions of the twenty-four hours' period of retrospective uncleanness. How then are the two rulings to be reconciled?

(36) Defined in our Baraitha. Lit., 'after the after'. During the interval as defined in the Baraitha both husband and wife are subject to doubtful uncleanness but after that interval, and during the one defined in our Mishnah, the woman, according to the Rabbis, as stated in the next clause of the Mishnah, does not convey any uncleanness to her husband.

(37) The interval defined in our Mishnah.

(38) Which clearly shows, does it not, that during the interval spoken of in our Mishnah the woman does carry uncleanness to her husband?

(39) Sc. some words are missing from our Mishnah and are to be regarded as inserted.

(40) In connection with the dispute between R. Akiba and the Sages.

(41) Sc. after the one defined in our Mishnah; from which it follows that during this interval both agree that the woman does carry uncleanness to her husband.

(42) The interval defined in our Mishnah and the one defined in the Baraitha.

Talmud - Mas. Nidah 15a

'Are you perchance of the same opinion as R. Akiba that the woman¹ carries uncleanness to the man who had intercourse with her?'² 'We', they answered him, 'have not heard his ruling'.³ 'Thus', he said to them, 'did the Sages at Jamnia enunciate the ruling: If the woman did not delay more than the time in which she can descend from the bed and wash her face,⁴ this⁵ is regarded as 'within the time limit' and both are unclean on account of the doubt,⁶ and exempt from bringing a sacrifice but they are subject to the obligation of a suspensive guilt-offering. If she delayed for such a time during which she could descend from the bed and wash her face,⁷ this⁸ is regarded as being 'after the time',⁹ Similarly if she delayed¹⁰ for twenty-four hours¹¹ or for a period between her previous and her present examination,¹² the man who had intercourse with her is unclean on account of his contact,¹³ but not on account of his intercourse.¹⁴ R. Akiba ruled: He also contracts uncleanness on the ground of his intercourse.¹⁵ R. Judah son of R. Johanan b. Zakkai ruled: Her husband may enter the Temple and burn incense.¹⁶ Now according to R. Hisda¹⁷ one can well see why the Rabbis declare the man clean, but according to R. Ashi¹⁸ why do the Rabbis declare him clean? And should you reply that this is a case where she did not have the rag in her hand¹⁹ [it could be retorted:] Should not then²⁰ a distinction have been made explicitly between the case where the woman had a rag in her hand and where she had no rag in her hand?²¹ — This is a difficulty.

'R. Judah son of R. Johanan b. Zakkai ruled: Her husband may enter the Temple and burn incense'. But why should not a prohibition be imposed²² on the ground that the man came in contact with a menstruant during the twenty-four hours of her retrospective uncleanness? — He²³ holds the same view as Shammai who ruled: For all women it suffices to reckon their period of uncleanness from the time of their discovering the flow.²⁴ But should not a prohibition be imposed²¹ on the

ground that the man has experienced an emission of semen? — This is a case where his intercourse was not consummated.²⁵

THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO OBSERVED A BLOODSTAIN. Rab explained: [She conveys UNCLEANNES] retrospectively and the ruling is that of R. Meir.²⁶ Samuel, however, explained: [She conveys UNCLEANNES] from now²⁷ onwards and the ruling is that of the Rabbis. 'From now onwards'! Would not this²⁸ be obvious? — It might have been presumed that, since retrospective uncleanness for a period of twenty-four hours is only a Rabbinical measure and the uncleanness of bloodstains at all times²⁹ is also only a Rabbinical measure, as during the twenty-four hours' period a woman does not convey uncleanness to the man who had intercourse with her so also in the case of a stain²⁹ does she not convey uncleanness to the man who had intercourse with her, hence we were informed [that she does convey uncleanness to the man]. Might it not, however, be suggested that the law is so indeed?³⁰ — [No, since] in the former case there is no slaughtered ox in your presence³¹ but here there is a slaughtered ox in your presence.³² Resh Lakish also explained in the same way³³ [that uncleanness is conveyed] retrospectively and that the ruling is that of R. Meir. R. Johanan explained: [The uncleanness is conveyed] from now onwards and the ruling is that of the Rabbis.

MISHNAH. ALL WOMEN ARE IN THE CONDITION OF PRESUMPTIVE CLEANNESS FOR THEIR HUSBANDS.³⁴ FOR THOSE WHO RETURN FROM A JOURNEY THEIR WIVES ARE IN THE CONDITION OF PRESUMPTIVE CLEANNESS.

GEMARA. What need was there³⁵ to state,³⁶ THOSE THAT RETURN FROM A JOURNEY? — It might have been presumed that this³⁷ applies only to a husband who was in the town, since in such a case the woman thinks of her duties³⁸ and duly examines herself, but not to a husband who was not in town since the question of [marital] duty does not occur to her, hence we were informed [that the law applies to the latter case also]. Resh Lakish in the name of R. Judah Nesi'ah³⁹ observed: But this⁴⁰ applies only where the husband came and found her within her usually clean period.⁴¹ R. Huna observed: This⁴¹ was learnt only of a woman who had no settled period, but if she had a settled period intercourse with her is forbidden.⁴² Topsy turvy!⁴³ Does not, on the contrary, the reverse stand to reason, since in the case of a woman who has no settled period it might well be assumed that she experienced a discharge, but where she has a settled period [she should be presumed to be clean] since her period was fixed? — Rather, if the statement was at all made it was made in the following terms: R. Huna said, This⁴⁴ was learnt only in the case of a woman the time of whose settled period had not arrived⁴⁵ but if that time had arrived⁴⁵ she is forbidden,⁴² for he⁴⁶ is of the opinion that [the laws of] settled periods⁴⁷ are Pentateuchal. Rabbah b. Bar Hana said: Even if the time of her settled period has arrived she is also permitted,⁴⁸ for he is of the opinion that [the laws relating to] settled period are only Rabbinical.⁴⁹ R. Ashi reported thus: R. Huna said,

(1) For a period of twenty-four hours retrospectively.

(2) This (cf. prev. n.) being the only time limit recognized.

(3) Sc. his time limit. Consequently they could not possibly have adopted it.

(4) Sc. the time elapsed was no longer than that during which she can examine herself while still in bed.

(5) The discovery of a discharge within that space of time (cf. prev. n.).

(6) In agreement with R. Hisda supra.

(7) A period of time which is longer than the former (cf. supra n. 1).

(8) The discharge discovered after the period mentioned (cf. prev. n.).

(9) I.e., 'the interval following this interval' as R. Hisda explained (supra 14b).

(10) Longer than the periods mentioned.

(11) After intercourse.

(12) When the discharge was discovered.

(13) With the woman. Such a contact with a menstruant within the twenty-four hours' period only subjects him to one

day's uncleanness until nightfall and the uncleanness is only Rabbinical and of an uncertain character.

(14) With a menstruant; sc. the uncleanness, even in its uncertain character, does not extend over seven days as would have been the case with one who had intercourse with a confirmed menstruant.

(15) Cf. prev. n. mut. mut.

(16) This is explained infra.

(17) Who explained supra that the interval within which SHE CAN DESCEND FROM THE BED is regarded as the 'interval after this interval'.

(18) Who maintained supra that 'the former and the latter represent the same length of time'.

(19) So that after she descended from the bed she spent some more time in taking up the rag.

(20) In order to avoid the possible mistake that even within the shorter interval, when the woman had the rag in her hand, the Rabbis hold the man to be clean.

(21) Of course it should. Since no such distinction, however, is made it is obvious, is it not, that the Rabbis hold the man to be clean even if the discharge was discovered after the interval in which the woman can descend from the bed with the rag in her hand?

(22) Lit., 'and let (the prohibition) be inferred'.

(23) R. Judah.

(24) Supra 2a.

(25) R. Akiba, however, maintains that the first stage of intercourse with a menstruant is regarded as its consummation, and consequently uncleanness is conveyed even in such a case (Rashi).

(26) Who in regard to bloodstains adopts (supra 5a and infra 52b) the more restrictive view.

(27) The time of the discovery of the stain.

(28) That the Rabbis agree she conveys uncleanness after the discovery of a stain (cf. prev. n.).

(29) Even after discovery.

(30) That she does not convey uncleanness to the one who had intercourse with her after the discovery of a bloodstain just as she does not render him unclean retrospectively during the twenty-four hours prior to her having observed a discharge.

(31) Metaphor. Within the twenty-four hours prior to her having observed a discharge.

(32) Sc. the bloodstain had actually been discovered.

(33) As Rab supra.

(34) In respect of intercourse; sc. no examination is required for the purpose. It is necessary only for determining the condition of any clean objects the woman may have handled.

(35) Lit., 'wherefore to me'.

(36) After the ruling in the first clause which applies to all husbands.

(37) The ruling in the first clause.

(38) Lit., 'she throws upon herself' —

(39) The Prince, R. Judah II.

(40) The ruling in the final clause.

(41) I.e., within thirty days after her last observation of a discharge. After the thirty days, since most women have monthly periods, intercourse must be preceded by an examination. (12) That 'within her usually clean period' no examination is required.

(42) Unless there was previous examination.

(43) Lit., 'towards where' or towards the tail' (cf. B.B. (Sonc. ed.) p. 435, n. 17).

(44) That 'within her usually clean period' no examination is required.

(45) During the husband's absence from town.

(46) R. Huna.

(47) Sc. that when the date of a settled period arrives the woman is presumed to be in a state of doubtful uncleanness.

(48) No previous examination being required.

(49) Sc. the Rabbis required a woman to examine herself when the date of her settled period arrives in order to ascertain whether there was a discharge or not. If, however, her husband was out of town and on his return it was unknown to him whether she did or did not examine herself she is not to be regarded as being in a condition of doubtful uncleanness.

Talmud - Mas. Nidah 15b

Talmud - Mas. Nidah 15b

This¹ was learnt only of a woman who had no settled period that was determinable by days alone but one that was determinable by both days and leaps, so that since the period depends on some specific act it might well be presumed, that she did not leap and that, therefore, did not observe any discharge. Where, however, she has a settled period that was determinable by the days alone, she must have no intercourse, for he is of the opinion that the restrictions relating to settled periods are Pentateuchal. Rabbah b. Bar Hana ruled: Even if she has a settled period that was determined by the days alone, she is permitted intercourse, for he holds the opinion that [the restrictions relating to] settled periods are only Rabbinical.

R. Samuel citing R. Johanan ruled: If a woman has a settled period, her husband² may³ calculate the days of that period and⁴ come in unto her.⁵ Said R. Samuel b. Yeba to R. Abba: Did R. Johanan refer also to a young wife who⁶ is too shy to perform immersion? — The other replied: Did then R. Johanan speak of one who had actually⁷ observed a discharge? It may [in fact be held] that R. Johanan spoke⁸ only of a case where it is doubtful whether or not the woman did observe a discharge and where, [so that] even if some reason could be found for assuming that she did observe one, it may also be assumed that she had since performed immersions,⁹ but in a case where it is certain that she had observed a discharge, who could say that she had since performed immersion? And, seeing that it is a question of a doubt¹⁰ being opposed by a certainty¹¹ [she must be deemed unclean] since a doubt cannot take one out of a certainty. But does it not? Was it not in fact taught: If a haber¹² died and left a store-room full of fruits, even if they were only then due to be tithed,¹³ they are presumed to have been properly prepared.¹⁴ Now here it is a case of certain tebel¹⁵ and there is only the doubt as to whether or not it was tithed, and the doubt nevertheless sets aside the certainty? — No, there it is a case of a certainty against a certainty, in agreement with a statement of R. Hanina of Hozae,¹⁶ for R. Hanina of Hozae said: It is presumed with a haber that he does not allow anything to pass out of his control unless it has been duly prepared. And if you prefer I might say: It is a case of doubt against doubt, since [the man might have acted] in accordance with a suggestion of R. Oshaia, for R. Oshaia said: A man¹⁷ may resort to a device with his produce and store it¹⁸ together with its chaff¹⁹ so that²⁰ his cattle may eat of it²¹ and it is exempt from the tithe.²²

But does not a doubt set aside a certainty? Surely it has been taught: It once happened that the handmaid of a certain tax-collector in Rimmon²³ threw the body of a premature child into a pit, and a priest²⁴ came and gazed into it to ascertain whether it was male or female,²⁵ and when the matter came before the Sages²⁶ they pronounced him clean because weasels and martens are commonly found there.²⁷ Now here, surely, it is a certainty that the woman had thrown a premature child into the pit and a doubt whether they had dragged it away or not, and yet does not the doubt set aside the certainty? — Do not read, 'Threw the body of a premature child into a pit' but

(1) That the woman is presumed to be clean even if the date of her settled period had already arrived.

(2) Having been out of town for seven days after that period.

(3) On returning home during the days in which she had the opportunity of performing immersion and attain cleanness.

(4) Without asking her whether she had made use of her opportunity (cf. prev. n.).

(5) On the assumption that she had duly performed immersion and is now clean.

(6) Unless urged by her husband.

(7) Lit., 'certainly'.

(8) That the woman need not be asked.

(9) And since R. Johanan's ruling is based on the existence of these doubts there can be no distinction between a younger and an older woman.

(10) As to whether there was immersion in consequence of which she would be clean.

(11) Of a discharge which renders her unclean.

(12) V. Glos.

(13) Lit., 'sons of their day'.

- (14) A.Z. 41b; i.e., that the priestly and levitical dues have been duly set aside for them.
- (15) V. Glos. Since the fruit had reached a stage when it was liable to the dues (cf. prev. n.).
- (16) A district on the eastern side of the Tigris.
- (17) Desirous of avoiding tithes.
- (18) Lit., 'and brings it in'.
- (19) Only corn that had been winnowed before it was brought into the store-room within the house is liable to tithe.
- (20) Since it was brought in unwinnowed (cf. prev. n.).
- (21) Even after its subsequent winnowing. A human being, though permitted to eat it in accordance with Pentateuchal law, may not do so in accordance with a Rabbinic measure.
- (22) Even Rabbinically. Now since it is possible that the produce was taken to the store-room in accordance with R. Oshaia's suggestion (a case of doubtful tebel) and it is also possible that it had been duly tithed, we have here a case of doubt against doubt. As a haber is presumed not to allow anything to pass out of his hand unless it had been duly prepared the Rabbis in this case waived aside their restriction and allowed a human being also to eat of the produce.
- (23) A town near Jerusalem.
- (24) Who was ignorant of the laws of uncleanness (cf. Rashi's fourth interpretation and Tosaf.) and unaware that by bending over the pit just above the embryo he would contract uncleanness.
- (25) The period of a woman's uncleanness after childbirth is twice as long in the case of the latter as in that of the former (cf. Lev. XII, 2ff).
- (26) To decide whether the priest contracted uncleanness by bending over the pit and thus 'overshadowing' the dead body.
- (27) In pits. Tosef. Oh. XVI. These creatures might be presumed to have devoured or dragged away the body so that there was no 'overshadowing' on the part of the priest.

Talmud - Mas. Nidah 16a

'a kind of premature child'.¹ But was it not stated, 'To ascertain whether it was male or female'?² — It is this that was meant: And a priest came and gazed into it to ascertain whether she had aborted an inflated object or a premature child and, if some ground could be found for assuming that she aborted a premature child, to ascertain whether it was male or female. And if you prefer I might reply: Since weasels and martens are commonly found there they had certainly dragged it away.³

An enquiry was addressed to⁴ R. Nahman: [Is the examination at] regular menstrual periods Pentateuchal⁵ or only Rabbinical?⁶ The latter replied: Since our colleague Huna citing Rab ruled, If a woman who has a settled period did not make an examination when that period arrived but later on⁷ observed a discharge, she must take into consideration the possibility [of a discharge] on the date of the settled period,⁸ and also the possibility of [twenty-four hours retrospective uncleanness] on account of her observation.⁹ Thus¹⁰ it clearly follows that [the examination at] regular menstrual periods is Pentateuchal. There are others who say that he¹¹ replied thus: The reason then¹² is that she had 'observed a discharge,'¹³ but if she had not observed one the possibility¹⁴ need not be taken into consideration. Thus¹⁵ it follows clearly that [the examination at] regular menstrual periods is only Rabbinical.

It was stated: If a woman had a settled period, and when the time of that period arrived she did not make the examination and later she did make one, Rab ruled: If on examination she found that she was unclean she is unclean but if she found that she was clean she remains clean. Samuel, however, ruled, Even if on examination she found herself clean she is deemed unclean, since the guest¹⁶ comes at the usual time. Must it be assumed that they¹⁷ differ on [the question of the necessity for an examination at] regular menstrual periods, one Master¹⁸ holding that it is Pentateuchal¹⁹ and the other Master²⁰ maintaining that it is only Rabbinical?²¹ R. Zera replied: Both¹⁷ may agree that²² [the examination at] regular menstrual periods is Pentateuchal, but²³ one ruling²⁴ refers to a woman who examined herself within the period of the duration of her menstruation²⁵ while the other²⁶ refers to a woman who did not examine herself within the period of the duration of her menstruation.²⁷ R.

Nahman b. Isaac maintained: They¹⁷ differ on the very question of [the necessity for an examination at] the regular menstrual periods, one Master²⁸ holding that it is Pentateuchal²⁹ while the other Master³⁰ maintains that it is only Rabbinical.

R. Shesheth observed: [The discussion here] is analogous to that of the following Tannas: [For it was taught:] R. Eliezer³¹ ruled, She³² is to be regarded as menstrually unclean,³³ while R. Joshua³⁴ ruled: Let her be examined.³⁵ And these Tannas³⁶ differ on the same principle as the following Tannas. For it was taught: R. Meir ruled, She³⁷ is to be regarded as menstrually unclean,³⁸ while the Sages³⁴ ruled, Let her be examined.³⁵ Abaye observed, We also learnt to the same effect. For we learnt: R. Meir ruled, If a woman was in a hiding place³⁹ when the time of her regular period arrived and she did not examine herself, she is nevertheless clean, because fear suspends the menstrual flow.⁴⁰ The reason then⁴¹ is that there was fear, but if there had been no fear she would have been deemed unclean. Thus it clearly follows [that the necessity for an examination at] regular periods is Pentateuchal. May it be assumed that the following Tannas also differ on the same principle? For it was taught: If a woman observed some blood [that might be] due to a wound,⁴² even if this occurred during her usual period of menstruation, she is deemed to be clean;⁴³ so R. Simeon b. Gamaliel. Rabbi ruled: If she has a regular period⁴⁴ she⁴⁵ must take her period into consideration.⁴⁶ Now do they not differ on this principle, one Master⁴⁷ holding that [the examinations at] the regular periods are Pentateuchal, while the other Master⁴⁸ holds that they are only Rabbinical? — Rabina replied: No; both may agree that [the examinations at] the regular periods are only Rabbinical, but it is on the question whether the interior of the uterus is unclean⁴⁹ that they differ. R. Simeon b. Gamaliel holds that the woman is clean⁵⁰ but the blood⁵¹ is unclean because it comes through the uterus,⁵² and Rabbi⁵³ in effect said to him: If⁵⁴ you take into consideration the possibility of her usual menstrual flow, the woman also should be unclean,⁵⁵ and if⁵⁶ you do not take into consideration the possibility of her usual menstrual flow, [the blood also should be clean since] the interior of the uterus⁵⁷ is clean.

MISHNAH. BETH SHAMMAI RULED: A WOMAN NEEDS TWO⁵⁸ TESTING-RAGS FOR EVERY INTERCOURSE,⁵⁹ OR SHE MUST PERFORM IT IN THE LIGHT OF A LAMP.⁶⁰ BETH HILLEL RULED: TWO TESTING-RAGS⁶¹ SUFFICE HER FOR THE WHOLE NIGHT.⁶² [

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- (1) Sc. it was not certain whether it was a child at all. Hence it is here also a case of doubt against doubt.
 - (2) Implying that it was definitely a child and that the only doubt was as to its sex.
 - (3) Hence it is a case of a certainty against a certainty.
 - (4) Var. lec., 'Raba enquired of' (MS.M. and Asheri).
 - (5) So that if a woman failed to make the examination at the proper time she is deemed to be unclean (on the ground that the discharge had appeared at its usual time) even though she observed no blood when she examined herself some time later (since it might have dropped on the ground and been lost).
 - (6) Hence if she failed to make the examination at the proper time she is regarded as clean.
 - (7) Sc. at the first examination after the settled period.
 - (8) If it was due prior to the period of twenty-four hours immediately preceding the observation. Her uncleanness in such a case extends backward to the time of the settled period.
 - (9) If less than twenty-four hours intervened between the time of the settled period and the observation.
 - (10) Since the possibility of a discharge at the time of the settled period is taken into consideration presumably even where no subsequent discharge had been observed. It is now assumed that 'discharge' was mentioned only on account of the second clause, 'the possibility . . . on account of her observation'.
 - (11) R. Nahman.
 - (12) Why 'she must take into consideration . . . the date of the settled period'.
 - (13) It being assumed that as she discovered a discharge on examination she might also have discovered one if she had made an examination at the time of her settled period.
 - (14) Cf. prev. n. but one.
 - (15) Since in the absence of an examination she is regarded as clean.

- (16) Euphemism, sc. the regular menstrual discharge.
- (17) Rab and Samuel.
- (18) Samuel.
- (19) Hence the woman's uncleanness in the absence of one.
- (20) Rab.
- (21) Cf. prev. n. but one mut. mut. But how could this be reconciled with the first version of R. Nahman supra according to which Rab is of the opinion that the examination is Pentateuchal?
- (22) Lit., 'that all the world'.
- (23) As to the difficulty raised (v. supra n. 11).
- (24) The last cited.
- (25) As she nevertheless discovered no discharge, it may safely be assumed that there was none even earlier when the regular menstruation period had begun.
- (26) The first version of R. Nahman.
- (27) But did so later on. As it is quite likely that earlier, during the period of menstruation, there was a discharge, the woman must well be deemed unclean. An old ed. inserts here: 'And there are others who say that one Master spoke of one particular case and the other spoke of another particular case and there is in fact no difference of opinion between them' (v. Maharsha and marginal gloss).
- (28) Samuel.
- (29) Hence the woman's uncleanness in the absence of one.
- (30) Rab.
- (31) Maintaining that the examination is Pentateuchal.
- (32) A woman who failed to make the examination at the time of her regular period.
- (33) From the time her regular period was due to commence.
- (34) Holding that the examination is only Rabbinical.
- (35) Even though her period of menstruation had passed. If on examination she finds herself to be clean she is regarded as clean (despite the possibility of an earlier discharge) and if she finds herself unclean, the uncleanness is retrospective from the time her settled period was due.
- (36) R. Eliezer and R. Joshua.
- (37) A woman who failed to make the examination at the time of her regular period.
- (38) From the time her regular period was due to commence.
- (39) Sheltering from robbers or raiders.
- (40) Infra 39a.
- (41) Why she is regarded as clean.
- (42) In her womb.
- (43) The blood being attributed to the wound.
- (44) If she has no regular period Rabbi, for the reason given in prev. n., agrees with R. Simeon b. Gamaliel.
- (45) If the blood was observed on the day the period was due to commence.
- (46) Sc. she is regarded as unclean, since it is possible that some particle of menstrual blood was mixed up with that of the wound.
- (47) Rabbi.
- (48) R. Simeon b. Gamaliel.
- (49) Lit. 'as to the source, the place thereof is unclean'. And, therefore, capable of imparting uncleanness to any clean blood that passes through it.
- (50) Sc. she is not subject to the major uncleanness of menstruation which extends over seven days.
- (51) Though coming from a wound.
- (52) Where it contracts an uncleanness (a 'father of uncleanness') which causes it to impart a one day's uncleanness to a human being, so that any object touched by the woman on that day becomes unclean.
- (53) Relaxing the law.
- (54) By regarding the blood as unclean.
- (55) For seven days, as any other menstruant.
- (56) Since you exempt the woman from menstrual uncleanness.
- (57) Lit., 'the source of its place'.

(58) Previously unused.

(59) One is used before, and the other after and both are preserved until the morning when they are to be examined in daylight.

(60) So that the testing-rag may be immediately examined.

(61) One of which is used prior to the first intercourse and the other after the last.

(62) This being sufficient to determine whether she is menstrually unclean and whether she is to convey uncleanness to any clean object she may have handled. (So Rashi; cf., however, Tosaf. and Tosaf. Asheri for a different interpretation.)

Talmud - Mas. Nidah 16b

GEMARA. Our Rabbis taught: Although [the Sages] have said, 'He who has intercourse in the light of a lamp is contemptible',¹ Beth Shammai ruled: A woman needs two² testing-rags for every intercourse³ or she must perform it in the light of a lamp, but Beth Hillel ruled: Two testing-rags suffice for her for the whole night.

It was taught: Beth Shammai said to Beth Hillel, 'According to your view⁴ is there no need to provide against the possibility that she might emit⁵ a drop of blood of the size of a mustard seed in the course of the first act and this would be covered up with semen during the second act?'⁶ 'But', replied Beth Hillel, even according to your view⁷ is there no need to provide against the possibility that the spittle,⁸ while still in the mouth,⁹ was crushed out of existence?'¹⁰ '[We maintain our view,] the former retorted, 'because what is crushed once is not the same as that which is crushed twice'.

It was taught: R. Joshua stated, 'I approve⁵ of the view of Beth Shammai'.⁷ 'Master', said his disciples to him, 'what an extension [of the restrictions] you have imposed upon us!' 'It is a good thing', he replied, 'that I should impose extensive restrictions upon you in this world in order that your days may be prolonged in the world to come.

R. Zera remarked: From the words of all these authorities¹¹ we may infer¹² that a conscientious man should not indulge in intercourse twice in succession.¹³ Raba said: One may indulge in intercourse twice in succession, for that ruling¹⁴ was taught only in respect of clean objects.¹⁵ So it was also taught: This¹⁶ applies only to clean objects¹⁵ but to her husband she is permitted.¹⁷ This,¹⁸ however, applies only where he had left her in a state of presumptive cleanness, but if he left her in a state of presumptive uncleanness she is presumed to be in that state forever until she tells him, 'I am clean'.

R. Abba citing R. Hiyya b. Ashi who had it from Rab ruled: If a woman¹⁹ examined herself with a testing-rag which was subsequently lost she is forbidden intercourse until she had reexamined herself. R. Ela demurred: If it had not been lost²⁰ would she not²¹ have been allowed intercourse even though she is unaware [whether there was or there was not a discharge], why then should she not now also²² be allowed intercourse? — Raba replied: In the former case her proof is in existence,²³ but in the latter case²² her proof is not in existence.²⁴

R. Johanan stated: It is forbidden to perform one's marital duty in the day-time.²⁵ What is the Scriptural proof? That it is said, Let the day perish wherein I was born, and the night wherein it was said: 'A man-child is brought forth'.²⁶ The night is thus set aside²⁷ for conception but the day is not set aside for conception. Resh Lakish stated: [The proof is] from here: But he that despiseth His ways²⁸ shall die.²⁹ As to Resh Lakish, how does he expound R. Johanan's text?²⁶ — He requires it for the same exposition as that made by R. Hanina b. Papa. For R. Hanina b. Papa made the following exposition: The name of the angel who is in charge of conception is 'Night', and he takes up a drop and places it in the presence of the Holy One, blessed be He, saying, 'Sovereign of the universe, what shall be the fate of this drop? Shall it produce a strong man or a weak man, a wise man or a fool, a rich man or a poor man?' Whereas 'wicked man' or 'righteous one' he does not

mention, in agreement with the view of R. Hanina. For R. Hanina stated: Everything is in the hands of heaven except the fear of God, as it is said, And now, Israel, what doth the Lord thy God require of thee, but to fear etc.³⁰ And R. Johanan?³¹ — If that were the only meaning,³² Scripture should have written,³³ ‘A man-child is brought forth’³⁴ why then was it stated, ‘was brought forth a man-child’?³⁵ To indicate that the night³⁶ is set aside for conception³⁶ but the day is not set aside for conception. As to R. Johanan how does he expound the text of Resh Lakish?²⁹ — He requires it for [an application to the same types] as those described in the Book of Ben Sira:³⁷ ‘There are three [types] that I hate, yea, four that I do not love: A Scholar³⁸ who frequents wine-shops³⁹ [or, as others say, a scholar that is a gossip],⁴⁰ a person who sets up a college in the high parts of a town,⁴¹ one who holds the membrum when making water and one who enters his friend's house suddenly’.⁴² R. Johanan observed:⁴³ Even his own house.

R. Simeon b. Yohai observed: There are four [types]⁴⁴ which the Holy One, blessed be He, hates, and as for me, I do not love them: The man who enters his house suddenly and much more so [if he so enters] his friend's house, the man who holds the membrum when he makes water,

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- (1) The reason is given infra.
 - (2) Previously unused.
 - (3) V. supra p. 108, n. 16.
 - (4) That there is no need for a testing-rag after every act.
 - (5) Lit., ‘see’.
 - (6) So that the test after that act would not reveal it.
 - (7) That testing-rags must be used after each act.
 - (8) Sc. a drop of blood.
 - (9) Euphemism; the uterus; i.e., during the first intercourse.
 - (10) So that the test after that act would not reveal it.
 - (11) Lit., ‘all of them’, even Beth Hillel who requires only one test after the last act.
 - (12) Since intercourse is presumed to be the possible cause of a discharge.
 - (13) If there was no examination after the first act.
 - (14) That each or, at least, the last intercourse must be followed by an examination.
 - (15) Sc. to make sure that the woman did not convey to them uncleanness when handling them. As regards intercourse, however, when a woman is in a presumptive state of cleanness no examination is necessary.
 - (16) That each or, at least, the last intercourse must be followed by an examination.
 - (17) Even in the absence of an examination.
 - (18) That as regards her husband no examination is required.
 - (19) At night, before intercourse.
 - (20) Lit., ‘it is’.
 - (21) Since the examination of the rags, according to Beth Hillel, is never to take place before the following morning and, even according to Beth Shammai, no lamp is required at night and the examination is equally postponed until the morning whenever two rags are used for each act.
 - (22) Where the rag is lost.
 - (23) And it may well be examined in the morning to ascertain, regarding clean objects the woman had handled, whether she is clean or unclean. As regards intercourse too, should it be found that her uncleanness began prior to the act, she could bring a sin-offering.
 - (24) Were intercourse to be allowed in such a case there would be no possible means of ascertaining the condition of the woman any more than if there had been no examination at all. Hence Rab's prohibition.
 - (25) Cur. edd. insert in parenthesis, ‘said R. Hamnuna. MS.M. reads for ‘Hamnuna’ ‘Huna’.
 - (26) Job III, 3.
 - (27) Lit., ‘given’.
 - (28) Sc. has intercourse at an improper time.
 - (29) Prov. XIX, 16.
 - (30) Deut. X, 12.

- (31) Since Job III, 3 is required for the exposition of R. Hanina, whence does he derive his rulings?
- (32) Lit., 'if so'.
- (33) As E.V. in fact renders the Heb.
- (34) Sc. the word gaber (male-child) should have preceded horoh (brought forth).
- (35) Horoh (cf. prev. n.) preceding gaber and thus standing close to the word 'night'.
- (36) Cf. prev. n.
- (37) Cf. Ecclesiasticus XXI, 23.
- (38) Lit., 'chief'.
- (39) Lit., 'a house of drinkings'.
- (40) Cur. edd. in parenthesis insert 'and others say, an excitable scholar'.
- (41) A manifestation of arrogance.
- (42) It was to types like these that Prov. XIX, 16 alluded.
- (43) Not only 'his friend's house'.
- (44) Lit., 'things'.

Talmud - Mas. Nidah 17a

the man who when naked makes water in front of his bed, and the man who has intercourse in the presence of any living creature. 'Even', said Rab Judah to Samuel, 'in the presence of mice?' 'Shinena',¹ the other replied, 'no; but [the reference is to] a house like that of So and so where they have intercourse in the presence of their men-servants and maidservants.² But what was the exposition they made? — Abide ye here with³ the ass,⁴ implies: peoples that are like an ass. Rabbah son of R. Huna used to chase away the wasps from his curtained bed.⁵ Abaye drove away the flies.⁶ Rabba⁷ chased away the mosquitoes.⁶

R. Simeon b. Yohai stated, There are five things which [cause the man] who does them to forfeit his life and his blood is upon his own head: Eating⁸ peeled garlic, a peeled onion or a peeled egg, or drinking diluted liquids that⁹ were kept over night; spending a night in a graveyard; removing one's nails and throwing them away in a public thoroughfare; and blood-letting followed immediately by intercourse.

'Eating peeled garlic etc.' Even though they are deposited in a basket and tied up and sealed, an evil spirit rests upon them. This, however, has been said only where their roots or peel did not remain¹⁰ with them, but if their roots or peel remained with them there can be no objection.¹¹ 'And drinking diluted liquids that were kept over night'. Rab Judah citing Samuel explained: This applies only where they were kept over night in a metal vessel. R. Papa stated: Vessels made of alum crystals are the same in this respect as vessels made of metal. So also said R. Johanan: This applies only where they were kept in a metal vessel; and vessels made of alum crystals are the same in this respect as vessels made of metal.

'Spending a night in a graveyard', in order that a spirit of uncleanness may rest upon him.¹² [This should not be done] since in consequence he might sometimes be exposed to danger.

'Removing one's nails and throwing them away in a public thoroughfare'. [This is dangerous] because a pregnant woman passing over them would miscarry. This, however, has been said only of a case where one removes them with a pair of scissors. Furthermore, this has been said only of a case where one removes the nails of both hands and feet. Furthermore, this has been said only in the case where one did not cut anything immediately after cutting them but if something was cut immediately after they were cut there can be no danger.¹³ This, however, is not [to be relied upon]. One should be on his guard in all the cases mentioned.¹⁴

Our Rabbis taught: Three things have been said about the disposal of nails: He who burns them is a pious man, he who buries them is a righteous man, and he who throws them away is a wicked man.¹⁵

'And blood-letting followed immediately by intercourse'. [This should be avoided] because a Master said: If a man has intercourse immediately after being bled, he will have feeble¹⁶ children; and if intercourse took place after both husband and wife have been bled, they will have children afflicted with ra'athan.¹⁷ Rab¹⁸ stated: This has been said only in the case where nothing was tasted after the bleeding but if something was tasted after it there can be no harm.¹⁹

R. Hisda ruled: A man is forbidden to perform his marital duty in the day-time, for it is said, But thou shalt love thy neighbour as thyself.²⁰ But what is the proof? — Abaye replied: He might observe something repulsive in her and she would thereby become loathsome to him.

R. Huna said, Israel are holy and do not perform their marital duties in the day-time. Raba said, But in²¹ a dark house this is permitted; and a scholar²² may darken a room with his cloak and

perform his marital duty. [But] we have learnt, OR SHE MUST PERFORM IT IN THE LIGHT OF A LAMP? — Read: SHE MUST examine IT IN THE LIGHT OF A LAMP.

Come and hear: Although [the Sages] have said, He who has intercourse in the light of a lamp is loathsome [etc.]?²³ — Read: He who examines his bed²⁴ in the light of a lamp is loathsome.²⁵

Come and hear: And the people of the house of Monobaz²⁶ did three things, and on account of these they were honourably mentioned: They performed their marital duties in the day-time, they examined their beds with cotton,²⁷ and they observed the rules of uncleanness and cleanness in the case of snow. At all events, was it not here stated, ‘They performed their marital duties in the day-time’? Read: They examined their beds in the day-time. This may also be supported by logical argument. For if one were to imagine [that the reading is] ‘performed their marital duties’, would they have been ‘honourably mentioned’? — Yes, indeed,²⁸ because owing to the prevalence²⁹ of sleep³⁰ she is likely to become repulsive to him.

‘They examined their beds with cotton.’ This provides support for a ruling of Samuel. For Samuel ruled: The bed³¹ may be examined only with cotton tufts or with clean and soft wool. Rab observed: This explains what they said in Palestine³² on Sabbath eves,³³ when I was there, ‘Who requires cotton tufts for his bread’,³¹ and I did not understand at the time what they meant.

Raba stated: Old flax garments are admirably suited for examination purposes. But can this be correct,³⁴ seeing that the school of Manasseh taught: The bed³¹ may not be examined either with a red rag or with a black one or with flax,³⁵ but only with cotton tufts or with clean and soft wool?³⁶ This is no difficulty, since the latter refers to flax while the former refers to garments of flax. And if you prefer I might reply: Both refer to garments of flax but the latter deals with new ones while the former deals with old ones.³⁷

‘They observed the rules of uncleanness and cleanness in the case of snow.’ We learnt elsewhere: Snow is neither a food nor a drink. Though one intended to use it as food it is not subject to the laws of the uncleanness of foodstuffs,³⁸ [but if one intended to use it] as a drink it is subject to the laws of the uncleanness of drinks. If a part of it contracted uncleanness all of it does not become unclean,³⁹ but if a part of it became clean⁴⁰ all of it becomes clean. Now is not this self contradictory? You first said, ‘If a part of it contracted uncleanness all of it does not become unclean’, and then you said, ‘If a part of it became clean all of it becomes clean’, which implies, does it not, that all of it was previously unclean?⁴¹ — Abaye replied: This is a case, for instance, where it⁴² was carried across the air-space of an oven,⁴³ [in which case all the snow is unclean] because the Torah testified concerning an earthen vessel⁴⁴ that

(1) Cf. n. supra 13a.

(2) Who were heathens.

(3) The Heb. equivalent may be read both ‘im (with) and ‘am (a people).

(4) Gen. XXII, 5.

(5) So Aruch. V. Tosaf. contra Rashi.

(6) So that no living creature should be near.

(7) Var. lec. ‘R. Papa’ (MS.M and ‘En Jacob).

(8) Lit., ‘he who eats’.

(9) The adjectival clause qualifies all the foodstuffs mentioned.

(10) Lit., ‘he did not leave’.

(11) Lit., ‘we have nothing against it’.

(12) ‘To enable him to foretell the future’, cf. Sanh. (Sonc. ed.) p. 446.

(13) Lit., ‘we have nothing against it’.

(14) Lit., ‘we fear for all the thing’.

- (15) V. M.K. 18a.
- (16) Or 'nervous'.
- (17) Ra'athan is one of the skin diseases causing extreme debility and nervous trembling. Cf. Keth. (Sonc. ed.) p. 486f.
- (18) The parallel passage in Keth. 77b has 'R. Papa'.
- (19) Lit., 'we have nothing against it'.
- (20) Lev. XIX, 18.
- (21) Lit., 'and if there was'.
- (22) Who may be relied upon properly to darken the place.
- (23) V. supra 16b. Emphasis on the last word, implying that there is no actual prohibition.
- (24) Euphemism.
- (25) Since no proper examination can be made in its dim light.
- (26) King of Adiabene, whose family embraced Judaism.
- (27) Or 'clean and soft wool', on which the smallest particle of blood could be detected. Lit., 'wool of Parhaba' (Probably a geographical name), v. Jast.
- (28) Lit., 'thus also'.
- (29) In the night-time.
- (30) Which numbs the passions.
- (31) Euphemism.
- (32) Lit., 'there'.
- (33) Fridays. Friday night is the time appointed for scholars.
- (34) Lit., 'I am not'.
- (35) Which is not white enough to show up a small speck of blood.
- (36) An objection against Raba.
- (37) The more they are washed the more suitable they are for the purpose.
- (38) Since it is more like a drink than a food.
- (39) Because each particle of snow is regarded as a separate entity; and only that entity that had directly been touched by the unclean object contracts the uncleanness.
- (40) By coming in contact with the water of a ritual bath (v. Bez. 17b).
- (41) But how is it possible for an uncleanness to have come in contact with all of it?
- (42) The snow.
- (43) In which there was a dead creeping thing.
- (44) Such as the oven spoken of.

Talmud - Mas. Nidah 17b

even if it was full of mustard seed¹ [all within it is unclean].²

MISHNAH. THE SAGES SPOKE OF A WOMAN IN METAPHOR: [THERE IS IN HER] CHAMBER³ AN ANTE-CHAMBER⁴ AND AN UPPER CHAMBER.⁵ THE BLOOD OF THE CHAMBER⁶ IS UNCLEAN, THAT OF THE UPPER CHAMBER⁷ IS CLEAN. IF BLOOD IS FOUND IN THE ANTE-CHAMBER, AND THERE ARISES A DOUBT ABOUT ITS CHARACTER,⁸ IT IS DEEMED UNCLEAN, BECAUSE IT IS PRESUMED TO HAVE COME FROM THE SOURCE.³

GEMARA. Rami b. Samuel and R. Isaac son of Rab Judah learnt the tractate of Niddah at R. Huna's. Rabba son of R. Huna once found them while they were sitting at their studies and saying: The chamber is within, the ante-chamber is without and the upper chamber is built above them,⁹ and a duct communicates between the upper chamber and the ante-chamber.¹⁰ If blood is found anywhere from the duct inwards, and there is any doubt about its character,⁸ it is deemed unclean¹¹ but if it is found anywhere from the duct outwards, and there is a doubt about its character,⁸ it is deemed clean.¹² He¹³ thereupon proceeded to his father and said to him, 'You told them, Master,¹⁴ that "if there is any doubt about its character¹⁵ it is deemed unclean", but have we not learnt:

BECAUSE IT IS PRESUMED TO HAVE COME FROM THE SOURCE?'¹⁶ 'I', the other replied, 'meant this: [Blood found anywhere] from the duct inwards is¹⁷ undoubtedly unclean,¹⁸ [but if it was found anywhere] from the duct outwards, it is deemed to be doubtfully unclean'.¹⁹ Said Abaye: Why is²⁰ it [that if blood is found anywhere] from the duct outwards it is deemed to be doubtfully unclean?²¹ Obviously because it is possible that she bowed down and the blood flowed thither from the chamber. [But, then, why in the case where blood is found anywhere] from the duct inwards, is it not also assumed that she might have staggered backwards²² and the blood originated from the upper chamber?²³ Rather, said Abaye, if you follow possibilities²⁴ the uncleanness is doubtful in either case²⁵ and if you follow presumption [blood found anywhere] from the duct inwards is undoubtedly unclean,²⁶ [but if it was found anywhere] from the duct outwards it is undoubtedly clean.²⁷

R. Hiyya taught: Blood found in the ante-chamber²⁸ renders [the woman] liable [for a sin-offering] if she enters the Sanctuary,²⁹ and terumah³⁰ must be burnt on its account.²⁹ R. Kattina, however, ruled: No sin-offering³¹ is incurred if she enters the Sanctuary,³² and terumah³⁰ is not burnt on its account.³² According to the first alternative³³ which Abaye mentioned, viz., 'If you follow possibilities',³⁴ support is available for the ruling of R. Kattina³⁵ but³⁶ a divergence of view is presented against R. Hiyya. According to the second alternative³³ you mentioned, viz., 'If you follow presumption'³⁷ support is provided for the ruling of R. Hiyya³⁸

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- (1) So that only those seeds that are actually round the sides of the oven could possibly come into direct contact with the oven.
 - (2) V. Hul. 24b. Which proves that, in the case of an earthenware oven, uncleanness is conveyed to objects within it, even though these had not come in direct contact with it.
 - (3) The uterus.
 - (4) Vagina.
 - (5) The urinary bladder (from the point of view of a woman lying on her back).
 - (6) Being menstrual.
 - (7) Being due to some internal wound.
 - (8) Sc. whether it originated in the uterus or urinary bladder.
 - (9) Cf. supra n. 7.
 - (10) So that blood from the former may trickle down into the latter.
 - (11) Since it is obvious that it came from the chamber. Had it come from the upper chamber it could not in the natural course have made its way backwards to the spot where it was discovered.
 - (12) Because it is presumed to have originated from the upper chamber.
 - (13) Rabbah b. R. Huna.
 - (14) So MS.M. Cur. edd., 'you told us, Master'.
 - (15) The expression of 'doubt' obviously implying that there was no proof whatsoever that the blood originated in the chamber.
 - (16) Emphasis on PRESUMED. If it is presumed to originate from the source (sc. the chamber) the uncleanness could not be described as a matter of 'doubt' but as one of certainty.
 - (17) In agreement with our Mishnah.
 - (18) V. supra p. 216, n. 13.
 - (19) It being impossible to decide whether it originated in the chamber or in the upper chamber.
 - (20) Lit., 'what is the difference'.
 - (21) Though, since on that spot it is most likely to have come from the upper chamber, one might well have expected it to be clean.
 - (22) And thus caused the blood to flow inwards.
 - (23) Since this is obviously a possibility the uncleanness should only be a matter of doubt and not, as R. Huna asserted, a certainty.
 - (24) Bending forward or staggering backwards.
 - (25) Whether the blood is found on the one or on the other side of the duct, since in either case two possibilities (cf. prev. n.) may be equally assumed.

(26) Since it may well be presumed to have originated in the chamber. Had it originated in the upper chamber it would have made its way to the outer side of the duct only. Our Mishnah's ruling, IT IS DEEMED UNCLEAN etc. may thus refer to such a case.

(27) Since in that place it is presumed to have come from the upper chamber, and the possibility of bending forward is disregarded.

(28) It is explained infra on which side of the duct.

(29) Because the blood is certainly unclean.

(30) That was touched by the woman.

(31) Though the entry is forbidden.

(32) Since the character of her blood cannot be determined with any degree of certainty.

(33) Lit., 'that expression'.

(34) Sc. that the uncleanness is merely a matter of doubt.

(35) Who also regards the uncleanness as doubtful. R. Kattina might thus refer to both cases, where the blood was found on the one, or on the other side of the duct.

(36) Since no certain uncleanness is recognized.

(37) In accordance with which a distinction is drawn between blood found from the duct inwards or outwards.

(38) Whose ruling would thus refer to blood found from the duct inwards.

Talmud - Mas. Nidah 18a

but¹ a divergence of view is presented against R. Kattina.² According to the ruling of R. Huna³ neither of them differs from the other,⁴ since one⁵ might deal with blood found anywhere from the duct inwards while the other⁶ might deal with such as was found anywhere from the duct outwards. According to Rami b. Samuel and R. Isaac the son of Rab Judah, however, who ruled, 'From the duct outwards, and there is a doubt about its character, it is deemed clean' and 'from the duct inwards, and there is a doubt about its character, it is deemed unclean', how are these rulings⁷ to be explained? Obviously [as referring⁸ to blood found] anywhere from the duct inwards.⁹ Must it then be assumed¹⁰ that their ruling differs from that of R. Hiyya?¹¹ — This is no difficulty, since one¹² refers to blood found on the floor of the ante-chamber¹³ while the others¹⁴ refer to blood found on the roof of the ante-chamber.¹⁵

R. Johanan stated: In three instances¹⁶ did the Sages follow the majority rule¹⁷ and treated them as certainties, viz., the 'source', the 'placenta' and the 'piece'. The 'source'? The case already spoken of.¹⁸ The 'placenta'? Concerning which we have learnt: If a placenta¹⁹ is within a house, the house is unclean;²⁰ and this is so not because a placenta is regarded as a child but because generally there is no placenta without a child in it.²¹ R. Simeon said, The child might have been mashed²² before it came forth.²³ A 'piece'? For it was taught:²⁴ If a woman aborted a shaped²⁵ hand or a shaped foot she²⁶ is subject to the uncleanness of birth,²⁷ and there is no need to consider the possibility²⁸ that it might have come from a shapeless body.²⁹ But are there³⁰ no others?³¹ Is there not in fact the case of nine shops³² concerning which it was taught: If there were nine shops³² all of which were selling ritually killed meat and one shop that was selling nebelah³³ meat and a man bought some meat in one of them and he does not know in which of them he bought it, the meat is forbidden on account of the doubt;³⁴ but if³⁵ meat is found,³⁶ the majority rule is to be followed?³⁷ — We³⁸ speak of uncleanness;³⁹ we do not discuss the question of a prohibition.⁴⁰ But is there not the case of the nine [dead] frogs among which there was one [dead] creeping thing⁴¹ and a man touched one of them and he does not know which one it was that he touched, where he is unclean on account of the doubt if this occurred in a private domain,⁴² but if it occurred in a public domain such a doubtful case is regarded as clean; and if one⁴³ was found⁴⁴ the majority rule is to be followed?⁴⁵ — We⁴⁶ deal with the uncleanness of a woman; we do not discuss general questions of uncleanness. But is there not the following case of which R. Joshua b. Levi spoke: If a woman crossed a river

(1) As no doubtful uncleanness is recognized.

- (2) Who does recognize it (cf. prev. n.).
- (3) Who told his son that blood on the inward side of the duct is unclean and on its outward side is clean.
- (4) Neither R. Hiyya and R. Kattina differ from each other nor either of them from him.
- (5) R. Hiyya.
- (6) R. Kattina.
- (7) Of R. Hiyya and R. Kattina.
- (8) In agreement with R. Kattina.
- (9) Since blood found on its outward side is deemed to be clean and the woman is not only exempt from a sin-offering if she enters the Sanctuary, but is not even forbidden to enter it.
- (10) Since in no case do they recognize certain uncleanness.
- (11) Who does recognize certain uncleanness. Is it likely, however, that they would both differ from him?
- (12) R. Hiyya, in ruling that the blood is definitely unclean.
- (13) Which is the natural passage for blood issuing from the chamber.
- (14) Rami and R. Isaac, who regard the blood as only doubtfully unclean.
- (15) Which is nearer to the upper chamber.
- (16) Lit., 'places', where doubts existed.
- (17) Sc. the majority of the respective cases concerning which no doubt exists.
- (18) In the last clause of our Mishnah, and in the ruling of R. Hiyya (supra 17b), from which it is obvious that, since mostly the blood in question issues from the source, any blood in the ante-chamber is assumed to originate from that source.
- (19) About which it is unknown whether it did or did not contain a dead embryo.
- (20) As overshadowing a corpse, though it is unknown (cf. prev. n.) whether the placenta contained one.
- (21) From which it is obvious that the uncleanness of the placenta is regarded as a certainty by the majority rule, since most placentas contain embryos.
- (22) And mixed up with the blood of birth which, representing the greater part of the mixture, neutralizes it.
- (23) Infra 26a.
- (24) Cf. marg. gl. Cur. edd., 'we learnt'.
- (25) Lit., 'cut'.
- (26) Lit., 'its mother'.
- (27) And, since it is unknown whether it was that of a male or a female, the restrictions of both are imposed upon her.
- (28) Which (cf. infra 24a) would exempt her from the certainty of uncleanness.
- (29) Infra 24a, which proves that by the majority rule, the doubtful case is regarded as a certainty because the majority of births (which are normal) is followed.
- (30) Beside the three instances mentioned by R. Johanan.
- (31) Where the majority rule is followed.
- (32) In a market in which there were ten such shops.
- (33) V. Glos.
- (34) Because the shop with the prohibited meat, being a fixed place, has the same status as half the number of all the shops in the market; and, consequently, the majority rule does not apply.
- (35) On the floor of the market in which the ten shops were situated.
- (36) So that the meat did not come from a fixed place.
- (37) V. Hul. 95a; and, since the majority of the shops sold meat that was ritually killed, the meat found is also regarded as ritually fit. Now since this provides another instance of a doubtful case that, by reason of the majority rule, is regarded as a certainty, why did R. Johanan mention three instances only?
- (38) Sc. R. Johanan in mentioning the three instances.
- (39) With which all the three instances deal.
- (40) To which the last case cited refers.
- (41) The latter conveys uncleanness but not the former (cf. Lev. XI, 29).
- (42) Since the creeping thing was in a fixed place which is equal in status to half of all the animals in the place.
- (43) Of the ten creatures mentioned.
- (44) Sc. the man touched an isolated animal which had no fixed place.
- (45) Tosef. Toh. VI. As the majority are frogs the man is clean. Now why was not this case of doubtful uncleanness

mentioned by R. Johanan?

(46) Sc. R. Johanan in mentioning the three instances.

Talmud - Mas. Nidah 18b

and miscarried¹ in it, she must bring a sacrifice which may be eaten, since we follow the majority of women, and the majority of women bear normal children?² — We spoke of Tannaitic rulings;³ we did not discuss reported traditions.⁴ But, surely, when Rabin came⁵ he stated, ‘R. Jose son of R. Hanina raised an objection [against R. Joshua b. Levi from a Baraitha dealing with] a forgetful woman,⁶ but I do not know what objection it was’,⁷ Does not this mean that it⁸ presented no objection but rather provided support?⁹ — No; it is possible [that he meant that it] neither presented an objection nor provided any support.

What does it¹⁰ exclude?¹¹ If it be suggested that it¹⁰ was intended to exclude the case¹² where the majority rule is opposed by the rule of presumption¹³ so that in such a case *terumah*¹⁴ may not be burnt on its account,¹⁵ surely [it could be retorted] did not R. Johanan once say this,¹⁶ for we learnt, ‘If a child is found at the side of dough, with a piece of dough in his hand, R. Meir declares the dough clean, but the Sages declare it unclean because it is the nature of a child to slap¹⁷ [dough]’,¹⁸ and when it was asked, ‘What is R. Meir's reason’ [the answer given was that] he holds the view that though most children slap dough a minority of them do not, and since this dough stands in the presumption of cleanness,¹⁹ you combine the status of the minority²⁰ with the rule of presumption²¹ and the majority rule²² is impaired,²³ while the Rabbis [regard] the minority as non-existent, and, where the majority rule is opposed by that of presumption, the majority rule takes precedence; and in connection with this Resh Lakish citing R. Oshaia stated: This is a presumption²⁴ on the strength of which *terumah* is burnt,²⁵ while R. Johanan stated, This²⁶ is not a presumption on the strength of which *terumah* is burnt?²⁷ — It²⁸ was rather intended to exclude the rule of majority of which R. Judah spoke.²⁹ For we learnt: If a woman aborted a shapeless object,³⁰ if there was blood with it she is unclean³¹ otherwise she is clean; R. Judah ruled: In either case she is unclean.³² And in connection with this Rab Judah citing Samuel stated: R. Judah declared the woman unclean only where the shapeless object had the colour of one of the four kinds of blood,³³ but if it had that of any other kinds of blood³⁴ the woman is clean, while R. Johanan stated: [If it had the colour] of one of the four kinds of blood³⁵ all³⁶ agree that she is unclean, and if it had that of any other kinds of blood all agree that she is clean; they³⁷ differ only in the case where she aborted something

(1) In consequence of which it is unknown whether or not the miscarriage was a developed child.

(2) *Infra* 29a. Now since her sacrifice, a bird sin-offering (the method of whose killing by pinching would have caused an unconsecrated, or doubtfully consecrated bird to be *nebelah*), may be eaten, it follows that the bird is deemed to be duly consecrated because, by reason of the majority rule, the woman's doubtful birth is regarded as a certain birth of a normal child. Why then did not R. Johanan mention this case which concerns a woman's uncleanness?

(3) Lit., ‘our Mishnah’, sc. rulings occurring in a Mishnah or a Baraitha.

(4) Of *Amoras*. R. Joshua b. Levi was an *Amora*.

(5) From Palestine to Babylon.

(6) Lit., ‘mistaken’, one who cannot tell the date on which she bore her child.

(7) *Infra* 29a.

(8) The Baraitha dealing with the forgetful woman.

(9) For R. Joshua b. Levi's ruling. Since the answer is presumably in the affirmative the ruling given here in the name of R. Joshua b. Levi has its origin in a Baraitha. Why then, since it is a case of the uncleanness of a woman and is also a Tannaitic ruling, was it not included among those cited *supra* by R. Johanan?

(10) R. Johanan's limitation of the instances *supra* to three.

(11) I.e., what other doubtful instance is there that, despite the majority rule, is not treated as a certainty?

(12) Of a woman's uncleanness.

(13) Lit., ‘there . . . with it’.

- (14) Being doubtfully unclean.
- (15) Sc. on account of the doubtful uncleanness.
- (16) Explicitly, in other cases of uncleanness. Why then should he repeat it here by implication?
- (17) Toh. III, 8.
- (18) In consequence of which he imparts to it the uncleanness which he is presumed to have contracted from menstrual women who coddle him or play with him (R. Tam.). Aliter (Rashi): 'To dabble in the rubbish heap', where he contracts uncleanness from dead creeping things. His contact with the dough is regarded as a certainty (cf. Tosaf.).
- (19) As is any dough, unless the contrary is proved.
- (20) Of children who do not slap dough and, therefore, cannot impart to it their uncleanness (so according to Tosaf.). Aliter: Who do not dabble in the rubbish heap and, therefore, contract no uncleanness (according to Rashi).
- (21) The dough is presumed to be clean (cf. prev. n. but one).
- (22) That 'most children slap dough' or 'dabble in the rubbish heap'.
- (23) By the major force of two to one.
- (24) Sc. that it is a child's nature to slap dough (Rashi). The term 'presumption' is here used loosely and really denotes 'majority'.
- (25) Sc. the majority rule by which it is offered has been given the force of a certainty.
- (26) Since 'the presumption of uncleanness' is here opposed by 'majority'.
- (27) Because it has not the force of a certainty. Now, since R. Johanan made here this explicit statement on the relative importance of the majority rule and that of presumption, what need was there to repeat it implicitly supra?
- (28) R. Johanan's limitation supra to three instances.
- (29) Sc. that in that case the uncleanness which is dependent on the majority rule is not regarded as a certainty. It is only one of a doubtful character and, in consequence, terumah that is subject to such uncleanness may not be burnt.
- (30) Lit., 'piece'.
- (31) As a menstruant. Since the abortion cannot be regarded as a child she is exempt from the uncleanness of childbirth.
- (32) Infra 21a. It is impossible in his opinion for an abortion to be free from all blood, though the latter might sometimes escape attention.
- (33) Described in the Mishnah infra 19a, as unclean. Black and red blood are here regarded as of the same colour, the latter being a deteriorated form of the former. The Mishnah treating them as two gives the total number of kinds of unclean blood as five. In R. Judah's opinion the colour of unclean blood is proof that the entire mass is a piece of clotted blood. Hence the woman's menstrual uncleanness. The Rabbis, however, do not regard it as blood but as a shapeless piece of flesh.
- (34) Green or white, for instance.
- (35) Cf. prev. n. but one.
- (36) Even the Rabbis.
- (37) The Rabbis and R. Judah.

Talmud - Mas. Nidah 19a

and she does not know what she has aborted.¹ [In such a case,] R. Judah holds, one must be guided by the nature of most of such shapeless objects, and most such objects have the colour of one of the four kinds of blood, while the Rabbis hold that we do not say that one must be guided by the nature of most such objects.²

MISHNAH. FIVE KINDS OF BLOOD IN A WOMAN ARE UNCLEAR: RED, BLACK, A COLOUR LIKE BRIGHT CROCUS, OR LIKE EARTHY WATER OR LIKE DILUTED WINE.³ BETH SHAMMAI RULED: ALSO A COLOUR LIKE THAT OF FENUGREEK WATER OR THE JUICE OF ROASTED MEAT; BUT BETH HILLEL DECLARE THESE CLEAN. ONE THAT IS YELLOW, AKABIA B. MAHALALEL DECLARES UNCLEAR AND THE SAGES DECLARE CLEAN. R. MEIR SAID: EVEN IF IT DOES NOT CONVEY UNCLEARNESS AS A BLOODSTAIN IT CONVEYS UNCLEARNESS AS A LIQUID.⁴ R. JOSE RULED: IT DOES NEITHER THE ONE NOR THE OTHER.⁵

WHAT COLOUR IS REGARDED AS 'RED'? ONE LIKE THE BLOOD OF A WOUND.⁴ 'BLACK'? LIKE THE SEDIMENT OF INK; IF IT IS DARKER IT IS UNCLEAN AND IF LIGHTER IT IS CLEAN. BRIGHT CROCUS COLOUR'? LIKE THE BRIGHTEST SHADE IN IT.⁴ 'A COLOUR LIKE EARTHY WATER'? EARTH FROM THE VALLEY OF BETH KEREM⁶ OVER WHICH WATER IS MADE TO FLOAT. 'ONE LIKE DILUTED WINE'? TWO PARTS OF WATER AND ONE OF WINE OF THE WINE OF SHARON.

GEMARA. Whence is it deduced that there is clean discharge of blood in a woman? Is it not possible that all blood that issues from her is unclean? — R. Hama b. Joseph citing R. Oshaia⁷ replied: Scripture says, If there arise a matter too hard for thee in judgment, between blood and blood,⁸ which implies between clean blood and unclean blood. But then, would the expression 'between a leprous stroke and a leprous stroke'⁸ also mean between an unclean stroke and a clean one? And should you reply: This is so indeed, [it could be retorted:] Is there at all a leprous stroke that is clean? And should you reply, 'It is all turned white; he is clean',⁹ [it could be retorted:] That is called a white scurf!¹⁰ Consequently it must mean: Between human leprosy and the leprosy of houses and the leprosy of garments, all of which are unclean; why then should it not be said here also that the distinction implied is that between the blood of a menstruant and that of one suffering from gonorrhoea both of which are unclean?¹¹ — What a comparison! There¹² [the controversy¹³ is well justified¹⁴ since] a difference of opinion might arise in the case of human leprosy on the lines of that between R. Joshua and the Rabbis. For we have learnt: If the bright spot¹⁵ preceded the white hair, he¹⁶ is unclean; if the reverse was the case, he is clean. If [the order of appearance is] a matter of doubt he is unclean; but R. Joshua said: It is as though darkened,¹⁷ and in connection with this Rabbah explained: It is as though [the spot] darkened¹⁸ and he is therefore clean.¹⁹ As regards leprosy in houses the point at issue²⁰ may be the one between R. Eleazar son of R. Simeon and the Rabbis. For we have learnt: R. Eleazar son of R. Simeon ruled: A house never becomes unclean unless the leprosy appears in the size of two beans on two stones,²¹ in two walls,²¹ at a corner,²² and it must be two beans in length and one bean in breadth.²³ What is R. Eleazar son of R. Simeon's reason? — It is written²⁴ wall²⁵ and it is also written walls,²⁶ now what wall is it that is like two walls? Admit that that is a corner.²⁷ As regards leprosy in garments the divergence of opinion²⁸ may be the one between R. Jonathan b. Abtolemos and the Rabbis. For it was taught: R. Jonathan²⁹ b. Abtolemos stated, Whence is it deduced that leprosy that is spread over entire garments is clean? Since karahath³⁰ and gabahath³¹ are mentioned in respect of garments, and karahath³² and gabahath³³ are also mentioned in the case of human beings, as in the latter case if the leprosy spread over the whole body, he is clean so also in the former case if it spread over the whole garment it is clean.³⁴ Here,³⁵ however, if clean blood does not exist, what could be the point at issue between them?³⁶ But whence is it inferred that these kinds of blood are clean and the others are unclean?³⁷ — R. Abbahu replied: Since Scripture says, And the Moabites saw the water as red as blood,³⁸ which indicates that blood is red.³⁹ Might it not be suggested that only red blood⁴⁰ is unclean but no other?⁴¹ — R. Abbahu replied: Scripture says; Her blood,⁴² Her blood⁴³ implying four kinds.⁴⁴ But have we not learnt, FIVE KINDS? — R. Hanina replied: Black blood is really red [blood] that had deteriorated.⁴⁵ So it was also taught: Black blood is like the sediment of ink; if it is dark it is unclean, and if lighter, even though it has the colour of stibium, it is clean. And black blood is not black originally. It⁴⁶ assumes the black colour only after it is discharged, like the blood of a wound which becomes black after it had been discharged from it.

BETH SHAMMAI RULED: ALSO A COLOUR LIKE THAT OF FENUGREEK. But do not Beth Shammai uphold the deduction from, Her blood,⁴² her blood⁴³ which imply four kinds?⁴⁴ — If you wish I may reply that they do not uphold it — And if you prefer I may reply that they do uphold it, but⁴⁷ did not R. Hanina explain, 'Black blood is really red [blood] that had deteriorated'?⁴⁸ Well, here also⁴⁹ it may be explained that [the blood]⁵⁰ had merely deteriorated.

BUT BETH HILLEL DECLARE THESE CLEAN. Is not this ruling identical with that of the first

Tanna?⁵¹ — The practical difference between them is

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- (1) The object having been lost.
 - (2) Because they do not agree that most such objects have one or other of the colours of the unclean kinds of blood. R. Johanan, by his limitation to three (supra 18a) of the cases in which the majority rule is given the force of a certainty, has implicitly indicated that, in the case dealt with by R. Judah, the uncleanness of the woman, which is entirely dependent on the majority rule, is not one of certainty but one of a doubtful nature. Consequently *terumah* that had been touched by the woman may not be burnt.
 - (3) Mazug, wine mixed with water.
 - (4) This is explained in the Gemara *infra*.
 - (5) Lit., 'neither so nor so'.
 - (6) V. Nid. III, 4.
 - (7) MS.M., 'Joshua'.
 - (8) Deut. XVII, 8.
 - (9) Lev. XIII, 13.
 - (10) Not a leprous stroke.
 - (11) An objection against R. Oshaia's reply.
 - (12) In the case of leprosy.
 - (13) Implied in Deut. XVII, 8.
 - (14) Though all leprosy is unclean.
 - (15) In leprosy. Cf. Lev. XIII, 2-4.
 - (16) The man affected.
 - (17) Neg. IV, II.
 - (18) Cf. If the plague be dim (or dark) . . . then the priest shall pronounce him clean (Lev. XIII, 6).
 - (19) The dispute implied in Deut. XVII, 8, may consequently be analogous to the one between R. Joshua and the Rabbis.
 - (20) Implied in Deut. XVII, 8.
 - (21) The size of one bean on each.
 - (22) Where the walls meet.
 - (23) Neg. Xli, 3; so that each stone is covered by leprosy of the size of one bean by one bean, which is the minimum required for effecting uncleanness.
 - (24) In respect of leprosy.
 - (25) Lev. XIV, 37.
 - (26) *Ibid*.
 - (27) The divergence of view implied in Deut. XVII, 8, may consequently be one analogous to that between R. Eleazar son of R. Simeon and the Rabbis.
 - (28) Referred to in Deut. XVII, 8.
 - (29) Var. lec. 'Nathan' (v. Zeb. 49b).
 - (30) E.V., within, Lev. XIII, 55.
 - (31) E.V., without, *ibid*.
 - (32) E.V., bald head, *ibid*. 42.
 - (33) E.V. bold forehead, *ibid*.
 - (34) Sanh. 87b, Zeb. 44b. The dispute implied in Deut. XVII, 8, may consequently be the one between R. Jonathan b. Abtolemos and the Rabbis.
 - (35) In the case of a divergence of view in respect of blood.
 - (36) The authorities in dispute regarding blood referred to in Deut. XVII, 8. Consequently it must be conceded that clean blood also exists.
 - (37) Cf. our Mishnah.
 - (38) II Kings III, 22.
 - (39) As red is the usual colour of blood, all blood which has one of the five colours enumerated in our Mishnah (all of which are shades of red) is unclean.
 - (40) But if so, why does our Mishnah declare the others also to be unclean?
 - (41) One like that of a wound.

- (42) Dameha, the plural form, Lev. Xli, 7.
 (43) Ibid. XX, 18 (cf. prev. n.).
 (44) Twice two (cf. prev. two notes).
 (45) The two colours may, therefore, be treated as one.
 (46) Being originally red.
 (47) As to the objection from the limitation of the number to five.
 (48) Supra. Of course he did.
 (49) Blood of the colour of fenugreek.
 (50) Being originally red.
 (51) In the first clause of our Mishnah.

Talmud - Mas. Nidah 19b

the question of suspense.¹

ONE THAT IS YELLOW, AKABIA B. MAHALALEL DECLARES UNCLEAR. But does not Akabia uphold the deduction from 'Her blood, her blood', which imply four kinds?² — If you wish I may reply: He does not uphold it. And if you prefer I may reply: He does uphold it; but did not R. Hanina explain, 'Black blood is really red [blood] that had deteriorated'? Well, here also it may be explained that [the blood] had merely deteriorated.²

AND THE SAGES DECLARE IT CLEAN. Is not this ruling identical with that of the first Tanna?³ — The practical difference between them is the question of suspense.⁴

R. MEIR SAID: EVEN IF IT DOES NOT CONVEY UNCLEANNESS AS A BLOODSTAIN etc. R. Johanan stated: R. Meir took up⁵ the line of Akabia b. Mahalalel and declared it⁶ unclean;⁷ and it is this that he in effect said to the Rabbis, 'Granted that where a woman finds a yellow bloodstain on her garment you do not regard her as unclean;⁸ where she observed a discharge of yellow blood from her body⁹ she must be deemed unclean'. If so, instead of saying, EVEN IF IT DOES NOT CONVEY UNCLEANNESS AS A BLOODSTAIN IT CONVEYS UNCLEANNESS AS A LIQUID, should he not have said 'on account of her observation'?¹⁰ — Rather, it is this that he in effect said to them, 'Granted that where the woman observed yellow blood at the outset you do not¹¹ regard her as unclean;¹² where she observed first red blood¹³ and then a yellow discharge the latter also must be deemed unclean,¹⁴ since it is something like the liquids¹⁵ of a zab or a zabah'.¹⁶ And the Rabbis?¹⁷ — [An unclean liquid must be] similar to spittle; as spittle is formed in globules when it is discharged so must any other unclean liquid be one that is formed in globules when it is discharged; that liquid¹⁸ is therefore excluded since it is not formed in globules when discharged. If so, do not the Rabbis indeed give R. Meir a most satisfactory answer?¹⁹ — It is rather this that he said to them in effect: 'It¹⁸ should have the status of a liquid in respect of rendering seed susceptible to uncleanness'.²⁰ And the Rabbis?²¹ — [For such a purpose] it is necessary that it shall be like the blood of the slain,²² which is not the case here. If so, did not the Rabbis indeed answer R. Meir well?¹⁹ — It is rather this that he in effect said to them: 'Deduce this²³ by gezera shawah;²⁴ here²⁵ it is written, Thy shoots²⁶ are a park of pomegranates²⁷ and elsewhere it is written, And sendeth²⁸ water upon the fields.²⁹ And the Rabbis?³⁰ A man may infer a ruling a minori ad majus on his own but he may not infer on his own one that is derived from a gezera shawah.³¹

R. JOSE RULED: IT DOES NEITHER THE ONE NOR THE OTHER etc. Is not this ruling identical with that of the first Tanna?³² — It is this that we were informed: Who is the first Tanna? R. Jose; for he who repeats a thing in the name of him who said it brings deliverance into the world.³³

WHAT COLOUR IS REGARDED AS RED? ONE LIKE THE BLOOD OF A WOUND. What is

meant by LIKE THE BLOOD OF A WOUND? — Rab Judah citing Samuel replied: Like the blood of a slaughtered ox.³⁴ Why then was it not stated, ‘Like the blood of slaughtering’? — If it had been stated, ‘Like the blood of slaughtering’ it might have been presumed to mean like the blood during the entire process of slaughtering,³⁵ hence we were told, LIKE THE BLOOD OF A WOUND, meaning like that caused by the first stroke of the knife. ‘Ulla replied:³⁶ Like the blood of [a wound inflicted on] a live bird. The question was raised: Does ‘live’³⁷ exclude a slaughtered bird or does it possibly exclude an emaciated one? — This is undecided.³⁸ Ze’iri citing R. Hanina replied:³⁶ Like the blood of a head louse. An objection was raised: If she³⁹ killed a louse she may attribute the stain to it.⁴⁰ Does not this refer to a louse of any part of the body? — No, to one of her head. Ammi of Wardina⁴¹ citing R. Abbahu replied:³⁶ Like the blood of the little finger of the hand that was wounded and healed and wounded again. Furthermore, it does not mean that of any person but only that of a young unmarried man. And up to what age? — Up to that of twenty.

An objection was raised: She³⁹ may attribute it to her son⁴² or to her husband.⁴² [Now the attribution] to her son is quite reasonable since it is possible [that he was unmarried],⁴³ but how is this possible in the case of her husband?⁴⁴ — R. Nahman b. Isaac replied: Where, for instance, the woman entered the bridal chamber but had no intercourse.⁴⁵ R. Nahman replied:⁴⁶ Like the blood of the arteries.⁴⁷

An objection was raised: It once happened that R. Meir attributed it⁴⁸

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- (1) I.e., whether blood of a colour other than those of the five enumerated is (a) absolutely clean or (b) only doubtfully so. Beth Hillel are in agreement with (a) and the first Tanna agrees with (b).
- (2) Cf. nn. on previous paragraph but one.
- (3) In the first clause of our Mishnah.
- (4) Cf. prev. n. but one mut. mut.
- (5) Lit., ‘descended’.
- (6) A yellow discharge.
- (7) As menstrual blood.
- (8) Being yellow (an unusual colour for blood) it might well be presumed to have originated from some source other than her body.
- (9) So that its origin is certain.
- (10) Of an actual discharge.
- (11) Despite the observation.
- (12) Because yellow is not the colour of blood; UNCLEANNES AS A BLOODSTAIN meaning: As other blood whose stain conveys uncleanness.
- (13) Which causes her to be definitely unclean.
- (14) Sc. in respect of conveying uncleanness to man or object that comes in contact with it.
- (15) Spittle, for instance.
- (16) Which, though they are no blood, convey uncleanness.
- (17) How, in view of this argument, could they maintain that a yellow discharge is clean in all circumstances?
- (18) A yellow discharge.
- (19) How then could R. Meir still maintain his view?
- (20) Cf. Lev. XI, 38.
- (21) Cf. supra n. 3.
- (22) Num. XXIII, 24, sc. blood on which life depends (cf. Pes. 16a).
- (23) That a yellow discharge renders seed susceptible to uncleanness.
- (24) V. Glos.
- (25) In respect of menstrual discharges.
- (26) Shelahayik (rt. **שלהי**) euphemism (cf. prev. n.).
- (27) Cant. IV, 13.
- (28) Wesholeah (rt. **שלהי**).

- (29) Job V, 10. Analogy between the two words of the same root: As the water referred to in Job renders seed susceptible to uncleanness so does a woman's discharge alluded to in Cant.
- (30) How can they maintain their view in opposition to the *gezera shawah*?
- (31) Which must be traditional if it is to be valid. As R. Meir drew the analogy on his own the Rabbis could well disregard it.
- (32) In the first clause of our Mishnah. Why then the repetition?
- (33) Cf. Ab. VI, 6.
- (34) The true colour of red. Cf. Yoma 56b.
- (35) During which the colours change.
- (36) To the question supra, what is meant by LIKE THE BLOOD OF A WOUND?
- (37) Heb. hai (fem. haiyah) may mean both 'live' and 'sound', 'healthy'.
- (38) Teku.
- (39) A woman who discovered a bloodstain.
- (40) Infra 58b.
- (41) Place name (cf. 'Er. 49a). Wardina or Barada on the eastern bank of the Tigris was two hours distance from the north of Bagdad (cf. 'Er. (Sonc. ed.) p. 340, n. 11). Aliter: 'The fragrant (werad = rose) Ammi' (cf. Rashi).
- (42) If either of them was afflicted with a wound. Infra 58b.
- (43) And the blood of his wound satisfies, therefore, all the conditions laid down by R. Abbahu.
- (44) Who must be a married man (cf. prev. n. mut. mut.).
- (45) So that the blood is in reality that of an unmarried man (cf. prev. n. but one).
- (46) To the question, supra, what is meant by 'LIKE THE BLOOD OF A WOUND'?
- (47) Hakazah, lit., 'blood letting'.
- (48) A stain.

Talmud - Mas. Nidah 20a

to collyrium¹ and Rabbi attributed it to the sap of a sycamore.² Now did not these cases³ deal with the question of red blood?⁴ — No; with that of other kinds of blood.

Amemar and Mar Zutra and R. Ashi once sat before a cupper,⁵ and when the first cupping-horn was taken off Amemar he saw it and said to the others, 'The red⁶ of which we have learnt⁷ is a shade like this'. When the second one was taken off from him, he said to them, 'This has a different shade'. 'One like myself', observed R. Ashi, 'Who does not know the difference between the one and the other must not act as an examiner of blood'.

'BLACK? LIKE THE SEDIMENT [OF INK]. Rabbah son of R. Huna stated: The HERETH⁸ of which the Rabbis spoke⁷ is ink. So it was also taught: Black⁹ is a colour like hereth and the 'black' of which the Rabbis spoke⁹ is the colour of ink. Then why was it not directly stated, 'Ink'? — If 'ink' had been stated, it might have been presumed to refer to the watery part of the ink,¹⁰ hence we were informed that the colour is like that of the sediment of the ink. The question was raised: Is the reference to liquid, or to dry ink? — Come and hear of [the practice of] R. Ammi who used to split a grain of dry ink and with its aid performed the necessary examination.

Rab Judah citing Samuel ruled: [If a woman's discharge has a colour] like that of black wax, black ink or a black grape she is unclean; and it is this that was meant by what we learnt: IF IT IS DARKER IT IS UNCLEAN.

R. Eleazar ruled: [A discharge that has a colour] like that of a black olive, pitch or a raven is clean; and it is this that was alluded to in what we have learnt: IF LIGHTER IT IS CLEAN.

'Ulla explained:¹¹ One like a Siwa¹² cloak. 'Ulla once visited Pumbeditha when he noticed an Arab merchant who was wearing a black cloak. 'The black of which we have learnt',¹³ he told them,

‘is a colour like this’. They pulled it off him in bits¹⁴ and paid him for it four hundred zuz.

R. Johanan explained:¹¹ [One of the colour of] those court¹⁵ clothes that are imported from courtiers beyond the sea. This then implies that such clothes are black, but did not R. Jannai address the following request to his sons: ‘My children, do not bury me either in black shrouds or white shrouds; “either in black”, peradventure I may be worthy [of a place in paradise] and I would be like a mourner among bridegrooms;¹⁶ “or in white”, peradventure I might not be worthy and would be like a bridegroom among mourners;¹⁷ but [bury me] only in court¹⁵ clothes that are imported from countries beyond the sea’, which clearly proves, does it not, that these are not black?¹⁸ — This is no difficulty, the latter¹⁹ referring to wrappers,²⁰ while the former²¹ refers to clothes worn²² at table.²³

Rab Judah citing Samuel ruled: And all these²⁴ must be tested only on a white strip of cloth. R. Isaac b. Abudemi ruled: But black blood may be tested on a red strip of cloth. R. Jeremiah of Difti observed: There is really no difference of opinion between them,²⁵ since the latter speaks only of black blood while the former refers to the other kinds of blood. R. Ashi demurred: If so, why did not Samuel say, ‘With the exception of black’? Rather, said R. Ashi, they²⁶ differ on the very question of black itself.

‘Ulla ruled: In the case of all these²⁷ if the discharge is darker²⁸ it is unclean and if it is lighter²⁸ it is clean, as is the case with black.²⁹ Then why did it mention only black? — As it might have been presumed that, since R. Hanina stated, ‘Black [blood] is really red blood that had deteriorated’, it should, therefore, be unclean even if it is lighter, hence we were informed [that IF LIGHTER IT IS CLEAN].

R. Ammi b. Abba ruled: In the case of all these²⁷ if the discharge is darker²⁸ it is unclean and if it is lighter it is also unclean, the only exception being black.³⁰ What then³¹ was the use of the standard shade laid down by the Rabbis? — To exclude³² one that was extremely faint.³³ There are others who read: Rami b. Abba ruled: In the case of all these³⁴ if the discharge is darker³⁵ it is clean and if it is lighter it is also clean, the only exception being black;³⁰ and it is in this case that the Rabbinical standard is of use.

Bar Kappara ruled: In the case of all these³⁴ if the discharge is darker it is unclean and if lighter it is clean, the exception being [the colour of] diluted wine in which a darker shade is clean and a lighter one is also clean. Bar Kappara was shown a lighter shade³⁶ and he declared it clean, and when he was shown a darker shade³⁶ he also declared it clean. ‘How great is the man’, exclaimed R. Hanina, ‘who in practice acts³⁷ in agreement with his view.

A COLOUR LIKE BRIGHT CROCUS. A Tanna taught: Fresh crocus and not dry one. One [Baraita] taught: Like the lower leaf³⁸ but not like the upper one, and another [Baraita] taught: Like the upper leaf but not like the lower one, while a third [Baraita] taught: Like the upper leaf and much more so like the lower one, and a fourth [Baraita] taught: Like the lower leaf and much more so like the upper one!³⁹ — Abaye replied: The crocus has three rows of leaves⁴⁰ and there are three leaves in each row; keep⁴¹ to the middle row⁴² and the middle leaf of that row.⁴³ When they came before R. Abbahu he told them: What we learnt [about the colour of the crocus refers to such as are still] attached to their clods.⁴⁴

OR LIKE EARTHY WATER. Our Rabbis taught: Like earthy water — one brings fertile soil from the valley of Beth Kerem over which he causes water to float; so R. Meir. R. Judah⁴⁵ said: From the valley of Jotapata.⁴⁶ R. Jose said: From the valley of Sikni.⁴⁷ R. Simeon said: Also from the valley of Gennesaret⁴⁸ and similar soil. Another [Baraita] taught: And like earthy water — one brings fertile soil from the valley of Beth Kerem and over it he causes water to float until it forms a layer as thin as the husk of garlic; and no quantity has been prescribed for the water since none has

been prescribed for the earth.⁴⁹ The water, furthermore, is not to be examined when it is clean but when turbid. If they become clear they must be stirred up again;⁵⁰ and when they are stirred one must not do it with the hand but with a vessel. The question was raised: [Does the expression,] 'One must not do it with the hand but with a vessel' mean that a man must not put it in his hand and stir it in it but that where it is in a vessel it is quite proper for him to stir it with his hand, or is it possible that the meaning is that one must not stir it with his hand⁵¹ but with an instrument?⁵² — Come and hear: When he examines it⁵³ he must do it in a cup only.⁵⁴ But does not the question yet remain: If the examination must be in a cup, wherewith must the stirring be done? — This is undecided.⁵⁵

When they came before Rabba b. Abbuha he told them: What we learnt [about the earth refers to such as is] in its own place.⁵⁶

R. Hanina used to break up a piece of potter's clay and thereby performed the examination. R. Ishmael son of R. Jose cursed with croup any other person who adopts such a method

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- (1) ** a reddish eyesalve, which the woman had handled that day.
 - (2) Infra 58b, Cf. prev. n. mut. mut.
 - (3) From which it follows that colours like that of collyrium or sycamore sap that are not intensely red are regarded as similar to that of menstrual blood.
 - (4) But, if so, how could the authorities (supra 19b) maintain that menstrual blood is intensely red like that, for instance, of a young unmarried man?
 - (5) For an operation of blood drawing with cupping horns.
 - (6) In respect of menstrual blood.
 - (7) In our Mishnah.
 - (8) Rendered in our Mishnah SEDIMENT OF INK.
 - (9) In respect of a woman's discharge.
 - (10) I.e., the upper part above the sediment. This is not so black as the lower part.
 - (11) The unclean black in our Mishnah.
 - (12) A place where dark clothes were manufactured. Aliter: Dirty-dark.
 - (13) In our Mishnah.
 - (14) To be preserved as models of the standard black.
 - (15) Aliter: bathing attendants.
 - (16) The righteous who are clad in white.
 - (17) The wicked in Gehenna.
 - (18) Is not this then contradictory to R. Johanan's view?
 - (19) Spoken of by R. Jannai.
 - (20) Which are red.
 - (21) R. Johanan's statement.
 - (22) Or 'cloths used'.
 - (23) Which are black.
 - (24) Five kinds of blood (v. our Mishnah).
 - (25) Samuel and R. Isaac b. Abudemi.
 - (26) Samuel and R. Isaac b. Abudemi.
 - (27) Five kinds of blood (v. our Mishnah).
 - (28) Than the standard shade.
 - (29) Concerning which the limitations are specifically laid down in our Mishnah.
 - (30) Which IF LIGHTER IT IS CLEAN.
 - (31) In the case of the colours other than black which, as has just been stated, not only a darker, but also a lighter shade is unclean.
 - (32) From uncleanness.
 - (33) Lit., 'lighter of lighter'. Such a shade is clean.
 - (34) Five kinds of blood (v. our Mishnah).

- (35) Than the standard shade.
- (36) Of a discharge of the colour of diluted wine.
- (37) So Maharsha. Cur. edd., 'whose heart'.
- (38) Of the crocus.
- (39) How are the four contradictory statements to be reconciled?
- (40) One below the other.
- (41) As the most correct standard for the blood test.
- (42) Which has the 'lower leaf' as compared with the top row (first Baraitha) and the 'upper leaf' as compared with the lowest row (second Baraitha). V. foll. n.
- (43) Though the other leaves in that row may also be taken as the standard. The middle leaf is the 'lower one' as compared with the one above it (third Baraitha) and the 'upper one' as compared with the one below it (fourth Baraitha).
- (44) Of earth. Their colour then is much brighter than that of the detached plant which may not be used as a standard.
- (45) So MS.M. and Elijah Wilna. Cur. edd., 'Akiba'.
- (46) A fortress in Galilee.
- (47) Or Siknin, on the north of Jotapata.
- (48) In Lower Galilee on the banks of the lake of the same name.
- (49) The more the earth the more the water and vice versa.
- (50) To mix up the earth with it.
- (51) Even when it is in a vessel.
- (52) The Heb. Keli may bear both significations.
- (53) The earthy water.
- (54) Which proves that no examination may be performed with the water and the earth in one's hand.
- (55) Teku (v. Glos.).
- (56) Exported earth changes its colour.

Talmud - Mas. Nidah 20b

for R. Hanina was wise enough;¹ all others are not so wise. R. Johanan remarked: The wisdom of R. Hanina caused me not to examine any blood, for when I declared any unclean he declared it clean and when I declared it clean he declared it unclean. R. Eleazar remarked: R. Hanina's modesty is the cause of my examining blood. [For I felt] if R. Hanina who was modest allowed himself to be involved in doubt and examined blood, should not I examine it? R. Zera remarked: The Babylonian coinage was the cause of my refusing to examine blood; for I thought: If I do not understand the coinage system would I understand the nature of blood? This then implies that capability to examine blood depends on an understanding of the coinage; but did not Rabbah in fact understand the coinage system and yet did not understand the qualities of blood? — He was really drawing an inference a minori ad majus: If Rabbah who understood the coinage system refused to examine blood, should I² examine it?

'Ulla once visited Pumbeditha³ and when some blood was brought to him for examination he refused to see it. If, he said, R. Eleazar who was the supreme authority in the Land of Israel⁴ refused to see blood whenever he visited the place of R. Judah, should I see it?⁵ And why was he described as the supreme authority in the Land of Israel? — Because a woman once brought some blood before R. Eleazar when R. Ammi sat in his presence. Having smelt it he⁶ told her, 'This is blood of lust'.⁷ After she went out R. Ammi joined her and she told him, 'My husband was away on a journey but I felt an intense longing for him'. Thereupon he⁸ applied to him⁶ the text, The counsel of the Lord is with them that fear Him.⁹

Ifra Hormiz,¹⁰ the mother of King Shapur, once sent some blood to Raba when R. Obadiah was sitting in his presence. Having smelt it he said to him, 'This is blood of lust'.⁷ 'Come and see', she remarked to her¹¹ son, 'how wise the Jews are'. 'It is quite possible', he replied, 'that he¹² hit upon it like a blind man on a window'. Thereupon she sent to him¹² sixty different kinds of blood and he

identified them all but the last one which was lice blood with which he was not acquainted. Luckily,¹³ however, he sent her¹⁴ a comb that exterminates lice. 'O, you Jews', she exclaimed, you seem to live in the inner chamber of one's heart'.¹⁵

Rab Judah stated: 'At first I used to examine blood, but since the mother of my son Isaac told me, "We do not bring the first drop to the Rabbis because it is dirty", I refuse to see it.¹⁶ [An examination, however, for the purpose of distinguishing] between the blood of uncleanness and cleanness¹⁷ I certainly do perform'.¹⁸

Yaltha¹⁹ once brought some blood to Rabbah b. Bar Hana who informed her that it was unclean. She then took it to R. Isaac the son of Rab Judah who told her that it was clean. But how could he act in this manner, seeing that it was taught: If a Sage declared [aught] unclean another Sage²⁰ may not declare it clean; if he forbade anything his colleague may not permit it?²¹ — At first he²² informed her indeed that it was unclean,²³ but when she told him that on every other occasion he²⁴ declared such blood as clean, but that on the last occasion he had a pain in his eye, he gave her his ruling that it was clean. But are women believed in such circumstances? — Yes, and so it was also taught: A woman²⁵ is believed when she says, 'I saw a kind of blood like this one²⁶ but I have lost it.'²⁷

The question was raised: What is the law [where a woman says], A kind of blood like this²⁸ has been declared clean by such and such a Sage?²⁹ — Come and hear: A woman²⁵ is believed when she says, 'I saw a kind of blood like this one²⁶ but I have lost it.'³⁰ But is not that case³¹ different, since the blood is not available?³² — Come and hear the case of Yaltha: She once brought some blood to Rabbah b. Bar Hana who informed her that it was unclean. She then took it³³ to R. Isaac the son of Rab Judah who told her that it was clean. But how could he act in this manner, seeing that it was taught: If a Sage declared [a person or an article] unclean no other Sage³⁴ may declare it clean etc. And we explained that at first he²² informed her indeed that it was unclean, but when she told him that on every other occasion he²⁴ declared such blood as clean but that on that day he had a pain in his eye, he changed his view and gave her his ruling that it was clean.³⁵ Now this proves quite clearly, does it not, that a woman is believed? — R. Isaac b. Judah may have relied on his own traditions and experience.³⁶

Rabbi once examined some blood at night and declared it unclean but when he examined it in the day time he declared it clean. Then he waited a while and again declared it unclean. 'Woe to me', he said, 'I may have made a mistake'.³⁷ 'I may have made a mistake'! Has he not in fact made a mistake, seeing that it was taught: A Sage must not say,³⁸ 'If it had been moist it would undoubtedly have been unclean'; he must rather say, 'The judge must be guided only by what his eyes see'? — At first³⁹ he presumed it to be definitely unclean, but when he observed in the morning that its colour had changed⁴⁰ he said⁴¹ that it was undoubtedly clean but that at night it could not be seen properly. When, however, he observed that the colour had changed again⁴² he said, 'It must be unclean blood but the colour is steadily fading away.

Rabbi examined blood in the light of a lamp. R. Ishmael son of R. Joseph⁴³ examined it even on a cloudy day between the pillars.⁴⁴ R. Ammi b. Samuel ruled: All kinds of blood must be examined only between the sunshine and the shade. R. Nahman citing Rabbah b. Abbuha ruled: The examination may be performed in the sunshine under the shadow of one's hand.⁴⁵ 'ONE LIKE DILUTED WINE'? TWO PARTS etc. A Tanna taught:

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- (1) And was, therefore, capable of using the method.
 - (2) Who do not understand the coinage system.
 - (3) Which was under the jurisdiction of Rab Judah (cf. Sanh. 17b).
 - (4) V. Git. 19b.
 - (5) Cf. prev. n.

- (6) R. Eleazar.
- (7) A discharge due to sexual desire.
- (8) R. Ammi.
- (9) Ps. XXV, 14.
- (10) A gentile woman who observed some of the Jewish ritual (cf. also Zeb. 116b).
- (11) So Emden, Cur. edd. 'his'.
- (12) Raba.
- (13) Lit., 'the matter came to assistance'.
- (14) As a gift.
- (15) Nothing is hidden from them.
- (16) Because the colour changes and though the second drop may be one of clean blood it could not establish a woman's cleanness if the first drop, which she did not present for examination, was one of unclean blood.
- (17) At the end of the period of cleanness after a childbirth which is the fortieth day for a male and the eightieth for a female (cf. Lev. XII, 1-5).
- (18) The blood in such circumstances being free from dirt a woman submits for examination the first drop she sees.
- (19) R. Nahman's wife.
- (20) Lit., 'his colleague'.
- (21) Hul. 44b.
- (22) R. Isaac.
- (23) Out of respect for Rabbah b. Bar Hana (v. infra).
- (24) Rabbah.
- (25) Who does not submit the original blood.
- (26) Which she produces.
- (27) And if the blood she submits is clean she may be declared clean.
- (28) Which a friend of hers showed her.
- (29) May her judgment, it is asked, on the exact similarity of the two kinds be relied upon by her friend or not.
- (30) Which proves that a woman's judgment in such cases (cf. prev. n.) is relied upon.
- (31) Just cited.
- (32) Lit., 'it is not before her'.
- (33) So Bah. Cur. edd. omit the last four words.
- (34) Lit., 'his colleagues'.
- (35) Supra.
- (36) Not on Yaltha's evidence. The reason why he at first declared the blood as unclean was merely to show his respect to Rabbah b. Bar Hana.
- (37) In finally declaring the blood unclean, since the colour now was of a clean kind.
- (38) When examining a dry stain.
- (39) At the night examination.
- (40) It assumed a lighter shade.
- (41) So Emden. Cur. edd. in parenthesis 'to him'.
- (42) To a still lighter shade,
- (43) MS.M. 'Jose'.
- (44) Of the schoolhouse where the light was never too bright.
- (45) Held between the sun and the object.

Talmud - Mas. Nidah 21a

Sharon wine¹ [diluted] is regarded² as the Carmel wine in its natural undiluted state when it is new.³ R. Isaac b. Abudemi ruled: All these⁴ must be examined only in a plain Tiberian cup.⁵ What is the reason? — Abaye replied: Generally⁶ a cup that contains a log is made of a maneh⁷ and one that contains two log is made of two hundred zuz, but the plain Tiberian cup, even if it contains two log, is made of one maneh, and since it is so thin [the colour of the wine can] be recognized better [than in any other kind of cup].

CHAPTER III

MISHNAH. IF A WOMAN ABORTED A SHAPELESS OBJECT,⁸ IF THERE WAS BLOOD WITH IT, SHE IS UNCLEAR,⁹ OTHERWISE SHE IS CLEAN¹⁰ . R. JUDAH RULED: IN EITHER CASE SHE IS UNCLEAR.¹¹

IF A WOMAN ABORTED AN OBJECT THAT WAS LIKE A RIND, LIKE A HAIR, LIKE EARTH, LIKE RED FLIES, LET HER PUT IT IN WATER AND IF IT DISSOLVES¹² SHE IS UNCLEAR,⁹ BUT IF IT DOES NOT SHE IS CLEAN.¹³

IF AN ABORTION WAS IN THE SHAPE OF FISHES, LOCUSTS, OR ANY FORBIDDEN ANIMALS OR CREEPING THINGS, IF THERE WAS BLOOD WITH THEM SHE IS UNCLEAR,⁹ OTHERWISE SHE IS CLEAN.¹³

IF AN ABORTION HAD THE SHAPE OF A BEAST, A WILD ANIMAL OR A BIRD, WHETHER CLEAN OR UNCLEAR,¹⁴ IF IT WAS A MALE SHE MUST CONTINUE [IN UNCLEANNESS AND SUBSEQUENT CLEANNESS FOR THE PERIODS PRESCRIBED] FOR A MALE,¹⁵ AND IF IT WAS A FEMALE SHE MUST CONTINUE [IN UNCLEANNESS AND SUBSEQUENT CLEANNESS FOR THE PERIODS PRESCRIBED] FOR A FEMALE,¹⁶ BUT IF THE SEX IS UNKNOWN SHE MUST CONTINUE [IN UNCLEANNESS AND SUBSEQUENT CLEANNESS FOR THE PERIODS PRESCRIBED] FOR BOTH MALE AND FEMALE;¹⁷ SO R. MEIR. THE SAGES, HOWEVER, RULED: ANYTHING THAT HAS NOT THE SHAPE OF A HUMAN BEING CANNOT BE REGARDED AS A HUMAN CHILD.

GEMARA. Rab Judah citing Samuel stated: R. Judah declared the woman¹⁸ unclear only where the object had the colour of one of the four kinds of blood,¹⁹ but if it had that of any of the other kinds of blood²⁰ she is clean.²¹ R. Johanan, however, stated: [If the object had the colour] of one of the four kinds of blood²² all²³ agree that the woman is unclear and if it had the colour of any of the other kinds of blood all²⁴ agree that she is clean; they²⁵ differ only in the case where she aborted something and she does not know what she aborted.²⁶ [In such a case.] R. Judah holds, one must be guided by the nature of most of shapeless objects, and most shapeless objects have the colour of one of the four kinds of blood, while the Rabbis hold that we do not say, 'most shapeless objects have the colour of one of the four kinds of blood'. But is this correct?²⁷ Surely when R. Hoshaia arrived from Nehardea he came [to the schoolhouse] and brought with him a Baraita: If a woman aborted a shapeless object that was red, black, green or white,²⁸ if there was blood with it, she is unclear, otherwise she is clean. R. Judah ruled: In either case she is unclear. Now does not this present a difficulty against Samuel in one respect and against R. Johanan in two respects? 'Against Samuel in one respect, since Samuel stated, 'R. Judah declared the woman unclear only where the shapeless object had the colour of one of the four kinds of blood' whereas here 'green and white'²⁹ were mentioned and R. Judah nevertheless disagrees.³⁰ And were you to reply that R. Judah differs only in respect of red and black but not in that of green or white [the question would arise:] For whose benefit then was green and white mentioned? If it be suggested: For that of the Rabbis,³¹ [it could be retorted:] Since the Rabbis declared the woman clean even in the case of red and black blood,³² was it any longer necessary to state that the same law applies also to green and white?²⁹ Must it not then be conceded that these³³ were mentioned for the benefit of R. Judah³⁴ who, it thus follows, does differ.³⁵ Furthermore, according to R. Johanan³⁶ who also stated, '[If it had the colour] of one of the four kinds of blood all agree that she is unclear', [the additional difficulty arises:] Were not red and black also mentioned and the Rabbis nevertheless differ.³⁷ And should you reply that the Rabbis differ only in regard to green and white but not in that of red and black [the difficulty would arise:] For whose benefit, then, were red and black mentioned? If it be suggested: For that of R. Judah [it could be retorted:] Since green and white are regarded as unclear, was it at all necessary to mention

red and black? Must it not then be conceded that these were mentioned for the benefit of the Rabbis who, it follows, do differ?³⁷ — Rather, explained R. Nahman b. Isaac: The point at issue between them³⁸ is the question whether it is possible for the uterus³⁹ to open⁴⁰ without bleeding.⁴¹ They³⁸ thus differ on the same principle as that on which the following Tannas differ. For it was taught: If a woman was in hard labour for two days⁴² and on the third she aborted and⁴³ does not know what she had aborted⁴⁴

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- (1) Composed of one part of wine and two parts of water (cf. our Mishnah).
 - (2) In respect of its colour.
 - (3) Lit., 'new and not old'. According to an interpretation of Maimonides and Semag (cf. Maharsha) the Sharon wine, when used in an examination of blood, must first be new and undiluted and then mixed expressly for the purpose of the examination with two parts of water.
 - (4) Kinds of wine.
 - (5) Which is made of thin and transparent glass.
 - (6) Lit., 'of all the world'.
 - (7) The weight of one hundred zuz.
 - (8) Lit., 'piece'.
 - (9) As a menstruant.
 - (10) Because, in the absence of blood, she cannot be regarded as a menstruant, and, since a shapeless object is no proper birth, she cannot be regarded as a woman in childbirth.
 - (11) This is explained in the Gemara infra.
 - (12) Into liquid blood.
 - (13) Cf. supra n. 3 mut. mut.
 - (14) Cf. Lev. XI.
 - (15) Cf. Lev. XII, 2-4.
 - (16) Cf. ibid. 5.
 - (17) Sc. she is subject to the restrictions of both: The period of her uncleanness is fourteen days (as for a female) and not seven (as for a male) while the subsequent period of her cleanness terminates on the fortieth day (as for a male) and not on the eightieth (as for a female).
 - (18) Who ABORTED A SHAPELESS OBJECT.
 - (19) Described in the Mishnah supra 19a as unclean. (Black and red which in the Mishnah are regarded as two different colours and, therefore, bring the total number of unclean colours to five, are here regarded as one colour since the former is but a deterioration of the latter). R. Judah holds that the shapeless object is but a piece of clotted blood. Hence, if its colour is that of unclean blood, the woman, though not in childbirth, must be deemed unclean as a menstruant.
 - (20) White or green, for instance.
 - (21) Since she is neither in childbirth nor a menstruant.
 - (22) Cf. supra n. 2.
 - (23) Even the Rabbis.
 - (24) Even R. Judah.
 - (25) The Rabbis and R. Judah (cf. prev. two nn.).
 - (26) The object having been lost.
 - (27) Lit., 'I am not'.
 - (28) The first two are of the unclean colours while the last two are among the clean ones (cf. supra 19a).
 - (29) Which are not of the four unclean kinds.
 - (30) With the Rabbis, maintaining that the woman is unclean.
 - (31) I.e., to indicate that the Rabbis regard the woman in such cases as clean.
 - (32) Which are among the four unclean colours.
 - (33) Green and white.
 - (34) Viz., that even with such colours R. Judah regards the woman as unclean.
 - (35) From the Rabbis. How then could Samuel maintain that in such cases R. Judah regards the woman as clean?
 - (36) Against whom, since he stated that in the case of the other kinds of blood 'all agree that she is clean', the difficulty just pointed out against Samuel equally applies.

(37) From R. Judah and declare it clean.

(38) R. Judah and the Rabbis.

(39) Lit., 'grave'.

(40) When an embryo or any other object passes out.

(41) Blood of labour. Both R. Judah and the Rabbis regard the shapeless object as a piece of flesh, and not as a mass of congealed blood. Hence whatever its colour the woman cannot be regarded as a menstruant. R. Judah, however, maintains that the uterus never opens without some bleeding though this may sometimes escape observation. The woman is, therefore, unclean on account of the inevitable discharge of the blood of labour even though the object was green or white and no blood whatsoever had been observed. The Rabbis, on the other hand, maintain that the uterus sometimes opens without any accompanying bleeding and the woman is, therefore, clean whenever no discharge is observed.

(42) Within the eleven days' period intervening between the menstrual periods.

(43) Besides being uncertain whether the abortion was accompanied by bleeding.

(44) Sc. whether it was an embryo or a mere lump of flesh.

Talmud - Mas. Nidah 21b

her case is one of doubtful childbirth and doubtful zibah, and¹ she must, therefore, bring a sacrifice² which may not be eaten.³ R. Joshua ruled: She must bring a sacrifice and it may be eaten, since it is impossible for the uterus to open without some bleeding.⁴

Another version reads as follows. Rab Judah citing Samuel stated: R. Judah declared the woman unclean only where the object had the colour of one of the four kinds of blood, but if it had that of any of the other kinds of blood she is clean. But is this correct? Surely when R. Hoshia arrived from Nehardea he came [to the schoolhouse] and brought with him a Baraitha: If a woman aborted a shapeless object that was red, black, green or white, if there was blood with it, she is unclean, otherwise she is clean; but R. Judah ruled: In either case she is unclean. Now here red, black, green and white were mentioned and R. Judah nevertheless disagrees.⁵ And should you reply that R. Judah differs only in respect of red and black but not in that of green and white [the question would arise]: For⁶ whose benefit then was green and white mentioned? If it be suggested: For that of the Rabbis [it could be retorted]: Since the Rabbis declared the woman clean even in the case of red and black blood, was it any longer necessary to state that the same law applies also to green and white? Must it not then be conceded that these were mentioned for the benefit of R. Judah who,⁷ it thus follows, does differ?⁸ — Rather, said R. Johanan,⁹ the point at issue between them is the question whether it is possible for the uterus to open without bleeding.⁵ They thus differ on the same principle as that on which the following Tannas differ. For it was taught: If a woman was in hard labour for two days and on the third she aborted and she does not know what she had aborted, her case is one of doubtful childbirth and doubtful zibah, and she must, therefore, bring a sacrifice which may not be eaten. R. Joshua ruled: She must bring a sacrifice, and it may be eaten, since it is impossible for the uterus to open without some bleeding.⁵

Our Rabbis taught: If a woman aborted a shapeless object. Symmachus ruled in the name of R. Meir, and R. Simeon b. Menasia likewise gave the same ruling: It must be split, and if there was blood in it the woman is unclean and if there is none in it she is clean. This is in agreement with the Rabbis but also more restrictive than the ruling of the Rabbis. It is 'in agreement with the Rabbis' who ruled that it was possible for the uterus to open without bleeding; but it is 'also more restrictive than the ruling of the Rabbis', since they hold that only where the blood was with it¹⁰ is the woman unclean¹¹ but not where it was only within it,¹² while Symmachus holds that [the woman is unclean] even if the blood was only within it.¹² Another [Baraitha] taught: If a woman aborted a shapeless object. R. Aha ruled: It must be split, and if its interior shows red,¹³ the woman is unclean, otherwise she is clean. This is in agreement with Symmachus,¹⁴ but also more restrictive than the ruling of Symmachus.¹⁵ Again another [Baraitha] taught: If a woman aborted a shapeless object, R. Benjamin ruled: It must be split, and if there was a bone in it, its mother is unclean by reason of childbirth.¹⁶ R.

Hisda explained: This applies only to a white object.¹⁷ So also when a pair [of scholars]¹⁸ from Adiabene arrived they came [into the schoolhouse] and brought with them the following Baraita: If a woman aborted a white shapeless object it must be split and if there was a bone in it the mother is unclean by reason of childbirth.¹⁶

R. Johanan citing R. Simeon b. Yohai ruled: If a woman aborted a shapeless object it must be split, and if it contained a quantity of accumulated blood she is unclean, otherwise¹⁹ she is clean. This is in agreement with Symmachus²⁰ but is also the most lenient of all the previous rulings.²¹

R. Jeremiah enquired of R. Zera: What is the ruling where a woman observed a discharge of blood in a tube?²² Since the All Merciful has said, In her flesh²³ He implied: But not in a tube,²⁴ or is it possible that the text, 'In her flesh', was required for the deduction that it²⁵ causes uncleanness within²⁶ as well as without?²⁷ — The other replied: The All Merciful said, In her flesh²³ implying: But not in a tube; for if the expression 'In her flesh' had been required for the deduction that it²⁵ causes uncleanness within as well as without, Scripture should have said, Her flesh,²⁸ why then did it say, 'In her flesh'? Both rulings may, therefore, be deduced. But did not R. Johanan rule in the name of R. Simeon b. Yohai: If a woman aborted a shapeless object it must be split, and if there was in it a quantity of accumulated blood she is unclean, otherwise she is clean?²⁹ — What a comparison!³⁰ In that case it is usual for a woman to observe blood in a shapeless abortion,³¹ but in this case it is not usual for a woman to observe blood in a tube.³²

May it be suggested that the question of blood in a tube is a point at issue between Tanna? For it was taught: If a woman aborted a shapeless object, even though it is full of blood, it is only where there was a discharge of blood with it³³ that the woman is unclean; otherwise she is clean. R. Eliezer ruled: 'In her flesh'²³ implies: But not [where the blood was] within a sac or within any shapeless abortion. (Is not R. Eliezer's ruling identical with that of the first Tanna?³⁴ — Read: For R. Eliezer ruled, 'In her flesh' implies: But not [where the blood was] within a sac or within any shapeless abortion). But the Sages ruled: This is not menstrual blood but the blood of a shapeless object.³⁵ Now does not the first Tanna also declare her clean?³⁶ But the fact is that the difference between them is the case where the abortion was chapped. The first Tanna is of the opinion that 'In her flesh' implies: But not [where the blood was] in a sac or in a shapeless object,³⁷ and the same applies also to a tube.³⁷ This, however, holds good only where it³⁸ was smooth,³⁹ but if it was chapped⁴⁰ the woman is unclean. What is his reason? It may be described as 'In her flesh'.⁴¹ Thereupon the Rabbis came to declare: Although it³⁸ was chapped [the woman is clean since] the discharge is not menstrual but that of the shapeless object.⁴² Menstrual blood, however, is undoubtedly a cause of uncleanness⁴³ even if it was in a tube!⁴⁴ — Abaye replied: As regards a tube all⁴⁵ agree that the woman is clean,⁴⁶

(1) Since it is not known whether (a) the abortion was an embryo in consequence of which, whether there was bleeding or not, she is to bring the sacrifice prescribed for a woman in childbirth; or (b) a mere lump of flesh, in which case, if there was no bleeding, no such sacrifice is due; or (c) there was a discharge of blood with (b) in which case (being that of a discharge on three consecutive days) she must bring the sacrifice prescribed for zibah.

(2) To provide (cf. prev. n.) against the possibility of (a) or (c).

(3) Since it is possible, as explained in note 3(b). that she is neither in the position of one in childbirth nor in that of one in zibah, in consequence of which she is not liable to either sacrifice, and the bird that she brought as a sin-offering, having had its head pinched off in accordance with the ritual prescribed for such a sacrifice, is (owing to the possibility that it is no sacrifice at all and that it is, therefore, subject to the rules of slaughter appertaining to unconsecrated animals) thus forbidden to be eaten as the flesh of nebelah.

(4) So that a sacrifice is due in either case: If she gave birth to an embryo she has to bring the sacrifice prescribed for one in childbirth, and if she merely aborted a lump of flesh, since this was inevitably accompanied by bleeding, she (cf. supra n. 4) is regarded as a zabah and is liable to bring the one prescribed for zibah.

(5) Cf. notes on prev. version.

- (6) Cf. Bah.
- (7) Since he ruled, 'In either case she is unclean'.
- (8) From the Rabbis who declared the woman clean. How then could Samuel maintain that 'if it had that of any of the other kinds of blood she is clean'?
- (9) Cf. Rashal. Cur. edd. in parenthesis, 'Rab Judah'.
- (10) Externally, sc. the passing out of the abortion was accompanied by bleeding.
- (11) Lit., 'yes'.
- (12) The object.
- (13) Though it contained no collected blood
- (14) Who laid down supra that blood in the interior of the object causes the same uncleanness as external blood that was discharged with it.
- (15) He required accumulated blood while here mere redness is regarded as a cause of uncleanness.
- (16) And she is subject to the restrictions of the laws of the prescribed days of both uncleanness and cleanness. Her period of uncleanness extends over fourteen days (prescribed for the birth of a female, and not seven as for a male) while her period of cleanness terminates on the fortieth day (prescribed for a male and not on the eightieth prescribed for a female).
- (17) Which is regarded as a kind of flesh.
- (18) Zuga. Var. lec. 'Zuza' and 'Zuwa'. (prop. noun).
- (19) Sc. if the blood is not accumulated in a considerable quantity.
- (20) Who ruled that blood in the interior is a cause of menstrual uncleanness as external blood.
- (21) Since according to it blood that is not accumulated (contrary to Symmachus) and a red interior (contrary to R. Aha) are no causes of uncleanness.
- (22) That was inserted in the uterus.
- (23) Lev. XV, 19, dealing with the menstruant.
- (24) The woman is consequently clean.
- (25) Menstrual blood.
- (26) In the vagina after it had left the uterus.
- (27) Sc. when it had completely left the body. In the case of zibah and the emission of semen there can be no uncleanness before the discharge had left the body.
- (28) V. marg. gl. Cur. edd. in parenthesis 'in flesh'.
- (29) Supra. Now if the blood in the abortion causes uncleanness why should not also blood in a tube?
- (30) Lit., 'thus, now'.
- (31) It comes, therefore, under the description 'in her flesh'; hence the woman's uncleanness.
- (32) Hence R. Zera's ruling that the woman is clean.
- (33) When it passed out.
- (34) Obviously it is. Why then should R. Eliezer merely repeat another authority's statement?
- (35) The woman is consequently clean.
- (36) Cf. prev. n. What then is the difference between their respective views?
- (37) Since in these cases there is an interposition between the woman's body ('her flesh') and the blood.
- (38) The abortion.
- (39) So that all the blood within it is completely separated from the woman's body.
- (40) In consequence of which some of the blood and the woman's body come in direct contact.
- (41) It being a Pentateuchal ordinance that when the blood was in direct contact with the woman's body uncleanness is caused.
- (42) As it is not menstrual at all it matters little whether it did, or did not come in contact with the body of the woman who, consequently, is in either case regarded as clean.
- (43) Since the discharge came from the uterus.
- (44) It thus follows that R. Zera's view is that of the first Tanna while the Rabbis opposed this view. Is it likely, however, that R. Zera adopted the view of the first Tanna, an individual, when it was opposed by the Rabbis who were in the majority?
- (45) Even the Rabbis.
- (46) Since the Scriptural text 'In her flesh' cannot be applied to it (Rashal).

Talmud - Mas. Nidah 22a

and they only differ in the case of a shapeless object.¹ One Master² holds that it is usual for a woman to observe blood in a shapeless object³ and the Masters⁴ hold that it is not usual for a woman to observe blood in such an object.⁵ Raba replied that all⁶ agreed that it is not usual for a woman to observe blood in a shapeless object, but it is on the question whether the woman is clean⁷ and the interior of the uterus is unclean⁸ that they differ, R. Eliezer being of the opinion that though the woman is clean⁹ the blood is unclean since it comes through the uterus,¹⁰ while the Rabbis hold the opinion that the woman is clean and the interior of the uterus is also clean.¹¹

Rabba required of R. Huna: What is the ruling where one observed semen on a splinter?¹² Did the Divine Law say, From him¹³ to indicate that the man is unclean only when it¹⁴ issued naturally from his body but not when it was brought out by means of a splinter, or is it possible that the expression 'from him' implies [that the man is unclean] only when his uncleanness¹² has come out of his body, in which case [he is unclean] even though that was effected by means of a splinter? — The other replied: You can infer the ruling [from the fact] that the man himself¹⁵ becomes unclean only when the quantity of semen emitted suffices to close up the orifice of the membrum.¹⁶ This then¹⁷ implies that the man¹⁸ is regarded as having touched the semen.¹⁹ But, then, this²⁰ should not cause [the counting of the clean days] after a zibah to be void.²¹ Why then was it taught: This is the law of him that hath an issue,²² and of him from whom the flow of seed²³ goeth out,²⁴ as zibah²⁵ causes [the counting of the clean days] to be void²⁶ so does semen? — The other replied: As regards counting again, this is the reason why the previous counting is void: because it is impossible for semen to be emitted²⁷ without an admixture of some particles of zibah.²⁸ Now then,²⁹ this should cause the counting of all the seven days³⁰ to be void,³¹ why then was it taught: 'This is the law of him that hath an issue etc.', as zibah causes the clean days to be counted again so does semen? But in case you should assume that as zibah causes the counting of all the seven days³⁰ to be void so does semen also, it was expressly stated, So that he is unclean thereby;²⁴ you can apply to it³² only that which had been said about it,³³ hence it causes the counting of one day only to be void?³⁴ — The other³⁵ replied: It is a decree of Scripture that an absolute zibah in which no semen is mixed causes the counting of all seven days to be void, but particles of zibah in which semen is mixed cause only the counting of one day³⁶ to be void.

R. Jose son of R. Hanina enquired of R. Eleazar: What is the ruling in the case of dry blood?³⁷ Did the Divine Law say, Have an issue³⁸ of her blood³⁹ to indicate that it must be actually flowing,⁴⁰ hence it refers only to fluid blood but not to dry, or is it possible that the expression, 'have all issue of her blood'⁴¹ was used merely because blood usually flows, but the same law in fact applies to dry blood also? — The other replied: You have learnt it: The blood of a menstruant and the flesh of a corpse convey uncleanness when fresh or when dry.⁴² Said he [R. Jose] to him, 'Where the blood was first fresh and then it dried up, I have no question to ask; my question arises only where it was originally dry'.⁴³ 'This also', the other replied, 'you have learnt: IF A WOMAN ABORTED AN OBJECT THAT WAS LIKE A RIND, LIKE A HAIR, LIKE EARTH, LIKE RED FLIES, LET HER PUT IT IN WATER

(1) That was chapped.

(2) The first Tanna.

(3) The woman is, therefore, unclean. Only when the abortion is smooth, and the blood contained within it does not come in contact with the woman's body, the text, 'In her flesh' cannot, be applied to it.

(4) The Rabbis.

(5) And if she does observe any it is no menstrual blood and she consequently remains clean.

(6) Even the first Tanna.

(7) Because the blood was not menstrual.

- (8) And so conveys uncleanness to any blood that passes through it.
- (9) Because the blood was not menstrual.
- (10) Cf. prev. n. The blood consequently conveys uncleanness to any object with which it comes in contact and also to the woman herself to the extent that her uncleanness lasts until sunset.
- (11) So that the blood remains clean even after it had passed through the uterus.
- (12) After it had been inserted into the membrum.
- (13) And if any man's seed of copulation go out from him (A.V. Lev. XV, 16).
- (14) The semen.
- (15) Even where there was a natural discharge of semen.
- (16) Since the splinter used is inevitably smaller than the orifice, the quantity of semen extracted by it must obviously be less than the prescribed minimum.
- (17) Since (as in the case of nebelah for instance) a minimum has been prescribed, below which semen conveys no uncleanness.
- (18) Who is deemed unclean on account of the semen.
- (19) Had the uncleanness been conveyed to him on account of his observation of it, no minimum would have been prescribed, as none was prescribed for menstrual blood (a case of uncleanness through observation) and where the smallest drop of blood suffices to cause uncleanness.
- (20) The man's contact (cf. prev. nn.) with the semen, as his contact with a dead creeping thing, for instance, whose uncleanness also is conveyed through contact.
- (21) As is the case where there was such contact with a dead creeping thing.
- (22) Sc. zibah.
- (23) Semen.
- (24) Lev. XV, 32.
- (25) That occurs during the counting of the seven clean days after the termination of a previous zibah.
- (26) And, before ritual cleanness is attained seven clean days must be counted again.
- (27) During the days following a period of zibah.
- (28) It is the zibah, and not the semen, that causes the necessity for a new counting of the seven clean days.
- (29) Since (cf. prev. n.) the zibah is the cause.
- (30) If the discharge was discovered on the seventh day.
- (31) As is the case with a discharge of zibah.
- (32) Semen, which causes uncleanness for one day only.
- (33) Sc. (cf. prev. n.) it cannot be expected to cause a recount of seven days when it never causes uncleanness for more than one day.
- (34) How then could R. Huna maintain that zibah is the cause of the recount?
- (35) R. Huna.
- (36) The last, on which it was discovered.
- (37) Sc. does it, or does it not convey uncleanness?
- (38) Lit., 'will flow a flowing' (v. infra).
- (39) Lev. XV, 25.
- (40) Cf. prev. n. but one.
- (41) Lev. XV, 25.
- (42) Infra 54b.
- (43) Sc. the abortion was a piece of dry blood.

Talmud - Mas. Nidah 22b

AND IF IT DISSOLVES SHE IS UNCLEAN.¹ But if so,² [should not uncleanness be caused] even if the object was not dissolved? — Rabbah replied: If it is not dissolved it is an independent creature.³ But is there such a phenomenon?⁴ Yes; and so it was taught: R. Eleazar son of R. Zadok stated, A report of the following two incidents was brought up by my father from Tib'in⁵ to Jamnia. It once happened that a woman was aborting objects like pieces of red rind and the people came and asked my father, and my father asked the Sages, and the Sages asked the physicians who explained

to them that that woman had an internal sore [the crust] of which she cast out in the shape of the pieces of red rind. [It was ruled that] she should put them in water and if they dissolved she should be declared unclean. And yet another incident occurred when a woman was aborting objects like red hairs, and she came and asked my father, and my father asked the Sages, and the Sages asked the physicians who explained to them that the woman had a wart⁶ in her internal organs and that that was the cause of her aborting objects like red hairs.⁷

LET⁸ HER PUT IT IN WATER AND IF IT DISSOLVES SHE IS UNCLEAN. Resh Lakish ruled: And [this must be done] with lukewarm water.⁹ So it was also taught: Let her put it in water, viz., in lukewarm water. R. Simeon b. Gamaliel ruled: She [must attempt to] crush it with spittle on her nail. What is the practical difference between them?¹⁰ — Rabina replied: The practical difference between them is [an abortion that can be] crushed by the exercise of pressure.¹¹

Elsewhere we have learnt: How long must they¹² be soaked in the lukewarm water?¹³ Twenty-four hours.¹⁴ Now in this case,¹⁵ what length of time is required? Do we require a period of twenty-four hours or not?¹⁶ Is it only in regard to a creeping thing and carrion, which are tough, that a twenty-four hours' soaking is required but not in that of blood, which is soft, or is it possible that there is no difference? — This is undecided.¹⁷

IF AN ABORTION WAS IN THE SHAPE OF FISHES. But why does not R. Judah¹⁸ disagree¹⁹ in this case also?²⁰ — Resh Lakish replied: This²¹ was indeed learnt as a controversial ruling,²² and it²¹ represents only the opinion of the Rabbis. R. Johanan, however, replied: It²³ may even be said to agree with R. Judah,²⁴ for R. Judah gave his ruling²⁵ only there, in the case of a SHAPELESS OBJECT, since it is the nature of blood to congeal and to assume the form of a shapeless object,²⁶ but [not here,²⁷ since] it²⁸ can never assume the form of a creature.²⁹ According, however, to that version in which R. Johanan stated that 'the point at issue between them is the question whether it is possible for the uterus to open without bleedings',³⁰ should not R. Judah³¹ have disagreed in this case also? — He who learnt that version³² reads here: Both R. Johanan and Resh Lakish replied: This³³ was learnt as a controversial ruling,³⁴ and it³³ represents only the view of the Rabbis.

IF AN ABORTION HAD THE SHAPE OF A BEAST etc. Rab Judah citing Samuel stated: What is the reason of R. Meir? Since in their case³⁵ an expression of forming³⁶ is used as in that of man.³⁷ Now then, if an abortion was in the likeness of a sea-monster³⁸ would its mother be unclean by reason of child-birth, since an expression of forming was used in its case as in that of man, it having been said, And God created³⁹ the great sea-monsters?⁴⁰ — I can answer: An expression of forming⁴¹ may be deduced from another expression of forming⁴² but one of creating⁴³ may not be deduced from one of forming.⁴⁴ But where lies the practical difference between the two expressions? Surely the School of R. Ishmael taught: And the priest shall return,⁴⁵ and the priest shall come,⁴⁶ 'returning' and 'coming' are the same thing!⁴⁷ Furthermore, why should not one expression of 'creating'⁴³ be deduced from another expression of 'creating', it being written, And God created man in His own image?⁴⁸ — I can answer: 'And . . . created'⁴⁸ is required for its own context while 'and . . . formed' is available for deduction, hence it is that the expression of 'forming'⁴⁹ may be deduced from the similar one of 'forming'.⁴⁴ On the contrary [might it not be submitted that] 'And... formed'⁴⁴ was required for its own context while 'and . . . created'⁴⁸ is available for deduction, hence the expression of 'creating'⁴³ may be deduced from 'creating'?⁴⁸ — The fact is that the expression 'And . . . formed' is available for deduction on the two sides: It is available in the case of man⁵⁰ and it is also available in that of beast;⁵¹ but the expression of 'And . . . created' is available for deduction only in the case of man⁵² but it is not available for the purpose in that of sea-monsters.⁵³ But why is it⁵⁴ regarded available for deduction in the case of beast? If it be suggested because it is written, And God made the beast of the earth⁵⁵ and it is also written, And out of the ground the Lord God formed every beast of the field,⁵⁶ is not a similar expression [it may be retorted] also available for deduction in the case of a sea-monster, since it is written, And God made . . . and every thing that creepeth

upon the ground,⁵⁷ and it is also written, And God created the great seamonsters?⁵⁸ — ‘Every thing that creepeth’ that was written in the previously mentioned verse refers to those on the dry land. What, however, is the practical difference between an expression that is available for deduction on one side and one that is available for deduction on two sides?⁵⁹ — The practical difference is the statement Rab Judah made in the name of Samuel who had it from R. Ishmael:⁶⁰ From any gezerah shawah⁶¹ neither of whose terms is available for deduction⁶² no deduction may be made;⁶³ if one of the terms is available for the purpose, then according to R. Ishmael, a deduction may be made and no refutation may be offered, while according to the Rabbis deduction may be made⁶⁴ but a refutation⁶⁵ may be offered; and if both terms are available for deduction, all⁶⁶ agree that deduction may be made and no refutation may be offered. As to R. Ishmael, however, what is the practical difference between a gezerah shawah one of whose terms only is available for deduction and one both of whose terms are available for the purpose? — The practical difference is that where there is one of which one term only is available for deduction and another both of which both terms are available for deduction we must leave the former

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- (1) Because it is regarded as unclean blood though when she first observed the object it was as dry, for instance, as earth.
 - (2) That dry blood also causes uncleanness.
 - (3) And cannot be regarded as congealed blood.
 - (4) An abortion LIKE A RIND OR LIKE A HAIR.
 - (5) In Galilee west of Sepphoris.
 - (6) From which grew hairs.
 - (7) Tosef. Nid. IV.
 - (8) Cf. Bomb. ed. Cur. edd. do not indicate that this is a quotation from our Mishnah.
 - (9) Resistance to which is proof that it is no mass of congealed blood. Resistance to cold water alone is no proof that it is not congealed blood, since it is possible that it would dissolve in lukewarm water and the woman, therefore, cannot be declared clean.
 - (10) R. Simeon b. Gamaliel and the first Tanna.
 - (11) But cannot be dissolved by mere immersion in lukewarm water. According to the first Tanna, since lukewarm water cannot dissolve it, it cannot be regarded as blood, while according to R. Simeon b. Gamaliel, since it may be squashed by pressure, it must be regarded as blood.
 - (12) Unclean things such, for instance, as a dead creeping thing and carrion which have become dry.
 - (13) To restore them to their original condition of freshness. These (as stated infra) convey uncleanness only when fresh but not when dry.
 - (14) Infra 54b.
 - (15) RIND, HAIR, EARTH etc. spoken of in our Mishnah.
 - (16) Sc. even a lesser period suffices to establish that they are masses of congealed blood.
 - (17) Teku.
 - (18) Who in an earlier clause of our Mishnah ruled, IN EITHER CASE SHE IS UNCLEAN.
 - (19) With the ruling that, OTHERWISE SHE IS CLEAN.
 - (20) Sc. why does he not here also maintain that the woman is unclean in either case?
 - (21) The anonymous ruling under discussion.
 - (22) R. Judah and the Rabbis being in disagreement on it.
 - (23) The anonymous ruling under discussion.
 - (24) Who in this case is of the same opinion as the Rabbis.
 - (25) That IN EITHER CASE SHE IS UNCLEAN.
 - (26) Hence his ruling (cf. prev. n.) whenever the object had the colour of one of the four kinds of unclean blood. His ruling is thus entirely independent of the question whether the uterus does or does not open without bleeding.
 - (27) In the case of an abortion of FISHES, LOCUSTS etc.
 - (28) Blood.
 - (29) And since the abortion under discussion did assume the form of a creature, R. Judah agrees with the Rabbis that OTHERWISE SHE IS CLEAN.
 - (30) Supra 21b.

- (31) Since the character of the abortion itself is of no consequence.
- (32) The one just referred to.
- (33) The anonymous ruling under discussion.
- (34) R. Judah and the Rabbis being in disagreement on it.
- (35) Beasts and birds.
- (36) And . . . the Lord God formed every beast . . . and every fowl (Gen. II, 19).
- (37) Then the Lord God formed man (ibid. 7).
- (38) Which may be classed as a kind of fish.
- (39) This is now assumed to be analogous to an expression of 'forming'.
- (40) Gen. I, 21. The answer being presumably in the affirmative, how could our Mishnah rule that IF AN ABORTION WAS IN THE SHAPE OF FISHES . . . SHE IS CLEAN?
- (41) And . . . the Lord God formed every beast . . . and every fowl (Gen. II, 19).
- (42) Then the Lord God formed man (ibid. 7).
- (43) Used about sea-monsters in Gen. I, 21.
- (44) Then the Lord God formed man (ibid. II, 7).
- (45) Lev. XIV, 39.
- (46) Ibid. 44.
- (47) And an analogy between them may be drawn, though they are derived from different roots, v. Hul. 85a. Why then should no analogy be drawn between 'forming' and 'creating'?
- (48) Gen. I, 27.
- (49) And . . . the Lord God formed every beast . . . and every fowl (Gen. II, 19).
- (50) Since the expression of 'creating' (Gen. I, 27) has also been used about him.
- (51) As will be explained presently.
- (52) Concerning whom there is also the expression of 'forming' (Gen. II, 7).
- (53) Since Scripture contains no other similar expression about them.
- (54) The expression of 'forming'.
- (55) Gen. I, 25; an expression of 'making'.
- (56) Ibid. II, 19; expression of 'forming'.
- (57) Ibid. I, 25, an expression of 'making' which presumably includes the sea-monsters.
- (58) Gen. I, 21, an expression of 'creating' which is superfluous in view of that of 'making' (cf. prev. n.) and, therefore, available for deduction.
- (59) I.e., why is deduction in the latter case preferable to the former?
- (60) The last six words apparently require emendation.
- (61) V. Glos.
- (62) Lit., 'that is not vacant at all'.
- (63) Even where no refutation can be offered.
- (64) If no refutation can be offered against it.
- (65) If one can be suggested.
- (66) Even the Rabbis.

Talmud - Mas. Nidah 23a

and make the deduction from the latter. And it is for this reason¹ that in the case of beast the All Merciful made both terms available for deduction: In order that no deduction shall be made from one of which one term only is available for deduction.²

R. Aha son of Raba taught this³ in the name of R. Eleazar in the direction of leniency. From any gezerah shawah none of whose terms is available for deduction, one may make the deduction and one may also offer a refutation; if one of its terms only is available for the purpose, deduction, according to R. Ishmael, may be made and no refutation may be offered, while according to the Rabbis deduction may be made and a refutation may be offered; and if two of its terms are available for deduction, all agree that deduction may be made and no refutation may be offered. But according

to the Rabbis⁴ what is the practical difference between one whose one term is available for deduction and one none of whose terms is available for deduction? — The practical difference between them is the case where you find a gezerah shawah one of whose terms is available for deduction and another none of whose terms is available for the purpose, and neither the one nor the other can be refuted, in such a case we must leave the one neither of whose terms is available and make deduction from the one of which one term is available. But what refutation is there in this case?⁵ — One might object:⁶ A man is different⁷ since he contracts uncleanness⁸ even when he is alive.⁹

R. Hiyya b. Abba citing R. Johanan also stated,¹⁰ This is the reason of R. Meir: Since the expression of ‘forming’ has been used in its case as in that of man. Said R. Ammi to him: Now then, If an abortion was in the shape of a mountain would the woman who aborted it¹¹ be unclean by reason of the birth because it is said, For, lo, He that formeth¹² the mountains and createth the wind?¹³ — The other replied: Does she ever abort a mountain? She can only abort something in the shape of a stone, and that can only be described as a lump.¹⁴ But then, if the abortion was some inflated object would the woman who aborted it¹¹ be unclean by reason of the birth because the expression of ‘creating’ has been used about it as about man, since it is written, And createth¹⁵ the wind?¹³ And should you reply: it¹⁶ is not available for deduction,¹⁷ [it could be retorted:] Since it could have been written, ‘Formeth the mountains and the wind’, and yet it was written ‘And createth the wind’ it may be inferred, may it not, that it¹⁶ was intended to be made available for deduction? — The other replied: An analogy for legal purposes may be drawn between words that occur in the Pentateuch¹⁸ but no analogy may be drawn between words that occur respectively in the Pentateuch and in the post-Pentateuchal books.¹⁹

Rabba²⁰ b. Bar Hana citing R. Johanan stated, This is the reason of R. Meir: Because [the pupils²¹ of] their²² eyes are similar to those of human beings. Now then, if an abortion was in the likeness of a serpent would the woman who aborted it¹¹ be unclean on account of the birth since its eye-ball is round like that of a human eye? And should you suggest that the law is so indeed [it could be retorted]: Why then was not the serpent mentioned?²³ — If the serpent had been mentioned²³ it might have been presumed that only in the case of the serpent do the Rabbis disagree with R. Meir, since the expression of ‘forming’ was not written about it but that in the case of a beast or a wild animal they do not differ from him since the expression of ‘forming’ had been written about it.²⁴ But was it not stated in regard to blemishes,²⁵ ‘One whose eyeball is like that of a man’?²⁶ — This is no difficulty, the one²⁷ refers to the black of the eye²⁸ while the other refers to the slit.²⁹

R. Jannai stated, This is the reason of R. Meir: Because their³⁰ eyes are fixed in the front of their heads³¹ like those of men. But what about³² a bird whose eyes are not fixed in the front of its head and R. Meir nevertheless ruled that it is a cause of uncleanness? — Abaye replied: This³³ applies only to the kadia³⁴ and the kipufa.³⁵ It³³ does not then apply to other birds! An objection was raised: R. Hanina b. Gamaliel³⁶ stated, I approve of the view of R. Meir in regard to beasts and wild animals and that of the Sages in regard to birds. Now what did he mean by ‘birds’? If it be suggested: kadia³⁴ and kipufa³⁵ [the difficulty would arise]: Wherein do beasts and wild animals differ [from other creatures]? [Obviously in that] that their eyes are fixed in front of their heads like those of men. Now are not those of the kadia³⁴ and the kipufa³⁵ fixed in the same position?³⁷ Consequently³⁸ he must have meant other birds. Thus it may be implied, may it not, that R. Meir differs from the Rabbis in regard to the other birds?³⁹ — Some part is missing⁴⁰ and this is the correct reading: R. Hanina b. Gamaliel³⁶ stated, I approve of the view of R. Meir in regard to beasts and wild animals, this applying also to the kadia and the kipufa; and that of the Sages in regard to other birds; for even R. Meir disagreed with them only in regard to the kadia and the kipufa, but in the case of other birds he agrees with them. And so it was also taught: R. Eliezer son of R. Zadok stated: An abortion that had the shape of a beast or a wild animal is, according to the view of R. Meir, regarded as a valid birth, but according to the view of the Sages it is no valid birth; and in the case of birds an examination should take place. Now according to whose view should an examination take place? Obviously⁴¹

according to that of R. Meir who ruled that the law⁴² applied⁴³ to the kadia and the kipufa and not to the other birds! R. Aha son of R. Ika retorted: No; the examination should take place according to the Rabbis who ruled that kadia and kipufa are regarded as valid births⁴³ but not other birds. But wherein does the kadia or the kipufa in this respect differ from beasts and wild animals?⁴⁴ — In that they have jaws like those of men.⁴⁵

R. Jeremiah enquired of R. Zera: According to R. Meir who ruled: 'A beast that was in a woman's body is a valid birth', what is the law where its father⁴⁶ received for it a token of betrothal?⁴⁷ — In what respect could this⁴⁸ ever matter? — In respect of causing its sister to be forbidden.⁴⁹ This then presumes⁵⁰ that it is viable! But did not Rab Judah citing Rab state: R. Meir gave his ruling⁵¹ only because in the case of its own species⁵² it is viable?⁵³ Said R. Aha b. Jacob: 'To such an extent did R. Jeremiah try⁵⁴ to make R. Zera laugh; but the latter did not laugh'.⁵⁵

[Reverting to] the [previous] text, 'Rab Judah citing Rab stated: R. Meir gave his ruling only because in the case of its own species it is viable.' Said R. Jeremiah of Difti:

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- (1) According to the Rabbis.
 - (2) Since such a gezerah shawah, as stated supra, could be refuted.
 - (3) The statement cited supra by Rab Judah.
 - (4) Who maintain that whether one, or none of the terms is available for deduction both deduction and refutation are admissible.
 - (5) The analogy (supra 22b) with man. Sc. since, as was explained supra, the only reason why deduction is made from a gezerah shawah both of whose terms are available for the purpose in preference to one of which one term only is available is the consideration that while the latter can be refuted when a logical refutation is offered the former cannot be refuted even in such a case, it follows that where no refutation can be offered it is immaterial whether the deduction is made from the one or the other. And since R. Meir (supra 22b) preferred the gezerah shawah between man and beast (both of whose terms are available) to that of man and sea-monsters (whose one term only is available) he must have intended to avoid thereby a refutation that had suggested itself to him. Now what was that refutation?
 - (6) Lit., 'because there is (an argument) to refute'.
 - (7) From other creatures.
 - (8) From a dead creeping thing, for instance.
 - (9) Other creatures, however, while alive can never become unclean. It could, therefore, have been argued that man who is subject to the one restriction of uncleanness may also be a cause of uncleanness to his mother when he is born, but any other creature which is not subject to the former restriction is also exempt from the latter.
 - (10) Like Rab Judah, supra 22b.
 - (11) Lit., 'its mother'.
 - (12) An expression of 'forming' like that used of man.
 - (13) Amos IV, 13.
 - (14) To which the term 'mountain' cannot apply.
 - (15) An expression of 'creating' like that used of man.
 - (16) Cf. prev. n.
 - (17) I.e., it is required for its own context.
 - (18) Torah, in its restrictive connotation.
 - (19) Kabbalah, lit., 'acceptance', 'tradition' as distinct from Torah. (Cf. prev. n.).
 - (20) Cur. edd. in parenthesis 'he said'.
 - (21) V. Rashi and infra.
 - (22) Beasts.
 - (23) In our Mishnah, among the shapes of creatures that cause the woman's uncleanness.
 - (24) Hence the omission of the serpent.
 - (25) Which disqualify a beast.
 - (26) Bek. 40a. Now since such likeness is regarded as a blemish it is obvious that the normal eye of a beast is different from the human one. How then could R. Johanan maintain that a beast's eyes are like human eyes?

- (27) R. Johanan's statement.
- (28) The pupil, which has the same round shape in man and beasts.
- (29) In which the eye is fixed. This is not so round in the eye of a beast as in the human eye.
- (30) Beasts'.
- (31) Lit., 'go before them'. Those of fishes and serpents are fixed in the sides of their heads.
- (32) Lit., 'and behold'.
- (33) R. Meir's ruling just cited.
- (34) Or (as cur. edd.) 'karia', a species of owls.
- (35) Also a species of owls.
- (36) Cf. Tosaf. supra 8b. s.v. **סתי**. Cur. edd. in parenthesis, 'Antigonus'.
- (37) Of course they are. Consequently they should have been subject to the same law as beasts and wild animals.
- (38) Since he made them subject to a different law.
- (39) If he had not differed, there would have been no point in R. Hanina's statement, 'I would approve . . . that of the Sages'.
- (40) In R. Hanina's statement.
- (41) Lit., 'not?'
- (42) That the birth is regarded as valid.
- (43) Lit., 'yes'.
- (44) Who also have their eyes in the sides of their heads. If according to the Rabbis an abortion of the former causes uncleanness why should not also the latter?
- (45) Which beasts and wild animals have not.
- (46) Who is entitled to effect the betrothal of his daughter while she is a minor.
- (47) Which is a valid kinyan (v. Glos.) in the case of a normal child.
- (48) Such an absurd betrothal.
- (49) To marry the man who betrothed it. It is forbidden to marry a wife's sister.
- (50) Since a wife's sister is forbidden to a man only during the lifetime of his wife.
- (51) That an abortion of a beast or wild animal is regarded as a valid birth.
- (52) Beast born from beast or wild animal from wild animal.
- (53) But not when a woman aborted such creatures. The question of wife's sisters, consequently, could never arise in such a case. What then was the point in R. Jeremiah's peculiar enquiry?
- (54) By his absurd enquiries.
- (55) It is forbidden to indulge in laughter in this world (cf. Ber. 31a).

Talmud - Mas. Nidah 23b

We also learnt the same thing:¹ An abortion in the shape of a beast, wild animal or bird [is regarded as a valid birth];² so R. Meir. And the Sages ruled: [It is no valid birth]³ unless it has the features of a human being. But if the abortion was a sandal,⁴ a placenta or a foetus with some articulated shape, or if a child issued cut up in pieces, the son born after it is regarded as the firstborn in respect of inheritance but he is no firstborn as far as the priest is concerned.⁵ Now if one could imagine that such an abortion is viable, would the son born after it be regarded as the firstborn in regard to inheritance?⁶ Said Raba: It may well be maintained that it is viable but the case there⁷ is different [from what might have been expected]⁸ since Scripture said, The first of his mourning⁹ which refers to the one for whom¹⁰ his¹¹ heart aches, and thus excludes an abortion for which¹² his heart does not ache.¹³

R. Adda b. Ahaba enquired of Abaye: According to R. Meir who ruled that a beast that was in the bowels of a woman is a valid birth, what is the ruling where a human child was in the bowels of a beast?¹⁴ — In what respect does this matter? — In that of permitting it to be eaten.¹⁵ But why can you not solve this question from the following ruling of R. Johanan; for R. Johanan ruled: If one slaughtered a beast and found in it an object of the shape of a dove it¹⁶ is forbidden to be eaten?¹⁷ — What a comparison! In that case¹⁶ there are neither cloven feet nor hoofs, but in this case, granted

that there are no cloven feet, there is at least some thing like a hoof.¹⁸

THE SAGES, HOWEVER, RULED: ANYTHING THAT HAS NOT etc. R. Jeremiah b. Abba citing Rab stated: All¹⁹ agree that if its body was that of a he-goat and its face that of a human being it is regarded as a human child;²⁰ if its body was that of a human being and its face that of a he-goat it is no valid birth.²⁰ They¹⁹ differ only where it had the face of a human being but was so created that one of its eyes was like that of a beast, since R. Meir holds that it²¹ need only have some of the features of a human face²² while the Sages hold that it²¹ must have all the features of a human face. They²³ said to R. Jeremiah b. Abba, Was not the reverse taught: R. Meir said, 'It must have all the features of a human face'²⁴ while the Sages said, 'It need only have some of the features of a human face'²⁴ — He answered them: If this was taught so you may well rely on it.²⁵

R. Jeremiah b. Abba citing R. Johanan ruled:²⁶ The forehead, the eyebrows, the eyes, the cheeks and the chin must all be present at the same time.²⁷ Raba, however, citing Hasa ruled:²⁶ The forehead, the eyebrow, the eye, the cheek and the chin must all be present at the same time.²⁷ These, however,²⁸ do not differ in principle from one another, since the former ruled according to him who said that²⁷ 'it must have all the features of a human face'. while the latter ruled according to him who stated, 'it need only have some of the features of a human face'.

An objection was raised: By the 'shape of the face' of which the Sages spoke²⁹ was meant the presence of even only one of the features of the face,³⁰ except the ear.³¹ This shows, does it not, that a single feature suffices?³² — Abaye replied: That³³ was taught only to indicate what constitutes a hindrance,³⁴ and it³³ is in agreement with him who stated [that the reading]³⁵ was 'it must have all the features of a human face'. And if you prefer I might say: It³³ is in fact in agreement with him who stated that the reading³⁵ was it need only have one of the features of a human face' but³⁶ the meaning³⁷ of 'one'³⁸ is one of each.³⁹

Raba ruled: If a foetus was created with one eye and one thigh, the woman who gives birth to it⁴⁰ is unclean⁴¹ if these were on the side,⁴² but if they were in the middle⁴³ she is clean.⁴⁴ Raba further ruled: If a child's gullet is perforated⁴⁵ his mother is unclean,⁴⁶ but if his gullet is closed up⁴⁷ she is clean.⁴⁸

Our Rabbis taught: If a woman aborted a stumped body she is not unclean by reason of such a birth. And what is meant by a stumped body? — Rabbi replied: One short of a part which if taken from a live person would cause him to die. And what is the extent of the part that if taken from a live person would cause him to die? — R. Zakkai replied:

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- (1) That an abortion of a beast or wild animal is not viable.
 - (2) In regard to the birthright. If a son is born after such an abortion, though he is entitled to a double share in his father's estate (as a firstborn son, since the abortion is not viable) he (unlike an actual firstborn son) need not be redeemed from the priest. The words in square brackets are wanting in the Mishnah Bek. 46a and appear in cur. edd. here in parenthesis.
 - (3) Even (cf. prev. n.) as regards the exemption from redemption of the son born after it.
 - (4) Flat, fish-shaped.
 - (5) Bek. 46a. Cf. supra n. 2.
 - (6) Of course not. Since, however, he is so regarded in respect of inheritance it is obvious that an abortion of the nature described is not viable.
 - (7) Inheritance.
 - (8) From its viability.
 - (9) Deut. XXI, 17. E.V., The first of his strength.
 - (10) If he dies.
 - (11) The father's.
 - (12) Cf. prev. n. but one.

- (13) Hence it is that an abortion cannot be treated as 'firstborn' and the privilege is, therefore, passed on to the next child if it is a son.
- (14) And was discovered after the beast had been slain.
- (15) Like the beast in which it was found.
- (16) The dove-like object.
- (17) Hul. 69a.
- (18) The two cases cannot consequently be compared, and the fanciful question must remain unsolved.
- (19) R. Meir and the Sages.
- (20) The face being the determining factor.
- (21) To be a valid birth.
- (22) One human eye, therefore, suffices.
- (23) So Bomb. ed. and marg. gl. Cur. edd. 'he'.
- (24) For a justification of the rendering cf. Tosaf.
- (25) Lit., 'it was taught', sc. while he was certain that what he reported had behind it the weighty authority of Rab, it was quite legitimate for them, since they had a tradition to the contrary, to follow their own tradition.
- (26) According to the Rabbis (v. infra).
- (27) If the abortion is to be regarded as a valid birth.
- (28) R. Johanan and Hasa, though with the exception of the forehead, the former speaks in the plural and the latter in the singular.
- (29) As a determining factor whether an abortion is a valid birth.
- (30) One eye or the forehead, for instance.
- (31) Tosef. Nid. IV. Though the ear has the human shape the abortion is no valid birth if the other features are like those of a beast.
- (32) To determine that a birth is valid. How then could it be said supra that all the features must be human?
- (33) The Baraitha just cited as an objection.
- (34) Sc. that even the presence of one feature that was not human causes the abortion, according to the Rabbis, to be regarded as an invalid birth.
- (35) According to the Rabbis.
- (36) In justification of Hasa's ruling.
- (37) Lit., 'and what (is the meaning of)'.
- (38) 'One of the features of the face', in the Baraitha cited.
- (39) Of the double features; as Hasa in fact stated.
- (40) Lit., 'its mother'.
- (41) As one who bore a normal child.
- (42) Of the face and body respectively. sc. in their normal position.
- (43) Cf. prev. n. mut. mut.
- (44) Since such an abortion is no valid birth.
- (45) When it is born.
- (46) Because, the child being viable, the birth is valid.
- (47) So that the child is not viable.
- (48) Such a birth being invalid.

Talmud - Mas. Nidah 24a

To the top of the knee joint.¹ R. Jannai replied: To his lower orifices.² R. Johanan citing R. Jose b. Joshua replied: To the position of his navel. The point at issue between R. Zakkai and R. Jannai is whether a trefah³ animal⁴ can survive.⁵ The latter holds that a trefah animal can survive⁶ while the former holds that it cannot survive.⁷ The point at issue between R. Jannai and R. Johanan⁸ is a ruling of R. Eleazar; for R. Eleazar ruled: If the haunch and its hollow were removed the animal is nebelah.⁹ R. Papa stated: The dispute¹⁰ refers only to cases where the lower part of the body is affected¹¹ but if the upper part is affected,¹² even if the missing part is ever so small the woman is clean.¹³ So also said R. Giddal in the name of R. Johanan: If a woman aborted a foetus whose skull

is a shapeless lump she¹⁴ is clean.¹³ R. Giddal citing R. Johanan further stated: If a woman aborted a foetus shaped like the ramification of a palmtree¹⁵ she is clean.¹³

It was stated: If a woman aborted a foetus whose face was mashed,¹⁶ R. Johanan ruled: She¹⁴ is unclean; and Resh Lakish ruled: She is clean. R. Johanan raised an objection against Resh Lakish: If a woman aborted a shaped¹⁷ hand or a shaped foot she¹⁴ is subject to the uncleanness of birth¹⁸ and there is no need to consider the possibility¹⁹ that it might have come from a shapeless body.²⁰ Now if it were so,²¹ should it not have been stated, 'The possibility that it might have come from a shapeless body or from a foetus whose face was mashed'?²²

R. Papi stated:²³ Where its²⁴ face was mashed no one²⁵ disputes the ruling that the woman is unclean. They only differ where its face was entirely covered over,²⁶ and the statement²⁷ was made in the reverse order: R. Johanan ruled: His mother is clean; and Resh Lakish ruled: His mother is unclean. Should not then²⁸ Resh Lakish raise an objection against R. Johanan from that [Baraita]?²⁹ — Because the latter could have answered him: 'A stumped body' and 'a foetus whose face was entirely covered over are identical terms.'³⁰

The sons of R. Hiyya once toured the countryside. When they appeared before their father he asked them, 'Has any case been submitted for your consideration?' 'The case of a foetus whose face was entirely covered over', they told him 'has been submitted to us, and we decided that the woman was unclean'. 'Go back', he said to them, 'and declare as clean that which you have declared unclean. For what did you think?³¹ That you are restricting the law;³² but this is a restriction that results in a relaxation, for thereby³³ you also allow her³⁴ the days of cleanness'.³⁵

It was stated: If one aborted a creature that had two backs and two spinal columns, Rab ruled: In the case of a woman it is no valid birth³⁶ and in that of a beast it is forbidden to be eaten;³⁷ but Samuel ruled: In the case of a woman it is a valid birth³⁸ and in that of a beast it is permitted to be eaten.³⁹ On what principle do they⁴⁰ differ? — On that of R. Hanin b. Abba; for R. Hanin b. Abba stated, 'The cloven'⁴¹ is a creature that has two backs and two spinal columns'.⁴² Rab maintains that such a creature exists nowhere in the world, and that when the All Merciful taught Moses about it⁴³ he must have taught him about one that was still in her dam's bowels, while Samuel maintains that such a creature does exist in the world so that when the All Merciful taught Moses about it⁴³ he taught him about the species in general,⁴⁴ but one that is still in its dam's bowels is well permitted to be eaten.⁴⁵ R. Shimi b. Hiyya pointed out an objection to Rab: R. Hanina b. Antigonus stated, Any [firstling of beasts] that had two backs and two spinal columns is unfit for the Temple service;⁴⁶ from which⁴⁷ it is obvious, is it not, that it is viable?⁴⁸ — 'Is it you, Shimi?' the other⁴⁹ replied, 'this⁵⁰ refers to a case where its spinal column was only crooked'.⁵¹

An objection was raised: Among embryos⁵² there are some that are forbidden⁵³ viz, a four monthly embryo among small cattle, and an eight monthly one among large cattle, and one that is younger⁵⁴ is equally forbidden. From this is excluded one that had two backs and two spinal columns. Now what is meant by 'is excluded'? Obviously that it⁵⁵ is excluded from the category of embryos⁵⁶ in that it is forbidden to be eaten even while still in its dam's body?⁵⁷ — Rab⁵⁸ explains in accordance with his own view, and Samuel⁵⁹ explains it in accordance with his view. 'Rab explains in accordance with his own view', thus: A four monthly embryo among small cattle and an eighth monthly one among large cattle, and one that is younger is equally forbidden. This applies only where it saw the light⁶⁰ but while it is still in its dam's bowels it is permitted; but from this is excluded one that has two backs and two spinal columns which, even while still in its dam's bowels, is also forbidden.

(1) Inclusive; from the foot upwards. A person cannot live after such an amputation (v. infra).

(2) Of the intestines and the urethra. Cf. prev. n. second clause.

- (3) V. Glos.
- (4) Including man.
- (5) V. Hul 42a.
- (6) Hence his ruling that the birth is valid unless the missing part of the body extended as high as the lower orifices.
- (7) The birth is consequently invalid even if the missing part extended as far as the knee joint only.
- (8) Both of whom agree that a fatally wounded animal can survive.
- (9) V. Glos. Hul. 21a, 32b.
- (10) On the extent of the missing part of the body that renders a birth invalid and causes the woman to remain clean.
- (11) Lit., 'from below to above'.
- (12) Lit., 'from above to below'; if a part of the skull, for instance, is missing.
- (13) Since such a child is not viable and his birth is no valid one.
- (14) Lit., 'his mother'.
- (15) Sc. the lower part of his body was shapeless while his limbs branched out from its upper part.
- (16) But its features were not entirely indistinguishable.
- (17) Lit., 'cut'.
- (18) Sc. since it is unknown whether the abortion was a male or a female the restrictions of both are imposed upon her.
- (19) Which would exempt her from the certainty of uncleanness.
- (20) Supra 18a, infra 28a.
- (21) That, as Resh Lakish maintains, the birth of a foetus with a mashed face causes no uncleanness to its mother.
- (22) Since both these possibilities would be causes of the woman's cleanness. Why then was only the former possibility mentioned?
- (23) In accordance with a tradition he received from his teacher (v. Rashi).
- (24) A foetus'.
- (25) Not even Resh Lakish.
- (26) Sc. none of the features was distinguishable.
- (27) Of the dispute.
- (28) Since it is now R. Johanan who declared the woman clean.
- (29) From which the latter raised an objection supra against the former; thus: Why did not the Baraita add 'the possibility that it may have come . . . from a foetus whose face was entirely covered over'?
- (30) Both indicating an abortion none of whose features are distinguishable. This could not be given as a reply in the case of a mashed face where some of the features are not altogether indistinguishable.
- (31) When declaring the woman unclean.
- (32) Since it was unknown whether the foetus was male or female the woman, having been declared unclean, would have to remain in her uncleanness for a period of fourteen days (as for a female) and not only for seven days (as for a male).
- (33) By regarding the abortion as a valid birth.
- (34) As a woman after childbirth.
- (35) Which even in the case of a male, are no less than thirty-three. Any discharge of blood within this period would consequently be regarded as clean, whereas if the abortion had not been declared to be a valid birth the discharge would have imposed upon the woman the uncleanness of a menstruant.
- (36) And she remains, therefore, clean.
- (37) Even if it was found in the ritually slaughtered body of its dam, and much more so if it was aborted.
- (38) And the woman is consequently subject to the laws of uncleanness prescribed for one after childbirth.
- (39) As deduced from Scripture in Hul. 69b.
- (40) Rab and Samuel.
- (41) Ha-Shesu'ah, Deut. XIV, 7.
- (42) Hul. 60b.
- (43) That it must not be eaten.
- (44) Lit., 'in the world'.
- (45) Wherever the dam is of the clean beasts and was ritually slain.
- (46) Bek. 43b; because these are regarded as blemishes.
- (47) Since it is only forbidden as a sacrifice and is presumably permitted for consumption in the case of unconsecrated

animals.

(48) If it had not been viable it could not have been permitted to be eaten. The permissibility to eat the creature, even after it was born, thus raises an objection against both Rab (who ruled that it was always forbidden) and against Samuel (who permitted it only when it was in its dam's bowels). V. Marginal Gloss. Cur. edd. in parenthesis add 'and this is a difficulty against Rab'.

(49) Rab, who was his grandfather.

(50) R. Hanina's ruling from which it follows that a double-backed creature is viable.

(51) And consequently had the appearance of two backs. Such a creature is viable.

(52) Of clean beasts.

(53) To be eaten, as nebelah, even after their birth.

(54) Lit., 'from it and below'.

(55) The beast with the two backs and the two spinal columns.

(56) Which are permitted if found in their dam's body.

(57) How then could Samuel maintain that even while it is in its dam's body it is permitted?

(58) Against whom no objection was raised from the last cited Baraita but who nevertheless finds a difficulty in its present form in reconciling its first and last clauses. As the first clause deals with those who saw the light the last one (double-backed creatures) also deals obviously with one who saw the light. But its permissibility would be contrary to the ruling of Rab.

(59) Who has to explain the objection raised against him (cf. prev. n. but one).

(60) Lit., 'went out to the air of the world'.

Talmud - Mas. Nidah 24b

Samuel also 'explains it in accordance with his view', thus: A four monthly embryo among small cattle, and an eight monthly one among large cattle, and one that is younger is equally forbidden. This, however, applies only to one whose period of pregnancy¹ had not ended, but if the period has ended it is permitted; and from this is excluded one who had two backs and two spinal columns which, even though its period of pregnancy had ended, it is forbidden if it saw the light² but permitted when still in its dam's body.³

A Tanna recited before Rab: As it might have been assumed that if an abortion was a creature with a shapeless body or with a shapeless head its mother is unclean by reason of its birth, it was explicitly stated in Scripture, If a woman be delivered, and bear a man-child etc.⁴ And in the eighth day the flesh of his foreskin shall be circumcised etc.,⁵ thus implying⁶ that only a child that is fit for the covenant of the eight days⁷ [causes uncleanness to his mother] but these⁸ are excluded, since they are not fit for the covenant of the eight days. 'And', said Rab to him, 'conclude your statement thus:⁹ And one who had two backs and two spinal columns'.

R. Jeremiah b. Abba intended to give a practical decision¹⁰ in agreement with the view of Samuel,¹¹ but R. Huna said to him: 'What have you in your mind? To impose a restriction?'¹² But this is a restriction that results in a relaxation, since you must in consequence¹³ allow her also a period of clean blood.¹⁴ Act rather in accordance with the view of Rab, since we have an established rule that in ritual matters the law is in agreement with Rab irrespective of whether this leads to a relaxation or a restriction.

Raba said: It has been stated that a woman may bear¹⁵ at nine months¹⁶ and also at seven months.¹⁶ Can [then] large cattle who bear¹⁷ at nine months also bear¹⁷ at seven months or not? — R. Nahman b. Isaac replied, Come and hear: 'One that is younger is equally forbidden'.¹⁸ Does not this also refer to the large cattle?¹⁹ — No, it may only refer to the small cattle.²⁰ What an argument this is! If you grant that the reference²¹ was to the large cattle also, one can well see the necessity for it. For it might have been presumed that since [a seven monthly] is viable in the case of a woman it is also viable in that of cattle, we were informed that it is not viable; but if you maintain that reference

was made to small cattle only, this would be obvious, for can a three monthly abortion live?²² — It²³ was necessary: As it might have been presumed that anyone [born within] less than two months [before the conclusion of the normal conception] can survive,²⁴ hence we were informed that it²⁵ was not viable.

Rab Judah citing Samuel ruled: If an abortion had the likeness of Lilith²⁶ its mother is unclean by reason of the birth, for it is a child, but it has wings. So it was also taught: R. Jose stated, It once happened at Simoni²⁷ that a woman aborted the likeness of Lilith, and when the case came up for a decision before the Sages they ruled that it was a child but that it also had wings. If an abortion had the likeness of a serpent, Hanina the son of R. Joshua's brother ruled: Its mother is unclean by reason of the birth. R. Joseph proceeded to report the ruling to R. Gamaliel when the latter sent word [to]²⁸ R. Joshua, 'Take charge of²⁹ your nephew and come with him to me'. As they were going, Hanina's³⁰ daughter-in-law came out to meet R. Joshua.³¹ 'Master', she said to him, 'what is your ruling where an abortion had the likeness of a serpent?' 'Its mother', he replied, 'is clean'. 'But', she retorted, 'was it not in your name that my mother-in-law told me that its mother was unclean?' 'And', he asked her, 'on what ground?' 'Since [she told him] its eye-ball is round like that of a human being'. As a result of her statements R. Joshua recollected his ruling and sent the following message to R. Gamaliel: 'Hanina gave his ruling on my authority'.³² Abaye observed: From this incident it may be learnt that when a scholar gives a ruling he should also indicate his reason so that when he is ever reminded of it he would recollect it.

MISHNAH. IF A WOMAN ABORTED A SAC FULL OF WATER, FULL OF BLOOD, OR FULL OF MATTER OF VARIOUS COLOURS, SHE NEED NOT TAKE INTO CONSIDERATION THE POSSIBILITY OF ITS BEING A VALID BIRTH; BUT IF ITS LIMBS WERE FASHIONED SHE MUST CONTINUE [IN UNCLEANNES AND SUBSEQUENT CLEANNESS FOR THE PERIODS PRESCRIBED] FOR BOTH MALE AND FEMALE.³³ IF SHE ABORTED A SANDAL OR A PLACENTA SHE MUST ALSO CONTINUE [IN UNCLEANNES AND CLEANNESS AS] FOR BOTH MALE AND FEMALE.³³

GEMARA. One can well understand why **BLOOD** or **WATER**³⁴ [constitutes no valid birth, since in this respect] it is of no consequence,³⁵ but as regards **MATTER OF VARIOUS COLOURS**,³⁶ why should not the possibility be taken into consideration that it had originally been a child that was now squashed? — Abaye replied: How much of undiluted wine must the mother of this thing have drunk that her embryo should be squashed within her bowels!³⁷ Raba replied: We have learnt, **FULL OF**, and if it were the case that the embryo had been squashed something would have been missing.³⁸ R. Adda b. Ahaba replied: We have learnt, **MATTER OF VARIOUS COLOURS**, and if it were the case that an embryo had been squashed it would all have been reduced to the same colour.

It was taught: Abba Saul stated, I was once a grave-digger³⁹ when I made a practice of carefully observing the bones of the dead. The bones of one who drinks undiluted wine are burned; those of one who drinks wine excessively diluted are dry;⁴⁰ and those of one who drinks wine properly mixed are full of marrow.⁴¹ The bones of a person whose drinking exceeds his eating are burned; those of one whose eating exceeds his drinking are dry,⁴⁰ and those of one who eats and drinks in a proper manner are full of marrow.⁴¹

It was taught: Abba Saul (or, as some say, R. Johanan stated): I was once a grave-digger.³⁹ On one occasion, when pursuing a deer, I entered the thigh-bone of a corpse, and pursued it for three parasangs but did neither reach the deer nor the end of the thigh-bone.⁴² When I returned I was told that it was the thigh-bone of Og, King of Bashan.⁴³

It was taught: Abba Saul stated, I was once a grave-digger³⁹ and on one occasion there was opened a cave under me and I stood in the eye-ball of a corpse up to my nose. When I returned I was

told that it was the eye of Absalom. And should you suggest that Abba Saul was a dwarf [it may be mentioned that] Abba Saul was the tallest man in his generation, and R. Tarfon reached to his shoulder and that R. Tarfon was the tallest man in his generation and R. Meir reached to his shoulder. R. Meir was the tallest man in his generation and Rabbi reached to his shoulder. Rabbi was the tallest man in his generation and R. Hiyya reached to his shoulder, and R. Hiyya was the tallest in his generation and Rab reached to his shoulder. Rab was the tallest man in his generation and Rab Judah reached to his shoulder, and Rab Judah was the tallest man in his generation and his waiter Adda reached to his shoulder.

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- (1) Lit., 'its months'.
 - (2) Not being viable it is forbidden as nebelah.
 - (3) As part of that beast which was a clean one and ritually slaughtered.
 - (4) She shall be unclean. Lev. XII, 2.
 - (5) Ibid. 3.
 - (6) By the juxtaposition of the texts.
 - (7) The covenant of circumcision.
 - (8) Which are not viable.
 - (9) I.e., insert between 'these' and are excluded'.
 - (10) In the case of an abortion without bleeding of a two-backed foetus.
 - (11) That the woman is unclean by reason of the birth which he regards as valid.
 - (12) By treating the woman as unclean.
 - (13) 'Of your regarding the birth as valid'.
 - (14) From the seventh to the fortieth day for a male, and from the fourteenth to the eightieth day for a female. Should there be a discharge of blood within these periods respectively the woman could not be subjected to menstrual uncleanness.
 - (15) A viable child.
 - (16) After conception.
 - (17) Viable young.
 - (18) Supra 24a.
 - (19) Mentioned earlier in the Baraitha (supra 24a) immediately after the 'small cattle', and in whose case an 'eight monthly' was spoken of. 'One that is younger' would consequently include a seven monthly abortion also who would thus be 'equally forbidden'.
 - (20) In whose case (cf. prev. n.) only a 'four monthly' abortion was spoken of. The question of a seven monthly abortion cannot, therefore, be solved from this Baraitha.
 - (21) 'One that is younger is equally forbidden'.
 - (22) Of course not; and there would have been no necessity to mention it.
 - (23) The reference to small cattle.
 - (24) Sc. as in the case of man and large cattle one born at seven months after conception (two months before the normal period of nine months) is viable (though one born at eight months is not viable) so also in the case of small cattle (though one born at four months is not viable) one born at three months after conception (also two months before the normal period of five months) is viable.
 - (25) A three monthly abortion.
 - (26) A female demon of the night, reputed to have wings and a human face.
 - (27) Semunige in Lower Galilee.
 - (28) So MS.M. Cur. edd. omit.
 - (29) Lit., 'lead'.
 - (30) Curr. edd. in parenthesis insert 'R'.
 - (31) So Rashi, Cur. edd. reading 'to meet him' omit 'R. Joshua'.
 - (32) Lit., 'from my mouth'.
 - (33) Cf. Lev. XII, 2-5.
 - (34) In a SAC.
 - (35) Lit., 'nothing'.

(36) Being neither water nor blood.

(37) Fabulous quantities, of course, which no woman could possibly be suspected of doing. The suggestion that a normal embryo was squashed is, therefore, untenable.

(38) From the sac.

(39) Lit., 'one who buries the dead'.

(40) Aliter: Black; aliter: Transparent.

(41) Lit., 'anointed', 'oiled'.

(42) Lit., 'and the thigh-bone did not end'.

(43) A Biblical giant (cf. Deut. III, 11).

Talmud - Mas. Nidah 25a

Pushtabna¹ of Pumbeditha reached to² half the height of the waiter Adda, while everybody else reached only to the loins of Pushtabna of Pumbeditha.

A question was raised in the presence of Rabbi: What is the ruling where a woman aborted a sac full of flesh? 'I did not hear of such a law', he answered them. 'Thus', announced R. Ishmael son of R. Jose before him, 'said my father: If it was full of blood the woman is unclean as a menstruant, but if it was full of flesh she is unclean as a woman after childbirth'. The other said to him: Had you told us something new in the name of your father we would have listened to you; but now, since his first ruling³ was given in accordance with the view of an individual, viz., in agreement with Symmachus who cited R. Meir,⁴ his second ruling also⁵ might be one given in accordance with the view of R. Joshua;⁶ but the halachah is not in agreement with R. Joshua. For it was taught: If an abortion was a sac with no fashioned limbs, R. Joshua ruled: It⁷ is regarded as a valid birth⁸ but the Sages ruled, it is no valid birth.⁹

R. Simeon b. Lakish citing R. Oshaia stated: The dispute¹⁰ refers only to a sac that was turbid¹¹ but if it was clear¹² all agree that it is no valid birth. R. Joshua b. Levi, however, stated: The dispute¹⁰ refers to the case of a clear sac. The question was raised:¹³ Do they differ only in the case of a clear sac but in that of a turbid one all agree that it is a valid birth or is it possible that they differ about the one as well as about the other? — This stands undecided.¹⁴ An objection was raised: This exposition was made by R. Joshua b. Hananiah: And the Lord God made for Adam and for his wife garments of skins, and clothed them¹⁵ teaches that the Holy One, blessed be He, makes no skin for man before¹⁶ he is formed. Thus it is clearly proved that a valid birth¹⁷ depends on the skin irrespective of whether the sac was turbid or clear. Now if you grant¹⁸ that the dispute¹⁹ refers to the case of a clear sac there is full justification for his²⁰ need for a Scriptural text;²¹ but if you maintain²² that the dispute refers only to a turbid sac,²³ what need was there for a Scriptural text seeing that the reason²⁴ is a matter of logic? Consequently it may be inferred that the dispute refers also to a clear sac.²⁵ This is conclusive.

R. Nahman citing Rabbah b. Abbuha also²⁶ stated: They²⁷ differ only in regard to a turbid sac but as regards a clear one all agree that it is no valid birth. Raba raised an objection against R. Nahman: But they ruled: The token of a valid birth²⁸ in small cattle is a discharge from the womb,²⁹ in large cattle the placenta,³⁰ and in a woman the sac or placenta,³¹ but, it follows, the abortion of a sac in cattle provides no exemption.³² Now, if you grant that they²⁷ differ in the case of a clear sac, one can well see the reason why only a woman whose case Scripture specifically included,³³ was granted exemption in respect of a sac³¹ while cattle whose case Scripture did not include no exemption was granted in respect of a sac, but if you maintain that the dispute concerns only a turbid sac consider! [The question of the validity of the birth being dependent] on a logical reason³⁴ what difference in this respect could there be between a woman and cattle?³⁵ — You think that R. Joshua was quite certain [of the nature of the sac],³⁶ but the fact is that R. Joshua was rather doubtful on the matter and, therefore, he followed a restrictive course in both cases.³⁷ [Only the question of the firstborn

son] of³⁸ a woman, which is a mere monetary matter,³⁹ [did he rule that the abortion of a sac constitutes a valid birth,⁴⁰ because] in a case of doubt in monetary matters a lenient course⁴¹ is followed.⁴² On the question of the firstling of cattle, however, which involves a ritual prohibition of shearing⁴³ and of work⁴⁴ [he ruled the abortion of a sac to be an invalid birth,⁴⁵ because] in case of doubt in a ritual prohibition a restrictive course must be followed; and so also [on the question of the uncleanness] of a woman [the abortion of a sac is deemed to be a valid birth,⁴⁶ because] in a case of doubtful uncleanness⁴⁷ a restrictive course must be followed. But was he⁴⁸ in doubt?⁴⁹ Did he not, in fact, quote a Scriptural text?⁵⁰ — The ruling is only Rabbinical⁵¹ and the Scriptural text is a mere prop.⁵²

Said R. Hanina b. Shelemya to Rab: We have⁵³ the statements of⁵⁴ Rabbi,⁵⁵ of⁵⁴ R. Ishmael son of R. Jose,⁵⁶ of R. Oshaia⁵⁷ and of R. Joshua b. Levi;⁵⁸ with whose view does the Master agree? — I maintain, the other replied, that in neither case⁵⁹ need she take into consideration the possibility of a valid birth. Samuel, however, ruled: In either case⁶⁰ must she consider the possibility of a valid birth.⁶¹ Samuel in this ruling follows his previously expressed view. For R. Dimi when he came⁶² stated: Never at Nehardea⁶³ did they declare [one who aborted] a sac⁶⁴ to be clean⁶⁵ except in the case of a certain sac that was submitted to Samuel on which a hair that lay on one side could be seen through the other side when he said: If it were in fact an embryo it would not have been so transparent.

BUT IF ITS LIMBS WERE FASHIONED etc. Our Rabbis taught: What is meant by a sac the limbs of which are fashioned? Abba Saul explained: A foetus which in its primary stage resembles a locust,⁶⁶ and its two eyes are like two drippings⁶⁷ of a fly. R. Hiyya taught: They are far removed from one another. Its two nostrils are like two drippings of a fly. R. Hiyya taught: They are near one to another. Its mouth is as narrow as a stretched hair,⁶⁸ its membrum⁶⁹ is of the size of a lentil⁷⁰ and in the case of a female [the organ] has the appearance of the longitudinal [slit]⁷¹ of a barley grain; but it has no shaped hands or feet.⁷² Of such a foetus there is this description in the post-Pentateuchal Scriptures:⁷³ Hast thou not poured me out as milk, and curdled me like cheese? Thou hast clothed me with skin and flesh and knit me together with bones and sinews. Thou hast granted me life and favor, and Thy providence hath preserved my spirit.⁷⁴ It⁷⁵ must not be examined in water because water is hard⁷⁶

(1) Or (with Aruk) Pashtikna. Cur. edd., Parshtabina. One of the tallest men.

(2) Lit., 'stood to him'.

(3) A sac filled with blood.

(4) Supra 21b.

(5) On a sac filled with flesh.

(6) Also an individual.

(7) Even if it was filled with flesh only.

(8) And the woman is unclean by reason of childbirth.

(9) Cf. prev. two notes. Since the Sages who are the majority differ from R. Joshua the halachah cannot be in agreement with his view.

(10) Between R. Joshua and the Sages.

(11) In which case it may well be assumed that the foetus in it had been crushed.

(12) Filled with clear water.

(13) On R. Joshua b. Levi's statement.

(14) Teku.

(15) Gen. III, 21.

(16) Lit., 'but if so', 'unless'.

(17) Lit., 'thing'.

(18) As R. Joshua b. Levi submitted.

(19) Between R. Joshua and the Sages.

- (20) R. Joshua's.
- (21) Since by showing that skin alone proves the existence of an embryo he can support his view against that of the Sages.
- (22) As Resh Lakish does.
- (23) The reason for his view being not the presence of skin but the possibility that the embryo had been crushed.
- (24) For being regarded as a valid birth.
- (25) An objection thus remains against Resh Lakish.
- (26) Like R. Oshaia.
- (27) R. Joshua and the Rabbis.
- (28) In respect of exempting the one born after it from the obligations of 'firstling' or 'first-born son'.
- (29) After a conception.
- (30) The young born after such a birth is not regarded as a firstling
- (31) Bek. 19a. A son born after such an abortion is no 'first-born son.
- (32) Of the next born young from the restrictions of a firstling.
- (33) As deduced supra by R. Joshua b. Hananiah.
- (34) And not on a Scriptural text which specially refers to the human species.
- (35) If the foetus may be assumed to have been crushed in the one case why may it not be so assumed in the other?
- (36) That its abortion constitutes a valid birth.
- (37) In that of a firstling of cattle and in that of a woman's uncleanness (as will be explained presently).
- (38) Lit., 'at'.
- (39) A first-born son must be redeemed by the payment of five shekels to the priest.
- (40) And the son born subsequently is no firstborn, and no redemption money on his behalf need be paid to the priest.
- (41) In favour of the possessor of the money.
- (42) The priest, therefore, cannot claim the redemption money (cf. prev. n. but one).
- (43) Its wool.
- (44) With the animal. It is forbidden to do any work with a firstling or to shear its wool (cf. Deut. XV, 19).
- (45) Thus imposing the restrictions of a firstling on the next born young.
- (46) Which imposes uncleanness upon the woman.
- (47) Also a ritual matter.
- (48) R. Joshua.
- (49) Whether the abortion of a sac is a valid birth.
- (50) Gen. III, 21, supra, in support of his view, which proves that his ruling is Pentateuchal and definite.
- (51) Based, on account of the doubt, on the principle quoted supra.
- (52) In support of the Rabbinical ruling.
- (53) Supra.
- (54) Lit., 'that'.
- (55) Who said (supra) 'I did not hear of such a law'.
- (56) Who said, 'If it was full of flesh she is unclean'.
- (57) Who said, 'The dispute refers only to a sac that was turbid'.
- (58) Who said, 'The dispute refers to the case of a clear sac'.
- (59) Neither in that of a turbid sac nor in that of a clear one.
- (60) Cf. prev. n. mut. mut.
- (61) Sc. she must remain unclean for the prescribed period of childbirth uncleanness, but is not entitled to the privilege of the subsequent period of clean days.
- (62) From Palestine to Babylon.
- (63) The principal town under Samuel's jurisdiction.
- (64) Even if there was no bleeding with the abortion.
- (65) I.e., to be exempt from the period of uncleanness prescribed for a woman after childbirth.
- (66) Reading (with R. Han. and R. Tam) kerashom (cf. Aruk.) Cur. edd. 'from its head'.
- (67) Cf. Jast. 'Eyes' (Rashi).
- (68) Lit., 'stretched as a hair thread'.
- (69) When sex is distinguishable.

(70) The case spoken of in our Mishnah (q.v.) is one of doubtful sex.

(71) Cf. the reading of 'En Jacob and infra 25b.

(72) Sc. fingers and toes are not yet articulated.

(73) Lit., 'acceptance', 'tradition'.

(74) Job X, 10-12.

(75) A foetus in the conditions described.

(76) Lit., 'strong'.

Talmud - Mas. Nidah 25b

and disturbs its shape. It must rather be examined in oil because oil is mild and makes it clear. Furthermore, it must be examined in sunlight only. How is it to be examined? 'How is it to be examined' [you ask]! Of course as has just been described. — Rather, wherewith is it to be examined in order to ascertain whether it was male or female? — Abba Saul b. Nashor, as others say, Abba Saul b. Ramash replied: One brings a splinter with a smooth top and moves it [in an upward direction] in that place.¹ If it is caught it will be known that the foetus is a male,² and if not it will be known to be a female. R. Nahman citing Rabbah b. Abbuha stated: This³ was learnt only of a movement in an upward direction,² but if sideways [it is no reliable test, since] it may be assumed [that the obstruction] was caused by the sides of the womb. R. Adda b. Ahaba stated: A Tanna taught, If the foetus was a female the organ has the appearance of the [longitudinal] slit of a barley grain.⁴ R. Nahman demurred: Is it not possible that it⁵ is merely the depression between⁶ the testes? — Abaye replied: Since the testes themselves are indistinguishable, would the depression between them be distinguishable?⁷

R. Amram stated: A Tanna taught, 'Its⁸ two thighs are like two silk threads', and in connection with this R. Amram explained: Like those of the woof;⁹ 'and its two arms are like two threads of silk', in connection with which R. Amram explained: Like those of the warp.⁹

Samuel said to Rab Judah: Shinena,¹⁰ give no practical decision [on the validity of a birth] unless the embryo has hair [on its head]. But could Samuel have said such a thing, seeing that he ruled, 'In either case must she consider the possibility of a valid birth'? — R. Ammi b. Samuel replied: This was explained to me by the Master Samuel: She must indeed take into consideration the possibility of a valid birth;¹¹ but she is not allowed the privilege of the clean days¹² unless the embryo had hair [on its head]. This then implies that Samuel was doubtful on the point.¹³ But is it not a fact that when a certain sac was submitted to the Master Samuel he said, 'This is forty-one days old', but on calculating the time since the woman had gone to perform her ritual immersion¹⁴ until that day and finding that there were no more than forty days he declared, 'This man¹⁵ must have had marital intercourse during her menstrual period' and having been arrested¹⁶ he confessed?¹⁷ — Samuel was different from other people because his knowledge was exceptional.¹⁸

IF SHE ABORTED A SANDAL etc. Our Rabbis taught: A sandal is like a sea-fish [of the same name].¹⁹ At first it is a normal foetus but later it is crushed. R. Simeon b. Gamaliel said: A sandal resembles the tongue of a big ox. In the name of our Masters it was testified: A sandal²⁰ must have the facial features.²¹ Rab Judah citing Samuel stated: The halachah is that a sandal²⁰ must have the facial features. R. Adda citing R. Joseph who had it from R. Isaac ruled: A sandal²⁰ must have the facial features even if only at the back, this being a case similar to that of a man who slapped his fellow and caused his face to turn backwards.

In the days of R. Jannai it was desired to declare [the mother of] a sandal that had no facial features as clean.²² Said R. Jannai to them: You would declare [the mother of newly born] children²³ as clean!²⁴ — But was it not taught, 'In the name of our Masters it was testified: A sandal²⁵ must have the facial features'?²⁶ — R. Bibi b. Abaye citing R. Johanan replied: It was on the evidence of

R. Nehunya²⁷ that this ruling²⁸ was learnt.²⁹ R. Ze'ira observed: R. Bibi was lucky [to be the first] with his reported traditions, for both I and he were sitting in the presence of R. Johanan when he discoursed upon this tradition, but he³⁰ forestalled me and, reporting it first, gained the advantage.

Why was a sandal³¹ at all mentioned, seeing that there can be no birth of a sandal without that of an embryo with it?³² — If a female child were to be born with it this would be so indeed,³³ but here we are dealing with one with which a male was born.³⁴ As it might have been presumed that, since R. Isaac b. Ammi stated, 'If the woman is first to emit the semen she bears a male child and if the male is first to do it she bears a female child', the one³⁵ is a male as well as the other is a male,³⁶ hence we were informed [that no such assumption is made, for] it might equally be assumed that both emitted their semen simultaneously so that one might be a male while the other³⁵ is a female.³⁷ Another explanation:³⁸ [Sandal³⁹ was mentioned] in order that if a woman bore a female child before sunset and a sandal after sunset⁴⁰ she must count the beginning of her period of menstruation in accordance with the first birth and in accordance with the second birth.⁴¹

As regards the sandal that we learnt

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- (1) Euphemism.
 - (2) The obstruction being attributed to the membrum.
 - (3) The splinter test.
 - (4) Cf. the reading supra 25a, ad fin. The latter reading adds 'slit' which is wanting in the original of the former.
 - (5) The presumed female organ.
 - (6) Lit., 'thread of'.
 - (7) Obviously not.
 - (8) Referring to the foetus in its early stages.
 - (9) The threads of the woof are thicker than those of the warp.
 - (10) Keen witted (rt. **לשן** 'to sharpen'); long-toothed (**לשן**, 'tooth'): or man of iron.
 - (11) Sc. to remain unclean for fourteen days.
 - (12) After the conclusion of the unclean ones.
 - (13) The stages in the development of a foetus.
 - (14) Following the conclusion of her menstrual period.
 - (15) The husband of the woman.
 - (16) Lit., 'he bound him'.
 - (17) An incident which shows Samuel's remarkable and accurate knowledge of the nature of a foetus.
 - (18) Lit., 'because his strength is great'. Other people, however, whose physiological knowledge is not so great must adopt a cautious course and take into consideration the possibility suggested.
 - (19) Cf. Rashi.
 - (20) If it is to be deemed a valid birth.
 - (21) Tosef. Nid. IV.
 - (22) Regarding it as no valid birth.
 - (23) A sandal being regarded as a valid birth.
 - (24) Contrary to Pentateuchal law.
 - (25) If it is to be deemed a valid birth.
 - (26) Tosef. Nid. IV.
 - (27) An individual authority.
 - (28) Lit., 'teaching', the ruling that a sandal that is to be deemed a valid birth must have the facial features.
 - (29) Hence (cf. prev. n. but one) it may well be disregarded.
 - (30) R. Bebai.
 - (31) The law that it causes a woman's uncleanness (cf. our Mishnah).
 - (32) So that the woman would be unclean even in the absence of a sandal.
 - (33) There would have been no necessity at all to mention the sandal (cf. prev. n. but one), since it could add no uncleanness, whatever its sex: If it is a female it would subject the woman to the very same uncleanness as the female

that was born with it, and if it is a male, the period of uncleanness it causes is a lesser one than that of the female.

(34) So that if the sandal were a female the period of the woman's uncleanness would extend over a longer period.

(35) The sandal.

(36) In consequence of which the woman's uncleanness would be that of a male birth only.

(37) Hence the law of the sandal which imposes the restrictions of a female birth (fourteen unclean days instead of seven) as well as those of a male birth (thirty-three days of cleanness instead of sixty-six).

(38) Which justifies the necessity for the law of sandal even where a female was born.

(39) The law that it causes a woman's uncleanness (cf. our Mishnah).

(40) The day concluding at sunset, when another day begins, and the sandal being thus born a day later than the female child.

(41) I.e., the restrictions of both are imposed upon her: As the sandal might be a male the eighty-first day from the female birth (if there was a discharge) is regarded as the first day of menstruation though that day is still the eightieth from the sandal's birth which in the case of a female is one (the last) of the clean days. The seventh day after the eightieth again is not regarded as the termination of the seven days of menstruation (which began on the eightieth day) since it is possible that the sandal was a female whose eightieth day coincided with the eighty-first of the female child and in accordance with which the woman's seven days of menstruation began a day later (the eighty-second day after the first birth) and consequently terminated a day later.

Talmud - Mas. Nidah 26a

in the laws of the firstborn,¹ what practical law² is thereby taught?³ — That the son who follows it⁴ is regarded as a firstborn son in respect of inheritance⁵ but not [in regard to his redemption] from the priest.⁶ What practical law is taught by that of the sandal of which we learnt in the case of those who incur the penalty of kareth?⁷ — That if the embryo⁸ is born from her side,⁹ and the sandal from her womb she¹⁰ must bring a sacrifice on account of the sandal. But according to R. Simeon who ruled that 'a foetus born from the side constitutes a valid birth',¹¹ what can be said?¹² — R. Jeremiah replied: That if a woman bears the child while she is an idolatress and the sandal after she has been converted [to Judaism] she¹³ must bring a sacrifice on account of the sandal.

The following was said by the Rabbis before R. Papa: But are all these answers¹⁴ tenable? Was it not in fact taught, 'When they¹⁵ issue they do so only while clinging to one another'?¹⁶ — R. Papa replied: From this¹⁷ it may be inferred that the embryo clings to the sandal at the middle of the latter¹⁸ which lies across the head of the former.¹⁹ Consequently, as regards the law of the firstborn, [the reference is to a case], for instance, where the embryo²⁰ issued with its head first²¹ so that the sandal²² issued first.²³ As regards the law concerning those punishable by kareth it is a case where they²⁴ issued with their feet first so that the embryo was born first.²⁵ R. Huna b. Tahlifa citing Raba explained: It may even be said that they²⁶ cling together side by side, but reverse the previous statement:²⁷ As regards the law of the firstborn [the reference is to a case] where they²⁶ issued with their feet first; so that the embryo, being animated hangs on and does not easily come out; while the sandal, not being animated, glides and comes speedily out. As regards the law concerning those subject to the penalty of kareth [the reference is to a case] where they issued with their heads first, so that the embryo, being animated is deemed to have consummated its birth as soon as its head came out; while the sandal [being inanimated cannot be deemed to have been born] until its greater part came out.

MISHNAH. IF A PLACENTA IS WITHIN A HOUSE, THE HOUSE IS UNCLEAN,²⁸ NOT BECAUSE A PLACENTA IS A CHILD BUT BECAUSE GENERALLY THERE CAN BE NO PLACENTA WITHOUT A CHILD. R. SIMEON SAID, THE CHILD MIGHT HAVE BEEN MASHED²⁹ BEFORE IT CAME FORTH.³⁰

GEMARA. Our Rabbis taught: The placenta in its first stage resembles a thread of the woof and in its final stage it resembles a lupine. It is hollow like a trumpet; and no placenta is smaller than a

handbreadth. R. Simeon b. Gamaliel stated: The placenta resembles the craw of a hen³¹ out of which the small bowels issue.³²

R. Oshaia, the youngest of the fellowship,³³ taught:³⁴ Five things have a prescribed minimum of a handbreadth, and they are the following. A placenta, a shofar, a spine, a sukkah wall and a bundle of hyssop. As to the placenta there is the ruling just mentioned.³⁵ 'Shofar'?³⁶ For it was taught: What must be the size of a shofar?³⁷ R. Simeon b. Gamaliel explained: It must be of such a size as can be held in one's hand and be seen at either end, viz.,³⁸ a handbreadth.³⁹ What is meant by 'spine'? The ruling which R. Parnak laid down in the name of R. Johanan: The spine of the lulab must be long enough to project a handbreadth above the myrtle.⁴⁰ 'The Sukkah⁴¹ wall'? As it was taught: Two walls⁴² must be proper ones but the third is valid even if it is only one handbreadth wide. 'Hyssop'? As R. Hiyya taught: The bundle of hyssop⁴³ must be a handbreadth long.

R. Hanina b. Papa stated: Shila of the village of Tamartha discoursed on three Baraithas and two reported traditions dealing with the prescribed size of a handbreadth. 'Two'⁴⁴ [you say]; is it not only one?⁴⁵ — Abaye replied, read:⁴⁶ R. Hiyya stated,⁴⁷ 'The bundle of hyssop must be a handbreadth long'. But are there no others?⁴⁸ Is there not in fact [the law that an enclosed space of] one handbreadth square and one handbreadth in height, forming a cube⁴⁹ conveys uncleanness⁵⁰ and constitutes a screen⁵¹ against uncleanness?⁵² — We spoke of the size of 'a handbreadth'; we did not speak of 'a handbreadth square'. But is there not the law concerning a stone that projected one handbreadth from an oven⁵³ or three fingerbreadths from a double stove⁵⁴ in which case it serves as a connecting link?⁵⁵ We spoke only of cases where the size of less than a handbreadth is invalid, but here the law would apply all the more to such a case where the size is of less than a handbreadth and it is a handle of the oven. But is there not

(1) Bek. 46a.

(2) In respect of the child born after it.

(3) Sc. since the birth of a sandal is always accompanied by the birth of an embryo how could the former's presence any more than its absence affect the birthright of a subsequently born son whose status would in any case be determined by that of the embryo.

(4) Sc. the embryo accompanying it if it was a male and was born after it.

(5) He is entitled to a double portion in his deceased father's estate (cf. Deut. XXI, 17).

(6) Cf. Num. XVIII, 15-16.

(7) Supra 7b in respect of the duty of bringing a sacrifice. Cf. supra n. 6 mut. mut.

(8) That accompanied the sandal.

(9) Extracted by means of the Caesarean cut.

(10) Though on account of the embryo, since it was not born from the normal place, she incurs no sacrifice of childbirth.

(11) Infra 40a; so that a sacrifice is incurred in any case.

(12) In reply to the objection: 'What practical law is taught by that of the sandal?'

(13) Who incurs no obligation of a sacrifice on account of the child, since she was still an idolatress when it was born.

(14) Just given, in reply to the objections as to what practical purpose was served by the law of the sandal.

(15) Sandal and embryo.

(16) How then is it possible, for instance, that a woman should be converted between the birth of the child and the birth of the sandal which are simultaneous processes or for one to be born by Caesarean section and the other by natural birth?

(17) From (a) the law relating to those incurring the penalty of kareth which presumes the embryo to precede the sandal and (b) the law of the firstborn which presumes the sandal to precede the embryo and (c) the statement that embryo and sandal issue while clinging to one another.

(18) Sc. the head of the embryo is in contact with the centre part of the sandal.

(19) But does not come in contact with the lower part of its body.

(20) The sandal and embryo clinging to one another in the manner described.

(21) Lit., 'by way of their heads'.

(22) Lying across the embryo's head.

- (23) Sc. before the birth of the embryo was consummated. As the sandal was the first to issue the embryo cannot be regarded as a firstborn son to be subject to the obligation of redemption from the priest.
- (24) Clinging to one another in the manner described.
- (25) Hence the obligation to bring the sacrifice prescribed for a woman in childbirth.
- (26) Sandal and embryo.
- (27) The one made by R. Papa.
- (28) As if overshadowed by an actual corpse.
- (29) And having been mixed up with the blood of childbearing which was the greater quantity became neutralized in it.
- (30) Hence it can no longer convey any uncleanness.
- (31) Lit., 'hens'.
- (32) Tosef. Nid. IV.
- (33) [Aliter: Oshaia Zeira of Haberya a village in the Hawram district; v. Horowitz, Palestine p. 263].
- (34) Cf. Bomb. ed. and MS.M. Cur. edd., 'it was taught'.
- (35) In the citation from Tosef. Nid. IV
- (36) Cf. MS.M.
- (37) Ram's horn used on the two days of the New Year festival (cf. Lev. XXIII, 24, Num. XXIX, 1).
- (38) Cf. Tosaf. Asheri.
- (39) A handbreadth is equal to the size of four thumbs which equals that of four fingers plus. Hence the prescription that when 'held in one's hand', sc. with the four fingers, it must 'be seen at either end', i.e., it must slightly project to make up the required size.
- (40) With which it is bound to form with the willows the Tabernacles festive wreath (cf. Lev. XXIII, 40).
- (41) V. Glos.
- (42) Of a sukkah (cf. Lev. XXIII, 42).
- (43) Cf. Lev. XIV, 4.
- (44) 'Two reported traditions'.
- (45) That on the spine of the lulab cited in the name of R. Johanan. All the others are Baraithas.
- (46) Instead of 'R. Hiyya taught'.
- (47) As an Amora. R. Hiyya lived at the end of the period of the Tannas and the beginning of that of the Amoras. When he 'taught' he was citing a Baraitha but when he 'stated' or 'said' he was speaking only as an Amora.
- (48) Whose prescribed size is a handbreadth.
- (49) Thus constituting a 'tent' of minimum size.
- (50) By overshadowing. If an unclean object and a clean one were overshadowed by it the latter becomes unclean even though it had not come in direct contact with the former.
- (51) Where the clean object was above, and the unclean one under such a 'tent'.
- (52) Oh. III, 7.
- (53) So that it can be used as its handle.
- (54) Cf. prev. n. On the rendering of 'double stove' cf. Tosaf. 26b, s.v. **בפלוגתא**, contra Rashi.
- (55) Kel. V, 2. Between an object on the stone and the oven or stove. If the object was unclean its uncleanness is conveyed to the oven or stove and if one of the latter was unclean its uncleanness is conveyed to the object.

Talmud - Mas. Nidah 26b

the law of ovens of the size of one handbreadth?¹ For we learnt:² — An oven [if it is to be susceptible to uncleanness must] ab initio³ be no less than four handbreadths high, and what remains of it⁴ must⁵ be no less than four handbreadths high; so R. Meir. But the Sages ruled: This applies only to a big oven but if it is a small one [it is susceptible to uncleanness] ab initio, after its manufacture is completed, whatever its size, and what is left of it [remains unclean] if it was the greater part of it.⁶ And [to the question] what is meant by 'whatever its size', R. Jannai replied: One handbreadth, since ovens of the height of one handbreadth are made!⁷ — He⁸ did not speak of laws about which a divergence of view exists.⁹ Now that you have arrived at this argument that law¹⁰ [it may be explained]¹¹ is also one in dispute, for in the final clause it was stated: R. Judah said, They spoke of the length of a handbreadth only between the oven and the wall.¹² But is there not also a

border of a handbreadth?¹³ — He does not deal with sizes that are prescribed in Scripture. But is there not the ark-cover that was one handbreadth thick?¹⁴ — He⁸ does not discuss holy things. But is there not [the following law]: It suffices for a cross-beam¹⁵ to be one handbreadth wide?¹⁶ — He¹⁷ does not discuss Rabbinical laws.¹⁸ [He was concerned only] with such as are prescribed in Scripture and in connection with which no sizes¹⁹ have been specified.

R. Isaac b. Samuel b. Martha once sat at his studies before R. Kahana and in the course of the session he observed: Rab Judah citing Rab laid down that throughout the first three days²⁰ the placenta²¹ is attributed to the child,²² but henceforth the possibility of the birth of a second child²³ must be considered.²⁴ Said the other to him: But could Rab have said such a thing? Did not Rab in fact state, ‘One child is not detained at all after the other [had been born]’?²⁵ The first remained silent. Said the other to him: Is it not possible that one statement²⁶ referred to an abortion, while the other²⁷ referred to a child that was viable? — You, the first²⁸ answered, have indeed stated Rab’s actual rulings, for Rab has explicitly made the following statement: If a woman aborted an embryo and after that she aborted a placenta, if this occurred within three days²⁹ the placenta is attributed to the embryo, but if it occurred at any subsequent time the possibility of the abortion of a second embryo must be taken into consideration. If, however, she gave birth to a normal child and subsequently aborted a placenta, even if that occurred between that moment and ten days later,³⁰ the possibility of the abortion of a second child³¹ need not be considered at all.

Samuel and the disciples of Rab and Rab Judah³² were once sitting at their studies when R. Joseph the son of R. Menashya of Dewil passed along in great haste. ‘There comes towards us’, he exclaimed, ‘a man whom we can throw down with a piece of straw³³ and he would allow himself to be thrown down and pushed out’.³⁴ In the meanwhile he approached them. What, said Samuel to him, did Rab rule in regard to a placenta? — Thus, the other replied, said Rab: The placenta may be attributed only to a child that is viable.³⁵ Samuel then put the question to all the disciples of Rab and they told him the same thing. Thereupon he turned round and looked at Rab Judah with displeasure.³⁶

R. Jose b. Saul enquired of Rabbi: What is the law where there was an abortion in the shape of a raven and [this was followed by] a placenta?³⁷ — The other replied: We can attribute a placenta only to an embryo in whose species³⁸ the placenta is [one of their organs].³⁹ What is the law where the placenta is tied to it?⁴⁰ — You, the other replied, have asked a question about that which does not exist. He raised an objection against him: If a woman aborted something in the shape of a beast, a wild animal or a bird, and a placenta with them, whenever the placenta is attached to it there is no need to take into consideration the possibility of the existence of a second embryo, but if no placenta is attached to it the possibility of the existence of a second embryo⁴¹ must be considered, and one⁴² must [impose on the woman] on account of them⁴³

(1) Used as toys (cf. Rashi and Gold.)

(2) Cf. MS.M. Cur. edd., ‘for it was taught’.

(3) When its manufacture is completed.

(4) Sc. of a big oven that contracted uncleanness and was then broken.

(5) If its uncleanness is to be retained.

(6) Kel. V, 1. For a fuller explanation cf. Hul. 124a.

(7) Now why was not this law included among the five enumerated by R. Oshaia supra?

(8) R. Oshaia.

(9) The size of the handbreadth in this case being disputed by R. Meir.

(10) About the stone that projected from an oven cited supra from Kel. V, 2.

(11) As a reason why it was not mentioned by R. Oshaia.

(12) Near which the oven is placed. Where a stone is of greater length it prevents the oven from being brought up to the wall and is removed in consequence. Only in such a case is the size restricted to a handbreadth. Where, however, the

stone projects on another side, since it would not be removed, it is regarded as a handle.

(13) Ex. XXV, 25.

(14) Cf. Ex. XXV, 17, as explained in Suk. 4b.

(15) Placed above the entrance to a blind alley in connection with the permissibility of the movement of objects on the Sabbath.

(16) 'Er. 13b.

(17) R. Oshaia.

(18) Ali the Sabbath laws in connection with an alley are merely Rabbinical.

(19) Lit., 'their sizes'.

(20) After the birth of a child.

(21) That issued after the childbirth.

(22) That was born. The days of the woman's uncleanness and cleanness are consequently reckoned from the day of the child's birth and not from the latter day on which the placenta issued.

(23) Who was crushed within the placenta and who might have been a female.

(24) And the restrictions of a female birth (fourteen unclean days instead of seven, for instance,) are imposed.

(25) How then could he have ruled that after three days had passed the placenta might still be attributed to a second child?

(26) According to which a second child might be born three or more days after the birth of the first one.

(27) 'One child is not detained at all after the other'.

(28) Who, thanks to R. Kahana's suggestion, recollected Rab's actual words and as a result was grateful and complimentary (cf. R. Gershom, contra Rashi).

(29) After the abortion of the embryo.

(30) Lit., 'from here and onwards'.

(31) That may have been crushed in the placenta.

(32) Who was a former disciple of Rab and joined Samuel's academy for some time after Rab's death.

(33) Lit., 'straw of the wheat'. Metaphor: The man could be upset by the simplest of arguments. Aliter: On whom we may throw wheat-chaff, i.e., embarrass with petty questions (Jast.).

(34) Cf. prev. n. He would not be able to open his mouth in defence of his views.

(35) As suggested supra by R. Kahana and confirmed by R. Isaac.

(36) 'He considered it a discourtesy on the part of Rab Judah (cf. supra n. 3) not to have informed him earlier of such an important ruling of Rab.

(37) Is the placenta, it is asked, attributed to the raven-shaped embryo or is it attributed to a human embryo that may have been crushed in it?

(38) Man and beast.

(39) Birds are, therefore, excluded.

(40) The raven-shaped object.

(41) That may have been crushed within the placenta.

(42) Lit., 'behold I'.

(43) The two embryos.

Talmud - Mas. Nidah 27a

the restrictions of the two births;¹ for it is assumed² that the foetus of the placenta may have been crushed³ and that the placenta of the foetus⁴ was also crushed.⁵ This is indeed a refutation.

Rabbah b. Shila citing R. Mattena who had it from Samuel stated: It once happened that a placenta was attributed to an embryo as late as⁶ ten days [after the latter's birth].⁷ [The law, however, that it] is to be attributed [to the existing embryo] applies only⁸ where the expulsion of the placenta followed the birth of the embryo.⁹ Rabbah b. Bar Hana citing R. Johanan stated: It once happened that a placenta was attributed to an embryo as late as¹⁰ twenty-three days [after the birth of the latter]. 'You once told us', said R. Joseph to him, 'as late as twenty-four days'. R. Aha son of 'Awira citing R. Johanan¹¹ stated: It once happened that the birth of an embryo was delayed for thirty-three

days after that of its predecessor. 'You', said R. Joseph to him, 'have in fact told us thirty-four days.' [Such an incident may be explained] satisfactorily according to him who holds that a woman who bears at nine months does not necessarily complete the full number,¹² since in such circumstances it is possible that the features of one embryo were completed at the end¹³ of seven months¹⁴ and those of the other at the beginning¹³ of the ninth month,¹⁵ but according to him who maintains that a woman who bears at nine months does complete the full number,¹² what can be said [in explanation of the incident]?¹⁶ — Reverse the statements:¹⁷ Thirty-three days in the case of the placenta¹⁸ and twenty-three days in that of the embryo.¹⁹

R. Abin b. R. Adda citing R. Menahem of Kefar She'arim or, as some say, Beth She'arim, stated: It once happened that a child was born three months later than its predecessor and lo, both sit before us in the schoolhouse. And who are they? — Judah and Hezekiah the sons of R. Hiyya. But did not a Master say that a woman in conception cannot conceive again?²⁰ — Abaye replied: It was the same drop but it was divided in two sections; the features of one of these were completed at the beginning of the seventh month and those of the other were completed at the end of the ninth month.

IF A PLACENTA IS WITHIN A HOUSE, THE HOUSE IS UNCLEAN. Our Rabbis taught: If a placenta is in a house, the house is unclean; not because a placenta is a child but because generally there can be no placenta with which there is no child; so R. Meir. R. Jose, R. Judah and R. Simeon regard [the house] as clean. 'Do you not agree', they said to R. Meir, 'that if it had been carried out in a bowl into an outer room it would be clean?' 'Indeed', he replied. 'But why?'²¹ 'Because it²² is no longer in existence'. 'As', they retorted, 'it is not in existence in the outer room so is it not in existence in the inner room'.²³ 'What was mashed once', he replied, 'is not like that which was mashed twice.'²⁴ R. Papa once sat behind R. Bubi in the presence of R. Hamnuna and in the course of the session he observed: What is R. Simeon's reason?²⁵ He is of the opinion that any uncleanness with which anything of a different kind of uncleanness has been mixed is neutralized. Said R. Papa to them: 'Is this also the reason of R. Judah and R. Jose?'²⁶ They laughed at him. 'Is not this obvious', they said, 'why should there be any difference?'²⁷ — 'Even such a question',²⁸ said R. Papa, 'a man should submit to his Master²⁹ and not be content with silence;³⁰ for it is said, If thou hast done foolishly³¹ thou art³² lifting up thyself;³³ but³⁴ if thou hast planned devices,³⁵ lay thy hand upon thy mouth.'³⁶

R. Simeon³⁷ follows the view he expressed elsewhere. For it was taught: If some earth fell into a ladleful of corpse-mould [the latter remains] unclean, but R. Simeon holds it to be clean. What is R. Simeon's reason? — Raba³⁸ replied: 'I met the Rabbis of the schoolhouse while they were sitting at their studies and explaining that³⁹ it is impossible that [somewhere in the mixture] two particles of earth to one of the corpse-mould should not represent the larger portion, so that⁴⁰ something is missing',⁴¹ and I said to them, 'On the contrary! It is impossible that [somewhere in the mixture] two particles of the corpse-mould should not represent a part greater than

(1) If, for instance, the embryo aborted was a male, the placenta is presumed to contain the crushed embryo of a female, and the woman must, therefore, count fourteen unclean days (as for a female) and not only seven (as prescribed for a male). According to the Rabbis (who do not regard a bird or a beast as a valid birth) the restriction imposed would be to regard 'neither birth as valid and to deprive the woman in consequence of the advantage of the clean days prescribed for a woman after a childbirth.

(2) Lit., 'for I say'.

(3) So that the placenta belonged to that foetus and not to the one in existence.

(4) That is in existence.

(5) And lost. Hul. 77a. It is thus shown that a placenta is sometimes attached to the foetus. How then could Rabbi maintain (supra 26b ad fin.) that such a thing 'does not exist'?

(6) Lit., 'until'.

(7) Despite the long interval between the birth of the embryo and the expulsion of the placenta no assumption was made

that the placenta of the embryo in existence was lost and that the placenta in existence belonged to a second embryo that was crushed.

(8) Lit., 'and they only said'.

(9) If, however, it preceded it the possibility must be taken into consideration that it belonged to another embryo that had been crushed; and consequently the restrictions applying to the two embryos must be imposed.

(10) Lit., 'until'.

(11) So Bah. Cur. edd., 'R. Isaac'.

(12) Of the nine months. Limekuta'in (from a rt. meaning 'to lop off').

(13) Within a day or two.

(14) In consequence of which it is viable.

(15) The eighth month consisting of twenty-nine or thirty days together with the odd days of the seventh and the ninth months (cf. prev. n. but one) making up the interval of thirty-three days.

(16) Apparently nothing whatever. If the first was born in the seventh month (even if on the last day) and the second in the ninth month the interval would not be one of thirty-three days but one of no less than two months. If they were both born in the seventh month the interval would inevitably be less than thirty-three days (since a Hebrew month never contains more than thirty days). If again, one was born in the seventh and the other in the eighth month the latter could not be viable, whereas the incident which speaks of a welad ('child') and not of nefel ('abortion') seems to refer to two viable children.

(17) Of R. Johanan.

(18) The first incident described supra.

(19) The second of the incidents supra. This is quite possible where both embryos were born in the seventh month, since all agree that a child may be viable even if the full number of seven months was not completed.

(20) Lit., 'a woman does not conceive and conceive again'. How then was it possible for a child to be born three months after its predecessor.

(21) Should then the first house be unclean.

(22) Having been mashed in the water.

(23) Since it was mashed in the placenta.

(24) 'There is no comparison between one presumption that the embryo was mashed and two such suppositions (that the placenta of one embryo and the embryo of another placenta were mashed)'. Jast.

(25) Sc. granted that the embryo was mashed, does not a mashed corpse convey uncleanness?

(26) Who are of the same opinion as R. Simeon supra.

(27) None whatever (cf. prev. n.).

(28) Which might cause one to be an object of ridicule.

(29) To make sure of his tradition.

(30) By relying on his own intelligence.

(31) Sc. asked what might appear to be a ridiculous question.

(32) E.V., 'in'.

(33) One's knowledge is of the highest order and first hand.

(34) E.V., 'or'.

(35) In seeking to escape possible ridicule.

(36) Prov. XXX, 32; he will not be able to give an authoritative answer when a question on the subject is addressed to him.

(37) In his ruling supra that 'Any uncleanness with which anything of a different kind . . . has been mixed is neutralized'.

(38) So MS.M. and Bah. Cur. edd., 'Rabbah'.

(39) Though the earth is much less than the corpse-mould.

(40) Since in that part of the mixture, at least, the corpse-mould is neutralized and loses its uncleanness.

(41) From the prescribed minimum of a ladleful. The whole mixture is consequently clean.

Talmud - Mas. Nidah 27b

one particle of earth,¹ so that² the quantity is increased'.³ The fact, however, is, said Raba,⁴ that this is the reason of R. Simeon: Its final stage⁵ is treated as its first stage.⁶ As in its first stage any other

matter⁷ becomes its antidote⁸ so also in its final stage⁵ any other matter⁹ becomes its antidote,⁸ What is that law?¹⁰ — It was taught: In what circumstances is a corpse subject to the uncleanness of¹¹ corpse-mould and in what circumstances is a corpse not subject to the uncleanness of corpse-mould? If a corpse was buried naked in a marble sarcophagus or on a stone floor¹² it is one that is subject to the uncleanness of corpse-mould. And in what circumstances is a corpse not subject to the uncleanness of corpse-mould? If it was buried in its shroud,¹³ or in a wooden coffin,¹⁴ or on a brick floor¹⁴ it is one that is not subject to the uncleanness of corpse-mould.¹⁵ And [the Sages] spoke of the uncleanness of corpse-mould only in the case of one who died, thus excluding a killed person who¹⁶ is not [subject to this law].¹⁷

[To turn to] the main text, ‘If some earth fell into a ladleful of corpse-mould [the latter remains] unclean, but R. Simeon holds it to be clean. If a ladleful of corpse-mould was scattered in a house the house is unclean,¹⁸ but R. Simeon holds it to be clean’.¹⁹ And both these rulings were required. For if we had been informed of the first one only²⁰ it might have been presumed that only in that case do the Rabbis maintain their view,²¹ since it²² is collected together but that where it was scattered they agree with R. Simeon, since a succession of incomplete overshadowings²³ is of no consequence.²⁴ And if we had been informed of the latter only²⁵ it might have been presumed that only in that case does R. Simeon maintain his view,²⁶ since a succession of incomplete overshadowings²³ is of no consequence,²⁷ but that in the former case²⁸ he agrees with the Rabbis.²¹ Hence both were required.

Elsewhere we learnt.²⁹ A ladleful and more of the earth of a graveyard³⁰ is unclean,³¹ but R. Simeon regards it as clean.³² What is the reason of the Rabbis? — Because it is impossible to have ‘a ladleful³³ and more’ of the earth of a graveyard in which there is not contained a ladleful of corpse-mould.³⁴

Now that you have explained that R. Simeon's reason is because ‘its final stage is treated as its first stage’,³⁵ what could be his reason in the case of a PLACENTA?³⁶ — R. Johanan replied: Because the law of neutralization in the larger quantity³⁷ has been applied to it.³⁸ R. Johanan in fact follows here³⁹ a view he expressed elsewhere. For R. Johanan stated: R. Simeon and R. Eliezer b. Jacob laid down the same ruling.⁴⁰ R. Simeon laid down the ruling we have just spoken of.⁴¹ R. Eliezer [also laid down the same ruling] for we learnt.⁴² R. Eliezer b. Jacob ruled, If a beast⁴³ of the class of large cattle discharged a clot of blood, this⁴⁴ shall be buried⁴⁵ and [the beast] is exempt from the law of the firstling;⁴⁶ and in connection with this R. Hiyya taught: It⁴⁴ does not convey uncleanness either through touch or through carriage.⁴⁷ But since it conveys no uncleanness either through touch or through carriage⁴⁸ why⁴⁹ should it be buried? — In order to publish the fact that [the beast] is exempt from the law of the firstling. It thus clearly follows that it⁴⁴ is deemed to be a proper embryo,⁵⁰ then why did R. Hiyya teach, ‘It does not convey uncleanness either through touch or through carriage’? — R. Johanan replied: Because the law of neutralization in the larger quantity⁵¹ has been applied to it,⁵²

R. Ammi citing R. Johanan stated: R. Simeon, however,⁵³ agrees that its mother is unclean by reason of childbirth. Said a certain old man to R. Ammi: ‘I will explain to you R. Johanan's reason:⁵⁴ For Scripture says, If a woman conceived seed⁵⁵ and bore a man-child etc.,⁵⁶ which implies: Even if she bore in the same manner only as she ‘conceived seed’⁵⁷ she is unclean by reason of childbirth.

Resh Lakish ruled: A sac that was beaten up in its fluid assumes the same status as a corpse whose shape was destroyed.⁵⁸ Said R. Johanan to Resh Lakish: Whence do we infer that a corpse whose shape had been destroyed is clean? If it be suggested, From the following statement which R. Shabthai cited in the name of R. Isaac of Magdala or, as others say, R. Isaac of Magdala cited in the name of R. Shabthai, ‘If a corpse has been burnt but its shape remained⁵⁹ it is unclean. It once happened that on account of such a corpse⁶⁰ the big⁶¹ doors⁶² were declared unclean⁶³

- (1) With which they are mixed in that particular section.
- (2) The earth also becoming unclean on account of the greater part of the corpse-mould with which it is mixed.
- (3) We-nafish (cf. marg. n. and Bomb. ed.) Cur. edd., we-nafil (and it falls).
- (4) So MS.M., Cur. edd. 'Rabbah'.
- (5) When a corpse is already converted into corpse-mould.
- (6) When the corpse is buried.
- (7) That is mixed up with the decaying corpse.
- (8) Cf. Rashi. Gingilon (or gilgilon, cf. Tosaf.), lit., 'belt' (cf. cingulum); sc. the smallest piece of material buried with a corpse neutralizes the uncleanness of its mould.
- (9) That mixed with the mould.
- (10) About the first stage just referred to.
- (11) Lit., 'which is the corpse that has'.
- (12) So that there is no foreign matter in the vicinity of the corpse that is likely to be mixed up with its mould.
- (13) Which on decaying would naturally be mixed up with the decaying matter of the corpse.
- (14) Which would moulder (cf. prev. n.).
- (15) Since the foreign matter that mixes with the decaying matter of the corpse neutralizes it and liberates the corpse-mould from its uncleanness.
- (16) Being regarded as a defective corpse (cf. Naz. 51b) on account of the blood he lost.
- (17) Tosef. Nid. II, Naz. 51a.
- (18) On account of ohel or overshadowing.
- (19) Oh. III, 2.
- (20) Earth mixed with corpse-mould.
- (21) That the mould remains unclean.
- (22) The corpse-mould.
- (23) Sc. one part of the roof does not overshadow the prescribed minimum of corpse-mould but one part of it overshadows one part of the minimum while another part overshadows another part of it.
- (24) Lit., 'that one does not make a tent and make a tent again', and the room, therefore, remains clean.
- (25) Corpse-mould scattered.
- (26) That the house is clean.
- (27) Cf. prev. n. but two mut. mut.
- (28) Earth mixed with corpse-mould.
- (29) V. marg. gl. Cur. edd. 'in another Baraitha it was taught'.
- (30) Which consists of a mixture of corpse-mould and earth.
- (31) The reason is explained presently.
- (32) The reason is given supra by Raba.
- (33) Lit., 'to fill a ladle'.
- (34) The required minimum.
- (35) Cf. prev. n. but two.
- (36) Where this comparison cannot be made.
- (37) There is more blood of labour than mashed embryo.
- (38) Lit., 'they touched it'. As the blood of labour which is the larger quantity is clean, the lesser quantity of the mashed embryo is neutralized in it, and is, therefore, clean.
- (39) In the answer just given.
- (40) That a mashed embryo is neutralized in the larger quantity of the blood of labour.
- (41) An embryo mashed in a placenta causes no uncleanness.
- (42) Cf. marg. gl. and Bomb. ed. Cur. edd., 'for it was taught'.
- (43) Which had never before born any young.
- (44) The clot.
- (45) It being possible that it contained a mashed firstling which is sacred.
- (46) Bek. 21b; sc. its next born young is not regarded as a firstling and need not be given to the priest.
- (47) Not being regarded as nebelah (v. Glos.) the man who touches or carries it remains clean.
- (48) From which it follows that it is not regarded as an embryo.

- (49) Since it is consequently no firstling.
- (50) Had it not had that status the beast would not have been exempt from the law of the firstling.
- (51) There being more blood of labour than mashed embryo.
- (52) The mashed embryo is consequently neutralized and is, therefore, clean.
- (53) Though he ruled in our Mishnah that the house is clean because THE CHILD MIGHT HAVE BEEN MASHED etc.
- (54) For subjecting the woman to the uncleanness of childbirth even when the embryo is mashed.
- (55) So according to A.V, and R.V. and the exposition that follows. J.T., 'be delivered'.
- (56) Lev. XII, 2.
- (57) Sc. the former was in a fluid state like the latter.
- (58) Sc. burned and scattered. Such human remains convey no uncleanness.
- (59) I.e., its ashes still kept together so that the body appears whole.
- (60) Lit., 'for him'.
- (61) No less than four handbreadths wide.
- (62) Of the house in which it lay.
- (63) Since the corpse can be carried intact through them.

Talmud - Mas. Nidah 28a

but the small doors¹ were declared clean'; from which you infer that the reason [why the big doors were declared unclean is] because its shape is still intact but had it not been in such a condition they² would have been clean; on the contrary [it could be retorted] draw from this the following inference:³ Only when its shape is intact were the small doors declared clean but otherwise the small doors also are unclean, since everyone of them is fit for carrying through it one limb at a time.⁴ Said Rabina to R. Ashi: [Do you know] in agreement with whose view R. Johanan made his statement?⁵ In agreement with that of R. Eliezer, For we learnt: The ashes of burnt corpses, R. Eliezer ruled, [convey uncleanness] if they are a quarter of a kab in quantity.⁶ How is one to imagine a corpse that was burnt but whose shape remained intact? — Abaye replied: In such a case, for instance, as where it was burnt on a leather spread.⁷ Raba replied: In such a case, for instance, as where it was burnt on a hard cemented substance.⁸ Rabina replied: Where, for instance, it was only charred.⁹

Our Rabbis taught: If a woman aborted a shaped¹⁰ hand or a shaped¹¹ foot she¹² is subject to the uncleanness of childbirth and there is no need to consider the possibility that it might have come from a shapeless body.¹³ Both R. Hisda and Rabbah b. R. Huna ruled: She¹⁴ is not allowed the days of cleanness.¹⁵ What is the reason? — It might be assumed that¹⁶ her bearing took place long ago.¹⁷ R. Joseph raised an objection: If a woman aborted an embryo and¹⁸ it is unknown what [was the sex of the embryo] she aborted she must continue [her periods of uncleanness and cleanness as] for both a male child and a female child.¹⁹ Now if it is to be upheld²⁰ that in any such case²¹ it might be assumed that her bearing took place long ago,²² why²³ was it not also stated, 'and as for menstruation'?²⁴ — Abaye replied: If 'as for menstruation' had been mentioned it might have been presumed that²⁵ she brings a sacrifice²⁶ which²⁷ may not be eaten; hence we were informed²⁸ that it may be eaten.²⁹

R. Huna ruled: If an embryo put forth its hand and then drew it back its mother is unclean on account of childbirth; for it is said, And it came to pass, when she bore,³⁰ that one put out a hand.³¹ Rab Judah raised an objection: If an embryo put forth its hand its mother need not consider the possibility of any restriction!³² — R. Nahman replied: This was explained to me by R. Huna that the woman must indeed consider the possibility [that it is a valid birth],³³ but we do not allow her the privilege of the clean days³⁴ unless the greater part of the embryo has issued forth. But was it not stated 'Its mother need not consider the possibility of any restriction'? — Abaye replied: Pentateuchally she need not consider the possibility of any restriction, but it is Rabbinically that she must take into consideration the possibility [that it might have constituted a valid birth]. But did he³⁵ not quote a Scriptural text?³⁶ — The restriction is Rabbinical, and the Scriptural text is a mere

prop.³⁷

MISHNAH. IF A WOMAN ABORTED A TUMTUM OR AN ANDROGINOS,³⁸ SHE MUST CONTINUE [IN HER UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE³⁹ AND A FEMALE,⁴⁰ IF SHE GAVE BIRTH TO A TUMTUM AND A MALE, OR TO AN ANDROGINOS AND A MALE, SHE MUST ALSO CONTINUE [IN UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE³⁹ AND A FEMALE.⁴⁰ IF SHE HAVE A TUMTUM AND A FEMALE OR AN ANDROGINOS AND A FEMALE, SHE NEED CONTINUE [IN UNCLEANNESS AS] FOR A FEMALE ONLY.⁴¹ IF THE EMBRYO ISSUED IN PIECES⁴² OR IN A REVERSED POSITION⁴³ IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. IF IT CAME FORTH IN THE NORMAL WAY [IT IS NOT DEEMED BORN] UNTIL THE GREATER PART OF ITS HEAD ISSUED FORTH. AND WHAT IS MEANT [BY THE ISSUE OF] THE 'GREATER PART OF ITS HEAD'? THE ISSUE⁴⁴ OF ITS FOREHEAD.

GEMARA. Now that it has been laid down that for a TUMTUM alone or for an ANDROGINOS alone SHE MUST CONTINUE [IN HER UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE AND A FEMALE, why should it again be necessary [to state that the same law applies where she gave birth to] A TUMTUM AND A MALE OR TO AN ANDROGINOS AND A MALE? — This was necessary: As it might have been suggested that since R. Isaac had stated, 'If the woman emits her semen first she bears a male and if the man emits his first she bears a female',⁴⁵ it should be assumed that since the one is a male the other⁴⁶ also is a male, hence we were informed [that no such assumption is made, since] it might equally be assumed that both⁴⁷ emitted their semen simultaneously, the one resulting in a male and the other in a female.⁴⁸ R. Nahman citing Rab ruled: If a tumtum or an androginos observed a white,⁴⁹ or a red⁵⁰ discharge he⁵¹ does not incur the obligation of an offering for entering the Sanctuary⁵² nor is terumah⁵³ to be burnt on his account.⁵⁴ If he⁵¹ observed a simultaneous discharge of white and red,⁵⁵ he incurs indeed no obligation of an offering for entering the Sanctuary⁵⁶ but terumah⁵³ must be burnt on his account;⁵⁷ for⁵⁸ it is said, Both male and female

(1) Less than four handbreadths in width, through which, owing to the availability of larger doors, the corpse would not be carried.

(2) The big doors,

(3) Lit., 'to that side'.

(4) From which it would follow that 'a corpse whose shape had been destroyed' is also unclean; contrary to the view of Resh Lakish (supra 27b, ad fin.).

(5) That a corpse whose shape had been destroyed is also unclean (cf. prev. n.).

(6) Oh. II, 2.

(7) Katabela, cf. K** (Jast.); a skin boiled and hardened which is not consumed when the corpse is burnt (v. Rashi) and moulded in the shape of a human body (Tosaf.) so that the burned remains are kept together.

(8) Or 'over the dung on a cemented stable-floor' (Jast.); marble (Rashi); providing a mould for the corpse (cf. prev. n.).

(9) In which case the body is kept together without any external aid.

(10) Lit., cut', sc. with fingers well defined.

(11) Cf. prev. n. mut. mut.

(12) Lit., 'his mother'.

(13) Which has not the status of a child.

(14) Though subject to the uncleanness of a normal birth.

(15) Which, in the case of a normal birth, follow the period of uncleanness.

(16) Since the embryo was aborted in parts and it is unknown when the birth of the greater part of it occurred.

(17) And by the time the hand or foot in question was aborted the prescribed period of uncleanness may have passed.

(18) Having been aborted in fractions.

(19) Infra 29a; sc. the restrictions of both are imposed upon her.

(20) Lit., 'it goes up to your mind'.

- (21) Abortion in parts.
- (22) Cf. p. 190, n. 14.
- (23) Since in this case also it is not known when the birth of the greater part of the embryo took place.
- (24) I.e., the uncleanness should not only extend over fourteen days (prescribed for the birth of a female child) irrespective of whether blood was or was not observed, but even any subsequent discharge of blood, which in the case of a normal birth is clean, should (since her period of clean days may have already passed) be regarded as that of menstruation. (On the mention of male child v. infra 30a).
- (25) Since the ruling that the woman is subject to the restrictions of menstruation implies that it is not certain whether the embryo is, or is not to be regarded as a normal child.
- (26) Prescribed for a woman after a childbirth.
- (27) As the embryo possibly may not have the status of a normal child (cf. prev. n. but one).
- (28) By the omission of 'as for menstruation' which indicates that there is no doubt whatever that the embryo is in this respect regarded as a normal child, and that it was only its sex that was in doubt.
- (29) As any other valid sacrifice brought by a woman after a childbirth.
- (30) E. V., 'she travailed'.
- (31) Gen. XXXVIII, 28; emphasis on bore and hand which shows that the issue of a hand alone is described as a 'birth'.
- (32) How then could R. Huna maintain that a woman in such circumstances is subject to the uncleanness of childbirth?
- (33) Sc. she must continue in the days of uncleanness as after a normal childbirth.
- (34) That normally follow those of uncleanness.
- (35) R. Huna.
- (36) How then could the restriction be said to be Rabbinical only?
- (37) Asmakta.
- (38) Hermaphrodite.
- (39) In respect of the period of cleanness, thirty-three days instead of the sixty-six prescribed for a female birth.
- (40) Fourteen unclean days instead of the seven prescribed for the birth of a male.
- (41) Since even if the tumtum were a male, the unclean period prescribed for the birth of a male is completely absorbed by the longer one prescribed for the birth of a female (cf. prev. n.); and the same applies also to the clean period (cf. prev. n. but one).
- (42) Lit., 'cut'.
- (43) With its feet first.
- (44) Lit., 'as soon as . . . issued'.
- (45) Supra 25b.
- (46) The tumtum or the androgynos.
- (47) Husband and wife.
- (48) That other being the tumtum.
- (49) Which resembles semen; a discharge that causes no uncleanness in a woman.
- (50) Resembling menstrual blood, a discharge that causes no uncleanness in a man.
- (51) The Heb. uses the plural throughout the passage.
- (52) Since his uncleanness is a matter of doubt (cf. prev. two notes) and his sacrifice in connection with it would consequently be an unconsecrated beast which is forbidden to be offered on the altar.
- (53) Which he touched.
- (54) It must only be kept in suspense owing to the doubtful nature of its uncleanness.
- (55) So that he is inevitably unclean whatever his sex.
- (56) For the reason explained presently.
- (57) Cf. prev. n. but one.
- (58) This is a reason for the first ruling, why 'he incurs no guilt for entering the Sanctuary'.

Talmud - Mas. Nidah 28b

shall ye put out,¹ only a confirmed male or a confirmed female [shall ye put out], but not a tumtum or an androgynos. May it be suggested that the following provides support for his² view? [For it was taught:] 'If a tumtum or an androgynos observed a white,³ or a red discharge, he incurs no obligation

of an offering for entering the Sanctuary nor is terumah to be burnt on his account. If he observed a simultaneous discharge of white and red he incurs indeed no obligation of an offering for entering the Sanctuary but terumah must be burnt on his account'. Now is not the reason⁴ because it is said, Both male and female shall ye put out,⁵ which implies only a confirmed male and a confirmed female [shall ye put out] but not a tumtum or an androginos?⁶ — 'Ulla replied: No; this may represent the view of⁷ R. Eliezer.⁸ For we learnt: R. Eliezer stated, [It is written, If any one touch . . . the carcass of] unclean swarming things and . . . it being hidden from him,⁹ one incurs the obligation of an offering only when the unclean swarming thing is hidden from him¹⁰ but no offering is incurred when the Sanctuary is hidden from him.¹¹ R. Akiba stated, [Scripture says:] It being hidden from him that he is unclean,⁹ one incurs the obligation of an offering only when it is 'hidden from him that he is unclean'¹⁰ but no offering is incurred when the Sanctuary is hidden from him.¹² And when it was asked, 'What is the practical difference between them?'¹³ Hezekiah replied: The practical difference between them is [the case of a man who is uncertain whether he touched] a dead creeping thing or the carcass of a beast, R. Eliezer¹⁴ holding that it is necessary¹⁵ that a person shall know¹⁶ whether he had contracted uncleanness through a creeping thing or through the carcass of a beast, while R. Akiba¹⁷ maintains that this is not necessary.¹⁸ Now did not R. Eliezer state there¹⁸ that 'it is necessary that a person should know whether he contracted uncleanness through a creeping thing or the carcass of a beast'?¹⁹ Well here also²⁰ it is necessary²¹ that the person²² should know whether he became unclean on account of the white discharge or an account of the red one; but according to R. Akiba who stated that a person incurs the obligation of an offering on account of uncleanness²³ an offering would be incurred here²⁰ also on account of the uncleanness.²³ But, according to Rab, why is it that they²² incur no offering for entering the Sanctuary? Because [you say] it is written, Both male and female shall ye put out,²⁴ which implies that only a confirmed male and a confirmed female [must be put out] but not a tumtum or an androginos. But, if so, terumah²⁵ also should not be burnt, since it is written, And of them that have an issue, whether it be a man, or a woman,²⁶ which implies²⁷ does it not, that only a confirmed male and a confirmed female [is subject to the restrictions]²⁸ but not a tumtum or an androginos?²⁹ — That text²⁶ is required for an exposition like the one made by R. Isaac; for R. Isaac stated: 'whether it be a man'²⁶ includes³⁰ a male leper as regards his sources,³¹ 'or a woman'²⁶ includes a female leper as regards her sources.³² But is not that text³³ also required [for a deduction that the injunction³⁴ applies only] to that which may attain cleanness in a ritual bath,³⁵ thus excluding an earthenware vessel;³⁶ so R. Jose?³⁷ — If so³⁸ the All Merciful should have written, 'man'.³⁹ And should you retort that if the All Merciful had only written 'man' it might have been presumed that a metal vessel need not be sent out⁴⁰ [it may be pointed out that this⁴¹ could have been] deduced from Whatsoever⁴² is unclean by the dead,⁴³ what need then was there for the specification of 'male and female'? Obviously to deduce the same ruling as Rab did. Might it not then be suggested that the entire text served the same purpose as that to which Rab applied it?⁴⁴ — If that were the case⁴⁵ it should have been written, 'male and female' why then the expression 'both male and female'?⁴⁶ 'Both',⁴⁷ consequently includes all objects that attain cleanness in a ritual bath. But if so,⁴⁸ even if he⁴⁹ became unclean through any other cause of uncleanness,⁵⁰ he should not be sent out, should he?⁵¹ — Scripture said, 'from⁵² male' [implying that the text deals only with] an uncleanness that is discharged from the male.⁵³ Does, however, any Scriptural expression of 'both male and female' serve to exclude the tumtum and the androginos? Surely in the case of valuations it is written, 'The male',⁵⁴ and it was taught: 'The male'⁵⁴ but no tumtum or androginos. As it might have been presumed that he is not subject to the valuation of a man but is subject to that of a woman it was explicitly stated. 'The male'⁵⁵ . . . And if it be a female'⁵⁶ implying:⁵⁷ Only a confirmed male and a confirmed female⁵⁸ but no tumtum or androginos.⁵⁹ Is not then the reason [for the exclusion]⁶⁰ that it was written, 'The male'⁵⁵ . . . And if it be a female',⁵⁶ but from the expression of 'male and female' alone neither⁶¹ could have been excluded?⁶² — That text⁶³ is required

(1) Num. V, 3, a reference to the sending out of unclean persons from the Sanctuary (v. Rashi).

(2) Rab's.

- (3) For notes v. supra on Rab's statement.
- (4) For the first ruling (cf. supra n. 14). Lit., 'what is the reason? Not?'
- (5) V. p. 193, n. 15.
- (6) Does this then provide support for Rab's view?
- (7) Lit., 'this, whose?'
- (8) Who is of the opinion that no offering in connection with an uncleanness may be brought unless the person affected is fully aware of the actual cause of his uncleanness? Similarly in the case cited, since the actual cause of uncleanness is unknown to the tumtum or to the androgynos, no obligation of an offering is incurred. The Rabbis, however, who differ from R. Eliezer in subjecting one to the obligation of an offering even where the actual cause of the uncleanness is unknown, would equally subject the tumtum and the androgynos to the obligation of an offering in the case cited. As the halachah is in agreement with the Rabbis who are in the majority, no authoritative support for Rab's statement is forthcoming from this Baraita.
- (9) Lev. V, 2.
- (10) Sc. when entering the Sanctuary the man forgot that he was unclean.
- (11) Sc. he well remembered when entering the Sanctuary that he was unclean but forgot that it was the Sanctuary that he was entering.
- (12) Shebu. 14b. Cf. prev. n.
- (13) R. Eliezer and R. Akiba.
- (14) Who explicitly mentioned 'unclean swarming thing'.
- (15) If an offering is to be incurred.
- (16) At the time he became unclean.
- (17) Who merely speaks of uncleanness in general.
- (18) Shebu. 18b.
- (19) Of course he did.
- (20) The case of a simultaneous discharge of red and white.
- (21) If an offering is to be incurred.
- (22) The tumtum or the androgynos.
- (23) Though the actual cause of it is unknown to him.
- (24) Num. V, 3.
- (25) Which they touched.
- (26) Lev. XV, 33.
- (27) As does the expression 'male and female' in Num. V, 3.
- (28) Of the laws spoken of in the text.
- (29) But this is, of course, absurd.
- (30) Since the expression is not required for the context which spoke previously in general terms in the same verse 'of them that have an issue'.
- (31) His mouth, for instance. Sc. not only is his body a primary uncleanness but, as the zab of which the text explicitly speaks, his spittle also is a primary uncleanness and may, therefore, impart uncleanness of the first grade to man and articles.
- (32) Cf. prev. n. No further deduction, therefore, can be made from the same expression.
- (33) Num. V, 3, from which deduction is made in the Mishnah cited from Shebu. 14b supra.
- (34) To send out from the Temple court.
- (35) As 'a male and female' may.
- (36) Which cannot attain cleanness by immersion.
- (37) 'Er. 104b. How then can Rab deduce his ruling from the very same text?'
- (38) That only the deduction just quoted was to be made.
- (39) Heb. adam, which would have included both sexes and implied the deduction.
- (40) And that it is for this reason that Scripture specified 'both male and female' in order to indicate (by the specific mention of the two sexes) that the deduction must have a reference to a law that applied to both sexes viz., the attainment of cleanness in a ritual bath, so that metal vessels also should be included.
- (41) The law that an unclean metal vessel must also be sent out of the Temple court.
- (42) E.V. 'whosoever'.

- (43) Num. V, 2, emphasis on the first three words which include metal vessels also. The use of 'man', therefore, would inevitably have excluded earthen vessels.
- (44) But, if so, whence is the deduction made that the same law applies to all that attain cleanness in a ritual bath?
- (45) That only Rab's ruling is to be deduced.
- (46) Lit., 'from male until female'.
- (47) Heb, 'ad, lit. 'until'.
- (48) That, as Rab laid down (supra 28a), a tumtum or an androgynos who observed a red and a white discharge is exempt from the law requiring an unclean person to be sent out from the Temple court since he is neither a confirmed male nor a confirmed female.
- (49) A tumtum or an androgynos.
- (50) By coming in contact with a corpse, for instance.
- (51) But this surely is contrary to the accepted law.
- (52) E.V., 'both'.
- (53) Thus excluding one contracted from a foreign body.
- (54) Lev. XXVII, 3.
- (55) Cf. prev. n., emphasis on 'the'.
- (56) Lev. XXVII, 4, emphasis on 'if'.
- (57) By the additional 'the' and 'if' (cf. prev. nn.).
- (58) Are subject to the valuations given.
- (59) 'Ar 4b.
- (60) Of the tumtum and the androgynos from the valuations laid down.
- (61) Cf. prev. n.
- (62) How then could it be implied supra that 'any Scriptural expression of "both male and female" serves to exclude the tumtum etc.'?
- (63) 'Male' and 'female' in the section of valuations.

Talmud - Mas. Nidah 29a

to indicate a distinction between the valuation of a man and the valuation of a woman.¹

IF THE EMBRYO ISSUED IN PIECES OR IN A REVERSED CONDITION etc. R. Eleazar ruled: Even if the head was with them;² but R. Johanan ruled: This³ was learnt only in a case where the head was not with them but where the head was with them the embryo is deemed born.⁴ May it be suggested that they⁵ differ on a principle of Samuel for Samuel has laid down: The head⁶ does not exempt⁷ in the case of miscarriages?⁸ — Where it⁹ is whole there is no difference of opinion whatever;¹⁰ they only differ in a case where it⁹ issued in pieces, one Master¹¹ holding the opinion that the head is of importance¹² only where the miscarriage is whole but where it is in pieces it is of no importance, while the other Master¹² holds that even where it⁹ is in pieces the head is of importance.¹³ There¹⁴ are some who teach this passage as an independent discussion:¹⁵ R. Eleazar ruled, The head¹⁶ has not the status of the greater part of the limbs¹⁷ but R. Johanan ruled: The head has the same status as the greater part of the limbs. They thus differ on the validity of Samuel's principle.¹⁸

We learnt: IF THE EMBRYO ISSUED IN PIECES OR IN A REVERSED POSITION IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. Now since 'OR¹⁹ IN A REVERSED POSITION' was specifically stated it follows that 'IN PIECES' refers to one that issued in a normal position,²⁰ and yet it was stated, IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED. Does not this then present an objection against R. Johanan? — R. Johanan can answer you: Read, ISSUED IN PIECES and IN A REVERSED POSITION. But was it not stated 'OR'?²¹ It is this that was meant: IF THE EMBRYO ISSUED IN PIECES OR whole, but in either case, IN A REVERSED POSITION, IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. R. Papa stated, [This²² is] a matter of dispute between the

following Tannas: ‘If an embryo issued in pieces or in a reversed position it is deemed born as soon as its greater part issued forth. R. Jose ruled: Only when it issued in the normal way’. What does he²³ mean? — R. Papa replied: It is this that was meant.²⁴ If the embryo issued in pieces and in a reversed position²⁵ it is deemed born as soon as its greater part issued forth, but [it follows] if it issued in the normal way²⁰ the head alone²⁶ causes exemption.²⁷ R. Jose ruled: Only where its greater part issued in the normal manner.²⁸ R. Zebid demurred:²⁹ Thus it follows³⁰ that where the embryo issued in a reversed position³¹ even the issue of its greater part causes no exemption,³⁰ but surely, have we not an established rule that the greater part³² counts as the whole? Rather, said R. Zebid, it is this that was meant.³³ If the embryo issued in pieces and in a reversed position it is deemed born as soon as its greater part issued forth, but [it follows] if it issued in the normal way the head alone causes exemption.²⁷ R. Jose³⁴ ruled: Only³⁵ where it issued in the normal manner in a condition of viability.³⁶ So it was also taught: If the embryo issued in pieces and³⁷ in a reversed position it is deemed born as soon as its greater part issued forth, but, it follows, if it issued in the normal way the head alone causes exemption. R. Jose ruled: Only when it issued in the normal manner in a condition of viability. And what is ‘the normal manner in a condition of viability’? The issue³⁸ of the greater part of its head. And what is meant by ‘the greater part of its head’? R. Jose³⁹ said: The issue of its temples. Abba Hanan citing R. Joshua said: The issue of its forehead; and some say: The appearance⁴⁰ of the corners of its head.⁴¹

MISHNAH. IF A WOMAN ABORTED AND⁴² IT IS UNKNOWN WHAT WAS [THE SEX OF THE EMBRYO] SHE MUST CONTINUE [HER PERIODS OF UNCLEANNES AND CLEANNESS AS] FOR BOTH A MALE CHILD⁴³ AND A FEMALE CHILD.⁴⁴ IF IT IS UNKNOWN WHETHER IT WAS A CHILD OR NOT, SHE MUST CONTINUE [HER PERIODS OF CLEANNESS AND UNCLEANNES AS] FOR A MALE AND A FEMALE⁴⁵ AND AS A MENSTRUANT.⁴⁶

GEMARA. R. Joshua b. Levi ruled: If a woman crossed a river and miscarried in it, she⁴⁷ must bring a sacrifice which may ‘be eaten, since we are guided by the nature of⁴⁸ the majority of women and the majority of women bear normal children.

We learnt: IF IT IS UNKNOWN WHETHER IT WAS A CHILD OR NOT, SHE MUST CONTINUE [HER PERIODS OF CLEANNESS AND UNCLEANNES AS] FOR A MALE AND A FEMALE AND AS A MENSTRUANT. But⁴⁹ why should she continue as a menstruant. Why should it not be said, ‘Be guided by the nature of the majority of women and the majority of women bear normal children’.⁵⁰ — Our Mishnah deals with a case where there was no presumption of the existence of an embryo,⁵¹ while R. Joshua b. Levi spoke of one where there was such presumption.

Come and hear: ‘If a beast went out⁵² full⁵³ and returned⁵⁴ empty, the young that is born subsequently is deemed to be a firstling of a doubtful nature’.⁵⁵ But⁴⁹ why [should its nature be a matter of doubt]? [Why not] be guided by the majority of beasts and, since the majority of beasts bear normal young, this one also⁵⁶ must be an ordinary beast?⁵⁷ — Rabina replied, Because it may be said: Most beasts bear young that are exempt from the law of the firstling⁵⁸ and a minority of them bear young that are not exempt from the law of the firstling but all that bear secrete,⁵⁹ and in the case of this beast, since it did not secrete, the majority rule has been impaired. If, however, all that bear secrete, must not the young, since this beast did not secrete, be a valid firstling?⁶⁰ — Rather say: Most of those that bear secrete, and in the case of this beast, since it did not secrete, the majority rule is impaired. When Rabin came⁶¹ he stated: ‘R. Jose b. Hanina raised an objection⁶² [from a Baraitha dealing with] a forgetful woman,⁶³ but I do not know what objection it was’. What was it? — It was taught:

(1) Hence the necessity for the additional ‘the’ and ‘if’ which serve the purpose of the deduction. In the text of Num. V, 3, however, the full expression of ‘male and female’, which could well have been condensed to ‘man’, clearly suggests

the deduction made by Rab.

(2) With some of the pieces; sc. even in such a case the embryo is not deemed born unless ITS GREATER PART ISSUED FORTH.

(3) Cf. prev. n.

(4) V. marg. gl. Cur. edd. in parenthesis, 'the head exempts'.

(5) R. Eleazar and R. Johanan.

(6) Of a twin, if it was drawn back after it had been put out.

(7) The other twin (that was born first) from the duty of redemption (cf. Num. XVIII, 15, 16) even if it was viable.

(8) Bek. 46b. Does then R. Eleazar adopt Samuel's principle?

(9) The miscarriage.

(10) Both R. Eleazar and R. Johanan agree that the issue of the head alone suffices to constitute birth.

(11) R. Eleazar.

(12) Constituting birth. (22) R. Johanan.

(13) Constituting birth.

(14) Cur. edd. in parenthesis add; 'Another reading: The reason then is that it issued in pieces or in a reversed condition but if it issued in the normal manner the (putting out of the) head would have caused exemption. (Thus) both do not uphold Samuel's ruling, for Samuel said, The head does not exempt in the case of miscarriages'.

(15) Sc. not in connection with our Mishnah.

(16) Of a miscarriage.

(17) Its issue, therefore, constitutes no birth.

(18) R. Eleazar agreeing with Samuel while R. Johanan differs from him. According to the former version (which attaches the dispute to our Mishnah) it might be maintained (as has been submitted supra) that R. Eleazar also differs from him.

(19) Cf. Bah. Cur. edd. omit.

(20) Head first.

(21) How can 'or' be understood as 'and'?

(22) R. Johanan's ruling.

(23) R. Jose.

(24) By both the first Tanna and R. Jose.

(25) Feet foremost.

(26) Even if the body issued in pieces.

(27) Cf. n. supra, sc. the embryo is deemed to have been born, in agreement with the view of R. Johanan.

(28) Only then is the embryo deemed to have been born. According to R. Jose the issue of the greater part of the body (but with its feet first) or the lesser part (head first) constitutes no valid birth, since, wherever an embryo issued in pieces, both conditions are essential.

(29) Against R. Papa's explanation.

(30) Cf. prev. n. but one.

(31) Feet foremost.

(32) Or 'its majority'.

(33) By both the first Tanna and R. Jose.

(34) Objecting to the last clause (the inference).

(35) Only then does the issue of the head cause exemption.

(36) But not where the embryo issued in pieces when it cannot possibly live. In such a case the issue of the head constitutes no valid birth.

(37) So MS.M. Cur: edd. in parenthesis 'or'.

(38) Lit., 'when it went out'.

(39) MS.M., 'Nathan'.

(40) Lit., 'since they will appear'.

(41) The projection of the head above the neck (Rashi).

(42) Being known that the abortion was a child.

(43) In respect of cleanness: Only thirty-three days instead of sixty-six.

(44) Fourteen unclean days instead of seven.

- (45) Cf. prev. two notes.
- (46) Sc. if she observes a discharge of blood even during the 'thirty-three clean' days, she must be regarded as menstrually unclean, since it is possible that the abortion was no child at all in consequence of which she is not entitled to any of the privileges of childbirth.
- (47) Though the abortion was lost in the water and it is unknown whether it was an embryo or a mere inflated sac.
- (48) Lit., 'follow'.
- (49) If R. Joshua b. Levi's argument is tenable.
- (50) And consequently she ought to be entitled, at least, to the thirty-three clean days prescribed for a male birth (during which she is exempt from all menstrual uncleanness).
- (51) The rule of the majority is consequently inapplicable.
- (52) To the pasture.
- (53) Pregnant.
- (54) On the same day.
- (55) Since it is unknown whether it followed the birth of a developed embryo, in which case it is no firstling, or the abortion of an inflated sac, in which case it is a valid firstling. A doubtful firstling may be eaten by its owner after it had contracted a blemish and the priest has no claim upon it.
- (56) Having thus been born after the birth of a normal one.
- (57) Not even a doubtful firstling, and its owner should consequently be allowed to eat it even if it had no blemish.
- (58) Since each beast can only bear one firstling.
- (59) A day prior to their delivery.
- (60) Why then was it described as one of a doubtful nature?
- (61) From Palestine to Babylon.
- (62) Against R. Joshua b. Levi.
- (63) Lit., 'erring', a woman who does not remember the time of her delivery; v. supra 18b.

Talmud - Mas. Nidah 29b

If a woman who departed in a condition of pregnancy¹ and returned² without child³ spent, within our cognizance,⁴ three clean weeks⁵ and another ten weeks which were alternately unclean⁶ and clean,⁷ she may perform her marital duty on the night preceding the thirty-fifth day⁸ and she is ordered to undergo ninety-five ritual immersions;⁹ so Beth Shammai. But Beth Hillel ruled: Thirty-five immersions.¹⁰ R. Jose son of R. Judah ruled: It suffices if one immersion is performed after the final [period of uncleanness]. Now¹¹ one can well understand why the woman may not perform her marital duty during the first week,¹² since she might be presumed to have given birth¹³ to a male child.¹⁴ During the second week she might be presumed to have given birth¹³ to a female child.¹⁵ During the third week she might be presumed to have given birth¹³ to a female child while she was in the condition of a zabah.¹⁶ But¹⁷ why should she¹⁸ not be permitted to perform her marital duty in the fourth week though she had observed a discharge of blood seeing that it is clean blood?¹⁹ Must it not then be admitted that the reason²⁰ is because we are not guided here by the majority rule?²¹ — What then²² [is the justification for the statement] 'I do not know what objection it was'? — It might be presumed that her delivery took place a long time ago.²³ But why should she not be allowed to perform her marital duty during the fifth week²⁴ which²⁵ is a clean one? — In the case of the fourth week²⁶ every day might be regarded as being possibly the conclusion of [the clean days prescribed for] a childbirth and the beginning of the period of menstruation, so that the twenty-eighth day itself²⁷ might be presumed to be the first day of the menstrual period and she must consequently continue [her uncleanness for] seven days in respect of her menstruation.²⁸ But why should she not be permitted to perform her marital duty on the twenty-first day?²⁹ — This³⁰ is in agreement with the view of R. Simeon who ruled: It is forbidden to do so³¹ since, thereby, she³² might be involved in a doubtful uncleanness.³³ But³⁴ why should she not be permitted intercourse in the evening?³⁵ — This is a case where she observed the discharge in the evening.³⁶ 'And she is ordered to undergo ninety-five ritual immersions: During the first week³⁷ she is ordered immersion every night, since it might be presumed that she gave birth³⁸ to a male child.³⁹ During the second week she is ordered

immersion every night,⁴⁰ since it might be presumed that she gave birth⁴¹ to a female child;³⁹ and every day, since it might also be presumed that she gave birth to a male child while she was in a condition of zibah.⁴² During the third week she is ordered immersion every day, since it might be presumed that she gave birth to a female child while she was in a state of zibah;⁴³ and every night, because Beth Shammai follow the view they expressed elsewhere that one who performed immersion on a long day⁴⁴ must again perform immersion [at its conclusion].⁴⁵

(1) Lit., 'who went out full'.

(2) After some considerable time.

(3) Lit., 'empty'; and she was unaware when birth took place.

(4) Lit., 'and she brought before us'.

(5) Sc. having arrived in the day-time she experienced no discharge from the moment of her arrival for three weeks.

(6) I.e., experiencing a discharge on each of the seven days of the first alternate weeks.

(7) I.e., she experienced no discharge on any of the seven days of the second alternate weeks.

(8) Of her arrival, viz., the last night of the fifth week. After that night, however, as will be explained presently, no cohabitation can be allowed.

(9) One after each period of uncleanness as will be explained presently.

(10) Cf. prev. n. mut. mut.

(11) Here begins the 'objection' to which Rabin referred (supra 29a ad fin.).

(12) After her return. 'First week' includes the day of her return.

(13) During her absence and immediately before her return.

(14) So that everyone of the first seven days might be one of the seven unclean days prescribed for a woman after a male childbirth.

(15) The period of uncleanness after whose birth is two weeks (cf. prev. n. mut. mut.).

(16) I.e., during the 'eleven days' that intervene between the menstrual periods. Since it is possible that she experienced painless discharges on three consecutive days during this period she must, in addition to the fourteen days (cf. prev. n.), wait a period of another seven clean days (irrespective of whether she did, or did not observe any discharge during the fourteen days) before she can attain to cleanness.

(17) If R. Joshua b. Levi's rule, that most women bear normal children, is tenable.

(18) Who was known to be pregnant before her departure (v. supra), and who must, therefore, (cf. prev. n.) be presumed to have given birth to a normal child.

(19) Since the fourth week is inevitably excluded from the unclean periods (seven days for a male and fourteen for a female) that follow childbirth, and included in the thirty-three clean days prescribed for a male birth.

(20) Why the woman is treated as unclean even during the fourth week.

(21) So that there is no presumption of the birth of any child and no consequent allowance of any period of clean blood. How then could R. Joshua b. Levi, contrary to this Baraita, maintain that in such cases the majority rule is followed?

(22) In view of the forceful objection just advanced.

(23) And her clean blood period also has terminated long before the fourth week. The Baraita would consequently present no objection against R. Joshua b. Levi, since the tenability of his majority rule in no way affects the uncleanness of the fourth week, while, as regards the imposition upon the woman of the obligation of the sacrifice prescribed for one after childbirth, the rule is in fact upheld even in this case.

(24) I.e., on any of its seven days and not only (as laid down supra) on the night preceding the last one (the thirty-fifth day).

(25) Since the ten weeks were alternately unclean and clean.

(26) On every day of which she suffered a discharge.

(27) The last day of the fourth week.

(28) Which, beginning on the last day of the fourth week, terminates on the sixth day of the fifth week. Hence the permissibility of marital duty (after due ritual immersion) on the night following that day (the one preceding the thirty-fifth day of her return). During the weeks that follow all intercourse would be forbidden, since each alternate 'clean' week might be regarded as the period of seven days that must be allowed to elapse after the zibah of the previous 'unclean' week before cleanness is attained.

(29) Of her return. This day (the last one of the third week) must inevitably be a clean one. For even if the woman had

been delivered on the very day of her return her period of childbirth uncleanness would have terminated (even in the case of a female child) on the fourteenth day, while the seven days following could be counted as the prescribed seven days following a period of zibah on the last of which she is permitted to perform ritual immersion at any time of the day and to attain to a state of cleanness (cf. Yoma 6a) for the rest of that day.

(30) The prohibition of intercourse on the twenty-first day.

(31) To have intercourse on the seventh day after the termination of a zibah even though ritual immersion had been performed.

(32) If she happened to suffer a discharge later in the day after intercourse.

(33) Of zibah. A discharge on the seventh day following the termination of zibah renders void all the previous counting, since the seven clean days must be complete.

(34) Since on the twenty-first day she was still clean and her first discharge in the following (fourth) week occurred presumably on the twenty-second day.

(35) Following the twenty-first day.

(36) Cf. prev. n. And similarly in the case of all the alternate unclean weeks the discharges occurred in the evenings.

(37) After her return.

(38) Seven days previously.

(39) So that each day of the first week might possibly be the first one after the termination of the unclean days and it is a religious duty to perform ritual immersion immediately after the unclean days had terminated.

(40) Cf. Bah for a different reading.

(41) Fourteen days previously.

(42) So that each day of the first week counted as the sixth of the clean days after zibah which (cf. supra n. 5) must be immediately followed (during the day-time of the following day) by ritual immersion.

(43) Cf. prev. n. mut. mut.

(44) The fourteen unclean days (after which the woman performs immersion) and the sixty-six clean days that follow (during which she is forbidden to eat terumah) are regarded as one long day on which immersion had been performed and sunset is awaited (sunset being represented by that of the eightieth day after childbirth) to complete and terminate all traces of uncleanness.

(45) Sc. on the night following the eightieth day and preceding the eighty-first one. As every day of the third week might possibly be the eightieth, immersion must be performed on every night of that week. The same reason could, of course, be given for the necessity for immersion in the previous weeks had there been no other reasons to justify it.

Talmud - Mas. Nidah 30a

Consider! How many¹ are the days of cleanness?² Sixty-six.³ Deduct⁴ the third week⁵ in which the woman was required to perform [nightly] immersions⁶ there remain sixty minus one. Now, sixty minus one and thirty-five⁷ are ninety-four, how then is the number of ninety-five obtained?⁸ — R. Jeremiah of Difti replied: This is a case, for instance, where the woman⁹ made her appearance before us at twilight,¹⁰ so that¹¹ we impose upon her an additional immersion.¹² According to Beth Hillel, however, who maintain that one who performed immersion on a long day¹³ requires no immersion [at the conclusion]¹⁴ how is the number thirty-five obtained?⁸ — Twenty-eight, as has been explained,¹⁵ while during the fifth week we require the woman to undergo immersion every night, since¹⁶ it might be assumed [that each day¹⁷ is the] last of the days of her menstruation.¹⁸ What need was there for the mention of ten weeks¹⁹ seeing that eight and a half²⁰ would suffice?²¹ — Since he had to mention half a week he mentioned all of it, and since he had to mention an unclean week²² he also mentioned a clean one.²³ But are there [not also the additional] immersions²⁴ due to the possibility of the woman's being a zabah?²⁵ They²⁶ only count the immersions before intercourse²⁷ but not those that follow. But according to Beth Shammai who²⁸ count also the immersions that follow intercourse, why was no mention made of the immersions that are due to the possibility of the woman's being a zabah? — They²⁹ only deal with immersions that are occasioned by childbirth but do not discuss those that are due to zibah. Is there then [no mention of the possibility that the woman might have] given birth to a child while she was in a condition of zibah?³⁰ — They do take note of the 'possibility of a birth in a condition of zibah, but no note is taken of zibah alone. Why should not

the woman perform immersion in the day-time of each of the days of the first week after she appeared before us, seeing that it is possible that her counting³¹ ended on that day?³² — This is in agreement with³³ R. Akiba who ruled: It is required that the counting³¹ shall take place within our cognizance.³⁴ But why should she not perform immersion at the end of the first week?³⁵ — They do not discuss one day of a week. But why should she not perform immersion on the first day she comes to us, seeing that it is possible that she is awaiting a day for a day?³⁶ — They deal with a major zabah³⁷ but not with a minor one.³⁸ Three rulings may thus be inferred: It may be inferred that it was R. Akiba who ruled that the counting³⁹ must take place within our cognizance; and it may be inferred that it was R. Simeon who stated, ‘The Sages have truly laid down that it is forbidden to do so since thereby she might be involved in a doubtful uncleanness’;⁴⁰ and it may also be inferred that it is a religious duty to perform immersion at the proper time.⁴¹ R. Jose son of R. Judah, however, ruled: It suffices if one immersion is performed after the final [period of uncleanness], and we do not uphold the view that it is a religious act to perform immersion at the proper time.⁴¹

MISHNAH. IF A WOMAN MISCARRIED ON THE FORTIETH DAY,⁴² SHE NEED NOT TAKE INTO CONSIDERATION THE POSSIBILITY OF A VALID CHILDBIRTH; BUT IF ON THE FORTY-FIRST DAY,⁴² SHE MUST CONTINUE [HER PERIODS OF UNCLEANNESS AND CLEANNES AS] FOR BOTH A MALE AND A FEMALE⁴³ AND AS FOR A MENSTRUANT.⁴⁴ R. ISHMAEL RULED: [IF SHE MISCARRIED ON] THE FORTY-FIRST DAY⁴² SHE CONTINUES [HER PERIODS OF UNCLEANNESS AND CLEANNES AS] FOR A MALE⁴⁵ AND AS FOR A MENSTRUANT, BUT IF ON THE EIGHTY-FIRST DAY SHE MUST CONTINUE [THESE PERIODS AS] FOR A MALE AND A FEMALE AND A MENSTRUANT; BECAUSE A MALE IS FULLY FASHIONED⁴⁶ ON THE FORTY-FIRST DAY AND A FEMALE ON THE EIGHTY-FIRST DAY. THE SAGES, HOWEVER, MAINTAIN THAT BOTH THE FASHIONING⁴⁷ OF THE MALE AND THE FASHIONING⁴⁷ OF THE FEMALE TAKE THE SAME COURSE, EACH LASTING FORTY-ONE DAYS. GEMARA. Why was MALE mentioned?⁴⁸ If in respect of the days of uncleanness, FEMALE was mentioned;⁴⁹ and if in respect of the days of cleanness,⁵⁰

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- (1) On the assumption that the birth was that of a female child.
 - (2) That follow the fourteen days of uncleanness, and the last day of which might be presumed to coincide with any of the days under discussion.
 - (3) So that during the presumed days of cleanness no more than sixty-six immersions can be expected owing to the presumption that each might possibly be the eightieth day.
 - (4) From these sixty-six days.
 - (5) Which comprises the first seven of these.
 - (6) On account of the same possibility that each was the eightieth day (in addition to her daily immersions necessitated by the possibility of her bearing in the condition of zibah).
 - (7) Seven during the first week and fourteen during the second as well as during the third week ($7 + 2 \times 14 = 7 + 28 = 35$).
 - (8) Lit., ‘what is their doing’.
 - (9) On her return.
 - (10) Of the day preceding the one from which the counting begins. As twilight is a time of doubtful day and doubtful night it cannot be definitely regarded as either.
 - (11) Owing to the doubt.
 - (12) Immediately after her appearance. That day, however, owing to the doubtful nature of twilight (cf. prev. n. but one) cannot be counted among the days and nights under discussion.
 - (13) Cf. p. 204, n. 10.
 - (14) So that in the third week (cf. supra 29b ad fin.) only seven immersions are to be performed, and these together with the fourteen of the second week and the seven of the first week only amount to twenty-eight.
 - (15) Cf. prev. n.
 - (16) Owing to her ‘daily discharge during the fourth week.

- (17) Of the fifth week.
- (18) Which may have begun on any of the days of the fourth week each of which might have been preceded by the last of the days of cleanness.
- (19) Supra 29b ab init.
- (20) In addition to the three clean weeks.
- (21) To make up the number 80: $3 + 8 \frac{1}{2} \text{ weeks} = 11 \frac{1}{2} \text{ weeks} = 11 \times 7 + 3 = 80 \text{ days}$.
- (22) The ninth; the first of each pair of alternate weeks, commencing with the first, being assumed (cf. supra 29b ab init.) to be an unclean one.
- (23) The tenth; being second of the last pair.
- (24) Every day after the fourth week.
- (25) During the preceding unclean week. Only in the case of the fourth week which has been preceded by clean weeks could no such immersions be expected.
- (26) Beth Hillel. Lit., 'he'.
- (27) On the night preceding the thirty-fifth day.
- (28) Giving the number as ninety-five.
- (29) Beth Shammai.
- (30) Of course there is. How then could it be maintained that immersions due to zibah are not discussed?
- (31) Of the seven days of menstruation.
- (32) Why then was it stated (supra 29b ad fin.) that she performs immersion in the nights only?
- (33) Lit., 'this whose?'
- (34) No valid counting, therefore, is possible before a week had passed from the date of her return.
- (35) The seventh day after her return, when the counting did take place within our cognizance.
- (36) A clean day for an unclean one, sc. she might be within the period of the eleven days of zibah that intervene between the menstrual periods, during which she must perform immersion on the clean day following the one on which she experienced a discharge.
- (37) The result of discharges on three consecutive days within the eleven days period (cf. prev. n.).
- (38) Due to a discharge on one or two days only.
- (39) Of the seven days of menstruation.
- (40) Supra 29b ad fin. q. v. notes.
- (41) I.e., at the earliest possible moment.
- (42) After presumed conception.
- (43) I.e., since it is possible that the abortion was the embryo of a child either male or female, the restrictions of both are imposed upon her but none of the relaxations of either.
- (44) It being possible that the embryo was neither male nor female so that there was no valid childbirth.
- (45) I.e., seven days of uncleanness even if there was no bleeding at the miscarriage.
- (46) Lit., 'finished'.
- (47) Lit., 'creation'.
- (48) In the ruling, FOR BOTH A MALE AND A FEMALE AND AS FOR A MENSTRUANT.
- (49) Whose fourteen days of uncleanness obviously absorb the seven unclean days of a male birth.
- (50) Sc. that she is only entitled to the thirty-three clean days of the male and not to the sixty-six days of the female.

Talmud - Mas. Nidah 30b

was not menstruant mentioned?¹ — In order that if the woman observed a discharge on the thirty-fourth day² and then observed one on the forty-first day³ she⁴ shall remain unclean⁵ until the forty-eighth day.⁶ And so also in respect [of the possible birth of] a female⁷ [the last word had to be mentioned] so that if she observed any blood on the seventy-fourth day and these again on the eighty-first day she shall remain unclean until the eighty-eighth day.⁸

R. ISHMAEL RULED: [IF SHE MISCARRIED ON] THE FORTY-FIRST DAY SHE CONTINUES [HER PERIODS OF UNCLEANNESS AND CLEANNESSES AS] FOR A MALE AND AS FOR A MENSTRUANT etc. It was taught: R. Ishmael stated, Scripture prescribed uncleanness⁹

and cleanness¹⁰ in respect of a male¹¹ and it also prescribed uncleanness¹² and cleanness¹³ in respect of a female,¹⁴ as in the case of the former¹⁵ his fashioning period¹⁶ corresponds to his unclean and clean periods¹⁷ so also in the case of the latter¹⁸ her fashioning period¹⁹ corresponds to her unclean and clean periods.¹⁷ They²⁰ replied: The duration of the fashioning period cannot be derived from that of uncleanness. Furthermore, they said to R. Ishmael, A story is told of Cleopatra the queen of Alexandria²¹ that when her handmaids were sentenced to death by royal decree they²² were subjected to a test²³ and it was found that both [a male and a female embryo] were fully fashioned on the forty-first day. He replied: I bring you proof from the Torah and you bring proof from some fools! But what was his 'proof from the Torah'? If it was the argument, 'Scripture prescribed uncleanness and cleanness in respect of a male and it also prescribed uncleanness and cleanness in respect of a female etc.', have they not already replied, 'The duration of the fashioning period cannot be derived from that of uncleanness'? — The Scriptural text says, She bear,²⁴ Scripture thus²⁵ doubles the ante-natal period²⁶ in the case of a female.²⁷ But why [should the test spoken of by the Rabbis be described as] 'proof from some fools'? — It might be suggested that the conception of the female preceded that of the male by forty days.²⁸ And the Rabbis?²⁹ — They³⁰ were made to drink³¹ a scattering drug³² And R. Ishmael?³³ — Some constitution is insusceptible³⁴ to a drug.³⁵ Then said R. Ishmael to them:³⁶ A story is told of Cleopatra the Grecian³⁷ queen that when her handmaids were sentenced to death under a government order they were subjected to a test and it was found that a male embryo was fully fashioned on the forty-first day³⁸ and a female embryo on the eighty-first day. They replied: No one adduces proof from fools. What is the reason?³⁹ — It is possible that the handmaid with the female delayed⁴⁰ [intercourse] for forty days and that it was only then that conception occurred.⁴¹ And R. Ishmael?⁴² — They were placed in the charge of a warden.⁴³ And the Rabbis?⁴⁴ — There is no guardian against unchastity;⁴⁵ and the warden himself might have intercourse with them. But⁴⁶ is it not possible that if a surgical operation had been performed on the forty-first day the female embryo also might have been found in a fully fashioned condition like the male?⁴⁷ — Abaye replied: They⁴⁸ were equal as far as these distinguishing marks were concerned.⁴⁹

THE SAGES, HOWEVER, MAINTAIN THAT BOTH THE FASHIONING OF THE MALE AND THE FASHIONING OF THE FEMALE etc. Is not the ruling of the Sages identical with that of the first Tanna?⁵⁰ And should you reply that the object⁵¹ was to indicate that the anonymous Mishnah represented the view of the Rabbis because when an individual is opposed by many the halachah is in agreement with the many, is not this⁵² obvious?⁵³ — It might have been presumed that R. Ishmael's reason is acceptable since it is also supported by a Scriptural text,⁵⁴ hence we were informed⁵⁵ [that the halachah is in agreement with the Sages].⁵⁶

R. Simlai delivered the following discourse: What does an embryo resemble when it is in the bowels of its mother? Folded writing tablets.⁵⁷ Its hands rest on its two temples respectively, its two elbows on its two legs and its two heels against its buttocks. Its head lies between its knees, its mouth is closed and its navel is open, and it eats what its mother eats and drinks what its mother drinks, but produces no excrements because otherwise it might kill its mother. As soon, however, as it sees the light⁵⁸ the closed organ⁵⁹ opens and the open one⁶⁰ closes, for if that had not happened the embryo could not live even one single hour. A light burns above its head and it looks and sees from one end of the world to the other, as it is said, then his lamp shined above my head, and by His light I walked through darkness.⁶¹ And do not be astonished at this, for a person sleeping here⁶² might see a dream in Spain. And there is no time in which a man enjoys greater happiness than in those days,⁶³ for it is said, O that I were as the months of old, as in the days when God watched over me,⁶⁴ now which are the days' that make up 'months'⁶⁵ and do not make up years? The months of pregnancy of course.⁶⁶ It is also taught all the Torah from beginning to end,⁶⁷ for it is said, And he taught me, and said unto me: 'Let thy heart hold fast my words, keep my commandments and live',⁶⁸ and it is also said, When the converse of God was upon my tent.⁶⁹ Why the addition of⁷⁰ 'and it is also said'? — In case you might say that it was only the prophet who said that,⁷¹ come and hear 'when the converse of God was upon my tent.⁶⁹ As soon as it, sees the light an angel approaches, slaps it on its

mouth and causes it to forget all the Torah completely,⁶⁷ as it is said, Sin coucheth at the door.⁷² It does not emerge from there before it is made to take an oath,⁷³ as it is said, That unto Me every knee shall bow, every tongue shall swear;⁷⁴ 'That unto Me every knee shall bow' refers to the day of dying of which it is said All they that go down to the dust shall kneel before Him;⁷⁵ 'Every tongue shall swear' refers to the day of birth of which it is said, He that hath clean hands, and a pure heart, who hath not taken My name⁷⁶ in vain, and hath not sworn deceitfully.⁷⁷ What is the nature of the oath that it is made to take? Be righteous, and be never wicked; and even if all the world tells you, You are righteous', consider yourself wicked.⁷⁸ Always bear in mind⁷⁹ that the Holy One, blessed be He, is pure, that his ministers are pure and that the soul which He gave you is pure; if you preserve it in purity, well and good, but if not, I will take it away from you. The school of R. Ishmael taught: This may be compared to the case of a priest who handled over some terumah to an 'am ha-arez and told him, 'If you preserve it under conditions of cleanness, well and good, but if not, I will burn it in your presence'. R. Eleazar

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- (1) Whose discharges of blood are invariably unclean whatever the day.
 - (2) When she is held to be unclean on account of possible menstruation, though the day is only (34 — 7 = 27) the twenty-seventh of the thirty-three clean days prescribed for a male birth.
 - (3) Which is the eighth day after the discharge on the thirty-fourth.
 - (4) Despite the previous assumption of menstruation on the thirty-fourth day, which would put the forty-first day outside the seven days of the menstruation period (when the observation of a discharge necessitates the waiting of no more than one single day).
 - (5) Lit., 'damaged'.
 - (6) It being assumed that the miscarriage was a male and that the thirty-fourth day was therefore still within the thirty-three clean days prescribed for a male birth, so that the second discharge on the forty-first day was the first menstrual one after the completion of the thirty-three clean days in consequence of which she must wait another seven days to complete the menstruation period. Her ritual immersion, therefore, cannot take place before (41 + 7 = 48) the forty-eighth day.
 - (7) I.e., the restrictions on account of this possibility imposed in our Mishnah.
 - (8) Cf. prev. nn. mut. mut.
 - (9) Seven days (Lev. XII, 2).
 - (10) Thirty-three days (ibid. 4).
 - (11) Making a total of forty days.
 - (12) Fourteen days (Lev. XII, 5).
 - (13) Sixty-six days (ibid.).
 - (14) A total of eighty days.
 - (15) Lit., 'when it prescribed uncleanness and cleanness in respect of the male'.
 - (16) Forty days.
 - (17) Lit., 'similarly'.
 - (18) Cf. prev. n. but two mut. mut.
 - (19) Eighty days.
 - (20) The Rabbis at the schoolhouse.
 - (21) Cur. edd. 'Alexandrus' (cf. Jast.). The following incident may have its origin in a legend that Cleopatra (68-30 B.C.E.) before committing suicide attempted various forms of execution on her slaves (cf. Golds.).
 - (22) Having forfeited their lives and being at her mercy.
 - (23) Fertilization and subsequent operation.
 - (24) Lev. XII, 5.
 - (25) By the superfluous expression of 'she bear' the omission of which could in no way have affected the sense of the text.
 - (26) In which the embryo is fashioned. Lit., 'added to her . . . another birth', sc. forty days in addition to the forty days during which a male embryo is fashioned.
 - (27) Which proves that the fashioning period of a female embryo is (40 + 40 =) 80 days.
 - (28) And that this was the reason why in the Cleopatra test both were found to be fully fashioned.

- (29) How could they rely upon such inconclusive evidence?
- (30) Cleopatra's handmaids.
- (31) Before they were experimented on.
- (32) I.e., destroying the semen in the womb.
- (33) What objection then could he have put forward against the proof of the Rabbis?
- (34) Lit., 'does not receive'.
- (35) It was quite possible, therefore, that despite the drug the conception of the female took place forty days prior to that of the male.
- (36) The Rabbis.
- (37) Egypt in Cleopatra's reign was under the influence of Greek institutions and Greek culture.
- (38) After conception.
- (39) Why the incident cited should not be accepted as proof. MS.M. reads: 'What is the reason why no proof is adduced from fools?'
- (40) Cf. Bah.
- (41) The 'eighty-first day' was, therefore, in reality the forty-first one.
- (42) How in view of this possibility can he maintain that the incident provides the required proof?
- (43) Whose duty it was to prevent all intercourse except on one particular day.
- (44) How in view of this safeguard could it be suggested that the conception of the female was delayed for forty days?
- (45) Popular proverb.
- (46) Since the test in respect of the female took place on the eighty-first day.
- (47) An objection against R. Ishmael.
- (48) The male and the female.
- (49) Those of the male embryo on the fortieth day were like those of the female on the eighty-first.
- (50) Who earlier in the Mishnah ruled that 'IF ON THE FORTY-FIRST DAY SHE MUST CONTINUE . . . FOR BOTH A MALE AND A FEMALE AND FOR A MENSTRUANT' from which it follows that a female also is fully fashioned on the forty-first day.
- (51) Of repeating in the name of the Sages an earlier anonymous ruling.
- (52) That the anonymous ruling is the view of the Rabbis.
- (53) Of course it is, since all anonymous rulings generally represent the views of the majority of Sages and the halachah is in agreement with them.
- (54) As quoted by R. Ishmael supra.
- (55) By repeating the anonymous Mishnah in the name of the Sages.
- (56) Despite R. Ishmael's argument and text.
- (57) Pinkas, cf. **.
- (58) Lit., 'went out to the air space of the world'.
- (59) Its mouth.
- (60) Navel.
- (61) Job XXIX, 3.
- (62) Babylon.
- (63) Lit., 'and you have no days in which a man dwells in more happiness than in these days'.
- (64) Job XXIX, 2.
- (65) Lit., 'in which there are the months' (of bearing).
- (66) Lit., 'be saying, these are the months of bearing'.
- (67) Lit., 'all of it'.
- (68) Prov. IV, 4.
- (69) Job XXIX, 4.
- (70) Lit., 'what'.
- (71) So that it does not apply to other men.
- (72) Gen. IV, 7.
- (73) Its nature is described presently.
- (74) Isa. XLV, 23.
- (75) Ps. XXII, 30.

(76) So the kre. The kethib is 'his name.

(77) Ps. XXIV, 4.

(78) Lit., 'be in your eyes like a wicked man'.

(79) Lit., 'be knowing'.

Talmud - Mas. Nidah 31a

observed: What is the Scriptural proof?¹ From my mother's womb Thou art gozi.² What is the proof that 'gozi' implies 'swearing'? — Because it is written, Swear [gozi] concerning thy naziriteship and cast away.³

R. Eleazar further stated: What does an embryo resemble when it is in its mother's bowels? A nut floating in a bowl of water. Should someone put his finger upon it, it would sink on the one side or on the other.

Our Rabbis taught: During the first three months⁴ the embryo occupies the lowest chamber, during the middle ones it occupies the middle chamber and during the last months it occupies the uppermost chamber; and when its time to emerge arrives it turns over and then emerges, and this is the cause of the woman's pains.⁵ This also agrees with what was taught:⁶ The pains of a female birth are more intense than those of a male birth. R. Eleazar further observed, 'What is the Scriptural proof for this?'⁷ When I was made in secret, and curiously wrought in the lowest parts of the earth;⁸ it does not say 'dwelt' but 'curiously wrought'.⁹ Why are the pains of a female birth greater than those of a male birth? — The female emerges in the position she assumes during intercourse and the male emerges in the position he assumes during intercourse. The former, therefore, turns her face upwards¹⁰ while the latter¹¹ need not turn his face.

Our Rabbis taught: During the first three months⁴ marital intercourse is injurious to the woman and it is also injurious to the child. During the middle ones it is injurious to the woman but beneficial for the child. During the last months it is beneficial for both the woman and the child, since on account of it the child becomes well-formed and of strong vitality.

One taught: He who indulges in marital intercourse on the ninetieth day⁴ is as though he had shed blood. But whence could one know this?¹² — Rather, said Abaye, one carries on marital intercourse in the usual manner and the Lord preserveth the simple.¹³

Our Rabbis taught: There are three partners in man, the Holy One, blessed be He, his father and his mother. His father supplies the semen of the white substance out of which are formed the child's bones, sinews, nails, the brain in his head and the white in his eye; his mother supplies the semen of the red substance out of which is formed his skin, flesh, hair, blood¹⁴ and the black of his eye; and the Holy One, blessed be He, gives him the spirit and the breath,¹⁵ beauty of features, eyesight, the power of hearing¹⁶ and the ability to speak¹⁷ and to walk,¹⁸ understanding and discernment. When his time to depart from the world approaches the Holy One, blessed be He, takes away his share and leaves the shares of his father and his mother with them. R. Papa observed: It is this that people have in mind when they say, 'Shake off the salt¹⁹ and cast the flesh to the dog'.²⁰

R. Hinena b. Papa gave the following exposition: What is the purport of the Scriptural text, 'Who doeth great things past finding out,' yea, marvellous things without number?²¹ Come and see the contrast between the potency of the Holy One, blessed be He, and that of mortal man.²² A man might put his things²³ in a skin bottle²⁴ [whose holes²⁵ are] tied up and whose orifice is turned upwards and yet it is doubtful whether [the things] would be preserved or not, whereas the Holy One, blessed be He, fashions the embryo in a woman's internal organ that is open and whose orifice is turned downwards and yet it is preserved. Another exposition: If a man puts his things on the scale of a

balance, the heavier they are the lower the scale descends, whereas the Holy One, blessed be He, [fashioned the woman in such a manner that] the heavier the embryo the higher it rises.²⁶

R. Jose the Galilean gave the following exposition: What is the purport of the Scriptural text, I will give thanks unto Thee, for I am fearfully and wonderfully made; wonderful are Thy works; and that my soul knoweth right well?²⁷ Come and see the contrast between the potency of the Holy One, blessed be He, and that of mortal man.²⁸ If a man²⁹ puts different seeds in a bed each grows in the manner of its own particular species, whereas the Holy One, blessed be He, fashions the embryo in the woman's bowels in such a manner that all³⁰ grow into one and the same kind. Another exposition: If a dyer puts different ingredients into a boiler they all unite into one colour, whereas the Holy One, blessed be He, fashions the embryo in a woman's bowels in a manner that each element develops in its own natural way.³¹

R. Joseph gave the following exposition: What is the purport of the Scriptural text, I will give thanks unto Thee, O Lord; for though Thou wast angry with me, Thine anger is turned away, and Thou comfortest me.³² The text alludes to³³ two men who set out on a trading expedition when a thorn got into [the foot of] one of them who³⁴ began to blaspheme and to revile. After a time, however, when he heard that his friend's ship had sunk into the sea he³⁵ began to laud and praise. Hence it is written, 'Thine anger is turned away, and Thou comfortest me'. This is indeed in line with what R. Eleazar stated: What is implied by the Scriptural text, Who doeth wondrous things alone;³⁶ and blessed be His glorious name for ever?³⁷ Even the person for whom a miracle is performed³⁸ is unaware of the miracle.³⁹

R. Hanina b. Papa made the following exposition: What is the implication of the Scriptural text, Thou measurest my going about and my lying down, and art acquainted with all my ways?⁴⁰ It⁴¹ teaches that man is not fashioned from all the drop but only from its purest part. The school of R. Ishmael taught: This is analogous to the action of one who, winnowing⁴² in threshing floors, takes up the edible part and leaves the refuse. This is in agreement with an exposition of R. Abbahu. For R. Abbahu pointed out an incongruity: It is written, For Thou hast winnowed me from⁴³ strength⁴⁴ and it is also written,⁴⁵ The God that girdeth me with strength!⁴⁶ David in effect said to the Holy One, blessed be He, 'Sovereign of the world, Thou hast winnowed me⁴⁷ and Thou hast girded me with strength'.

R. Abbahu also gave this exposition: What is the implication of the Scriptural text, Who hath counted the dust of Jacob, or numbered the stock of Israel?⁴⁸ It teaches that the Holy One, blessed be He, sits and counts the stock of Israel. 'When [He wonders] will appear the drop from which a righteous man could be fashioned'? Moreover, it is for this reason that the eye of the wicked Balaam was blinded. He said, 'Would He who is pure and holy and whose ministers are pure and holy look upon such a thing?' His eye was forthwith blinded, for it is written, And the saying of the man whose eye is closed.⁴⁹ This is in line with what R. Johanan stated: What is the implication of the Scriptural text, And he lay with her in that night?⁵⁰ It teaches that the Holy One, blessed be He, assisted in that matter. For it is said, Issachar is a large-boned ass;⁵¹ it is the ass⁵² that has caused⁵³ the birth of Issachar.

R. Isaac citing R. Ammi⁵⁴ stated: If the woman emits her semen first she bears a male child; if the man emits his semen first she bears a female child; for it is said, If a woman emits semen⁵⁵ and bear a man-child.⁵⁶

Our Rabbis taught: At first it used to be said that 'if the woman emits her semen first she will bear a male, and if the man emits his semen first she will bear a female', but the Sages did not explain the reason, until R. Zadok came and explained it: These are the sons of Leah, whom she bore unto Jacob in Paddan-aram, with his daughter Dinah,⁵⁷ Scripture thus ascribes the males to the females⁵⁸ and

the females to the males.⁵⁹

And the sons of Ulam were mighty men of valour, archers; and had many sons, and sons' sons.⁶⁰ Now is it within the power of man to increase⁶¹ the number of 'sons and sons' sons'? But the fact is that because

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- (1) That an oath is taken on the day of one's birth.
 - (2) Ps. LXXI, 6; E.V., Thou art He that took me out of my mother's womb.
 - (3) Jer. VII, 29; E.V., Cut off thy hair, and cast it away. .
 - (4) Of pregnancy.
 - (5) At a childbirth.
 - (6) So Bomb. ed. Cur. edd. 'we learnt'.
 - (7) That the embryo first occupies the lowest chamber.
 - (8) Ps. CXXXIX, 15.
 - (9) Implying the inception of the embryo; and this is stated to be 'in the lowest parts'.
 - (10) The turning intensifying the pains.
 - (11) Since the embryo is all the time lying face downwards.
 - (12) When the ninetieth day is.
 - (13) Ps. CXVI, 6; those who are unable to protect themselves.
 - (14) So MS.M. and Elijah Wilna. Cur. edd. omit.
 - (15) Or 'soul'.
 - (16) Lit., 'of the ear'.
 - (17) Lit., 'of the mouth'.
 - (18) Lit., 'walking of the feet'.
 - (19) Metaph. for the soul, 'the preserver of the human body'.
 - (20) Proverb. The lifeless body is of little more value.
 - (21) Job IX, 10.
 - (22) Lit., 'that not like the measure of . . . is the measure of flesh and blood'.
 - (23) Cf. MS.M. Cur. edd., 'the measure of flesh and blood he puts a thing'.
 - (24) Hemeth, a skin drawn off the body of the animal in such a manner as not to damage it except for the cuts at the tail and legs.
 - (25) Cf. prev. n.
 - (26) Beginning in the lowest chamber at conception it rises steadily to the highest, as stated supra.
 - (27) Ps. CXXXIX, 14.
 - (28) V. p. 214, n. 10.
 - (29) Cf. MS.M. Cur. edd. add, 'the measure of flesh and blood'.
 - (30) The semen of both parents.
 - (31) The one develops into bones, sinews, nails etc. while the other develops into skin, flesh etc., as stated supra.
 - (32) Isa. XII, 1.
 - (33) Lit., 'of what does Scripture speak? Of'.
 - (34) Having been compelled by the accident to interrupt his journey.
 - (35) Being gratified at the turn of events which prevented him from embarking on the disastrous expedition.
 - (36) Emphasis on 'alone'. E.V., Who only . . . things.
 - (37) Ps. LXXII, 18f.
 - (38) Lit., 'master of the miracle'.
 - (39) Only God alone knows it. Cf. prev. n. but two.
 - (40) Ps. CXXXIX, 3.
 - (41) The expression of zeritha ('Thou measureth') which coming from the root זרית, may be rendered, 'thou winnowest'.
 - (42) Cf. prev. n.
 - (43) E.V., 'girded me with'.
 - (44) II Sam. XXII, 40.

- (45) In the corresponding passage.
- (46) Ps. XVIII, 33.
- (47) Cf. supra n. 2.
- (48) Num. XXIII, 10.
- (49) Ibid. XXIV, 3. E.V., 'is opened'.
- (50) Gen. XXX, 16; emphasis on **סני**.
- (51) Ibid. XLIX, 14.
- (52) On which Jacob rode and which stopped at Leah's tent.
- (53) Garem ('large-boned') is derived from a root which in Aramaic signifies also 'to cause'. The consonants may be vocalized as garam. Hamor garam, 'the ass was the cause'.
- (54) Var. lec. Assi ('En Jacob).
- (55) E.V., 'be delivered'.
- (56) Lev. XII, 2.
- (57) Gen. XLVI, 15.
- (58) 'Sons of Leah'.
- (59) 'His daughter Dinah'.
- (60) I Chron. VIII, 40.
- (61) The Heb. for 'had many' is the Hif. of **רבה** which may be rendered 'cause to increase'.

Talmud - Mas. Nidah 31b

they contained themselves during intercourse¹ in order that their wives should emit their semen first so that their children shall be males, Scripture attributes to them the same merit as if they had themselves caused the increase of the number of their sons and sons' sons. This explains what R. Kattina said, 'I could make all my children to be males'. Raba stated: One who desires all his children to be males should cohabit twice in succession.

R. Isaac citing R. Amm² further stated: A woman conceives only immediately before her menstrual period, for it is said, Behold I was brought forth in iniquity;³ but R. Johanan stated: A woman conceives only immediately after her ritual immersion, for it is said, And in cleansing⁴ did my mother conceive me.⁵ What is the proof that 'het'⁶ bears the meaning of cleansing? — Since it is written 'we-hitte⁷ the house'⁸ and this is translated,⁹ 'And so shall he cleanse the house'. And if you prefer I might reply: The proof is derived from the following: Purge¹⁰ me with hyssop and I shall be clean.¹¹

R. Isaac citing R. Ammi further stated: As soon as a male comes into the world peace comes into the world, for it is said, Send ye a gift¹² for the ruler of the land¹³ [and the Hebrew for] male¹⁴ [is composed of the consonants of the 'words for] 'this is a gift'.¹⁵

R. Isaac citing¹⁶ R. Ammi further stated: When a male comes into the world his provision comes with him, [the Hebrew for] male [zakar, being composed of the consonants of the words for] 'this is provision [zeh kar]', for it is written, And he prepared a great provision [kera] for them.¹⁷ A female has nothing with her, [the Hebrew for] female [nekebah] implying 'she comes with nothing' [nekiyyah ba'ah]. Unless she demands her food nothing is given to her, for it is written, Demand [nakebah]¹⁸ from¹⁹ me thy wages and I will give it.²⁰

R. Simeon b. Yohai was asked by his disciples: Why did the Torah ordain that a woman after childbirth should bring a sacrifice? He replied: When she kneels in bearing she swears impetuously that she will have no intercourse with her husband. The Torah, therefore, ordained that she should bring a sacrifice. (R. Joseph demurred: Does she not²¹ act presumptuously²² in which case the absolution of the oath²³ depends on her regretting it?²⁴ Furthermore, she should²⁵ have brought a sacrifice prescribed for an oath!)¹⁶ And why did the Torah ordain that in the case of a male [the

woman is clean] after seven days and in that of a female after fourteen days? [On the birth of a] male with whom all rejoice she regrets her oath after seven days, [but on the birth of a female] about whom everybody is upset she regrets her oath after fourteen days. And why did the Torah ordain circumcision on the eighth day?²⁶ In order that the guests²⁷ shall not enjoy themselves²⁸ while his father and mother are not in the mood for it.²⁹ It was taught: R. Meir used to say, Why did the Torah ordain that the uncleanness of menstruation should continue for seven days? Because being in constant contact with his wife³⁰ [a husband might] develop a loathing towards her. The Torah, therefore, ordained: Let her³¹ be unclean for seven days³² in order that³³ she shall be beloved by her husband as at the time of her first entry into the bridal chamber.

R. Dostai son of R. Jannai was asked by his disciples: Why³⁴ does a man go in search of a woman and no woman goes in search of a man? This is analogous to the case of a man who lost something. Who goes in search of what? He who lost the thing goes in search of what he lost.³⁵ And why does the man lie face downwards and the woman face upwards towards the man? He [faces the elements] from which he was created³⁶ and she [faces the man] from whom she was created.³⁷ And why is a man easily pacified and a woman is not easily pacified? He [derives his nature] from the place from which he was created³⁸ and she [derives hers] from the place from which she was created.³⁹ Why is a woman's voice sweet and a man's voice is not sweet? He [derives his] from the place from which he was created⁴⁰ and she [derives hers] from the place from which she was created.⁴¹ Thus it is said, For sweet is thy voice, and thy countenance is comely.⁴²

CHAPTER IV

MISHNAH. THE DAUGHTERS OF THE SAMARITAN⁴³ ARE REGARDED AS MENSTRUANTS FROM THEIR CRADLE;⁴⁴ AND THE SAMARITANS IMPART UNCLEANNESS TO A COUCH UNDERNEATH AS TO A COVER ABOVE,⁴⁴ SINCE THEY COHABIT WITH MENSTRUANTS BECAUSE [THEIR WIVES] CONTINUE [UNCLEAN FOR SEVEN DAYS] ON ACCOUNT OF A DISCHARGE OF ANY BLOOD.⁴⁵ ON ACCOUNT OF THEIR [UNCLEANNESS,]⁴⁶ HOWEVER, NO OBLIGATION⁴⁷ IS INCURRED FOR ENTRANCE INTO THE TEMPLE NOR IS TERUMAH⁴⁸ BURNT ON THEIR ACCOUNT, SINCE THEIR UNCLEANNESS⁴⁹ IS ONLY OF A DOUBTFUL NATURE.⁵⁰

GEMARA. How is thi⁵¹ to be imagined? If they⁵² observed a discharge, then⁵³ even our daughters also [should in such circumstances be regarded as unclean]; and if they⁵⁴ have not observed any discharge, their daughters also should not be regarded as unclean, should they? — Raba son of R. Aha son of R. Huna citing R. Shesheth replied: Here we are dealing with cases of which nothing definite is known, but since a minority exists that experience discharges, the possibility of such a discharge is taken into consideration. And who is the Tanna that⁵⁵ takes a minority into consideration?

(1) Lit., in the belly'.

(2) Var. lec. Assi ('En Jacob).

(3) Ps. LI, 7. The last word is taken as an allusion to the menstruation period when intercourse is an iniquity' and the prefixed beth ('in') is rendered 'near'.

(4) E.V., 'sin'.

(5) Ps. LI, 7.

(6) The Heb. word here rendered 'cleansing' (E.V., 'sin').

(7) Of the same rt. as het.

(8) Lev. XIV, 52.

(9) I.e., by the Targum Onkelos.

(10) Tehate'eni (cf. prev. n. but one).

(11) Ps. LI, 9.

- (12) Kar; E.V. 'lambs'.
- (13) Isa. XVI, 1.
- (14) Zakar.
- (15) Zeh kar. Gifts foster peace.
- (16) V. marg. gl. Cur. edd., 'the school of'.
- (17) II Kings VI, 23.
- (18) The same consonants as those for female (nekebah).
- (19) E.V., 'appoint'.
- (20) Gen. XXX, 28.
- (21) When swearing.
- (22) Of course she does.
- (23) Lit., 'the thing'.
- (24) It does. Now in such a case it is only a Sage who, after satisfying himself of the sincerity of her plea, may absolve her. A sacrifice, however, has no place here at all.
- (25) Instead of the sacrifice of a bird prescribed for a woman after a confinement. (17) A lamb or a goat.
- (26) After birth, and not on the seventh which is the last day of uncleanness
- (27) Lit., 'all.'
- (28) At the festive meal given in honour of the circumcision.
- (29) Lit., 'sad', on account of the prohibition of intercourse which remains in force until the conclusion of the seventh day.
- (30) Lit., 'with her'.
- (31) Even after the least discharge of blood.
- (32) When intimate intercourse is forbidden.
- (33) By being deprived of her intimacy for certain recurrent periods.
- (34) In matrimony.
- (35) The rib from which Eve was built was taken from Adam.
- (36) The earth.
- (37) Cf. prev. n. but one.
- (38) Earth, which yields.
- (39) The unyielding bone of a rib.
- (40) A beat upon the earth produces no note.
- (41) A bone can be made to produce certain notes.
- (42) Cant. II, 14.
- (43) Kuthim, the people of Cutha and other places of Assyria who were transported to Samaria after the destruction of the northern kingdom and who combined their former idol-worship with a belief in the God of Israel (II Kings XVII, 24ff). Their descendants were for a time regarded as suspected Israelites and finally were entirely excluded from the community.
- (44) This is explained in the Gemara infra.
- (45) Even blood that is clean. Should a discharge of clean blood on one day be followed by one of unclean on the following day, the Samaritan woman would count the seven days of uncleanness from the first day, regarding the second discharge as having occurred within the seven days of menstruation, so that on the eighth day she regards herself as clean, while as a matter of fact her uncleanness began on the second day and continues for seven days, the last of which is the eighth from the first discharge on which she is still menstrually unclean.
- (46) If a person, for instance, covered himself with the unclean articles mentioned.
- (47) Of a sacrifice.
- (48) That came in contact with these articles (cf. prev. n. but one).
- (49) Though Rabbinically valid as a preventive measure.
- (50) While a sacrifice and terumah are Pentateuchal. A Rabbinical rule can have no force where its observance involves interference with a Pentateuchal ordinance.
- (51) The first clause of our Mishnah.
- (52) THE DAUGHTERS OF THE SAMARITANS.
- (53) Since menstruation may begin at the earliest stage of life (v. infra 32a).

(54) THE DAUGHTERS OF THE SAMARITANS.

(55) In respect of restriction.

Talmud - Mas. Nidah 32a

— It is R. Meir. For it was taught: A minor, whether male or female, may neither perform, nor submit to halizah, nor contract levirate marriage; so R. Meir. They¹ said to R. Meir: You spoke well when you ruled that they ‘may neither perform, nor submit to halizah’, since in the Pentateuchal section² man³ was written, and we draw a comparison between woman and man.⁴ What, however, is the reason why they may not contract levirate marriage? He replied: Because a minor male might be found to be a saris;⁵ a minor female might be found to be incapable of procreation,⁶ and thus the law of incest⁷ would be violated where no religious act⁸ is thereby performed. And the Rabbis?⁹ — Follow the majority of minor males and the majority of minors are no sarisim; follow the majority of minor females, and the majority of minor females are not incapable of procreation.¹⁰ Might it not be suggested that R. Meir was heard [to take a minority into consideration only where that] minority is frequent; was he, however, heard [to maintain his view in regard to] an infrequent minority? — This also is a frequent minority, for it was taught: R. Jose stated, It happened at ‘En Bol¹¹ that the infant was made to undergo ritual immersion¹² before her mother;¹³ and Rabbi stated, It once happened at Beth She’arim that the infant was made to undergo ritual immersion¹² before her mother;¹³ and R. Joseph stated, It once happened at Pumbeditha that the infant was made to undergo ritual immersion¹² before her mother;¹³ One can well understand the incidents spoken of by R. Joseph and Rabbi¹⁴ since [immersion was necessary as a protection for] the terumah¹⁵ of Palestine; but why was that necessary¹⁶ in the case spoken of by R. Joseph,¹⁷ seeing that Samuel had laid down: The terumah of a country outside the Land of Israel is not forbidden unless [it came in contact] with a person whose uncleanness emanated from his body,¹⁸ and this applies only to eating but not to contact?¹⁹ — Mar Zutra replied: This²⁰ was required only in regard to anointing her with the oil of terumah;²¹ for it was taught: And they shall not profane the holy things of the children of Israel, which they set apart unto the Lord²² includes²³ one who anoints oneself or drinks.²⁴ But what need was there for a Scriptural text [for inclusion in the prohibition of] one who drinks, seeing that drinking is included in eating?²⁵ — Rather [say that the text²² was intended] to include one who anoints oneself [in the same prohibition] as one who drinks.²⁶ And if you prefer I might reply, The prohibition²⁷ is derived from here: And it is come into his inward parts like water, and like oil into his bones.²⁸ But if so²⁹ should not our daughters also [be unclean from their cradle]? — For us who make a deduction of the use of ‘and if a woman’³⁰ instead of ‘a woman’ and [our daughters,] when observing any discharge are kept away,³¹ the Rabbis enacted no preventive measure; but as regards the Samaritans³² who do not make any deduction from the use of ‘and if a woman’³⁰ instead of ‘a woman’, and [their daughters] when observing any discharge are not kept away,³¹ the Rabbis enacted the preventive measure. What is the exposition of ‘a woman’, ‘and if a woman’? — It was taught: [If it had been written,]³³ ‘A woman’, I would only know that a woman [is subject to the restrictions of menstrual uncleanness], whence could it be deduced that an infant one day old is also subject to the restrictions of menstruation? Hence it was explicitly stated, ‘And if a woman’.³³ Thus it is evident that in including a child Scripture included even one who is one day old. May not, however, an incongruity be pointed out: [If Scripture had only written,]³⁴ ‘the woman’ I would only know [that the restriction applies to] a woman, whence could it be derived that a child who is three years and one day old [is equally under the restrictions] in respect of cohabitation? Hence it was explicitly stated, ‘The woman also’?³⁴ — Raba replied: These³⁵ are traditional laws but the Rabbis tacked them on to Scriptural texts. Which one [can be deduced from] the Scriptural text and which is only a traditional law?³⁶ If it be suggested that the law relating to an infant one day old is traditional and that the one relating to such as is three years and one day old is deduced from a Scriptural text, is not the text [it may be retorted] written in general terms?³⁷ — Rather say: The law relating to one who is three years and one day old is traditional and the one derived from the text is that concerning an infant who is one day old. But since the former law is traditional, what was the purpose of the Scriptural text?³⁸

(1) The Rabbis who disagreed with him.

- (2) That deals with halizah.
- (3) . Deut. XXV, 7; thus excluding the minor.
- (4) As the latter must be a grown-up man so must the former be a grown-up woman.
- (5) One wanting in generative powers. Only one capable of having a child to succeed in the name of his brother (Deut. XXV, 6) is subject to the duty of the levirate marriage.
- (6) Cf. prev. n.
- (7) Marriage with a brother's wife.
- (8) Cf. prev. n. but two.
- (9) How in view of R. Meir's reason can they maintain their view?
- (10) Yeb. 61b.
- (11) [Ain Ibl, north west of Safed, v. Klein S.. N. B. p. 41.]
- (12) To protect any terumah which may come in contact with her.
- (13) Whose immersion is performed on the fourteenth day. That of the menstruant takes place on the seventh.
- (14) Both of which occurred in Palestinian towns.
- (15) Which is rendered unfit through contact with a menstruant (cf. prev. n. but two).
- (16) Lit., 'wherefore to me'.
- (17) Which occurred in a Babylonian town.
- (18) A zab, for instance, or a menstruant.
- (19) Bek. 27a.
- (20) The immersion of the infant spoken of by R. Joseph.
- (21) Anointing being forbidden like eating.
- (22) Lev. XXII, 15, in the section dealing with persons unclean for terumah.
- (23) In the prohibition.
- (24) Which proves that anointing is forbidden like eating.
- (25) Cf. Shebu. 22b; and since eating was forbidden drinking also was obviously forbidden.
- (26) Reading **כשנתה** instead of **ואת השותה**.
- (27) Of anointing.
- (28) Ps. CIX, 18.
- (29) That in imposing a restriction a minority also must be taken into consideration.
- (30) Lev. XV, 19, from which it is inferred infra that uncleanness may begin at infancy.
- (31) From holy things, during the prescribed unclean period.
- (32) Lit., 'they'.
- (33) In Lev. XV, 19.
- (34) Ibid. 18, dealing with uncleanness through cohabitation.
- (35) The two restrictions under discussion.
- (36) Sc. since Scripture uses the same expression we-ishah (rendered 'and if a woman' in Lev. XV, 19 and 'the woman also' ibid. 18) in both verses what age exactly was implied?
- (37) And, since there is no reason why the age of three years and one day should be meant rather than that of two or of four years, the lowest possible age. vis., that of one day, should obviously be the one intended.
- (38) Sc. why the additional waw in we-ishah?

Talmud - Mas. Nidah 32b

— To exclude a man from the uncleanness of a red discharge.¹ But consider the following Baraitha:² From the term of 'woman'³ I would only infer that a woman [is subject to the restriction of zibah], whence, however, could it be deduced that a female child that is ten days old⁴ is also subject to the restrictions of zibah? Hence it was explicitly stated, And if a woman.³ Now, what need was there for this text,⁵ seeing that the law could have been inferred from that of menstruation?⁶ — It was necessary. For if the All Merciful had written the law in regard to a menstruant only it might have been presumed that it applied only to the menstruant, since even if she observed a discharge on one day only she must continue unclean for seven days, but not to a zabah for whom, if she observed a discharge⁷ on one day, it suffices to wait only one day corresponding to it;⁸ hence the necessity for

the second text. Then why should not the All Merciful write the law in regard to a zabah and there would be no need to give it again in regard to a menstruant, since one knows that there can be no zabah unless she was previously a menstruant? — That is so indeed. Then what was the need for the Scriptural text?⁹ — To exclude a man from the uncleanness of a red discharge.¹⁰ But was he not already once excluded?¹¹ — One text serves to exclude him from the uncleanness of a discharge of red semen and the other from that of blood.

The same law¹² applies also to males. For it was taught:¹³ ‘A man, a man’,¹⁴ what need was there for the repetition of ‘man’? To include a male child one day old who also is to be subject to the uncleanness of zibah; so R. Judah. R. Ishmael son of R. Johanan b. Beroka said: This¹⁵ is not necessary, for, surely, Scripture says, Whether it be a man or a woman,¹⁶ ‘whether it be a man’ implies any one who is man, whether adult or infant; ‘or a woman’ implies any one who is a female irrespective of whether she is adult or minor. If so, why was it expressly stated, ‘a man, a man’?¹⁷ The Torah used an ordinary form of speech.¹⁸ Thus it is evident that in including a child Scripture included even an infant one day old. Does not, however, an incongruity arise: [If Scripture had only written]¹⁹ ‘a man’ I would only know [that the law applied to] a man, whence could it be derived that it also applies to a child who is nine years and one day old? Hence it was explicitly stated, And a man?¹⁹ — Raba replied: These²⁰ are traditional laws but the Rabbis found props for them in Scriptural texts. Which one is only a traditional law and which can be deduced from the Scriptural text? If it be suggested that the law relating to an infant one day old is traditional and that relating to a child who is nine years and one day old is deduced from a Scriptural text, is not the text [it could be objected] written in general terms?²¹ — Rather say: The law relating to a child who is nine years and one day old is traditional and the one relating to an infant one day old is derived from the Scriptural text. But, since the former is a traditional law, what was the purpose of the Scriptural text? — To exclude a woman from the uncleanness of a white discharge. What need was there for Scripture to write [an additional word²² and letter]²³ as regards males and females respectively?²⁴ — These were necessary. For if the All Merciful had written the law in respect of males only it might have been presumed that it applied to them alone since they become unclean by [three] observations²⁵ [on the same day] as by [three observations on three successive] days,²⁶ but not to females who do not become unclean by [three] observations [on the same day] as by [three observations on three successive] days. And if the All Merciful had written the law in respect of females alone, it might have been presumed to apply to them only, since they become unclean even if a discharge was due to a mishap but not to males who do not become unclean when a discharge is due to a mishap.²⁷ [The additional letters and words were, therefore,] necessary.

THE SAMARITANS IMPART UNCLEANNESS TO A COUCH UNDERNEATH AS TO A COVER ABOVE, What is meant by A COUCH UNDERNEATH AS A COVER ABOVE? If it be suggested to mean that if there were ten spreads²⁸ and he sat upon them they all become unclean, is not this [it could be retorted] obvious seeing that he exercised pressure upon them?²⁹ — The meaning rather is that a couch underneath one who had intercourse with a menstruant is subject to the same law of uncleanness as the cover above a zab.³⁰ As the cover above a zab imparts uncleanness to foods and drinks only so does the couch underneath one who had intercourse with a menstruant impart uncleanness to foods and drinks only. Whence is the law concerning the cover above a zab deduced? — From the Scriptural text, And whosoever toucheth any thing that was under him shall be unclean.³¹ For what could be the meaning of ‘under him’?

(1) Of semen (v. infra) which is similar in nature to the discharge dealt with in the text under discussion. Only a woman's is subject to uncleanness but not that of a man.

(2) Lit., ‘and that which was taught’.

(3) Lev. XV, 25, dealing with zibah.

(4) One younger than ten days cannot possibly be subject to this form of uncleanness since one cannot be a confirmed zabah before the elapse of seven days of menstruation and three subsequent days on each of which a discharge is

observed.

(5) Lit., 'wherefore to me'.

(6) Sc. since, as has been shown supra, an infant of one day is subject to the uncleanness of menstruation it naturally follows that on her tenth day (cf. prev. n. but one) she is also subject to that of zibah.

(7) After the seven days of menstruation.

(8) And if she observed a discharge on the second day also, she need only wait one day, after which she is clean. Only a discharge that continued for three consecutive days would subject her to the uncleanness of a confirmed zabah.

(9) The additional waw in the case of the menstruant.

(10) The text implying that only a woman is subject to the uncleanness of a red discharge but not a man.

(11) Supra.

(12) That a child one day old is subject to the uncleanness of a discharge as an adult.

(13) 'Ar. 3a.

(14) Lev. XV, 2, dealing with the laws of a zab. E.V., 'any man'.

(15) The exposition of Lev. XV, 2 (v. prev. n.).

(16) Lev. XV, 33.

(17) Lev. XV, 2 dealing with the laws of a zab. E.V., 'any man'.

(18) Lit., 'spoke as is the language of man'.

(19) Lev. XV, 16, in regard to the emission of semen.

(20) The law of zibah in respect of an infant one day old and the law of the emission of semen in regard to a boy who is nine years and one day old.

(21) Cf. supra p. 223, n. 8 mut. mut.

(22) Man.

(23) Waw ('and') in we-ishah.

(24) Sc. why could not the same ages of the male and of the female be derived from one another?

(25) Of discharges.

(26) Cf. B.K. 24a.

(27) Infra 36b.

(28) One above the other.

(29) Midras (v. Glos.) is one of the means whereby a zab conveys uncleanness.

(30) And not as the couch under him which imparts uncleanness to human beings also.

(31) Lev. XV, 10.

Talmud - Mas. Nidah 33a

If it be suggested: Under the zab [it could be objected: This]¹ is derived from, And whosoever toucheth his bed.² Consequently it must mean: Whosoever toucheth any thing under which the zab was',³ and this is⁴ the cover above the zab,⁵ Scripture⁶ segregated it from a grave uncleanness⁷ and transferred it to a lighter uncleanness in order to tell you that it imparts uncleanness to foods and drinks only.⁸ Might it not be suggested that Scripture segregated it from the grave uncleanness only in order that it shall not impart uncleanness to a man⁹ and thereby also impart uncleanness to his clothes, but that it does impart uncleanness to a man⁹ or to clothes?¹⁰ — Scripture said: Shall be unclean,¹¹ which implies¹² an uncleanness of a lighter character, And whence is the law concerning the couch beneath one who had intercourse with a menstruant deduced? — From what was taught: And her impurity be upon him.¹³ As it might have been presumed that he is released from his uncleanness as soon as he is released,¹⁴ it was explicitly stated, He shall be unclean seven days.¹³ Then why was it explicitly stated, 'And her impurity be upon him'? As it might have been presumed that he imparts no uncleanness to man or earthenware, it was explicitly stated, 'And her impurity be upon him',¹³ as she imparts uncleanness to man¹⁵ and to earthenware¹⁶ so does he impart uncleanness to man¹⁵ and earthenware.¹⁶ In case it might be suggested:¹⁷ As she causes a couch or a seat to become unclean so as to impart uncleanness to a man and thereby also impart uncleanness to his clothes, so does he also cause his couch and seat to impart uncleanness to man and thereby impart uncleanness to his clothes, it was explicitly stated: And every bed whereon he lieth shall be

unclean.¹⁸ For¹⁹ it should not have been stated. ‘and every bed on which he lieth shall be unclean’, then why was it written, ‘And every bed on which etc.’? Scripture has, thereby, segregated it from a grave uncleanness²⁰ and transferred it to a lighter uncleanness, to tell you that it imparts uncleanness to foods and drinks only. R. Ahai demurred: Might it not be suggested that Scripture had segregated it from a grave uncleanness and transferred it to a lighter uncleanness only in order that it shall not impart uncleanness to a man and thereby also convey it to his clothes, but that it does impart uncleanness to a man²¹ or to clothes?²² — R. Assi replied: Shall be unclean²³ implies²⁴ an uncleanness of a lighter nature. Might it not be argued: ‘And her impurity be upon him’¹⁸ is a generalization, ‘and every bed’¹⁸ is a specification²⁵ and, since the scope of a generalization when followed by a specialization already comprehended in it is limited by the thing specified, only²⁶ a bed and a seat, but no other thing should convey uncleanness? — Abaye replied: ‘He shall be unclean for seven days’¹⁸ makes a break in the context, so that this is a case of a generalization and a specification that are distant from one another and whenever a generalization and a specification are distant from one another the rule of generalization and specification does not apply. Raba replied: The rule²⁷ in fact does apply, but the expression of ‘and every’¹⁸ is an extension.²⁸ R. Jacob demurred: Might it not be argued that he²⁹ is³⁰ subject to the same uncleanness as she in this respect: As in her case no distinction is made between her touch and her bed as regards the conveyance of uncleanness to a person and to his clothes, thus adopting the stricter course,³¹ so also in his case no distinction should be made between his touch and his bed as regards the conveyance of uncleanness to a person and to his clothes, the lenient course being adopted?³² — Raba replied:³³ ‘Upon him’ implies: To put a load upon him.³⁴

SINCE THEY COHABIT WITH MENSTRUANTS etc. Do they all³⁵ cohabit with menstruants? — R. Isaac of Magdala replied: This was learnt about married persons only.

BECAUSE [THEIR WIVES] CONTINUE [UNCLEAN FOR SEVEN DAYS] ON ACCOUNT OF A DISCHARGE OF ANY BLOOD etc. It was taught: R. Meir stated, If they continue [unclean for seven days] on account of a discharge of any blood,³⁶ is not this³⁷ rather an important safeguard for them? But the fact is that when they observe a discharge of red blood they treat it as supplementary to a previous discharge of yellow blood.³⁸ Another explanation: She includes the day on which her discharge ceases³⁹ in the number of the seven days.⁴⁰ Rami b. Hama demurred: Why indeed should she not count it,⁴¹ and why should not we also count it,⁴¹ seeing that we have an established rule that part of a day is regarded as the whole of it? — Raba retorted: If so,⁴² how could it be possible for an emission of semen to cause the counting⁴³ after a zibah to be void seeing that a part of the day is to be counted as the whole of it?⁴⁴ If one had observed the discharge in the middle of the day the law might indeed be so,⁴⁵ but here we might be dealing with one who observed the discharge near sunset?⁴⁶ — Could it then definitely be assumed that⁴⁷ the Scriptural text was written only [in regard to a discharge] near sunset? — Yes; you must indeed allow the text to be so explained, for it⁴⁸ forces this interpretation upon itself.

Rami b. Hama enquired: If a woman⁴⁹ ejected some semen;⁵⁰ does she cause her counting⁵¹ after a zibah to be void? Is she regarded as one who observed an emission of semen and causes, therefore, the counting⁵¹ to be void

(1) Since it is midras (cf. Prev. n. but two).

(2) Lev. XV, 5.

(3) The Heb, yiheyeh tahtaw may be rendered as E.V. ‘that was under him’ as well as ‘under which he (the zab) was’.

(4) Lit., ‘and what is it’.

(5) Cf. Rashal and Rashi. Cur. edd. in parenthesis add: ‘And he who carries shall also be unclean; and what is that? What is being carried. What is the reason? It is written: And that which is carried’.

(6) By separating the law of touching from that of carrying with the expression of ‘shall be unclean’.

(7) Carrying which imparts uncleanness to a person as well as to his clothes.

- (8) But not to a person.
- (9) Who touches it.
- (10) That came in direct contact with it.
- (11) Lev. XV, 10.
- (12) Since the washing of garments was not mentioned in that part of the verse.
- (13) Lev. XV, 24.
- (14) Lit., 'he shall go up at her foot'. sc. if, for instance, on the sixth day of her uncleanness he became unclean through her he should become clean on the following day (which is her seventh day) on which she is released from her uncleanness.
- (15) And to the clothes he wears.
- (16) By heset (v. Glos.).
- (17) Lit., 'if'.
- (18) Lev, XV, 24.
- (19) Since it was written, 'and her impurity be upon him' and about her it is written, that one who touches her bed must wash his garments.
- (20) That of the couch of the menstruant which imparts uncleanness to a person as well as to the clothes he wears.
- (21) Who touches it.
- (22) That came in direct contact with it.
- (23) Lev. XV, 10.
- (24) Since the washing of garments was not mentioned in that part of the verse.
- (25) Of the same general rule.
- (26) Lit., 'yes'.
- (27) Of generalization followed by a specification.
- (28) Of the general rule. The rule of generalization and specification does not, therefore, apply here.
- (29) Who cohabits with a menstruant.
- (30) Since the man and the woman were compared.
- (31) Sc. that both the person and his clothes are unclean.
- (32) Viz., that neither his person nor his clothes contract uncleanness.
- (33) Var. lec. Scripture said.
- (34) I.e., in his case too the stricter course must be adopted.
- (35) Sc. married and unmarried men.
- (36) Whether clean or unclean.
- (37) The counting of seven days after each discharge whose colour differed from the previous one.
- (38) Cf. relevant n. on our Mishnah.
- (39) Sc. the third day of three consecutive days (after the termination of her period of menstruation) on each of which she experienced a discharge and in consequence of which, she is a confirmed zabah.
- (40) While in the case of a zabah the law requires seven full days clear of any discharge whatsoever.
- (41) As one of the seven clean days.
- (42) That as regards the counting of the clean days after zibah a part of a day could be regarded as the whole of it.
- (43) Of any one of the seven days (cf. supra 22a).
- (44) And a part of the day presumably remains after the emission.
- (45) The remaining part of the day being counted as a full day and the counting of the seven days is in no way interrupted.
- (46) So that no part of the day remained,
- (47) Lit., 'and let him arise and say to him to'.
- (48) In view of the accepted rule that part of a day counts as the whole of it.
- (49) Who had intercourse during her zibah.
- (50) While she was counting her clean days after her zibah had terminated.
- (51) Of the one day on which the ejection occurred.

Talmud - Mas. Nidah 33b

or is she rather regarded as one who merely touched it and, therefore, she does not cause the counting to be void? — Raba replied, His error is as deep as his subtlety: Granted that she causes her counting to be void, how many days could be affected? Should it be suggested that the counting of all the seven days should be void [it could be objected]: Is it not enough that she is treated like the man who had the intercourse with her?¹ Should it be suggested that she should cause the counting of one day to be void [it could be retorted:] Did not the All Merciful say, And after that she shall be clean,² ‘after’ means after all of them, implying that no uncleanness³ may intervene between them? — But according to your view, how could a zab himself cause the counting of one day to be void seeing that the All Merciful said, He shall number to himself seven days for his cleansing.⁴ which implies that no uncleanness must intervene between them?⁵ What then have you to say in reply? That the meaning is that only the uncleanness of zibah must not intervene between them;⁶ well, here also it may be explained that the meaning is that only the uncleanness of zibah must not intervene between them.⁷

ON ACCOUNT OF THEIR [UNCLEANNESS]. HOWEVER, NO OBLIGATION IS INCURRED FOR ENTRANCE INTO THE TEMPLE etc. R. Papa once visited Tuak⁸ when he remarked, ‘If there lives a scholar in this place I would go and pay him my respects’.⁹ ‘A scholar lives here’, said an old woman to him, ‘and his name is R. Samuel and he learns Tannaitic traditions. May it be God's will that you be like him’. ‘Since’, he thought, ‘she blesses me by him I can gather¹⁰ that he is a God¹¹ -fearing man’. He thereupon visited him when the latter treated him to¹² a bull; and he also treated him to an incongruity¹³ between Tannaitic teachings: We have learnt, ON ACCOUNT OF THEIR [UNCLEANNESS]. HOWEVER, NO OBLIGATION IS INCURRED FOR ENTRANCE INTO THE TEMPLE NOR IS TERUMAH BURNT ON THEIR ACCOUNT, SINCE THEIR¹⁴ UNCLEANNESS IS ONLY OF A DOUBTFUL NATURE, from which it is evident that terumah is not burnt in a case of doubt. But have we not learnt to the contrary: In six doubtful cases of uncleanness is terumah burnt [and one of them is] the doubtful uncleanness of the clothes of an ‘am ha-arez?¹⁵ — ‘May it be God's will’, exclaimed R. Papa, ‘that this bull shall be eaten in peace’.¹⁶ Here¹⁷ we are dealing with the case of a Samaritan who was a haber’.¹⁸ ‘But would you presume¹⁹ [the other retorted] that a Samaritan who is a haber had intercourse with a menstruant?’ When he left him²⁰ and came to R. Shimi b. Ashi the latter said to him: Why did you not answer him [that our Mishnah²¹ deals] with the case of a Samaritan who, having performed ritual immersion, came up and trod upon the clothes²² of a haber and the clothes²² of this haber then came in contact with terumah,²³ so that if [the terumah were to be treated as unclean] on account of the uncleanness of the ‘am ha-arez [it could be objected]: He has, surely, performed ritual immersion.²⁴ And if the uncleanness were to be attributed to his likely intercourse with a menstruant [it could be objected]: It is doubtful whether he had his intercourse recently or some time ago.²⁵ And even if you were to find some ground for assuming that his intercourse took place recently there is still the doubt whether she had completed her period of cleanness for yellow blood or not.²⁶ This then is a case of double doubt,²⁷ and no terumah may be burnt on account of a doubly doubtful uncleanness. But why should not the uncleanness of the terumah be established²⁸ on account of its contact with the clothes of an ‘am ha-arez, a Master having stated: The clothes of an ‘am ha-arez are like midras uncleanness²⁹ to Pharisees?³⁰ — The other replied: This is a case of a naked Samaritan.

MISHNAH. THE DAUGHTERS OF THE SADDUCEES, SO LONG AS THEY ARE IN THE HABIT OF WALKING IN THE PATHS OF THEIR FATHERS, ARE TO BE REGARDED AS SAMARITAN WOMEN, IF THEY LEFT THOSE PATHS³¹ TO ‘WALK IN THE PATHS OF ISRAEL. THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN. R. JOSE RULED: THEY ARE ALWAYS REGARDED AS ISRAELITISH WOMEN UNLESS THEY LEAVE THE PATHS OF ISRAEL TO WALK IN THE PATHS OF THEIR FATHERS.

GEMARA. The question was raised: What is the law³² where their attitude is unknown?³³ — Come and hear: THE DAUGHTERS OF THE SADDUCEES, SO LONG AS THEY ARE IN THE

HABIT OF WALKING IN THE PATHS OF THEIR FATHERS, ARE TO BE REGARDED AS SAMARITAN WOMEN; from which it follows that if their attitude is unknown they are like Israelitish women. Read then the final clause: IF THEY LEFT THESE PATHS TO WALK IN THE PATHS OF ISRAEL, THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN; from which it follows that if their attitude is unknown they are like Samaritan women! But the fact is that no inference may be drawn from this [Mishnah].

Come and hear what we have learnt: R. JOSE RULED, THEY ARE ALWAYS REGARDED AS ISRAELITISH WOMEN UNLESS THEY LEAVE THE PATHS OF ISRAEL TO WALK IN THE PATHS OF THEIR FATHERS. Thus it follows that the first Tanna³⁴ holds that when their attitude is unknown they are to be regarded as Samaritan women. This is conclusive.

Our Rabbis taught: It once happened that a Sadducee was conversing with a High Priest in the market place when some spittle was squirted from his mouth and fell on the clothes of the High Priest. The face of the High Priest³⁵ turned yellow and he hurried to his³⁶ wife³⁷ who assured him that although they were wives of Sadducees they paid homage to the Pharisees and showed their blood to the Sages.³⁸ R. Jose observed: We³⁹ know them better than anybody else [and can testify] that they show their menstrual blood to the Sages. There was only one exception, a woman who lived in our neighbourhood who did not show her blood to the Sages but she died. But why was he⁴⁰ not concerned about the uncleanness⁴¹ that is occasioned by the spittle of an 'am ha-arez?⁴² — Abaye replied: This was a case of a Sadducee who was a haber.⁴³ Said Raba: Is a Sadducee who is a haber presumed⁴⁴ to have intercourse with a menstruant? Rather, said Raba:

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- (1) If a man who was a zab emitted semen on one of the seven clean days following a zibah he loses that day only.
 - (2) Lev, XV, 28.
 - (3) Even that of one day.
 - (4) Lev. XV, 13.
 - (5) The seven days. How then is he allowed to interrupt his seven days by the exclusion of the day on which he emitted semen?
 - (6) Sc. if there was such an intervention, all the days counted are void and another seven days must be counted.
 - (7) The uncleanness of an emission of semen, however, is not regarded as an intervention.
 - (8) Near Naresh, the home of R. Papa not far from Sura, v. Obermeyer. p. 208.
 - (9) Lit., 'I will receive his countenance'.
 - (10) Lit., 'infer from it'.
 - (11) Lit., 'heaven'.
 - (12) Lit., 'cast down for him', sc. had it slaughtered to prepare a feast in his honour.
 - (13) Lit., 'cast for him', (cf. prev. n.).
 - (14) So our Mishnah. The reading here is 'her'.
 - (15) That came in contact with the terumah; Toh. IV, 5. As a Samaritan is presumably in the same category why is the terumah spoken of in our Mishnah not to be burnt?
 - (16) Sc. that the feast shall not be disturbed by his inability to reconcile the apparent contradiction.
 - (17) In our Mishnah.
 - (18) Whose clothes could not be suspected of any uncleanness.
 - (19) Lit., 'make'.
 - (20) Rashi: He left his host because he embarrassed him.
 - (21) According to which terumah is not burnt on account of its contact with a couch that was underneath a Samaritan.
 - (22) Sc. the bed clothes, a couch.
 - (23) The terumah thus coming in contact with midras uncleanness.
 - (24) Whereby his uncleanness came to an end.
 - (25) In the latter case his uncleanness may have terminated before he performed the immersion and he is now clean.
 - (26) It is quite possible that she counted her clean days after a discharge of unclean blood.
 - (27) Lit., 'a doubt of a doubt',

- (28) Lit., 'and let it go out for him'.
- (29) As midras conveys uncleanness to man and clothes so do the clothes of an 'am ha-arez.
- (30) Who were meticulous in the observance of the laws of cleanness, Hag. 18b.
- (31) Lit., 'they separated'.
- (32) According to the first Tanna who ruled: IF THEY ARE IN THE HABIT OF WALKING IN THE PATHS OF THEIR FATHERS THEY ARE TO BE REGARDED AS SAMARITAN WOMEN and IF THEY LEFT THESE PATHS for THE PATHS OF ISRAEL THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN.
- (33) Are they then regarded as Samaritan, or as Israelitish women?
- (34) Who obviously differs from R. Jose.
- (35) Who was afraid that the Sadducee may have been unclean owing to intercourse with his menstruant wife and that his spittle consequently conveyed uncleanness to the clothes on which it fell.
- (36) The Sadducee's.
- (37) To ascertain whether she observed the laws of menstruation and knew the distinction between clean and unclean blood.
- (38) Who gave their decisions in accordance with the rulings of the Pharisees.
- (39) Who live in their neighbourhood.
- (40) The High Priest.
- (41) Lit., 'and let it go out to him'.
- (42) Even if he is not suspected of intercourse with a menstruant.
- (43) V. Glos.
- (44) Lit., 'you make',

Talmud - Mas. Nidah 34a

The incident occurred during a festival and the uncleanness of an 'am ha-arez¹ during a festival the Rabbis treated as clean; for it is written, So all the men of Israel were gathered again against the city, knit together² as one man,³ the text thus treated them all⁴ as haberim.⁵

MISHNAH. THE BLOOD⁶ OF AN IDOLATRESS AND THE CLEAN BLOOD⁷ OF A LEPROUS WOMAN, BETH SHAMMAI DECLARE CLEAN⁸ AND BETH HILLEL HOLD THAT IT IS LIKE HER SPITTLE OR HER URINE,⁹ THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT¹⁰ UNDERGO RITUAL IMMERSION, BETH SHAMMAI RULED, IS LIKE HER SPITTLE OR HER URINE,⁹ BUT BETH HILLEL RULED: IT CONVEYS UNCLEANNESSE BOTH WHEN WET AND WHEN DRY, THEY¹¹ AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN ZIBAH, IT CONVEYS UNCLEANNESSE BOTH WHEN WET AND WHEN DRY.

GEMARA. But do not Beth Shammai uphold the tradition: Speak unto the children of Israel, and say unto them, when any man hath an issue,¹² only the children of Israel convey uncleanness by zibah and idolaters do not convey uncleanness by zibah, but a preventive measure has been enacted against them that they should be regarded as zabim in all respects?¹³ — Beth Shammai can answer you:¹⁴ How should it act? If it were to convey uncleanness both when wet and when dry, you would treat it as a Pentateuchal uncleanness.¹⁵ If it were to convey uncleanness only when wet and not when dry, you might also make the same distinction in a Pentateuchal uncleanness.¹⁶ If so, should not the same provision¹⁷ be made in the case of her spittle and her urine also?¹⁸ — Since a distinguishing rule has been laid down in regard to her blood¹⁹ it is sufficiently known that her spittle and her urine are only Rabbinically unclean. And why should no distinguishing rule be laid down in respect of her spittle or her urine while her blood should be ruled to be unclean? — Concerning her spittle and her urine, since they are frequently discharged, the Rabbis have enacted a preventive measure, but concerning her blood which is not frequently discharged the Rabbis have enacted no preventive measure.

Raba ruled: His²⁰ discharge' in zibah is unclean²¹ even according to Beth Shammai²² and his discharge of semen is clean even according to Beth Hillel.²³ 'His discharge in zibah is unclean even according to Beth Shammai' since a distinguishing rule²⁴ can be made in connection with the discharge of his semen. 'His discharge of semen is clean even according to Beth Hillel', since the Rabbis have enacted a distinguishing rule²⁴ in order that terumah or other holy things shall not be burnt on its account.²⁵ But why should not the distinguishing rule be enacted in regard to his discharge in zibah while his discharge of semen should be declared unclean? — Concerning his discharge in zibah which is not dependent on an act of his the Rabbis have enacted a preventive measure, but concerning a discharge of his semen which does depend on an act of his²⁶ the Rabbis enacted no preventive measure.

May it be suggested that the following provides support to his²⁷ ruling: If an idolatress discharged the semen of an Israelite, it is unclean; but if the daughter of an Israelite discharged the semen of an idolater, it is clean.²⁸ Now does not this mean that it is completely clean?²⁹ — No; clean Pentateuchally but unclean Rabbinically. Come and hear: It thus follows³⁰ that the semen of an Israelite is unclean everywhere,

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- (1) Who was no Sadducee and whose wife as a rule properly observed the laws of menstruation.
 - (2) Haberim, plural of haber.
 - (3) Judges XX, 11.
 - (4) When assembled together. as is also the case on a festival.
 - (5) Cf. prev. n. but two. Haberim meticulously observe all the laws of uncleanness.
 - (6) Cf. Lev. XV, 19 and 25.
 - (7) The blood of purification (Lev. XII, 5).
 - (8) This is discussed in the Gemara infra.
 - (9) Which conveys uncleanness when wet but not when dry.
 - (10) Seven days after the birth of a male child or fourteen days after that of a female child (cf. Lev. XII, 2, 5).
 - (11) Beth Shammai.
 - (12) Lev, XV, 2.
 - (13) Shab. 83a; how then could Beth Shammai in our Mishnah declare their blood clean?
 - (14) So Maharsha and old edd. Cur. edd. insert in parenthesis 'that was stated about males, for if about females'.
 - (15) And this might lead to the erroneous assumption that it also causes the burning of terumah and other sacred things.
 - (16) That of an Israelite woman. By ruling that it is clean such erroneous conclusions are avoided.
 - (17) To regard it as clean.
 - (18) Since otherwise the same erroneous conclusion might be drawn.
 - (19) By imposing upon it an uncleanness that is less restrictive than that of Pentateuchal uncleanness.
 - (20) An idolater's.
 - (21) Conveying it by contact.
 - (22) Who in our Mishnah relax the law in regard to an idolatrous woman.
 - (23) Cf. prev. n. mut. mut.
 - (24) Whereby it is indicated that the uncleanness of an idolater is merely Rabbinical.
 - (25) In the absence of the distinction it might have been presumed that the uncleanness is Pentateuchal and that, therefore, even terumah and other holy things must be burnt if they came in contact with it.
 - (26) Sexual excitement.
 - (27) Raba's.
 - (28) Mik. VIII, 4.
 - (29) In agreement with Raba.
 - (30) Lit., 'you are found saying'.

Talmud - Mas. Nidah 34b

even in the bowels of an idolatress,¹ while that of an idolater is clean everywhere, even in the bowels

of an Israelitish woman, with the exception of any urine of hers that is mixed up with it.² And should you argue that here also it is only Pentateuchally clean but unclean Rabbinically, [it could be retorted:] Does then her urine convey uncleanness Pentateuchally?³ Consequently it may be inferred that it⁴ is clean even Rabbinically. This is conclusive.

The Master said, 'The semen of an Israelite is unclean everywhere, even in the bowels of an idolatress'. May you not thereby solve a question of R. Papa; for R. Papa enquired. 'What is the law regarding the semen of an Israelite in the bowels of an idolatress?' [Concerning a discharge] within three days⁵ R. Papa raised no questions. His enquiry related only to one after three days.⁶ What, he asked, is the law? Is it only in the case of Israelites, who are anxious to observe the commandments, that their bodies engender heat and the semen decomposes⁷ but in the case of idolaters, who are not anxious to observe the commandments, their bodies engender no heat and their [semen] therefore does not decompose, or is it possible that on account of their consumption of forbidden animals and reptiles their bodies also engender heat and their semen also decomposes? — This remains undecided.

THE CLEAN BLOOD OF A LEPROUS WOMAN, BETH SHAMMAI etc. What is Beth Hillel's reason? — R. Isaac replied: 'Whether it be a man'⁸ includes⁹ a male leper as regards his sources;¹⁰ 'or a woman'⁸ includes⁹ a female leper as regards her sources. Now what could be meant by 'her sources'? If it be suggested: Her other sources¹¹ [the objection could be made that the uncleanness of these] could be inferred from that of the male.¹² The reference consequently must be to [the uncleanness of] her blood,¹³ to declare her 'CLEAN BLOOD' unclean. And Beth Shammai?¹⁴ — [The uncleanness of] a female could not be deduced from that of a male, for it can be objected: The position of the male is different¹⁵ since he is also required¹⁶ to uncover his head and to rend his clothes¹⁷ and he is also forbidden cohabitation; [how then could his uncleanness] be compared to that of a female¹⁸ who is not [subject to his restrictions]?¹⁹ And Beth Hillel?²⁰ — The All Merciful could have written down the restrictions in regard to the female and there would have been no need to repeat them in regard to the male; for it could have been argued: If in the case of a female,¹⁸ who is not required to uncover her head or to rend her clothes and who is not forbidden cohabitation either, the All Merciful included her sources²¹ how much more then should this be the rule¹⁸ in the case of the male.²² Now since the text serves no purpose in regard to the male,²³ apply it to the female; and since it can serve no purpose as far as her other sources²⁴ are concerned,²⁵ apply it to her blood, to declare her 'CLEAN BLOOD' unclean. And Beth Shammai?²⁶ — The uncleanness of a male cannot be deduced from that of a female, for it can be objected: The position of a female is different,²⁷ since she becomes unclean²⁸ even as a result of a mishap; [how then could her uncleanness] be compared to that of a male who is not [subject to such a restriction]? And Beth Hillel?²⁶ — The subject dealt with is the position of²⁹ the leper, how can they raise an objection against it from that of the zab?³⁰ And Beth Shammai?²⁶ — They raise objections from any form of uncleanness. And if you prefer I might reply that Beth Shammai can answer you: The expression³⁰ 'whether it be a man'³¹ is required for the following exposition: 'Whether it be a man' whosoever is a man irrespective of whether he is of age or only a minor.³² And Beth Hillel?³³ — They derive this ruling from 'This is the law of him that hath an issue'³⁴ which implies, whether he be of age or a minor.

R. Joseph stated: When R. Simeon b. Lakish discoursed on the zab he raised the following question.³⁵ Does the first observation³⁶ of a zab who was a minor convey uncleanness by contact? The All Merciful having said, This is the law of him that hath an issue and of him from whom the flow of seed goeth out,³⁷ therefore only if his 'flow of seed' causes uncleanness does his first observation also cause uncleanness, but the minor,³⁸ since his 'flow of seed' conveys no uncleanness, his first observation also conveys no uncleanness; or is it possible that it is unclean, since if he observed two discharges the two are combined?³⁹ — Raba replied. Come and hear: This is the law of him that have an issue,³⁷ implies, whether he is of age or a minor; as in the case of an

adult a first observation conveys uncleanness so also in that of a minor a first observation conveys uncleanness.

R. Joseph enquired: Does the blood of a first observation of a leper convey uncleanness by contact? Is the place of the zibah a source and, therefore, conveys uncleanness,⁴⁰ or is it possible that it is no source and, therefore, conveys no uncleanness?⁴¹ — Raba replied, Come and hear: His issue is unclean,⁴² this teaches concerning an issue of a zab that it is unclean.⁴³ Now of what kind of person has this been said? If it be suggested: Of one who is only a zab⁴⁴

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- (1) If she discharged it on a garment.
 - (2) As the idolater's semen is here ruled to be clean everywhere, support is adduced for Raba's ruling.
 - (3) Of course not. Its uncleanness is only Rabbinical.
 - (4) An idolater's semen.
 - (5) After intercourse.
 - (6) Which in the case of an Israelitish woman is clean.
 - (7) After three days, and in consequence of this it is regarded as clean.
 - (8) Lev. XV, 33.
 - (9) Since the expression is not required for its context that previously in the same verse dealt in general terms 'of him that have an issue'.
 - (10) His mouth, for instance. Sc. not only is his body a primary uncleanness but, as the zab of which the text explicitly speaks, his spittle also is a primary uncleanness and may, therefore, impart uncleanness of the first degree to man and articles.
 - (11) Those that do not discharge blood but spittle or urine.
 - (12) As these sources of the male are unclean, so are the similar sources of the female.
 - (13) Which does not apply to the male.
 - (14) How can they maintain their ruling in view of this argument?
 - (15) From that of a female.
 - (16) When leprous.
 - (17) Cf. Lev. XIII, 45.
 - (18) When leprous.
 - (19) Cf. Ker. 8b.
 - (20) V. p. 237. n. 10.
 - (21) As regards uncleanness,
 - (22) Who is subject to these restrictions.
 - (23) Whose case, as has just been shown, could well have been deduced from that of the female.
 - (24) Those that do not discharge blood but spittle or urine.
 - (25) These having been deduced supra from 'or a woman',
 - (26) How can they maintain their ruling in view of this argument?
 - (27) From that of a male.
 - (28) In the case of zibah.
 - (29) Lit., 'stand at',
 - (30) Lit., 'that'.
 - (31) Lev. XV, 33.
 - (32) In either case is he subject to the uncleanness of zibah. Now since the text is required for this exposition it cannot also serve the purpose for which Beth Hillel seek to employ it.
 - (33) Having used the text for their ruling in our Mishnah whence do they derive this ruling?
 - (34) Lev. XV, 32.
 - (35) Lit., 'enquired thus'.
 - (36) Of a discharge.
 - (37) Lev. XV, 32.
 - (38) Lit., 'that'.
 - (39) Constituting him a confirmed zab in respect of the uncleanness of seven days, as an adult zab.

(40) As the other sources of a leper.

(41) Except by contact.

(42) Lev. XV, 2, referring (since the root meaning 'issue' is repeated) to a second discharge.

(43) And conveys it not only by contact but also by carriage (cf. infra 55a).

(44) But no leper.

Talmud - Mas. Nidah 35a

[the difficulty would arise:] If it¹ causes the uncleanness of others,² is it not obvious that it causes that of the man himself?³ It is consequently obvious that this has been said of a zab who is a leper.⁴ And since a Scriptural text was required to include him in the category of uncleanness after a second observation,⁵ it may be inferred that the place of the zibah is no source.⁶ Said Rab Judah of Diskarta⁷ to Raba: What is the proof?⁸ Is it not still possible to maintain that the text deals with one who is only a zab;⁹ and as to your objection 'If it causes the uncleanness of others, is it not obvious that it causes that of the man himself?' [It can be retorted:] The case of the scapegoat¹⁰ proves [the invalidity of your argument], for it causes uncleanness to others¹¹ while it is itself clean.¹² Abaye observed: Why did he¹³ at all raise such a question, seeing that he himself stated, 'This is the law of him that hath an issue,¹⁴ implies, whether he is of age or a minor', and since this law¹⁵ has been deduced by him from that text,¹⁴ the expression of 'whether it be a man'¹⁶ remains free for the purpose of including a leper in regard to his source and 'or a woman' serves to include a female leper in regard to her sources; and the All Merciful has compared¹⁷ the leper to the confirmed zab:¹⁸ As the confirmed zab conveys uncleanness through carriage so does the first discharge of a leper convey uncleanness by carriage.

R. Huna ruled: The first observed discharge of a zab conveys uncleanness¹⁹ even in the case of a mishap; for it is said, This is the law of him that hath an issue, and of him from whom the flow of seed goeth out;¹⁴ as 'the flow of seed' conveys uncleanness even in the case of a mishap so does the first observed discharge of a zab convey uncleanness even in the case of a mishap. Come and hear: If he observed a first discharge, he must be examined.²⁰ Is not this done to determine his²¹ uncleanness?²² — No; in regard to a sacrifice.²³ Come and hear: At the second observation of a discharge he must be examined.²⁰ Now for what purpose? If it be suggested: For that of a sacrifice but not for that of uncleanness²⁴ [it could be retorted:] Apply here the Scriptural text 'out of his flesh'.²⁵ which implies, but not as a result of a mishap.²⁶ Consequently it must be for the purpose of uncleanness. And since the final clause refers to an examination in regard to uncleanness must not the first clause also refer to one for uncleanness?²⁷ — What an argument! Each might refer to an examination for different purposes.²⁸ Come and hear: R. Eliezer ruled: Even at the third observation he must be examined on account of the sacrifice.' From which it follows, does it not, that the first Tanna requires it²⁹ on account of the uncleanness?²² — No; all may require it²⁹ on account of the sacrifice, but here they³⁰ differ on the exposition of the eth³¹ particles. The Rabbis base no exposition on the eth particles and R. Eliezer does. 'The Rabbis base no exposition on the eth particles': 'He that hath an issue'³² represents one discharge, 'his issue'³³ represents a second one; so far 'for the man';³⁴ while at the third discharge the All Merciful compared him to the woman.³⁵ 'And R. Eliezer does': 'He that hath an issue'³⁶ represents one discharge, 'eth'³⁷ represents a second one, 'his issue'³⁸ represents a third one, while at the fourth discharge the All Merciful compared him to the woman.³⁹

Come and hear: R. Isaac said, A zab, surely, was included in the same law of uncleanness as one who emitted semen,⁴⁰ why then was he excluded?⁴¹ In order to relax the law for him in one respect and to restrict it for him in another respect. 'To relax the law for him' in that he does not become unclean in case of a mishap; and to restrict it for him'

(1) The issue of a zab.

- (2) Anything that the zab carries is unclean.
- (3) What need then is there to mention the obvious?
- (4) To whom, being unclean on account of his leprosy, the inference a minori ad majus cannot be applied.
- (5) Thus implying that a first issue is clean.
- (6) And, therefore, causes no uncleanness by carriage. Had it been a source the first discharge would have been unclean and there would have been no need to include in the uncleanness a second one.
- (7) [Deskarah, sixteen parasangs N.E. of Bagdad. v. Obermeyer. p. 146].
- (8) Lit., 'from what'.
- (9) While the discharge of a leper requires no Scriptural text to tell of its uncleanness since even a first one is unclean by reason of its issue from a leper's source.
- (10) Cf. Lev, XVI, 5ff.
- (11) The man who carries it to Azazel (cf. Lev. XVI, 8, 26).
- (12) As any other live beast.
- (13) R. Joseph.
- (14) Lev. XV, 32.
- (15) The uncleanness of a minor.
- (16) Lev. XV, 33, from which it was deduced supra that the first discharge of a minor is unclean.
- (17) By including the expression of 'whether it be a man' (applied to the leper) in the text dealing with the zab.
- (18) One who observed two discharges (for the proof cf. Rashi).
- (19) Of a light nature: Only by contact and for the duration of one day; and only when it was followed by a second discharge does the person become a confirmed zab in respect of the counting of the seven days of uncleanness.
- (20) Zabim II, 2.
- (21) Lit., 'what, not to'.
- (22) By ascertaining whether the discharge was or was not due to a mishap. In the former case it would be deemed clean. An objection against R. Huna.
- (23) Which must be brought after three observed discharges. In case of a mishap the discharge is not reckoned as one of the three.
- (24) Sc. the major uncleanness.
- (25) Lev. XV, 2, dealing with one who observed two discharges.
- (26) How then could it be held that no examination is required for this purpose?
- (27) Cf. supra n. 3,
- (28) Lit., 'that as it is and that as it is'. sc. while the latter examination serves the purposes of ascertaining the person's subjection to uncleanness, the former (as stated supra) may serve that of ascertaining whether he is liable to a sacrifice.
- (29) The examination.
- (30) R. Eliezer and the first Tanna.
- (31) Grammatically the sign of the defined accusative.
- (32) Lev. XV. 33. V. following n.
- (33) Ibid. E.V.. Of them that have an issue,
- (34) Ibid. (E.V.. whether it be a man). Sc. in the case of a mishap it is not subject to uncleanness.
- (35) Ibid. (E.V. or a woman). Sc. even in the case of a mishap it is subject to uncleanness (cf. infra 36b) and also the obligation of a sacrifice.
- (36) Lev. XV, 33. V. infra n. 3.
- (37) Grammatically the sign of the defined accusative.
- (38) Ibid. E.V., Of them that have an issue.
- (39) Cf. prev. nn. In this case, however, the comparison is restricted to the case of a mishap. viz., if such a discharge occurred after some of the seven days have been counted all the counting is void. Uncleanness sets in after two discharges while a sacrifice is incurred after the third discharge.
- (40) As will be shown infra.
- (41) In being given a special section to himself.

Talmud - Mas. Nidah 35b

in that he causes a couch and a seat to be unclean.¹ Now when [does this ruling apply]? If it be suggested: When a second discharge was observed [the objection would arise]: How could he then be included in 'the same law of uncleanness as one who emitted semen'? It is consequently obvious [that is was meant to apply] when a first discharge was observed;² and yet it was stated, was it not, 'To relax the law for him in that he does not become unclean in case of a mishap'?³ — But how do you understand this: 'To restrict it for him in that he causes a couch and a seat to be unclean'; is he capable⁴ after a first observation to cause a couch and a seat to be unclean? But the fact is that it is this that was meant: 'R. Isaac said, A zab after his first observation was surely included in the same law of uncleanness as one who emitted semen, why then was he in the case of a second observation excluded? In order to relax the law for him in one respect and to restrict it for him in another respect. "To relax the law for him" in that he does not become unclean in case of a mishap; "and to restrict it for him" in that he causes a couch and a bed to be unclean'.⁵

R. Huna stated: The discharge of a zab resembles the dough water of barley. The discharge of the zab issues from dead flesh while semen issues from live flesh. The former is watery and resembles the white of a crushed egg while the latter is viscous and resembles the white of a sound egg.

THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT UNDERGO RITUAL IMMERSION etc. It was taught: Beth Hillel said to Beth Shammai, Do you not agree that if a menstruant who did not undergo ritual Immersion observed some blood she is unclean?⁶ Said Beth Shammai to them: [This is] no [comparison]. If you apply this law⁷ to a menstruant who, even after she had undergone immersion, is unclean if she observed a discharge, would you also apply it to a woman after childbirth who, if she had undergone immersion and then observed a discharge, is clean? The former retorted: The case of one who gave birth during zibah proves our case; for if such a woman had undergone ritual immersion⁸ and observed a discharge after the counted days she is clean⁹ while if she did not undergo immersion and observed a discharge she is unclean. The latter replied: The same law¹⁰ applies,¹¹ and this is our reply. This then implies that they¹² are in disagreement.¹³ But have we not learnt: THEY¹² AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN ZIBAH, IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY? — This is no difficulty, since the latter¹⁴ refers to one who already counted the prescribed days while the former¹⁵ refers to one who did not count them.¹⁶ And so it was also taught: If a woman who gave birth during zibah had counted the prescribed number of clean days but did not undergo ritual immersion and then observed a discharge. Beth Shammai gave their ruling¹⁷ in accordance with their own view¹⁸ and Beth Hillel ruled in accordance with their own view.¹⁹

It was stated: Rab said, [the blood discharge²⁰ emanates²¹ from] one and the same source; but it is the Torah that declared it unclean during one period²² and clean during another.²³ Levi, however, said, It emanates from two different sources. When the unclean one is closed²⁴ the clean one opens, and when the clean one closes,²⁵ the unclean one opens. What is the practical difference between them?²⁶ — The practical difference between them is the case of a continuous discharge from within the seven days into the period following these seven days, or from within the fourteen days into the period after the fourteenth, or from within the forty days to the period after the forty days or from within the eighty days into the period following eighty days. According to Rab the law is to be relaxed in the first case²⁷ and restricted in the latter;²⁸ but according to Levi the law is to be restricted in the first case²⁹ and relaxed in the latter.³⁰

An objection was raised: THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT UNDERGO RITUAL IMMERSION, BETH SHAMMAI RULED, IS LIKE HER SPITTLE AND HER URINE, BUT BETH HILLEL RULED: IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY, It was now presumed that this is a case where³¹ there was a break.³² This then is satisfactory according to Rab who said that the discharge emanates from one and the same source,³³ for this reason it conveys uncleanness both when wet and dry.³⁴ But according to Levi who said that

it emanated from two different sources why³⁵ should it convey uncleanness both when wet and when dry? — Levi can answer you: We are here dealing with the case of a woman whose discharge was continuous.³⁶ But if the discharge was continuous, what is Beth Shammai's reason? — Beth Shammai are of the opinion that there exists only once source. According to Levi³⁷ one can quite well see the point that divides Beth Shammai from Beth Hillel;³⁸ but, according to Rab,³⁹ what⁴⁰ is the point that divides them?⁴¹ — The point that divides them in the question whether⁴² both the termination of the prescribed number of days and also ritual immersion are required; Beth Shammai holding that the All Merciful made the cleanness dependent on the days alone while Beth Hillel hold that⁴³ it is dependent on both the days and immersion.⁴⁴

Come and hear: THEY AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN ZIBAH, IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY. It was now assumed that here also⁴⁵ it is a case where there was a break.⁴⁶ Now, according to Rab who stated that there exists only one source one can quite well see the reason why the discharge conveys UNCLEANNESS BOTH WHEN WET AND WHEN DRY;⁴⁷ but according to Levi who stated that the sources are two why does the discharge⁴⁸ CONVEY UNCLEANNESS BOTH WHEN WET AND WHEN DRY?⁴⁹ — He can answer you: Here also it is a case of a continuous discharge. But if the discharge was continuous, what was the need of stating the law?⁵⁰ — It was necessary to state it for the sake of Beth Shammai: Although Beth Shammai maintain that there is only one source and that the All Merciful had ordained the uncleanness to be dependent entirely on the lapse of the prescribed number of days,⁵¹ this applies only to a woman in normal⁵² childbirth, the prescribed number of whose unclean days had passed,⁵³ but not to a woman who gave birth in zibah who is required also to count seven clean days.⁵⁴

Come and hear: Her sickness shall be unclean⁵⁵ includes⁵⁶ the man who had intercourse with her;⁵⁷ 'her sickness shall be unclean'⁵⁵ includes⁵⁸ the nights;⁵⁹ 'her sickness shall she be unclean'⁶⁰ includes⁵⁸ a woman who gave birth while in zibah who remains in her uncleanness⁶¹ until seven clean days have passed.⁶² This⁶³ is quite intelligible according to Rab who said that there exists only one source, since it is for this reason that she⁶⁴ requires seven clean days,⁶⁵

(1) As a 'father of uncleanness'.

(2) When (cf. supra 34b ad fin.) he may well be compared to one who emitted semen.

(3) An objection against R. Huna.

(4) Lit., 'a son of'.

(5) As a 'father of uncleanness'.

(6) If they do in this case, why do they differ in that of a WOMAN AFTER CHILDBIRTH?

(7) Of uncleanness.

(8) After counting the seven clean days in addition to the unclean days of childbirth.

(9) Because it is clean blood.

(10) That is applicable to a woman after childbirth in the absence of zibah.

(11) To a childbirth in zibah: sc. the latter also is clean, if the discharge occurred after the unclean days of childbirth and the seven clean days after zibah had been counted, though she had undergone no immersion.

(12) Beth Shammai and Beth Hillel.

(13) On the uncleanness of one who was in childbirth during zibah.

(14) The Baraitha.

(15) Our Mishnah.

(16) Sc. the discharge occurred before the lapse of seven clean days after the zibah. As she is then still a zibah her discharge (unlike that of a woman in childbirth in the absence of zibah that is unclean only when wet) is unclean whether wet or dry.

(17) Lit., 'went'.

(18) Expressed in the case of a childbirth that was free from zibah, viz., that even prior to immersion the discharge is clean if the prescribed number of clean days had been duly counted.

- (19) That cleanness cannot be attained unless there was immersion as well as the due counting of the clean days.
- (20) After childbirth.
- (21) During the prescribed unclean and clean days.
- (22) For seven days after the birth of a male child and for fourteen days after the birth of a female child.
- (23) For thirty-three days after the seven in the case of the birth of a male and for sixty-six days after the fourteen in the case of the birth of a female.
- (24) At the end of seven and the fourteen days respectively (cf. prev. n. but one).
- (25) At the termination (cf. prev. n. but one) of the forty and the eighty days respectively.
- (26) Rab and Levi.
- (27) From within the seven and the fourteen days to the respective periods following them. Though the discharge was continuous it becomes clean, in accordance with the ordinance of the Torah, after the seventh and the fourteenth day respectively.
- (28) From within the forty and the eighty days to the respective periods following them. Cf. prev. n. mut. mut.
- (29) Cf. prev. n. but one. Since the discharge was continuous it must be assumed that the unclean source had not yet closed.
- (30) Cf. prev. n. mut. mut.
- (31) At the termination of the unclean days.
- (32) In the continuity of the discharge.
- (33) And that it is only an ordinance of the Torah that brings about the distinction.
- (34) As the woman had not yet undergone ritual immersion the source must remain unclean and the discharge continues to convey uncleanness whether it is wet or dry.
- (35) Since at the termination of the unclean days the clean source opens.
- (36) Sc. there was no break in it when the unclean period had ended, which is an indication that the unclean source had not yet been closed.
- (37) Who stated that according to Beth Hillel there are two different sources.
- (38) According to the latter, since the sources are two, and since the unclean one had not yet closed, the discharge must be unclean; while according to the former, since there is only one source and the Torah ordained that after the unclean days prescribed it becomes clean, the discharge must be clean.
- (39) Who stated that there is only one source.
- (40) If Beth Hillel uphold this view.
- (41) Beth Shammai from Beth Hillel, seeing that both agree that there is only one source for the clean and the unclean blood.
- (42) To enable the woman to attain cleanness.
- (43) Irrespective of whether the discharge was continuous or ceased for a time at the termination of the unclean days.
- (44) One without the other does not suffice for the attainment of cleanness.
- (45) Where, as was explained supra, the days prescribed for a childbirth had passed but the seven clean days that are to follow zibah had not yet been counted.
- (46) In the continuity of the discharge, at the conclusion of the unclean period.
- (47) The reason being that the Torah ordained the blood to be regarded as unclean until the seven clean days that must follow zibah had passed.
- (48) Which after the unclean period emanates from the clean source.
- (49) Sc. while, by reason of its emanating from the source of a zab, it is rightly unclean when wet, why should it also be unclean when dry?
- (50) That it CONVEYS UNCLEANNESS BOTH etc.
- (51) Sc. that the discharge after these unclean days have passed becomes naturally clean.
- (52) Lit., 'alone'.
- (53) Lit., 'completed'.
- (54) After the zibah. So long as she had not counted these days she remains subject to the uncleanness of zibah.
- (55) Lev. XII, 2.
- (56) Since otherwise the text is superfluous after the previous statement 'then she shall be unclean seven days as in the days of impurity' (ibid.).
- (57) Sc. that he becomes as unclean as she.

(58) V. p. 246. n. 12.

(59) I.e., that the uncleanness is not restricted to the days, though 'days' only were spoken of in the context.

(60) Lev. XII, 2.

(61) After all discharge had ceased.

(62) Infra 37b.

(63) The last mentioned ruling.

(64) To attain cleanness.

(65) The discharge emanating from the same source as the unclean blood, the Torah (by its insertion of the superfluous text mentioned) ordained that cleanness cannot be attained before the woman had counted seven clean days.

Talmud - Mas. Nidah 36a

but according to Levi, who said that the sources were two, why should it be necessary to count seven days, seeing that the slightest [break]¹ should suffice?² — It is this that was meant: It is necessary for her that³ there shall be a slight [break]⁴ in order that [the following days] shall be counted as her seven clean ones.

Come and hear: The days of her pregnancy supplement those of her nursing,⁵ and the days of her nursing supplement those of her pregnancy. In what manner? If there was a break of two 'onahs during her pregnancy and of one during her nursing, or of two during her nursing and of one during her pregnancy, or of one and a half during her pregnancy and of one and a half during her nursing, they are all combined into a series of three 'onahs.⁶ Now according to Rab who said that there was only one source this ruling is quite justified, for it is for this reason⁷ that there must be a break of three 'onahs,⁸ but according to Levi who said that there were two sources why⁹ should a break of three 'onahs be required, seeing that the slightest [break] should suffice?¹⁰ — It is this that was meant: It is necessary for her that there shall be a slight [break] in order that [the following days] shall be counted for her¹¹ as three 'onahs.

Come and hear: Both,¹² however, are of the same opinion that where a woman observed a discharge after her clean blood period¹³ it suffices for her to reckon her uncleanness from the time of her observation. Now according to Levi who said that there exist two sources one may well concede this ruling since it is for this reason¹⁴ that¹⁵ it suffices for her to reckon her uncleanness from the time of her observation,¹⁶ but according to Rab who said that there existed only one source, why should it suffice for her to reckon her uncleanness from the time of her observation seeing that¹⁷ she should have become unclean for twenty-four hours retrospectively? — This is a case where there was not time enough.¹⁸ But why should she not be unclean from her previous examination to her last examination?¹⁹ — As there was no interval of twenty-four hours²⁰ the Rabbis enacted no preventive measure even in regard to uncleanness from the previous examination to the last examination.

Come and hear: If a woman who was in childbirth during zibah had counted the prescribed number of clean days but did not undergo ritual immersion, and then observed a discharge, Beth Shammai gave their ruling in accordance with their own view and Beth Hillel ruled in accordance with their own view.²¹ Now according to Rab who said that there was only one source this ruling is quite justified, since it is for this reason²² that²³ the discharge causes uncleanness both when wet and when dry; but according to Levi who said that there were two sources, why²⁴ does the discharge cause uncleanness both when wet and when dry? — Levi can answer you: I maintain the same view as the Tanna who stated that 'both, however, are of the same opinion'.²⁵ And if you prefer I might reply that here we are dealing with one whose discharge is continuous. But was it not stated that she had counted?²⁶ — Here we are dealing with one who gave birth to a female child while in zibah and whose discharge ceased during the first week²⁷ but continued again²⁸ in the second week,²⁷ he being of the opinion that the unclean days of childbirth in which no discharge is observed are counted among the clean days of one's zibah.²⁹ Rabina said to R. Ashi: R. Shamen of Sikara³⁰ told us, 'Mar

Zutra once visited our place when he delivered a discourse In which he laid down: The law is to be restricted in agreement with Rab³¹ and it is also to be restricted in agreement with Levi'.³² R. Ashi stated: The law is in agreement with Rab both in his relaxations³³ and his restrictions.³⁴ Meremar in his discourse laid down: The law is in agreement with Rab both in his relaxations³³ and restrictions.³¹ And the law is in agreement with Rab both in his relaxations³³ and restrictions.³¹

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- (1) At the termination of the unclean period.
 - (2) For the closing up of the unclean source. As all the blood that is discharged subsequently emanates from the clean source it should suffice for the woman to wait after the unclean period no more than seven days and attain cleanness at their termination, irrespective of whether she observed any discharge during these days or not.
 - (3) At the termination of the unclean period.
 - (4) An indication that the unclean source had been closed.
 - (5) As regards the establishment of a regular period.
 - (6) Supra 10b q.v. notes.
 - (7) That there is only one source.
 - (8) In the absence of such a break the discharge cannot be regarded as having ceased.
 - (9) Since the blood after the unclean period emanates from the clean source, while the unclean one is closed.
 - (10) Cf. supra p. 247. n. 11 mut. mut.
 - (11) Even if she observed a discharge.
 - (12) Shammai and Hillel who differ on the question of twenty-four hours retrospective uncleanness.
 - (13) This is now presumed to mean even if a considerable time after, on the eighty-third or ninetieth day after child-birth, for instance.
 - (14) That there exist two sources.
 - (15) The blood from the unclean source having ceased for many days.
 - (16) Which (cf. prev. n.) is rightly regarded as a first discharge after many days from the unclean source. A first discharge in the case of a nursing-woman, as in that of another three categories of woman, does not cause any retrospective uncleanness.
 - (17) Since that source has also been discharging during the clean period and the present discharge cannot be regarded as a first one.
 - (18) Sc. less than a twenty-four hours interval has elapsed between the end of the clean period and the observation of the discharge. Hence even if the blood discharged had been in the outer chamber twenty-four hours previously the woman (since her blood at that time was still clean) could not be deemed unclean.
 - (19) If, for instance, on examining herself in the morning she observed a discharge, her uncleanness should be retrospective and all objects she handled during the night should be regarded as unclean. The previous answer that 'there was not time enough' cannot be given here, since in such a case there would have been no necessity whatsoever to state, what is so obvious, that in such a case it suffices to reckon the uncleanness from the time of observation.
 - (20) Cf. prev. n. but one.
 - (21) That before ritual immersion the discharge is unclean both when wet and when dry.
 - (22) That there existed only one source.
 - (23) In the absence of ritual immersion.
 - (24) Seeing that the required number of days had been counted and the unclean source must have been stopped.
 - (25) That if there was a discharge after the termination of the clean blood period, even though (as explained supra) more than twenty-four hours intervened, it suffices for the woman to be unclean from the time she observed a discharge; which shows that he also holds that there exist two sources.
 - (26) It does. Now, if the flow of blood had not ceased, how could she even begin to count?
 - (27) Of the two unclean weeks prescribed for a woman after the birth of a female.
 - (28) Lit., 'did not cease', 'break off'.
 - (29) Hence the statement that 'she had counted'. As in the second week, however, the discharge began again and continued into the third week, it conveys uncleanness, according to Beth Hillel, both when wet and when dry, since it emanates from an unclean source which the Torah did not regard as clean before the prescribed number of days had been counted and immersion had been performed.
 - (30) On the Tigris near Mahoza.

(31) That if the discharge was continuous from within the clean period into the unclean one following, it conveys uncleanness as if it had emanated from an unclean source.

(32) That where a discharge continued from within the clean days period into the clean one that follows, it is not regarded as clean blood since the continuous discharge is an indication that the unclean source had not yet closed up.

(33) That where the discharge continued from within the unclean period into the clean one following, it is regarded as clean after the last unclean day, despite its continuity.

(34) This is explained in the Gemara infra.

Talmud - Mas. Nidah 36b

MISHNAH. A WOMAN IN PROTRACTED LABOUR IS REGARDED AS A MENSTRUANT. IF HAVING BEEN IN LABOUR¹ FOR THREE DAYS OF THE ELEVEN DAYS,² SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS AND THEN GAVE BIRTH, SHE IS REGARDED AS HAVING GIVEN BIRTH IN A ZIBAH;³ SO R. ELIEZER. R. JOSHUA RULED: THE RELIEF FROM PAIN⁴ MUST HAVE CONTINUED FOR A NIGHT AND A DAY,⁵ AS THE NIGHT AND THE DAY OF THE SABBATH.⁶ THE RELIEF [SPOKEN OF IS ONE] FROM PAIN, NOT FROM BLEEDING.⁷ HOW LONG MAY PROTRACTED LABOUR CONTINUE?⁸ R. MEIR RULED: 'EVEN FORTY OR FIFTY DAYS.'⁹ R. JUDAH RULED: HER [NINTH] MONTH SUFFICES FOR HER.¹⁰ R. JOSE AND R. SIMEON RULED: PROTRACTED LABOUR CANNOT CONTINUE⁸ FOR MORE THAN TWO WEEKS.

GEMARA. Is thei¹¹ every woman IN PROTRACTED LABOUR REGARDED AS A MENSTRUANT?¹² — Rab replied : She¹³ is deemed to be a menstruant for one day.¹⁴ Samuel, however, ruled: The possibility must be taken into consideration¹⁵ that she might be relieved from her pain,¹⁶ while R. Isaac ruled: A discharge on the part of a woman in labour¹⁷ is of no consequence.¹⁸ But was it not stated, A WOMAN IN PROTRACTED LABOUR IS REGARDED AS A MENSTRUANT? — Raba replied: During the days of her menstruation¹⁹ SHE²⁰ IS DEEMED TO BE A MENSTRUANT,²¹ but during the days of zibah²² she is clean. And so it was also taught: If a woman is in protracted labour during the days of her menstruation¹⁹ she is deemed to be a menstruant,²⁰ but if this occurred during the days of her zibah²² she is clean. In what circumstances? If she was in labour for one day and had relief from pains for two days, or if she was in labour for two days and had relief from pain for one day,²³ or if she was relieved from pains and then was again in labour and then was again relieved from pain,²³ such a woman is regarded as having given birth in zibah; but if she was relieved from pain for one day and then was in labour for two days, or if she was relieved for two days and then was in labour for one day, or if she was in labour and then was relieved and then was again in labour, such a woman is not regarded as having given birth in zibah; the general rule being that where the pains of labour immediately precede²⁴ birth the woman is not regarded as having given birth in zibah, but if release from pain immediately precedes²⁴ birth the woman²⁵ must be regarded as having given birth in zibah.²⁶ Hananiah the son of R. Joshua's brother ruled: Provided her pains of labour were experienced²⁷ on her third day.²⁸ even though she had relief during the rest of that day, she²⁹ is not regarded as having given birth in zibah. What does the expression 'The general rule' include? — It includes the ruling of Hananiah.

Whence is this³⁰ deduced? — Our³¹ Rabbis taught: Her blood³² refers to blood that is normally discharged,³³ but not to such as is due to childbirth.³⁴ You say. '[Not to such as is] due to childbirth'; is it not possible that only that blood is excluded³⁵ which is due to an accident?³⁴ As it was said, And if a woman have an issue of her blood,³⁶ a discharge that is due to an accident is included;³⁷ to what then could one apply the limitation of 'her blood'?³⁶ Obviously to this: "Her blood" refers to blood that is normally discharged but not to such as is due to childbirth'. But³⁸ what reason do you see for holding the blood of childbirth clean and that which is due to an accident unclean? I hold that which is due to childbirth clean since it is followed by cleanness,³⁹ but hold that which is due to an accident unclean since it is not followed by cleanness. On the contrary! That which is due to an accident

should be held clean since a discharge from a zab that is due to an accident is clean? — Now at all events we are dealing with the case of a woman, and we do not find that in the case of a woman blood due to an accident is ever clean. And if you prefer I might reply: What opinion do you hold? Is it to regard a discharge that is due to an accident clean and one that is due to childbirth unclean? Surely you cannot point to any occurrence that is more in the nature of an accident⁴⁰ than this.⁴¹ If so,⁴² why should it not be said in the case of a menstruant also: Her issue⁴³ refers to an issue that is normally discharged but not to such as is due to childbirth?⁴⁴ You say, '[not to such as is due to] childbirth'; is it not possible that only that blood is excluded³⁴ which is due to an accident?³⁴ As it was said, And if a woman have an issue,⁴³ a discharge that is due to an accident is included;⁴⁵ to what then could one apply the limitation of 'her issue'?⁴⁶ Obviously to this: 'Her issue' refers to an issue that is normally discharged but not to such as is due to childbirth!⁴⁷ — Resh Lakish answered: Scripture said, She shall continue⁴⁸ which implies:⁴⁹ You have another continuation which is of the same nature as this one;⁵⁰ and which is it?⁵¹ It is that of protracted labour during the days of her zibah. Might it not be suggested that this refers to protracted labour during the days of her menstruation? — Rather, said Samuel's father, Scripture said, Then she shall be unclean two weeks, as in her menstruation,⁴⁹ [implying] but not 'as in her zibah', from which it may be inferred that her zibah is clean; and which is it?⁵¹ It is that of protracted labour during the days of her zibah. Now, however, that it is written, Then she shall be unclean two weeks as in her menstruation,⁵² what need was there for the expression of 'her blood'?⁵³ — If not for the expression 'her blood' it might have been presumed that the deduction 'as in her menstruation'⁵² and not 'as in her zibah' implies that the discharge is clean even where the woman was relieved from pain,⁵⁴ hence we were informed⁵⁵ [that the discharge is clean only where it is due to childbirth].⁵⁶

Shila b. Abina gave a practical decision in agreement with the view of Rab.⁵⁷ When Rab's soul was about to depart to its eternal rest he⁵⁸ said to R. Assi, 'Go and restrain him,⁵⁹ and if he does not listen to you try to convince him'.⁶⁰ The other thought that he was told, 'put him under the ban'.⁶¹ After Rab's soul came to its eternal rest he⁶² said to him,⁶³ 'Retract, for Rab has retracted'. 'If', the other retorted, 'he had retracted he would have told me so'.⁶⁴ As he⁶³ did not listen to him' the latter put him under the ban. 'Is not the Master', the other⁶³ asked him, 'afraid of the fire?'⁶⁵ 'I', the former replied, 'am Issi b. Judah⁶⁶ who is Issi b. Gur-aryeh⁶⁷ who is Issi b. Gamaliel who is Issi b. Mahalalel, a brazen mortar⁶⁸ over which rust has no power'. 'And I', the other retorted, 'am Shila b. Abina, an iron pestle that breaks the brazen mortar Thereupon R. Assi fell ill and they had to put him in hot [blankets] to relieve him from chills and in cold [compresses] to relieve him from heat,⁶⁹ and his soul departed to its eternal rest.

(1) And bleeding.

(2) That intervene between the menstrual periods and during which a discharge of blood is ordinarily attributed to zibah.

(3) As the pains ceased before birth it is evident that the previous discharge (cf. prev. n. but one) was not due to the labour but to zibah. Had the pains continued until birth all the previous bleeding would have been attributed to that of the labour which is Pentateuchally clean.

(4) As result of which the bleeding must be regarded as zibah and is not to be attributed to the labour.

(5) Not merely for twenty-four hours that began and ended at any time of the day or the night.

(6) Which begins at sunset of Friday and terminates at that of Saturday.

(7) I.e., even if she was bleeding, the relief from pain alone suffices to subject her to the uncleanness of zibah.

(8) In respect of exempting the woman from zibah (cf. supra p. 250. n. 8) even if she bled.

(9) Prior to childbirth; provided only that there was no period of relief from pain (as defined supra) before birth.

(10) Sc. only blood discharged during that month may be attributed to labour. Should the discharge begin during the 'eleven days' of the previous month and continue for three days she is deemed a zabah (on account of the discharge on these three days) even though the bleeding continued throughout the ninth month also.

(11) Since our Mishnah seems to lay down a general rule.

(12) But this, surely, is absurd. During the eleven days of zibah the woman could not be regarded as a MENSTRUANT but as a zabah.

- (13) Even if the discharge in the course of her labour occurred during the eleven days of zibah.
- (14) And on undergoing immersion in the evening she attains to cleanness. A woman who was not in labour, if she had such a discharge, must allow another day (free from any discharge) to pass before she can attain to cleanness.
- (15) In accordance with Rabbinic law, though Pentateuchally this is not necessary.
- (16) Before childbirth. As a result it would be evident that the discharge was one of zibah and the man cohabiting with the woman would be subject to kareth in Pentateuchal law. The woman, like any other who observed a discharge during the eleven days of zibah, must consequently remain unclean until another day, that was free from any further discharge, had passed.
- (17) Even during the 'eleven days' of zibah.
- (18) Sc. it is regarded as the blood of labour and the woman is deemed to be clean even on the same day.
- (19) Sc. the period during which a discharge is deemed to be menstrual.
- (20) Though in labour.
- (21) The reason is given infra.
- (22) Cf. prev. n. but one mut. mut.
- (23) While still bleeding.
- (24) Lit., 'near'.
- (25) Where her discharge continued for three days.
- (26) The release from pain serving as proof that the previous discharge was not due to childbirth but to zibah.
- (27) Even if only for a short while.
- (28) Ordinarily it is the discharge on the third day that causes a woman to be a confirmed or major zabah. A discharge on not more than one or two days only causes her to be a minor zabah.
- (29) Since on the third day her relief did not extend over the whole night and the whole day.
- (30) That the blood of labour is clean.
- (31) Lit., 'for our'.
- (32) Lev. XV, 25.
- (33) Lit., 'on account of herself'.
- (34) The latter being clean.
- (35) Lit., 'or it is not but'.
- (36) Lev. XV, 25.
- (37) Since the text draws no distinctions.
- (38) Seeing that the text does not specifically mention either the blood of childbirth or that which is due to an accident.
- (39) The period of unclean blood after a childbirth (seven days for a male and fourteen days for a female) is followed by one of clean blood (thirty-three days for a male and sixty-six days for a female).
- (40) Sc. that is not dependent on the woman's will.
- (41) If then blood that is due to an accident (cf. prev. n.) is clean that which is due to childbirth must equally be clean.
- (42) If the deduction just discussed is tenable.
- (43) Lev. XV, 19. in the section dealing with a menstruant.
- (44) But if that exposition is upheld how could it be said supra that blood of labour discharged during the menstrual period is unclean?
- (45) Since the text draws no distinctions.
- (46) Lev. XV, 19, in the section dealing with a menstruant.
- (47) V. p. 253. n. 11.
- (48) Lev. XII, 4, referring to clean blood.
- (49) Since the expression could well have been omitted without destroying the general meaning of the text.
- (50) Sc. in both cases the discharge is clean.
- (51) I.e., how could zibah be clean?
- (52) Lev. XII, 5. E.V., 'as in her impurity'.
- (53) From which the same deductions, that a discharge of blood that was due to childbirth is clean, was made supra.
- (54) Before the birth of the child.
- (55) By the additional expression of 'her blood'.
- (56) Relief from pain is an indication that the previous discharge was not due to childbirth and is therefore, unclean.
- (57) That a woman who was in labour during the eleven days of zibah and discharged some blood is unclean for that day

(v. supra).

(58) Having changed his former view.

(59) From acting in the same manner.

(60) Garyeh, lit., 'attract him'.

(61) Gadyeh, lit., 'cut him off'.

(62) R. Assi.

(63) Shila.

(64) He was a disciple of Rab.

(65) Sc. that he would suffer for his high handed action.

(66) [He probably meant that his name Assi bore resemblance to that of Assi b. Judah who bore a variety of names, v. Pes., Sonc. ed., p. 585. n. 6.].

(67) Lit., 'lion's whelp' (cf. Gen. XLIX. 9).

(68) Assitha, play upon 'Assi' or 'Issi'.

(69) Aliter: They got him hot to relieve him from chills; they got him cold to relieve him from fever (Jast.).

Talmud - Mas. Nidah 37a

Shila proceeded to his wife and said to her, 'prepare for me my shroud in order that he have no opportunity of going to Rab and saying things about me'. She prepared his shroud for him; and when the soul of Shila came to its eternal rest people saw a myrtle¹ flying from the one bier to the other. 'We may conclude', they said, 'that the Rabbis have been reconciled.'

Raba enquired: Does labour² render all previous counting in zibah³ void? Does any discharge that causes uncleanness render all previous counting void and, therefore, this also [does it, since] it causes uncleanness like the days of menstruation; or is it possible that only that which⁴ causes the uncleanness of zibah that renders all the previous counting void, and this, therefore, [does not do it, since] it is no cause of such uncleanness? — Abaye replied: A zibah that is due to an accident provides the answer,⁵ for this is no cause of the uncleanness of zibah⁶ and yet renders all previous counting void.⁷ The other retorted: Indeed, this⁸ also is a cause of the uncleanness of zibah, for we have learnt: If he observed a first discharge he must be examined, if he observed a second discharge he must be examined, but if he observed a third he need not be examined.⁹ But according to R. Eliezer who ruled, 'Even after a third discharge he must be examined'¹⁰ would you also maintain that, since it is no cause of the uncleanness of zibah, it does not render the previous counting void? — The other replied: According to R. Eliezer the law is so indeed.

Come and hear: R. Eliezer ruled, Even after a third discharge he must be examined, but after a fourth one he need not be examined.¹¹ Does not this refer to the rendering of previous counting void?¹² — No, to the imposition on that drop of an uncleanness that may be conveyed through carriage.

Come and hear: After a third discharge. R. Eliezer ruled, he must be examined; after a fourth one he need not be examined; and it is in regard to a sacrifice that I said this¹³ but not in regard to the rendering void of all previous counting.¹⁴ But the fact is that¹⁵ according to R. Eliezer you may well solve from here that even that which causes no uncleanness of zibah renders all previous counting void. What, however, [it is asked], is the solution of the problem according to the Rabbis? — Come and hear what the father of R. Abin learnt: 'What had his zibah caused him? Seven days.¹⁶ Hence it renders void the counting of seven days. What had his emission of semen caused him? The [uncleanness of] one day. Hence it renders void the counting of one day'. Now what is meant by 'seven days'? If it be suggested that it causes him to be unclean for seven days, [the objection would arise that] in that case it should have been said: As on account of his zibah he is unclean for seven days. Consequently¹⁷ it follows, that only that which causes the uncleanness of zibah renders void the counting of the seven days, but that which does not cause the uncleanness of zibah does not

render void all previous counting. This is conclusive. Abaye stated: We have an accepted tradition that labour does not render void all previous counting in zibah; and should you find a Tanna who said that it did render the counting void, that must be R. Eliezer.¹⁸

It was taught: R. Marinus ruled, A birth does not render void the previous counting after a zibah.¹⁹ The question was raised: Is it included in the counting?²⁰ — Abaye replied: It neither renders void the days that were previously counted²¹ nor is it counted in the prescribed days.²¹ Raba replied: It does not render void the days counted and it is counted among the prescribed days.²² Whence, said Raba, do I derive this? From what was taught: And after that she shall be clean,²³ ‘after’ means after all of them, implying that no uncleanness may intervene between them.²⁴ Now if you agree that [these days]²⁵ are included one can well see the justification for saying that no uncleanness may intervene between them, but if you contend that these days²⁵ are not included the birth, surely, would cause a break between them. And Abaye?²⁶ — He can answer you: The meaning is that the uncleanness of zibah shall not intervene between them.²⁷ Whence, said Raba, do I derive this? From what was taught: Of her issue,²³ ‘of her issue’ implies but not of her leprosy,²⁸ ‘of her issue’ but not of her childbirth.²⁹ And Abaye?³⁰ — He can answer you: Deduce once ‘Of her issue³¹ but not of her leprosy’ and do not deduce again, ‘but not of her childbirth’. And Raba?³² — What an argument is this!³³ If you agree that ‘of her issue’³¹ implies ‘but not of her childbirth’ one can well justify the text; for since it was required for the deduction about childbirth, leprosy also was mentioned on account of childbirth; but if you contend that ‘of her issue’ implies only ‘but not of her leprosy’, [the objection would arise] that this could be deduced from And when he that hath an issue is cleansed of his issue,³⁴ which implies ‘of his issue’ and not of his leprosy. And Abaye?³⁰ — One³⁵ refers to a zab and the other to a zabah, both being necessary. For if the All Merciful had only written

(1) It was customary to lay a myrtle on a bier (Rashi).

(2) That was accompanied by bleeding.

(3) The prescribed seven days.

(4) By appearing on three days.

(5) Lit., ‘proves’.

(6) As was stated supra.

(7) V. infra.

(8) Zibah that is due to an accident.

(9) Zabim II, 2. Thus it is shown that a third discharge, even if it was due to an accident, provided the first two discharges were not due to such a cause, renders a person a confirmed or major zab.

(10) Zabim I.c., which proves that zibah that is due to an accident never causes a person to be a confirmed zab.

(11) Cf. supra 35a, Naz. 65b.

(12) An objection against Raba, who laid down that that which is no cause of the uncleanness of zibah does not render void the previous counting.

(13) That an examination is necessary.

(14) The counting being always void and is in no way dependent on an examination. Now does not this then prove that even that which causes no uncleanness of zibah renders the counting void?

(15) Contrary to what has been explained before.

(16) This is explained presently.

(17) Since the expression used was ‘caused’.

(18) Who holds that zibah due to an accident, though it causes no zibah uncleanness, renders void all previous counting.

(19) If the counting was interrupted by a birth it may be continued after the birth had taken place.

(20) Sc. if the birth took place during the seven days following a zibah, and the days following it were free from all discharge, are these days counted as clean ones and make up the required number of seven?

(21) The counting must be resumed after the clean days of birth have passed.

(22) If the days after birth were free from all discharge.

(23) Lev. XV. 28.

(24) Supra 33b.

(25) That follow a birth.

(26) How in view of this argument can he maintain his view?

(27) That of childbirth does not matter.

(28) Sc. as soon as she counted the days prescribed for zibah (cf. Lev. XV, 28) she brings the required sacrifice, and attains cleanness from zibah irrespective of whether she was or was not still afflicted with leprosy.

(29) As soon as she is free from her zibah she begins to count the seven days and need not wait until the unclean days of childbirth had passed. It is thus obvious that a birth during the days of zibah does not render void the previous counting and that the days following birth are included in the counting.

(30) How in view of this argument can he maintain his view?

(31) Lev. XV, 28.

(32) How can he make two deductions from the same expression?

(33) Lit., that, what'.

(34) Lev. XV, 13.

(35) Of the two texts cited.

Talmud - Mas. Nidah 37b

of a zab it might have been presumed to apply to him only, since he does not become unclean through a discharge that is due to an accident, but not to a zabah who becomes unclean even through a discharge that is due to an accident. Hence the necessity for the text about the zabah. And if the All Merciful had written only of a zabah, it might have been presumed to apply only to her, since she does not become unclean through observations [on less than three days] as on [three] days,¹ but not to a zab who becomes unclean through [three] observations² as [through observations on three] days.³ Hence both texts were required.

Said Abaye: Whence do I derive this?⁴ From what was taught: Her sickness shall she be unclean,⁵ includes the man who had intercourse with her; 'her sickness shall she be unclean' includes the nights,⁶ 'her sickness shall she be unclean' includes a woman who gave birth in zibah who is required to continue in her uncleanness until seven clean days have passed. Now does not this mean: Clean from the uncleanness of birth?⁷ — No, clean from that of blood.⁸

Abaye further stated, Whence do I derive this?⁹ From what was taught: As are the days of her menstruation so are the days of her bearing. As the days of her menstruation are not suitable [for counting as the days] after her zibah¹⁰ and they cannot be included in the counting of the prescribed seven days, so also the days following her bearing which¹¹ are not suitable [for counting as the days] after her zibah may not¹² be included in the counting of the seven prescribed days. And Raba? — This is in agreement with¹³ R. Eliezer who ruled: It¹⁴ also renders void all previous counting.¹⁵ But may an inference be drawn from the impossible¹⁶ for the possible?¹⁷ R. Ahadboy b. Ammi replied: This is the view of R. Eliezer who holds that the possible may be inferred from the impossible.¹⁸ R. Shesheth, however, replied: Scripture has perforce compared them¹⁹ to one another.²⁰

There are some who say: R. Ahadboy b. Ammi citing R. Shesheth replied. This represents the view of R. Eliezer who holds that the possible may be deduced from the impossible; but R. Papa replied: Scripture has perforce compared them to one another.

IF HAVING BEEN IN LABOUR FOR THREE DAYS etc. The question was raised: What is the ruling where she was relieved from both?²¹ — R. Hisda replied: She is unclean.²² R. Hanina replied: She is clean.²³ R. Hanina explained: This may be compared to a king who, when going on a tour, is preceded²⁴ by his troops and it is known that they are the king's troops.²⁵ But R. Hisda, said: [Immediately before his arrival] he would require even more troops.²⁶

We learnt: R. JOSHUA RULED, THE RELIEF FROM PAIN MUST HAVE CONTINUED FOR

A NIGHT AND A DAY. AS THE NIGHT AND THE DAY OF THE SABBATH. THE RELIEF [SPOKEN OF IS ONE] FROM PAIN, NOT FROM BLEEDING. The reason then²⁷ is because [she had relief] FROM PAIN and NOT FROM BLEEDING, but if she had relief from both²¹ she is clean. Does not this present an objection against R. Hisda? — R. Hisda can answer you: There was no need to state that, if she had relief from both, she is unclean, since [metaphorically] the troops completely disappeared; but even where she had relief from pain and not from bleeding where it might have been presumed that as she had not ceased to bleed she has not ceased to labour either and that it was merely stupor that seized her. Hence we were informed [that even in this case she is unclean].

We learnt: IF HAVING BEEN IN LABOUR FOR THREE DAYS OF THE ELEVEN DAYS, SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS AND THEN GAVE BIRTH. SHE IS REGARDED AS HAVING GIVEN BIRTH IN ZIBAH. Now, how are we to imagine the circumstances? If it be suggested: As it was stated,²⁸ [the objection would arise:] What need was there to mention THREE seeing that it suffices²⁹ if the labour lasted two days and the relief³⁰ one day? Consequently it must be this that was meant: IF HAVING BEEN IN LABOUR FOR THREE DAYS she was relieved from both,³¹ or if having been in labour for two days, SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS, SHE IS REGARDED AS HAVING GIVEN BIRTH IN ZIBAH, and this presents, does it not, an objection against R. Hanina? — R. Hanina can answer you: No; the circumstances may in fact be as stated,³² but it is this that we were informed, that although the labour continued³³ [for a part only] of the third day and she was relieved from her pains for twenty-four hours³⁴ she is nevertheless unclean, contrary to the view³⁵ of R. Hanina.³⁶

HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED etc. Now since protracted labour may continue for FIFTY DAYS is there any necessity to mention FORTY? — R. Hisda replied: This is no difficulty. the one³⁷ referring to an ailing woman and the other³⁸ to a woman in good health.

R. Levi ruled: [The birth of] a child is a cause of the cleanness of those days only in which a woman may normally become a zabah,³⁹ but Rab ruled: Even in the days that are suitable for the counting prescribed for a zabah.⁴⁰ Said R. Adda b. Ahabah: And according to Rab's view⁴¹

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- (1) Only a discharge that made its appearance on three successive days causes her uncleanness.
 - (2) Even on the same day.
 - (3) Cf. B.K. 24a.
 - (4) His ruling supra 37a.
 - (5) Lev. XII, 2.
 - (6) Though the text speaks only of days.
 - (7) Sc. that no birth must intervene; from which it follows that if it did intervene the days following it may not be included in the prescribed seven days.
 - (8) Only those days on which a discharge occurred may not be included in the counting, but where the birth was free from bleeding the days following it may well be included.
 - (9) His ruling supra 37a.
 - (10) Since the zibah period follows that of menstruation and not vice versa, while a subsequent menstruation period cannot begin before seven clean days have passed after the zibah had ceased.
 - (11) Like those of menstruation.
 - (12) If birth took place during the counting.
 - (13) Lit., 'this whose'.
 - (14) Childbirth.
 - (15) From which it is self-evident that the days following it cannot be included in the counting of the seven days. According to the Rabbis, however, whose view Raba follows, birth does not render void all previous counting and the days following, it may well be included in the prescribed seven days.

- (16) Menstruation during zibah.
- (17) Birth, which may well occur during a zibah period.
- (18) Cf. Men. 82b.
- (19) Birth and menstruation.
- (20) Only a gezerah shawah (v. Glos.) may be questioned, but not a comparison made in the Biblical text itself (hekkesh) despite any argument that might be raised against it.
- (21) Pain and bleeding.
- (22) Since at any rate she had relief from pain it is obvious that the previous bleeding was not due to childbirth.
- (23) The relief from both is an indication that the bleeding also was due to childbirth. Only where the bleeding continued and the pain ceased is it manifest that the former was not due to the labour.
- (24) By a day or two.
- (25) Similarly the pains and bleeding that precede childbirth must be ascribed to it despite the interval (cf. prev. n.) between them.
- (26) As the bleeding ceased it must be obvious that the childbirth had no connection with it.
- (27) Why the woman is unclean.
- (28) LABOUR FOR THREE DAYS, relief FOR TWENTY-FOUR HOURS, and bleeding all the time.
- (29) For the woman to be unclean.
- (30) From pain but not from bleeding.
- (31) Pain and bleeding.
- (32) LABOUR FOR THREE DAYS, relief FOR TWENTY-FOUR HOURS, and bleeding all the time.
- (33) Cf. Rashal. Cur. edd. 'began'.
- (34) And not for a full night and a full day.
- (35) Lit., 'to take out'.
- (36) Sc. Hananiah the son of the brother of R. Joshua who stated (supra 36b), 'Provided her pains of labour were experienced on her third day . . . she is not regarded as having given birth in zibah'.
- (37) Lit., 'here', the number fifty.
- (38) Forty.
- (39) I.e., the eleven days between the menstruation periods. If a birth, however, takes place after these 'days the woman becomes unclean as a menstruant (as stated supra).
- (40) Sc. if labour began during the eleven days of zibah not only are these days clean but also the seven days that follow them. Only when the bleeding continued beyond these seven days does the woman become unclean as a menstruant.
- (41) That even the days following the zibah period are clean if the labour began during the zibah days.

Talmud - Mas. Nidah 38a

even the days that are suitable for counting after the previous counting had been rendered void¹ are also clean.²

We have learnt: HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED: EVEN FORTY OR FIFTY DAYS. Now this might quite possibly happen according to Rab on R. Adda b. Ahabah's interpretation,³ but according to Levi⁴ does not this present a difficulty?⁵ — Levi can answer you: Was it stated that she was clean throughout all these days?⁶ [No; if the birth occurs] in the days of menstruation⁷ she is regarded as a menstruant and only when it occurs in the days of her zibah⁷ is she clean.⁸

Another reading. R. Levi ruled: [The birth of] a child is a cause of cleanness⁹ in those days only in which a woman may normally become a major zabah.¹⁰ What is the reason? It is written in Scripture,¹¹ Her blood many days.¹² Abba Saul in the name of Rab¹³ ruled: Even in the days in which she may normally become a minor zabah. What is the reason? Days¹⁴ and All the days¹⁴ are written in the context.¹⁵

We have learnt: HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED:

EVEN FORTY OR FIFTY DAYS. Does not this present a difficulty against both of them?¹⁶ — Was it stated that she was clean throughout all of them?¹⁷ [No;] if she was in labour during the days of her menstruation she is regarded a menstruant and only where this occurred during the days of her zibah¹⁸ is she clean.

It was taught: R. Meir used to say. A woman may sometimes bleed¹⁹ for a hundred and fifty days²⁰ without becoming a major zabah.²¹ How? The two days²² preceding the period of her menstruation,²³ the seven days of menstruation, two days after menstruation,²⁴ fifty days²⁵ which childbirth causes to be clean, eighty days²⁶ prescribed for a female birth,²⁷ seven days of menstruation²⁸ and the two days²⁹ after the menstruation.³⁰ If so,³¹ they³² said to him, might not a woman bleed all the days of her life and no major zibah would occur in them?³³ — He replied: ‘What is it that you have in mind? Is it the possibility of frequent abortions? The law of protracted labour³⁴ does not apply to abortions’.³⁵

Our Rabbis taught: A woman may sometimes³⁶ observe a discharge on a hundred days and yet no major zibah would result from it. How? The two days³⁷ prior to the time of menstruation,³⁸ the seven days of menstruation, two days after menstruation,³⁹ eighty days following the birth of a female child,⁴⁰ seven days of menstruation and the two days³⁹ after menstruation. What new law does this⁴¹ teach us? — That the law differs⁴² from him who ruled that it was impossible for the uterus to open without some bleeding, [since thereby]⁴³ we were informed that it is possible for the uterus to open without previous bleeding.⁴⁴

R. JUDAH RULED: . . . SUFFICES FOR HER etc. It was taught: R. Judah citing R. Tarfon ruled, Her [ninth] month suffices for her⁴⁵ and in this there is one aspect of a relaxation of the law⁴⁶ and one of restriction.⁴⁷ How? If she was in labour for two days at the end of the eighth month and for one day at the beginning of the ninth month, even though she gave birth to the child at the beginning of the ninth month, she is regarded as having born it in zibah;⁴⁸ but if she was in labour for one day at the end of the eighth month and for two days at the beginning of the ninth, even though she bore the child at the end of the ninth month,⁴⁹ she is not regarded as having given birth in zibah.⁵⁰ Said R. Adda b. Ahabah: From this⁵¹ it may be inferred that R. Judah holds that it is the shofar⁵² that is the cause.⁵³ But could this⁵⁴ be right,⁵⁵ seeing that Samuel stated: A woman can conceive and bear only on the two hundred and seventy-first day⁵⁶ or on the two hundred and seventy-second day⁵⁷ or on the two hundred and seventy-third day?⁵⁷ He⁵⁸ follows the view of the pious men of old; for it was taught: The pious men of old performed their marital duty on a Wednesday only, in order that their wives⁵⁹ should not be led to⁶⁰

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- (1) I.e., for ever, since any seven days following a discharge that occurred within any seven days counted after a previous discharge are suitable for counting.
 - (2) Once labour began within the eleven days of zibah all subsequent days are clean unless the woman was relieved from her pain for the prescribed period, prior to the birth of the child.
 - (3) Since the counting of the days may sometimes continue for a very long time (cf. prev. n. but one).
 - (4) Who restricts the labour and birth to the eleven days of zibah.
 - (5) Sc. how is it possible for a woman to be clean when labour is protracted for forty or fifty days?
 - (6) The forty or fifty days.
 - (7) After the protracted labour.
 - (8) The purport of R. Meir's ruling being that there is no obligation to bring a sacrifice or to count the prescribed number of clean days even though labour continued for forty or fifty days; but the woman remains clean only where the birth occurred in the days of zibah. If it occurs, however, in the days of menstruation she becomes unclean.
 - (9) Exempting the woman from a sacrifice and from the counting of seven clean days.
 - (10) I.e., where she experienced a discharge on three consecutive days in the course of the eleven days' period. If the discharge, however, appeared only on one day. she need not wait more than one clean day corresponding to the one unclean day.

- (11) In the text from which it was derived that a birth in zibah is a cause of cleanness.
- (12) Lev. XV. 25, 'many days' implying a major zabah (cf. prev. n. but one).
- (13) Var. lec. Rabbi (Ronsburg).
- (14) Lev. XV, 25; instead of 'days' the text has 'all the days' and from this is derived (infra 73a) the law of a minor zabah.
- (15) Cf. supra p. 262, n. 12.
- (16) Rab and Levi both of whom confined the period of cleanness within the eleven days of zibah.
- (17) The forty or fifty days.
- (18) After the third day according to Levi, and after the first or second one according to Rab.
- (19) Lit., 'be in protracted labour', labour extending over a part of the period.
- (20) In succession.
- (21) Lit., 'and zibah does not rise among them'.
- (22) The last of the eleven days of the zibah period.
- (23) As zibah is not established unless a discharge appeared on three consecutive days in the zibah period, and as the third day was already one of the menstruation period, none of the days can be counted as one of a major zibah.
- (24) These two days which begin a new zibah period are not sufficient to establish a major zibah (cf. prev. n. mut. mut).
- (25) Of protracted labour on the part of an ailing woman (cf. supra 37b ad fin).
- (26) The child having been born on the day following the $(2 + 7 + 2 + 50 =)$ 61st day.
- (27) During which there can be no zibah.
- (28) Following the $(61 + 80 =)$ 141st day.
- (29) V. supra n. 11.
- (30) $2 + 7 + 141$ (cf. prev. nn.) = 150.
- (31) That such a long period may pass without zibah.
- (32) The Rabbis who disagreed with him.
- (33) Owing to frequent abortions.
- (34) Sc. that childbirth at their termination renders them all clean.
- (35) Only a viable child confers the privilege.
- (36) In the absence of protracted labour.
- (37) The last of the eleven days.
- (38) V. p. 263. n. 10.
- (39) V. p. 263. n. 11.
- (40) During which there can be no zibah.
- (41) Which is self-evident.
- (42) Lit., 'to exclude'.
- (43) By implying that a birth on the day following the first two days of the zibah period on each of which a discharge was observed, does not cause zibah.
- (44) Had there been bleeding it would have been regarded, in the absence of the pains of labour, as a discharge on the third day (cf. prev. n.) which turns the woman into a confirmed or major zabah.
- (45) Cf. relevant n. on our Mishnah.
- (46) A month and one day being sometimes regarded as clean.
- (47) The cleanness sometimes does not extend even to one day.
- (48) Since the greater part of the duration of the labour (two days out of three) was in the eighth month when labour is no cause of cleanness.
- (49) During all of which, with the exception of the first two days, she had complete relief from pain.
- (50) Provided only that there was no bleeding during the time she was free from pain. The reason follows.
- (51) The ruling that two days of labour in the ninth month are a cause of uncleanness.
- (52) The trumpet that announces the beginning of a new month.
- (53) Of the birth of the child; sc. as soon as the ninth month begins the process of bearing begins with it, irrespective of the moment when birth actually took place. Hence all the blood of labour in that month must be attributed to the child, however long the interval of relief may have lasted.
- (54) That birth should take place at the beginning of the ninth month.
- (55) Lit., 'I am not'.

(56) Full nine months (of thirty days each) plus one day after intercourse.

(57) Conception being sometimes delayed one or two days (cf. prev. n.).

(58) Samuel, in differing from R. Judah.

(59) By bearing on a weekday. 271, 272 and 273 days make up 38 weeks and 5, 6 and 7 days respectively, so that a conception on a Wednesday results in a birth on a Sunday, Monday or Tuesday.

(60) Lit., 'come into the hand of', by bearing on the Saturday.

Talmud - Mas. Nidah 38b

a desecration of the Sabbath.¹ 'On a Wednesday', but not later?² — Read: From Wednesday onwards.³ Mar Zutra stated: What was the reason of the pious men of old? — Because it is written, And the Lord gave her conception [herayon],⁴ and the numerical value of herayon⁵ is two hundred and seventy-one.⁶

Mar Zutra further stated: Even according to him who holds that a woman who bears at nine months does not give birth before the full number of months has been completed,⁷ a woman who bears at seven months may give birth before the full number of months has been completed, for it is stated in Scripture. And it came to pass, after the cycles of days⁸ that Hannah conceived, and bore a son,⁹ the minimum of 'cycles'¹⁰ is two,¹¹ and the minimum of 'days'¹⁰ is two.¹²

R. JOSE AND R. SIMEON RULED: PROTRACTED LABOUR CANNOT CONTINUE FOR MORE THAN TWO WEEKS. Samuel stated: What is the reason of the Rabbis? Because it is written in Scripture. Then she shall be unclean two weeks, as in her menstruation,¹³ which implies: Only 'as in her menstruation' but not as in her zibah; from which it follows that her zibah is clean for¹⁴ 'two weeks'.

Our Rabbis taught: A woman may sometimes be in labour¹⁵ for twenty-five days and no major zibah would intervene.¹⁶ How? Two days preceding her menstruation period;¹⁷ seven days of menstruation, two days following menstruation and the fourteen days which¹⁸ the childbirth causes to be clean. It is impossible, however, for her to be in labour for twenty-six days, where there is no child,¹⁹ without giving birth to it is in zibah.²⁰ But if there was no child would not²¹ three days suffice?²² — R. Shesheth replied. Read: Where there is a child. Said Raba to him: But was it not stated 'where there is no child'? Rather, said Raba, it is this that was meant: It is impossible for her to be in labour for twenty-six days, where there is a child, without giving birth to it in zibah; and where there is no child but an abortion she is a zabah even after three days. What is the reason? — The law of protracted labour²³ does not apply to abortions. MISHNAH. IF A WOMAN WAS IN PROTRACTED LABOUR DURING THE EIGHTY DAYS²⁴ PRESCRIBED FOR THE BIRTH OF A FEMALE, ALL KINDS OF BLOOD THAT SHE MAY OBSERVE²⁵ ARE CLEAN,²⁶ UNTIL THE CHILD IS BORN, BUT R. ELIEZER HOLDS THEM TO BE UNCLEAN.²⁷ THEY SAID TO R. ELIEZER: IF IN A CASE WHERE THE LAW WAS RESTRICTED IN REGARD TO BLOOD DISCHARGED IN THE ABSENCE OF PAIN,²⁸ IT WAS NEVERTHELESS RELAXED.²⁹ IN REGARD TO BLOOD DISCHARGED DURING PROTRACTED LABOUR, IS THERE NOT EVEN MORE REASON TO RELAX THE LAW³⁰ IN REGARD TO THE BLOOD OF LABOUR IN A CASE WHERE³¹ IT WAS RELAXED³² EVEN IN REGARD TO A DISCHARGE IN THE ABSENCE OF PAIN?²⁶ HE REPLIED: IT IS ENOUGH THAT THE CASE INFERRED³³ SHALL BE TREATED IN THE SAME MANNER AS THE ONE³⁴ FROM WHICH IT IS INFERRED. FOR IN WHAT RESPECT WAS THE LAW RELAXED FOR A WOMAN IN THE LATTER CASE?³⁵ IN THAT OF THE UNCLEANNESS OF ZIBAH³⁶ ONLY; WHILE SHE IS STILL SUBJECT TO THE UNCLEANNESS OF THE MENSTRUANT.

GEMARA. Our Rabbis taught: She shall continue [in the blood of her purification],³⁷ includes a woman who was in protracted labour during the eighty days²⁴ prescribed for the birth of a female,

viz., that all kinds of blood that she may observe are clean, until the embryo is born,³⁸ but R. Eliezer holds them to be unclean. They said to R. Eliezer: If in the case where the law was restricted in regard to blood discharged in the absence of pain before the child was born,³⁹ it was nevertheless relaxed in regard to blood discharged in the absence of pain after the child was born,⁴⁰ is there not even more reason to relax the law in regard to the blood of labour after the child was born⁴⁰ in a case where it was relaxed in regard to the blood of labour before the child was born? He replied: It is enough that the case inferred⁴¹ shall be treated in the same manner as the ones from which it is inferred. For in what respect was the law relaxed for a woman in the latter case?⁴² In that of the uncleanness of zibah only, while she is still subject to the uncleanness of the menstruant. They said to him, We would submit to you an objection in a different form: If in the case where the law was restricted in regard to blood discharged in the absence of pain before the child was born,³⁹ it was nevertheless relaxed in regard to blood discharged at such a time⁴³ in protracted labour, is there not even more reason that, where 'the law was relaxed in regard to blood discharged in the absence of pain after the child was born,⁴⁴ the law should be relaxed in regard to blood discharged at such a time⁴³ during protracted labour? He replied: Even if you were to offer objections all day long it must be enough that the case inferred⁴⁴ shall be treated in the same manner as the one⁴² from which it is inferred. For in what respect was the law relaxed for a woman in the latter case?⁴² In that of the uncleanness of zibah only, while she is still subject to the uncleanness of the menstruant. Raba observed, R. Eliezer could successfully have offered the Rabbis the following reply: Did you not explain Her blood⁴⁵ thus: 'Her blood' refers to blood that is normally discharged, but not to such as is due to childbirth?⁴⁶ Well, here also, it may be explained: And she shall be cleansed from the fountain of her blood,⁴⁷ 'her blood' refers to blood that is normally discharged but not to such as is due to childbirth.⁴⁸ But might it not be suggested⁴⁹ [that if a discharge occurred] during the days of menstruation she is a menstruant, [while if it occurred] during the days of zibah she is clean? — Scripture said, She shall continue,⁵⁰ which implies: One form of continuation throughout all these days.⁵¹

MISHNAH. THROUGHOUT ALL THE ELEVEN DAYS⁵² A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNES.⁵³

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- (1) Childbirth would necessitate the performance of certain work (e.g., making a fire, boiling hot water) which is otherwise forbidden on the Sabbath.
 - (2) But why not, seeing that conception on a Thursday, Friday or Saturday would equally result in a birth on a weekday?
 - (3) But not on the nights preceding (and ritually belonging to) Sunday, Monday and Tuesday, since conception on any of these might result in a birth on a Sabbath which is the two hundred and seventy-third from a Sunday, the two hundred and seventy-second from a Monday and the two hundred and seventy-first from a Tuesday.
 - (4) Ruth IV, 13.
 - (5) ה'ר"י .
 - (6) ה' = 5, ר = 200, י = 10, ל = 6, י = 50.
 - (7) Limekuta'in, 'incompleted (number)'.
 - (8) E.V., When the time was come about.
 - (9) I Sam. I, 20.
 - (10) The plural number.
 - (11) Each cycle (tekufah) consisting of three months (the year being divided into four cycles) and two cycles consisting, therefore, of six months.
 - (12) As the text speaks of Hannah's conception and birth of Samuel it follows that a viable child may be born in the seventh month after the short pregnancy of six months and two days.
 - (13) Lev. XII, 5, E.V., impurity.
 - (14) Lit., 'and how much'.
 - (15) Either with or without pains.
 - (16) Prior to birth.
 - (17) For notes v. supra 38a.

- (18) According to R. Jose and R. Simeon.
- (19) This is discussed presently.
- (20) Since a child causes the cleanness of fourteen days only (that immediately precede its birth), thus leaving twelve days at the beginning of the period of twenty-six days, there remain three days (between the first seven days of menstruation and the last fourteen) in the course of which she becomes a major zabah.
- (21) In the zabah period.
- (22) To render her a major zabah.
- (23) Sc. the law that a discharge in such circumstances is clean.
- (24) The fourteen unclean and sixty-six clean ones (cf. Lev. XII, 5).
- (25) During the sixty-six clean days. Within the fourteen days (cf. prev. n.) labour is, of course, impossible.
- (26) During the sixty-six days the blood is regarded (cf. Lev. XII, 5) as invariably clean.
- (27) If the birth took place during the period of menstruation. During the sixty-six days (cf. prev. n. but one) she is only free from the uncleanness of zibah but not from that of menstruation.
- (28) A woman who gave birth to a child after she had experienced a discharge without pain on three consecutive days is regarded as having given birth in zibah.
- (29) The woman being exempt from zibah.
- (30) To exempt the woman from all forms of uncleanness.
- (31) As in the case of a woman who gave birth during the sixty-six clean days (cf. supra n. 1).
- (32) To exempt the woman from all forms of uncleanness.
- (33) A discharge during labour in the sixty-six days.
- (34) Protracted labour at any other time.
- (35) Cf. prev. n. Lit., 'from what did he make it lighter for her'.
- (36) Cf. supra n. 8.
- (37) Lev. XII, 4.
- (38) When she becomes unclean by reason of the birth.
- (39) V. supra p. 267, n. 5.
- (40) During the sixty-six days.
- (41) Protracted labour after the birth of a previous child.
- (42) Protracted labour before a birth.
- (43) Lit., 'which is with it'.
- (44) A discharge during labour in the sixty-six days.
- (45) Lev. XV, 25.
- (46) Supra 36b, q.v. notes.
- (47) Lev. XII, 7.
- (48) Only the former is clean, but not the latter.
- (49) According to R. Eliezer.
- (50) Lev. XII, 4.
- (51) They are either all clean or all unclean. No distinction can, therefore, be made between the periods of zibah and menstruation.
- (52) That follow the seven days' period of menstruation.
- (53) This is discussed in the Gemara infra.

Talmud - Mas. Nidah 39a

IF SHE NEGLECTED TO¹ EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT² WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY UNCLEAN.³ R. MEIR RULED: IF A WOMAN WAS IN A HIDING-PLACE⁴ WHEN THE TIME OF HER REGULAR PERIOD ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY CLEAN, BECAUSE FEAR SUSPENDS THE FLOW OF BLOOD. BUT THE DAYS PRESCRIBED FOR A ZAB OR A ZABAH⁵ OR FOR ONE WHO AWAITS DAY AGAINST DAY⁶ ARE⁷ PRESUMED TO BE UNCLEAN.⁸

GEMARA. In respect of what laws had this⁹ to be stated? — Rab Judah replied: In order to lay down that no examination¹⁰ is required.¹¹ But since it was stated in the final clause, IF SHE NEGLECTED TO EXAMINE HERSELF,¹² it follows, does it not, that at the outset an examination is required? — The final clause applies to the days of the menstruation period; and it is this that was meant: THROUGHOUT ALL THE ELEVEN DAYS A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNESS¹³ and no examination is necessary, but during the days of her menstruation period¹⁴ an examination¹⁵ is required;¹⁶ but IF SHE NEGLECTED TO EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN.¹⁷

R. Hisda replied: This¹⁸ was only required to indicate that R. Meir's ruling that¹⁹ a woman who has no regular period is forbidden marital intercourse,²⁰ applies only to the days of her menstruation period, but during the days of her zibah she enjoys²¹ A PRESUMPTIVE STATE OF CLEANNESS. If so,²² why did R. Meir rule: He must divorce her and never remarry her?²⁰ — Since it is possible to be tempted²³ to improper conduct during the days of the menstruation period. But since it was stated in the final clause. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF, may it not be concluded that we are here dealing with one who had a REGULAR PERIOD? — The Mishnah is defective and the proper reading is this: THROUGHOUT ALL THE ELEVEN DAYS A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNESS and is, therefore, permitted to her husband, but during the days of her menstruation period she is forbidden to him. This, however, applies only to a woman who has no regular period, but if she has a regular period she is permitted to him and only an examination is necessary. IF SHE NEGLECTED TO EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY UNCLEAN. But, since the final clause is the view of R. Meir,²⁴ the first one is not that of R. Meir, is it? — All the Mishnah represents the view of R. Meir and this is the proper reading: If she was not in a hiding place and the time of her regular period has arrived and she did not examine herself she is unclean, for R. MEIR RULED: IF A WOMAN WAS IN A HIDING PLACE WHEN THE TIME OF HER REGULAR PERIOD ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS CLEAN, BECAUSE FEAR SUSPENDS THE FLOW OF THE BLOOD.

Raba replied: Thi²⁵ is to tell that she²⁶ does not²⁷ cause twenty-four hours retrospective uncleanness. An objection was raised: A menstruant,²⁸ a zabah,²⁸ and a woman who awaits day against day²⁹ or who is in childbirth³⁰ cause twenty-four hours retrospective uncleanness! — This is indeed a refutation.

R. Huna b. Hiyya³¹ citing Samuel replied: This²⁵ is to tell that she cannot establish for herself a regular period during the days of her zibah.³²

R. Joseph³³ remarked: I have not heard this traditional explanation.³⁴ Said Abaye³⁵ to him, You yourself have told it to us,³⁶ and it was in connection with the following that you told it to us: If she was accustomed to observe a flow of menstrual blood on the fifteenth day,³⁷ and this was changed³⁸ to the twentieth day,³⁷ marital intercourse is forbidden³⁹ on both dates.⁴⁰ If this was changed twice to the twentieth day,⁴¹ marital intercourse is again forbidden on both dates. And in connection with this you have told us: Rab Judah citing Samuel explained. This⁴² was learnt only [when she was accustomed to observe a flow] on the fifteenth day after her ritual immersion⁴³ which is the twenty-second day⁴⁴ after her observation of her discharge, since on such a day⁴⁵ she is already within the days of her menstruation period,⁴⁶ but the fifteenth day after her observation, on which she is still within the days of her zibah period,⁴⁷ cannot be established as a regular period. R. Papa

stated: I recited this tradition before R. Judah of Diskarta [and asked:] Granted that she cannot establish thereby⁴⁸ a regular period,⁴⁹ must we take into consideration the possibility of such a regular period?⁵⁰ The latter remained silent and said nothing at all. Said R. Papa: Let us look into the matter ourselves. [It has been laid down that] if she was accustomed to observe a flow of menstrual blood on the fifteenth day and this was changed to the twentieth day, marital intercourse is forbidden on both days.⁵¹

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- (1) Lit., 'she sat and did not'.
 - (2) Lit., 'and she did not examine'.
 - (3) It being presumed that the discharge had made its appearance at the regular time.
 - (4) Taking refuge from raiders or brigands.
 - (5) The seven clean days that must be counted after a confirmed zibah before cleanness is attained.
 - (6) One clean day for one unclean one, where the discharge appeared on no more than two days.
 - (7) Though within the ELEVEN DAYS.
 - (8) Unless the contrary was proved by an examination.
 - (9) The first clause of our Mishnah.
 - (10) Morning and evening (cf. supra 11a).
 - (11) After the eleven days such examination must be resumed.
 - (12) This presumably referring to the eleven days of the zibah period.
 - (13) Since her flow of blood had come to an end during menstruation.
 - (14) Following the conclusion of the eleven days of zibah.
 - (15) Morning and evening (cf. supra 11a).
 - (16) Ab initio.
 - (17) ONLY WHEN THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF IS SHE UNCLEAN.
 - (18) The first clause of our Mishnah.
 - (19) Lit., 'but according to R. Meir who said'.
 - (20) Supra 12b.
 - (21) Lit., 'stands'.
 - (22) That during the eleven days of zibah intercourse is permitted.
 - (23) Lit., 'come'.
 - (24) His name having been given explicitly.
 - (25) The first clause of our Mishnah.
 - (26) As the flow of her blood is suspended.
 - (27) After the first discharge during these days.
 - (28) On the first day of her observing a discharge.
 - (29) Cf. prev. n. After three observations she also would, of course, become a zabah.
 - (30) As soon as the uterus opened.
 - (31) Var. lec. Hiyah b. R. Huna (Bomb. ed. and Rashi).
 - (32) Though menstruation began on the same day in three successive months.
 - (33) A disciple of Rab Judah who was the disciple of both Rab and Samuel.
 - (34) Attributed to Samuel.
 - (35) A disciple of R. Joseph who was often reminding his Master of traditions he had forgotten owing to a serious illness (cf. Ned. 41a).
 - (36) 'Before your illness'.
 - (37) After undergoing ritual immersion, as will be explained infra.
 - (38) Once.
 - (39) In the next two months.
 - (40) It is forbidden on the fifteenth which is the date of her regular period, and it is also forbidden on the twentieth since it is possible that henceforth that day would become her regular period. If in the third month also she experiences the discharge on the twentieth, she establishes thereby a new regular period and henceforth only the twentieth is forbidden while the fifteenth becomes permitted.

(41) V. p. 271, n. 14.

(42) That the fifteenth day is regarded as a regular period that cannot be altered unless the discharge appeared three times in three consecutive months respectively on a different date.

(43) Which is performed at the conclusion of the seven days' period of menstruation.

(44) The seven days of menstruation (cf. prev. n.) plus the fifteen days.

(45) Lit., 'for there'.

(46) Which begins after eighteen days (i.e., the seven days of menstruation plus the eleven, the days of the zibah period) have passed since the first day of the discharge, and continues for seven days.

(47) Cf. prev. n.

(48) By observing a discharge for three months on the same date during zibah.

(49) That could not be abolished by less than three observations on a different date in three consecutive months respectively.

(50) So that where a woman observed a discharge on the fifteenth day in each of three consecutive months intercourse on that day should be forbidden in the fourth months on the ground that, despite the zibah period in which the fifteenth day occurs, a regular period may have been established and the discharge would again appear on that date.

(51) Supra q.v. notes.

Talmud - Mas. Nidah 39b

And in connection with this Rab Judah citing Samuel stated: This¹ was learnt only [when she was accustomed to observe a flow] on the fifteenth day after her ritual immersion,² which is the twenty-second day³ after her observation of her discharge, and it was changed to the twenty-seventh day⁴ so that when the twenty-second day⁵ comes round again she is well within the days of her zibah period,⁶ and yet it was stated that intercourse was forbidden on both days. It is thus clear that the possibility of a regular period⁷ must be taken into consideration.⁸ R. Papa is thus⁹ of the opinion that the twenty-two days¹⁰ are reckoned from the twenty-second day¹¹ while the beginning of the menstruation and zibah period¹² is reckoned from the twenty-seventh day.¹³ Said R. Huna son of R. Joshua to R. Papa: Whence do you draw your ruling? Is it not possible that the twenty-second day also is reckoned from the twenty-seventh day,¹⁴ so that when the twenty-second day comes round again the woman is within the days of her menstruation period?¹⁵ And this¹⁶ is also logical. For if you do not admit this,¹⁶ consider the case of a¹⁷ hen that laid eggs on alternate days¹⁸ and once ceased laying for two days and again laid on the following day. When it reverts to its former habit,¹⁹ does it do so in accordance with the present²⁰ or in accordance with the past?²¹ You have no alternative but to admit that it would do it in accordance with the present.²² Said R. Papa to him: With reference, however, to what Resh Lakish ruled, 'A woman may establish for herself a settled period during the days of her zibah but not during the days of her menstruation' and to what R. Johanan ruled, 'A woman may establish for herself a settled period during the days of her menstruation', is not one to understand this as being a case,²³ for instance, where she observed a discharge on the first day of the month, on the fifth of the month and again on the first of the second month and on the fifth of that month, and finally²⁴ she observed a discharge on the fifth of the month while on the first of that month she observed none? And yet it was stated that 'a woman may establish for herself a settled period during the days of her menstruation'. It thus clearly follows²⁵ that we reckon the days from the first day of the month?²⁶ — No, the other replied, it is this that R. Johanan meant: A woman, for instance, who observed a discharge on the first day of the month, on the first day of the next month and on the twenty-fifth of that month, and on the first day of the following month, in which case we presume that²⁷ she experienced an influx of additional blood.²⁸ So also Rabin and all seafarers, when they came,²⁹ reported the tradition³⁰ in agreement with the explanation of R. Huna son of R. Joshua. [

(1) V. supra p. 272, n. 4.

(2) Which is performed at the conclusion of the seven days' period of menstruation.

(3) The seven days of menstruation (cf. prev. n.) plus the fifteen days.

- (4) After her discharge.
- (5) Since the day on which the discharge should have appeared.
- (6) There being only (22 — 5 =) 17 days since her last discharge on the twenty-seventh. The seventeenth day, (the last of the seven days of menstruation and the ten of the eleven days of zibah) is obviously within the zibah period.
- (7) Even on a day in the zibah period.
- (8) V. supra p. 272, n. 12.
- (9) Since he regards the twenty-second day as one of the days of the zibah period.
- (10) On which intercourse was forbidden.
- (11) Sc. the days on which formerly the discharge usually made its appearance and not from the twenty-seventh day.
- (12) At the conclusion of the menstruation period, seven days later.
- (13) The day on which the discharge last appeared. The twenty-second day after the twenty-second is only the seventeenth day after the twenty-seventh (cf. prev. n. but five).
- (14) On which the discharge last appeared.
- (15) The twenty-two days consisting of 7 (menstruation) + 11 (zibah) + 4 (of the seven of the present menstruation period) days.
- (16) That the reckoning should begin from the day of the last discharge rather than from the day on which the discharge should have appeared.
- (17) Lit., '(what about) that'.
- (18) Lit., 'that lays on a day and holds back on (the next) day' (bis).
- (19) Laying on alternate days.
- (20) Lit., 'as before it', i.e., laying on alternate days beginning with the last day (the sixth in the case submitted) refraining on the seventh and laying again on the eighth, and so on.
- (21) Lit., 'as originally', i.e., alternating with the day on which laying should have taken place (the fifth in the case submitted), thus laying on both the seventh as well as the sixth.
- (22) Since alternation with the day on which laying should have taken place would only result (cf. prev. n.) in a new disturbance of the regularity (laying on two consecutive days). Similarly, in the case of the woman, a reversion to her regular periods can only be effected by counting the days from the one on which her discharge last appeared, viz., from the twenty-seventh day.
- (23) Lit., 'how is one to imagine, not?'
- (24) Lit., 'and now'.
- (25) Since the fifth day of the month is regarded as of the 'days of her menstruation'.
- (26) Though on that day no discharge had appeared. From which it follows that the counting of the days begins from the day on which the discharge should have appeared and not from that on which it appeared the last time.
- (27) The reason why the discharge made its appearance on the twenty-fifth day of the second month and not on the first day of the following month.
- (28) And, as a result, the discharge whose regular time of appearance was still the first of the month made its appearance a little earlier. The first day of the month being within seven days from the twenty-fifth of the previous month (on which the discharge appeared) may well be described as within the days of menstruation.
- (29) From Palestine to Babylon.
- (30) Of R. Johanan.

Talmud - Mas. Nidah 40a

CHAPTER V

MISHNAH. FOR A FOETUS BORN FROM ITS MOTHER'S SIDE¹ THERE IS NO NEED² TO SPEND³ THE PRESCRIBED DAYS OF UNCLEANNESS⁴ OR THE DAYS OF CLEANNESS;⁵ NOR DOES ONE INCUR ON ITS ACCOUNT THE OBLIGATION TO BRING A SACRIFICE.⁶ R. SIMEON RULED: IT IS REGARDED AS A VALID BIRTH. ALL WOMEN ARE SUBJECT TO UNCLEANNESS⁷ [IF BLOOD APPEARED] IN THE OUTER CHAMBER,⁸ FOR IT IS SAID IN SCRIPTURE, HER ISSUE IN HER FLESH BE BLOOD;⁹ BUT A ZAB AND ONE WHO EMITTED SEMEN CONVEY NO UNCLEANNESS UNLESS THE DISCHARGE¹⁰ CAME OUT

OF THE BODY. IF A MAN WAS EATING TERUMAH WHEN HE FELT THAT HIS LIMBS SHIVERED,¹¹ HE TAKES HOLD OF HIS MEMBRUM¹² AND SWALLOWS THE TERUMAH. AND THE DISCHARGES CONVEY UNCLEANNESS, HOWEVER SMALL THE QUANTITY, EVEN IF IT IS ONLY OF THE SIZE OF A MUSTARD SEED OR LESS.

GEMARA. R. Mani b. Pattish stated: What is the Rabbis' reason?¹³ Scripture said, If a woman have conceived seed and born¹⁴ a man child,¹⁵ implying:¹⁶ Only if she bears where she conceives.¹⁷ And R. Simeon?¹⁸ — That text¹⁹ implies that even if she bore in the same manner only as she conceived²⁰ she²¹ is unclean by reason of childbirth.²² What, however, is R. Simeon's reason?²³ — Resh Lakish replied: Scripture said, She bear,²⁴ to include²⁵ A FOETUS BORN FROM ITS MOTHER'S SIDE. And the Rabbis?²⁶ — That text²⁴ is required to include²⁷ a tumtum²⁸ and an hermaphrodite. Since it might have been presumed that as it is written man child²⁹ and maid child³⁰ [the laws in the context apply only to] one who is undoubtedly male or undoubtedly female but not to a tumtum or an hermaphrodite, hence we were informed that the law applies to the latter also. And R. Simeon?³¹ — He deduces it³² from a teaching of Bar Liwai; for Bar Liwai taught. For a son,³³ implies: For any son, whatsoever his nature; For a daughter,³³ for any daughter, whatsoever her nature. And the Rabbis?³⁴ — They require this text for the deduction that a separate sacrifice is due for each son and for each daughter.³⁵ And R. Simeon?³¹ — He deduced it³² from the following which a Tanna recited before R. Shesheth: This is the law for her that beareth³⁶ teaches³⁷ that a woman brings one sacrifice for many children. It might be presumed that she brings only one sacrifice for a birth and for a zibah . . . But would then one sacrifice suffice for a woman after childbirth who ate blood or for one after childbirth who ate forbidden fat? — Rather say: It might be presumed that a woman brings only one sacrifice for a birth that took place before the completion of her clean days and for one that took place after their completion.³⁸ Therefore it was expressly written, 'This'.³⁹ And the Rabbis?⁴⁰ — Although 'this'⁴¹ was written it was also necessary to have the text, 'For a son or for a daughter'.⁴² For it might have been presumed that this law⁴³ applies only to two distinct conceptions⁴⁴ but⁴⁵ that in the case of a simultaneous conception as, for instance, that of Judah and Hezekiah the sons of R. Hiyya,⁴⁶ one sacrifice suffices,⁴⁷ hence we were informed [that even in such a case separate sacrifices are required for each birth].

R. Johanan stated: R. Simeon, however, agrees that in the case of consecrated beasts [the body of the young extracted by means of a caesarean cut] is not sacred.⁴⁸ What is the reason? He deduces the expression of 'birth' here⁴⁹ from that of 'birth' in the case of the firstling:⁵⁰ As in the latter case⁵¹ the reference is to one that openeth the womb⁵² so here also it is only to one that 'openeth the womb'. But why should not the expression of 'birth' here⁴⁹ be deduced from that of 'birth' in the case of a human being:⁵³ As in the latter case⁵⁴ a foetus extracted from its mother's side is included⁵⁵ so here also the young extracted from its mother's side should be included? — It stands to reason that the deduction should be made from the firstling, since 'the dam'⁵⁶ might also be deduced from 'the dam'.⁵⁷ On the contrary! Should not the deduction be made from the expression used of the human being, since thereby an ordinary birth⁵⁸ would be deduced from an ordinary birth?⁵⁹ But the fact is that the deduction was properly to be made from the firstling since in both cases⁶⁰ the expression 'dam'⁶¹ is used, both are sacred beasts and both are subject to the laws of piggul, nothar⁶² and uncleanness.⁶³ On the contrary! Should not the deduction be made from the expression used of the human being since both cases⁶⁴ are those of ordinary birth,⁶⁵ neither is restricted to the male sex,⁶⁶ neither⁶⁷ is naturally sacred,⁶⁸ and neither⁶⁹ is a priestly gift?⁷⁰ The former⁷¹ are more in number.⁷²

R. Hiyya son of R. Huna citing Raba observed, A Baraita was taught which provides support for the statement of R. Johanan:⁷³ R. Judah stated, This is the law of the burnt-offering, it is that which goeth up,⁷⁴ behold these⁷⁵ are three limitations

(1) By means of the caesarean operation. Lit., 'goes out of a wall'.

(2) For its mother.

- (3) Lit., '(women) do not sit for it'.
- (4) Seven for a male and fourteen for a female (v. Lev. XII, 2,5).
- (5) Thirty-three days after the seven (cf. prev. n.) for a male and sixty-six days after the fourteen for a female (v. Lev. XII, 4f).
- (6) Prescribed for a woman after childbirth (v. Lev. XII, 6ff).
- (7) Of menstruation.
- (8) The vagina; though it did not flow out beyond it.
- (9) Lev. XV, 19; emphasis on 'in her flesh' implying: Even if the discharge did not flow out of her body.
- (10) Lit., 'uncleanness'.
- (11) A symptom of the imminent discharge of semen.
- (12) To prevent outflow.
- (13) For their ruling in the first clause of our Mishnah.
- (14) So A.V. The A.J.V. reads, 'be delivered and bear'.
- (15) Lev. XII, 2, dealing with the laws of cleanness and uncleanness and the prescribed sacrifice after childbirth.
- (16) By the juxtaposition of 'conceived' and 'born'.
- (17) Only then do the laws (cf. prev. n.) apply, but not where a caesarean operation had to be performed.
- (18) How in view of this exposition can he differ from the Rabbis?
- (19) V. p. 276. n. 15.
- (20) A mashed foetus (cf. supra 26a, 27b).
- (21) Lit., 'his mother'.
- (22) The Rabbis, however, require no text for this ruling since in their opinion (cf. supra 26a) the presence of the placenta alone is a sufficient cause of uncleanness.
- (23) For his ruling in our Mishnah.
- (24) But if she bear a maid-child, Lev. XII, 5.
- (25) By the superfluity of the expression, since it would have sufficed to state 'but if a maid-child'.
- (26) How can they maintain their ruling in view of this exposition?
- (27) Among those who subject their mothers to the laws prescribed in the context.
- (28) V. Glos.
- (29) Lev. XII, 2.
- (30) Lev. XII, 5.
- (31) Whence does he deduce the last mentioned law?
- (32) Cf. prev. n.
- (33) Lev. XII, 6.
- (34) What deduction do they make from this text?
- (35) Though conception of the latter took place before the completion of the clean days of the former.
- (36) Lev. XII, 7.
- (37) Since 'beareth' is not restricted to one child only.
- (38) If a child is born after the completion of the eighty days (fourteen unclean and sixty-six clean ones) prescribed for the birth of a female child, the former was obviously born 'before their completion'.
- (39) Lev. XII, 7, implying, This birth alone requires a sacrifice, but an additional birth requires an additional sacrifice.
- (40) In view of this text what need was there for that of Lev. XII, 6?
- (41) V. supra note 2.
- (42) Lev. XII, 6.
- (43) That one birth 'before the completion' of the eighty days and one 'after their completion' require two separate sacrifices.
- (44) The second one having begun during the eighty days that followed the first, and its birth having occurred after the completion of these days.
- (45) Cf. Rashal. Cur. edd. in parenthesis insert: 'One of which was an abortion'.
- (46) The second of whom was born three months after the former (supra 27a).
- (47) Lit., 'with one sacrifice it is sufficient for her'.
- (48) Like other beasts whose blemish preceded their consecration, its value only is consecrated. It may, therefore, be sold, when it loses its sanctity and may be used for shearing or work, while its price is used for the purchase of valid

sacrifices.

- (49) When a bullock, or a sheep, or a goat, is born (E.V. brought forth) in the context dealing with consecrated beasts (Lev. XXII, 27).
- (50) All the firstling males that are born (Deut. XV, 19).
- (51) Lit., 'there'.
- (52) Ex. XXXIV, 19.
- (53) If a woman be delivered and bear a man-child (Lev. XII, 2).
- (54) Lit., 'there'.
- (55) As R. Simeon laid down in our Mishnah.
- (56) It shall be seven days under the dam (Lev. XXII, 27) about consecrated beasts.
- (57) It shall be with its dam (Ex. XXII, 29) about the firstling.
- (58) I.e., a beast that is not a firstling.
- (59) I.e., a child that is not a firstborn son, the text (Lev. XII, 2) speaking of any child whether a firstborn or not.
- (60) The consecrated beast and the firstling.
- (61) Cf. supra nn. 3 and 4.
- (62) On these terms v. Glos.
- (63) To a human being none of these applies.
- (64) Those of the child and the consecrated beast.
- (65) Cf. supra nn. 5 and 6.
- (66) While only a male is subject to the law of a firstling.
- (67) Unlike the firstling that is sacred from birth.
- (68) The consecration of the beast is entirely due to a human act.
- (69) Unlike the firstling which is the priest's due.
- (70) A peace-offering, for instance, remains the property of its owner. A burnt-offering is completely burnt on the altar.
- (71) The five points of likeness between the consecrated beast and the firstling.
- (72) Than the four points of likeness between the beast and a human being.
- (73) Supra, that R. Simeon agrees in the case of consecrated beasts that the body of the young extracted from one by means of a caesarean cut is not sacred.
- (74) Lev. VI, 2.
- (75) The expressions, 'this', 'it', 'which goes up'.

Talmud - Mas. Nidah 40b

excluding¹ a sacrifice that was slain in the night, whose blood was poured out,² or whose blood was taken outside the hangings,³ which, even though it was placed upon the altar, must be taken down.⁴ R. Simeon stated: From the term 'burnt-offering'⁵ I would only know that the law applied to⁶ a valid burnt-offering; whence, however, the inference for including⁷ one that was slain in the night, whose blood was poured out,⁸ whose blood was taken outside the hangings³ or was kept overnight, that was taken out,⁹ that was unclean, nothar,¹⁰ one slain with the intention of eating it later than its permitted time limit or beyond its permitted place limits, whose blood was received or sprinkled by disqualified men,¹¹ those sacrifices whose blood is to be sprinkled above¹² and was sprinkled below,¹² those whose blood is to be sprinkled below¹² and was sprinkled above,¹² those whose blood is to be applied within¹³ and was applied without,¹⁴ and a paschal lamb and a sin-offering that had not been slain as such?¹⁵ Whence, I ask, is the inference? Since it was explicitly said in Scripture, This is the law of the burnt-offering,¹⁶ the scope of the law is widened: One law for all that are placed upon the altar, so that once they have been put up they must not be taken down. As one might presume that I also include⁷ a beast that covered¹⁷ or was covered,¹⁸ that was set aside¹⁹ for an idolatrous purpose, that was worshipped, the hire of a harlot, the price of a dog, kil'ayim, trefah²⁰ and one that had been extracted by means of a caesarean operation, it was explicitly stated, 'This'.²¹ But what reason do you see for including²² the former and for excluding the latter?

(1) From the scope of the law in the context that once a sacrifice had been placed upon the altar it must never be

removed from it.

(2) So that the essential service of sprinkling upon the altar could not be performed with it.

(3) Sc. the enclosure around the Temple that corresponded to the hangings of the court of the Tabernacle of Moses in the wilderness.

(4) Only the other disqualified sacrifices, enumerated infra in R. Simeon's ruling, must not, according to R. Judah also, be taken down from the altar once they have been put upon it (cf. Zeb. 84b).

(5) Lev. VI, 2.

(6) Lit., 'I have not but'.

(7) In the scope of the law.

(8) So that the essential service of sprinkling upon the altar could not be performed with it.

(9) Sc. the flesh of a burnt-offering that was taken out and then brought back and placed upon the altar.

(10) Sacrificial meat that was kept beyond the time allowed for its consumption.

(11) Priests who had a blemish, for instance.

(12) The red line around the altar's sides.

(13) Sc. the inner altar that was placed within the Hekal.

(14) On the altar in the Temple court.

(15) Lit., 'not for their name', the man intending them at the time to serve respectively as different kinds of sacrifices.

(16) Lev. VI, 2, emphasis on 'law'.

(17) A woman.

(18) By a man.

(19) In a special place.

(20) On these terms v. Glos.

(21) Which implies a limitation.

(22) In the scope of the law.

Talmud - Mas. Nidah 41a

Since Scripture both widened and limited the scope of the law, you might rightly say:¹ I include the former whose disqualification arose within the Sanctuary and exclude the latter whose disqualification did not arise within the Sanctuary.² At all events, it was here taught that the young extracted by means of a caesarean operation is not included in the scope of the law,³ and this refers, does it not, to the young that were so extracted in the case of a consecrated beast?⁴ — R. Huna son of R. Nathan replied: No, the reference is to one so extracted in the case of a firstling. But is not the law of the firstling⁵ deduced from the expression of openeth the womb.⁶ What then do you suggest? That the reference is to one of the consecrated beasts? Is not⁷ this [it could be retorted] inferred from a deduction of 'the dam' from 'the dam'?⁸ — What a comparison!⁹ If you grant that the reference is to a consecrated beast one can well understand the necessity for two Scriptural texts:¹⁰ One¹¹ to exclude¹² the young of an unconsecrated beast born by way of a caesarean cut and then consecrated, and the other,¹³ to exclude¹⁴ the young of a consecrated beast¹⁵ born by way of the caesarean cut,¹⁶ he being of the opinion that the young of consecrated beasts become sacred only after they come into a visible existence,¹⁷ but if you maintain that the reference is to a firstling [the objection would arise:] Is not this¹⁸ deduced from the expression openeth the womb?¹⁹ This²⁰ may also be supported by reason. For 'a beast that covered or was covered, that was set aside for an idolatrous purpose, that was worshipped and kil'ayim' were mentioned.²¹ Now is the law concerning these deduced from this text?²² Is it not in fact deduced from a different text:²² Of the cattle²³ excludes²⁴ a beast that covered or was covered, Of the herd²³ excludes²⁴ a beast that was worshipped, Of the flock²³ excludes²⁴ one that was set aside for an idolatrous purpose, Or of the flock²³ excludes²⁵ one that gores?²⁶ And, furthermore, is the law concerning kil'ayim²⁷ deduced from here? Is it not in fact deduced from a different text: When a bullock, or a sheep, or a goat, is brought forth;²⁸ 'a bullock' excludes kil'ayim, 'or a goat' excludes one that²⁹ only resembles it?³⁰ But the fact is that two series of texts were required there: One in connection with an unconsecrated beast³¹ and the other in connection with a consecrated beast; well then, in this case also two texts were similarly required.

Our Rabbis taught: If a woman was in protracted labour³² for three days,³³ but the embryo was born by way of a caesarean cut, she is to be regarded as having given birth in zibah.³⁴ R. Simeon, however,³⁵ ruled: A woman in such circumstances is not regarded as³⁶ having given birth in zibah. The blood, furthermore, that issues from that place³⁷ is unclean, but R. Simeon declared it clean. The first clause may be well understood, since R. Simeon follows his known view³⁸ and the Rabbis follow theirs; on what principle, however, do they differ in the final clause?³⁹ — Rabina replied: This is a case where, for instance, the embryo was born through the side

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- (1) By recourse to a process of reasoning.
 - (2) V. Zeb. 27b.
 - (3) So that it is obviously not regarded as sacred.
 - (4) In agreement with R. Johanan's interpretation of R. Simeon's view.
 - (5) Viz., that a firstling extracted by means of a caesarean cut is not subject to the restrictions and sanctity of a firstling.
 - (6) Ex. XXXIV, 19; emphasis on the last word. Now since it is not sacred it is obviously to be treated like an ordinary beast and must be removed from the altar even after it had been placed upon it; what need then was there to exclude it by the text of Lev. VI, 2.
 - (7) That the one so extracted is not sacred.
 - (8) Supra 40a ad fin.
 - (9) Lit., 'that, what'.
 - (10) 'This' and 'the dam'.
 - (11) 'The dam'.
 - (12) From sanctity, in consequence of which it must be removed from the altar even after it had been placed on it.
 - (13) 'This'.
 - (14) From the law that requires a sacrifice that was once upon the altar never to be taken down.
 - (15) Though the dam is sacred.
 - (16) Since the disqualification arose without the Sanctuary.
 - (17) Sc. on being born, but no earlier; and when the young was born it was already disqualified. Rashi deletes 'he being . . . existence'.
 - (18) V. supra p. 281, n. 8.
 - (19) Of course it is. Hence the conclusion that the reference must be to a consecrated beast.
 - (20) That all the disqualifications enumerated supra, including the young born by way of the caesarean cut, apply only to consecrated beasts and to their young.
 - (21) Supra 40b.
 - (22) Lit., 'from there'.
 - (23) Lev. I, 2.
 - (24) 'Of' implying a limitation.
 - (25) By the use of the redundant 'or'.
 - (26) And killed a human being. The last three classes (covered, was covered and gores) are such whose status was determined on the evidence of only one witness or their owner. Hence they are only forbidden as sacrifices but permitted for ordinary use; but if their status is determined on the evidence of two witnesses they are forbidden for ordinary use also.
 - (27) In beasts; a cross-breed between a goat and a sheep.
 - (28) Lev. XXII, 27.
 - (29) Being born from a goat and having the appearance of a lamb.
 - (30) The goat. Now, since it follows from these texts that the beasts are not sacred, what need was there for an additional text from which to deduce that even though they have already been put upon the altar they must be taken down from it?
 - (31) Which a man consecrated.
 - (32) Accompanied by bleeding.
 - (33) During her zibah period; the discharge having made its appearance on each of the three days.
 - (34) Sc. she is subject to the restrictions of a confirmed or major zabah. Only in the case of normal birth is the blood during the labour preceding it exempt from the uncleanness of zibah.

(35) Being of the opinion (v. our Mishnah) that such a birth is valid.

(36) Lit., 'this is not'.

(37) This is explained infra.

(38) Expressed in our Mishnah (cf. prev. n. but two).

(39) If the blood issued through the caesarean cut the opinions should have been reversed: According to R. Simeon, who regards the birth as valid, the blood should be unclean while according to the Rabbis it should be clean.

Talmud - Mas. Nidah 41b

while the blood issued¹ through the womb; and R. Simeon follows his view while the Rabbis follow theirs.² R. Joseph demurred: Firstly, is not then the final clause identical with the first?³ And, furthermore, 'from that place' means, does it not, the place of birth?⁴ Rather, said R. Joseph, this is a case, where, for instance, both the embryo and the blood issued through the side,⁵ and the point at issue between them⁶ is whether the interior of the uterus is unclean. The Masters hold that the interior of the uterus is unclean,⁷ while the Master holds that the interior of the uterus is clean.⁸

Resh Lakish stated: According to him who holds the blood to be unclean the woman also⁹ is unclean¹⁰ and according to him who holds the blood to be clean the woman also is clean. R. Johanan, however, stated: Even according to him who holds the blood to be unclean the woman is clean. In this R. Johanan follows a view he previously expressed. For R. Johanan citing R. Simeon b. Yohai stated: Whence is it deduced that a woman is not unclean¹¹ unless the discharge issues through its normal channel? From Scripture which says, And if a man shall lie with a woman having her sickness,¹² and shall uncover her nakedness — he hath made naked her fountain,¹³ which teaches that a woman is not unclean¹¹ unless the discharge of her sickness issues through its normal channel.

Resh Lakish citing R. Judah Nesi'ah¹⁴ ruled: If the uterus¹⁵ became detached and dropped upon the ground the woman is unclean, for it is said, Because thy filthiness¹⁶ was poured out,¹⁷ and thy nakedness¹⁸ uncovered.¹⁹ In what respect?²⁰ If it be suggested: In that of an uncleanness for seven days¹¹ [the objection would arise:] Did not the All Merciful speak of blood and not of a solid piece? — As a matter of fact the reference is to the uncleanness until evening.²¹

R. Johanan ruled: If the uterus produced a discharge that was²² like two pearl drops²³ the woman is unclean. In what respect? Should it be suggested: In respect of an uncleanness for seven days¹¹ [it might be objected:] Are there not just five unclean kinds of the blood for a woman, and no more? — The fact is that the reference is to the uncleanness until evening.²⁴ This, however, applies only to two drops but if there was only one drop it may be assumed that it originated elsewhere.²⁵

ALL WOMEN ARE SUBJECT TO UNCLEANNESS [IF BLOOD APPEARED] IN THE OUTER CHAMBER. Which is the OUTER CHAMBER? — Resh Lakish replied: All that part which, when a child sits, is exposed. Said R. Johanan to him: Is not that place deemed exposed as regards contact with a dead creeping thing?²⁶ Rather, said R. Johanan, as far as the glands.²⁷ The question was raised: Is the region between the glands regarded as internal or as external? — Come and hear what R. Zakkai taught: The region up to the glands and that between the glands is regarded as internal. In a Baraitha it was taught: As far as the threshing-place. What is meant by threshing-place? — Rab Judah replied: The place where the attendant threshes.²⁸

Our Rabbis taught: In her flesh²⁹ teaches that she³⁰ contracts uncleanness internally as externally. But from this text I would only know of the menstruant, whence the deduction that the same law applies to a zabah? It was explicitly stated, Her issue³¹ in her flesh.²⁹ Whence the proof that the same law applies also to one who emitted semen? It was explicitly stated, Be.³² R. Simeon, however, ruled: It is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her. As he is not subject to uncleanness unless the unclean discharge issued forth, so

is she not subject to uncleanness unless her unclean discharge issued forth. But could R. Simeon maintain that 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her'? Was it not in fact taught: 'They shall both bathe themselves in water, and be unclean until the even.'³³ What, said R. Simeon, does this³⁴ come to teach us? If that it applies also to one who came in contact with semen³⁵ [it could be retorted:] Was it not in fact³⁶ stated below, Or from whomsoever [the flow of seed goeth out]?³⁷ But [this is the purpose of the text:] Since the uncleanness arises in a concealed region³⁸ and since an uncleanness in a concealed region is elsewhere ineffective, a special Scriptural ordinance was required³⁹ [to give it effect in this particular case]⁴⁰ — This is no difficulty: The latter deals with one who received the semen at intercourse,⁴¹ while the former refers to one who ejected it subsequently.⁴² 'Ejected'! Should not her uncleanness be due⁴³ to her preceding intercourse?⁴⁴ — This is a case where she had undergone ritual immersion in respect of her intercourse.⁴⁵ This then⁴⁶ says that for one who had intercourse it suffices to be unclean only until the evening. But did not Raba rule: A woman who had intercourse is forbidden to eat terumah for three days since it is impossible that she should not eject some semen during that time?⁴⁷ — Here⁴⁸ we are dealing with one who was immersed⁴⁹ with her bed.⁵⁰ It may thus⁵¹ be inferred that Raba⁵² spoke of a woman⁵³ who went herself on foot and performed immersion, but then is it not possible that she had ejected the semen while she was walking?⁵⁴

(1) During the three days of labour, that preceded the birth.

(2) Cf. supra no. 2.

(3) It is; why then the needless repetition?

(4) How then could Rabina explain this as 'the womb'?

(5) The clause thus differing from the first one which deals with an issue of blood from the normal place during labour.

(6) R. Simeon and the Rabbis.

(7) The blood that comes in contact with the uterus causes, therefore, uncleanness for a day until the evening, though, having finally issued through the caesarean cut, it cannot be regarded as a menstrual discharge to subject the woman to an uncleanness of seven days.

(8) The blood that issued through the caesarean cut, though it passed through the uterus, is, therefore, regarded as the blood of a mere wound which conveys no uncleanness. Should the blood issue through the womb, provided there was no relief from pain prior to the birth, the blood, as that of labour, would also, during the zibah period, be clean on account of the birth of the child despite its emergence by way of a caesarean cut.

(9) Though the birth was from her side.

(10) Seven days, as a menstruant.

(11) As a menstruant.

(12) Dawah, applied to the menstrual discharge.

(13) Lev. XX, 18.

(14) The Prince, Judah II.

(15) Or a part of it. Lit., source.

(16) Nehushtek, applied to the uterus.

(17) Sc. 'dropped upon the ground'.

(18) Erwatek, synonymous with uncleanness.

(19) Ezek. XVI, 36; which shows that a uterus dropped out is as unclean as when it is in its place; hence the uncleanness.

(20) Is the uncleanness caused.

(21) On account of the woman's external contact with the unclean uterus.

(22) Lit., 'perspired'.

(23) White and clear.

(24) The discharge having been in contact with the uterus which is in contact with the woman.

(25) Lit., 'came from the world', not from the uterus, and is consequently clean.

(26) Sc. if the latter came in contact with that place uncleanness is conveyed to the woman though contact with an internal organ conveys no uncleanness. Now since the place is deemed to be exposed, how can Resh Lakish apply to it the expression 'in her flesh' (cf. infra) and regard it as internal?

(27) Of the vagina.

- (28) Euphemism.
- (29) Lev. XV, 19.
- (30) A menstruant of whom the text speaks.
- (31) A Heb. word of the same root as zabah.
- (32) Her issue in her flesh be etc. (Lev. XV, 19).
- (33) Lev. XV, 18.
- (34) The repetition of the law of bathing which, as far as the man is concerned, was already stated earlier in Lev. XV, 16.
- (35) Sc. the woman.
- (36) Lit., 'already'.
- (37) Lev. XXII, 4, and this was explained (infra 43b) to apply to a woman who came in external contact with semen virile. Why then the repetition?
- (38) Of the body, where internal contact with the semen virile takes place.
- (39) Lit., 'it is'.
- (40) From which it is evident that, according to R. Simeon, though a man is not subject to an uncleanness arising in an unexposed region of the body, a woman is subject to such an uncleanness. How then could it be maintained that according to R. Simeon 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her'?
- (41) Whose uncleanness is due to a special Scriptural ordinance.
- (42) And for whose uncleanness it is enough to be as stringent as that of the man.
- (43) Lit., 'let it go out for him'.
- (44) Cf. prev. n. but two.
- (45) The ejection having taken place after the immersion.
- (46) Since, as has been explained, the law subjecting the woman to 'be unclean until the even' (Lev. XV, 18) applies to one who had intercourse.
- (47) After three days the semen becomes vapid and conveys uncleanness no longer. Now since during the three days the woman invariably remains unclean, how, according to Raba, could R. Simeon rule that the woman is clean if she had undergone ritual immersion before the three days have passed?
- (48) In R. Simeon's ruling (cf. prev. n.).
- (49) After intercourse.
- (50) As she herself did not move her body it is quite possible for her to avoid ejection.
- (51) Since R. Simeon's rule, according to which the uncleanness terminates at evening, refers only to a woman who was carried in a bed.
- (52) Who holds the woman to be unclean for three days after intercourse.
- (53) Lit., 'that when Raba said'.
- (54) So that her subsequent immersion should render her completely free from both the uncleanness of intercourse and that of the ejection. How then could Raba maintain that she is unclean for three days?

Talmud - Mas. Nidah 42a

And should you reply: It is possible that¹ some remained² [the objection would arise]: If so, should not the expression used have been:³ We take into consideration the possibility that some might have remained? — The fact, however, is that according to Raba also this is a case where the woman was immersed with her bed, but there is no difficulty since one ruling⁴ deals with a woman who⁵ turned over⁶ while the other⁷ deals with one who⁵ did not turn over;⁸ and Raba⁹ interpreted the Scriptural text in this manner:¹⁰ When Scripture wrote, They shall both bathe themselves in water and be unclean until the even,¹¹ it referred to a woman who did not turn over but one who did turn over is forbidden to eat terumah for three days since it is impossible that she should not eject some semen during this time.

R. Samuel b. Bisna enquired of Abaye: 'Is a woman ejecting semen¹² regarded as observing a discharge or as coming in contact with one?'¹³ The practical issue¹⁴ is the question of rendering¹⁵ any previous counting¹⁶ void,¹⁷ and of conveying uncleanness by means of the smallest quantity¹⁷ and of

conveying uncleanness internally as well as externally'.¹⁷ But what is the question?¹⁸ If he¹⁹ heard of the Baraitas [he should have known that] according to the Rabbis she is regarded as observing a discharge while according to R. Simeon she is regarded as coming in contact with one; and if he¹⁹ did not hear of the Baraita,²⁰ is it not logical that²¹ she should be regarded as coming in contact with one?²² — Indeed he may well have heard of the Baraita and, as far as the Rabbis are concerned, he had no question at all;²³ what he did ask concerned only the view of R. Simeon. Furthermore, he had no question²⁴ as to whether uncleanness is conveyed internally as externally;²⁵ what he did ask was whether any previous counting is rendered void and whether uncleanness is conveyed by means of the smallest quantity. When [he asked in effect] R. Simeon ruled that 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her' he meant it only in respect of conveying uncleanness internally as externally²⁶ but as regards rendering any previous counting void and conveying uncleanness by means of the smallest quantity she is regarded as one observing a discharge, or is it possible that²⁷ there is no difference?²⁸ There are others who read: Indeed he¹⁹ may never have heard of the Baraita,²⁹ but³⁰ it is this that he asked in effect: Since the All Merciful has considered it proper to impose a restriction³¹ at Sinai on those who emitted semen,³² she must be regarded as one who observed a discharge, or is it possible that no inference may be drawn from Sinai, since it was placed under an anomalous law, seeing that zabs and lepers who are elsewhere subject to major restrictions were not subjected by the All Merciful to that restriction?³¹ — The other³³ replied: She is regarded as one who has observed a discharge. He³⁴ then came to Raba³⁵ and put the question to him. The latter replied: She is regarded as one who observed a discharge. He thereupon came to R. Joseph who also told him: She is regarded as one who observed a discharge. He³⁴ then returned to Abaye and said to him: 'You all spit the same thing',³⁶ 'We', the other replied, 'only gave you the right answer. For when R. Simeon ruled that "it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her" it was only in respect of conveying uncleanness internally as externally,³⁷ but in respect of rendering any previous counting void and in respect of conveying uncleanness by means of the smallest quantity she is regarded as one who observed a discharge.³⁸

Our Rabbis taught: A menstruant,³⁹ a zabah,⁴⁰ one who awaits a day for a day⁴⁰ and a woman after childbirth⁴¹ contract uncleanness internally⁴² as well as externally. Now, the enumeration of three of these cases⁴³ may well be justified, but how is one to explain the mention of the woman after childbirth? If the birth⁴⁴ occurred during her menstruation period she is a menstruant,⁴⁵ and if it occurred during her zibah period she is a zabah?⁴⁵ — The mention⁴⁶ was necessary only in the case of one who went down⁴⁷ to perform ritual immersion in order to pass out thereby from the period of uncleanness to that of cleanness;⁴⁸ and this⁴⁹ is in agreement with a ruling given by R. Zera citing R. Hiyya b. Ashi who had it from Rab: If a woman after childbirth went down⁴⁷ to perform ritual immersion in order to pass out thereby from her period of uncleanness to that of cleanness,⁴⁸ and some blood was detached from her body,⁵⁰ while she was going down,⁵¹ she is unclean,⁵² but if it occurred while she was going up, she is clean.⁵³ Said R. Jeremiah to R. Zera: Why should she be unclean if this occurred 'while she was going down'? Is not the blood merely an absorbed uncleanness?⁵⁴ — Go, the other replied, and ask it of R. Abin to whom I have explained the point at the schoolhouse and who nodded to me with his head.⁵⁵ He went and asked him [the question], and the latter replied: This was treated like the carcass of a clean bird which⁵⁶ conveys uncleanness to garments⁵⁷ while it is still passing through the oesophagus.⁵⁸ But are the two cases at all similar

(1) Even after the ejection.

(2) And that the uncleanness of which Raba spoke is due to this possibility.

(3) Instead of the statement, 'it is impossible that she should not eject'.

(4) Raba's.

(5) After the immersion.

(6) Hence 'it is impossible that she etc.'.

(7) R. Simeon's.

- (8) Her uncleanness, therefore, terminates at evening.
- (9) In his ruling.
- (10) Lit., 'took his stand on the text and thus he said'.
- (11) Lev. XV, 18.
- (12) After she had undergone ritual immersion and was freed thereby from the uncleanness of intercourse to which she was subject (as stated supra) under a specific Scriptural ordinance.
- (13) Externally. Internal contact, being within a concealed region, is (as stated supra 41b) of no consequence.
- (14) Between uncleanness through (a) observation and (b) contact.
- (15) During the eleven days of zibah.
- (16) Of the prescribed seven days.
- (17) Which is the case with an observation but not with contact.
- (18) Lit., 'what is your desire?'
- (19) R. Samuel who raised the question.
- (20) Supra 41b, where the Rabbis ruled that the ejection of semen conveys uncleanness internally as well as externally, while R. Simeon ruled that it is enough for the woman to be as unclean as the man who had intercourse with her. For the reading 'Baraitha' cf. Bomb. ed. Cur. edd. 'our Mishnah'.
- (21) Since the discharge does not originate from the woman's own body.
- (22) Of course it is. Why then did R. Samuel raise the question at all?
- (23) Since the Rabbis ruled that uncleanness is conveyed internally as well as externally it is obvious that the woman is regarded as one observing a discharge, and is, therefore, subject all the more to the other restrictions.
- (24) Even according to R. Simeon.
- (25) Well knowing that no internal uncleanness is conveyed (cf. supra n. 6).
- (26) Sc. as the man is free from internal uncleanness so is she.
- (27) Since he regarded her only as one coming in contact with a discharge.
- (28) And she is in all respects to be treated as such.
- (29) V. supra p. 288 n. 5.
- (30) In reply to the objection, 'Is it not logical that she should be regarded as coming in contact with one?'
- (31) Not to approach the mountain.
- (32) V. Ex. XIX, 15. 'Come not near a woman'. This shows that the emission of semen is subject to a higher degree of uncleanness than contact with a dead creeping thing, which did not subject a person to the restriction.
- (33) Abaye.
- (34) R. Samuel b. Bisna.
- (35) Var. lec. Rabbah (Bah).
- (36) Lit., 'spittle', i.e., your opinions are all traceable to the same source.
- (37) Sc. as the man is free from internal uncleanness so is she.
- (38) Since in the case of the man also (to whose degree of uncleanness hers is compared) any previous counting is rendered void and the smallest quantity conveys uncleanness.
- (39) After one observation during her menstrual period.
- (40) Cf. prev. n. mut. mut. If this single observation is followed by two other observations the woman is a confirmed zabah and must count seven days before she attains to cleanness, but if no other observation followed she only awaits one clean day for the unclean one.
- (41) This is explained presently.
- (42) Sc. as soon as the discharge made its way into the vagina.
- (43) Lit 'almost) all of them'.
- (44) And the discharge observed.
- (45) Who was already specifically enumerated among the first three cases.
- (46) Of the woman after childbirth.
- (47) After the seven or fourteen days of uncleanness following the birth of a male and a female respectively.
- (48) The period of thirty-three clean days after the seven, and the sixty-six clean days after the fourteen (cf. prev. n.).
- (49) The ruling that a woman in such circumstances contracts uncleanness internally.
- (50) In the vagina, where it remained for a day or two.
- (51) Since the mere passing of the seven or fourteen days does not restore the woman to cleanness unless immersion had

been performed (cf. supra 35b). When the unclean blood (cf. next n.) is completely discharged from the body a second immersion is required since no cleanness had been attained by the first.

(52) While the blood is retained in the vagina, on account of her carriage of, or contact with the detached blood in it.

(53) When, owing to the immersion, her clean period had already begun and the blood is clean. It has thus been shown that the Baraita under discussion is in agreement with the first case, 'while she was going down, she is unclean' of R. Zera.

(54) Which (cf. Hul. 71a) cannot convey uncleanness either through contact or through carriage. Granted that a menstrual, or a zibah discharge causes a woman's uncleanness even while it is still absorbed in the vagina (as deduced supra from a Scriptural text), how can this blood, which is neither menstrual nor one of zibah and which (if it had come in external contact with the woman) could only have caused one day's uncleanness convey to the woman any uncleanness at all while still absorbed?

(55) As a mark of approval.

(56) Though it conveys no uncleanness to the garments of the man who comes in contact with it.

(57) Those of the man who eats of it.

(58) An 'absorbed uncleanness'.

Talmud - Mas. Nidah 42b

seeing that in the latter case no uncleanness is conveyed by external contact¹ while here uncleanness would be conveyed when it emerges from the body?² — Here also it is a case where the discharge emerged from the body.³ But if it emerged from the body, what need was there to mention such a case?⁴ — It might have been presumed that as the immersion is effective in respect of blood that is internal it is also effective in respect of the other,⁵ hence we were informed [that in the latter case the immersion is of no avail]. The difficulty about our cited tradition⁶ is well solved; but as regards the woman after childbirth⁷ [the difficulty arises again]: If the birth occurred during her menstruation period she is a menstruant, and if it occurred during her zibah period she is a zabah?⁸ — Here we are dealing with the case of a dry birth.⁹ But in the case of a dry birth,¹⁰ what point is there in the statement that uncleanness is contracted internally as well as externally?¹¹ — The statement is justified in a case for instance, where the embryo put its head out of the ante-chamber;¹² and this¹³ is in agreement with R. Oshaia, for R. Oshaia stated, 'This¹⁴ is a preventive measure¹⁵ against the possibility that the embryo might put its head out of the ante-chamber';¹⁶ and this¹⁷ is also in line with the following ruling: A certain person once came before Raba and asked him, 'Is it permissible to perform a circumcision on the Sabbath?' 'This', the other replied, 'is quite in order'. After that person went out Raba considered: Is it likely that this man did not know that it was permissible to perform a circumcision on the Sabbath? He thereupon followed him and said to him, 'Pray tell me all the circumstance of the case'.¹⁸ 'I', the other told him, 'heard the child cry late on the Sabbath eve but it was not born until the Sabbath'. 'This is a case', the first explained to him, 'of a child¹⁹ who put his head out of the ante-chamber²⁰ and consequently his circumcision²¹ is one that does not take place at the proper time,²² and on account of a circumcision that does not take place at the proper time the Sabbath may not be desecrated.'²³ The question was raised: Is that region in a woman²⁴ regarded as an absorbed place or as a concealed one? — In what respect could this matter? — In the case, for instance, where her friend inserted in her in that region a piece of nebelah of the size of an olive. If you say that it is regarded as an absorbed place, this nebelah being now an absorbed uncleanness²⁵ would convey no uncleanness to the woman,²⁶ but if you say that it is a concealed place, granted that no uncleanness could be conveyed by means of contact²⁷ uncleanness would be conveyed by means of carriage?²⁸ — Abaye replied: It is regarded as an absorbed place. Raba replied: It is regarded as a concealed one. Said Raba: Whence do I derive this? From what was taught: Since the uncleanness arises in a concealed region, and since an uncleanness in a concealed region is elsewhere ineffective, a special Scriptural ordinance was required [to give it effect in this particular case].²⁹ And Abaye?³⁰ — The meaning³¹ is this: There is one reason and there is yet another.³² In the first place the woman should be clean since the uncleanness is an absorbed one; and, furthermore, even if you were to find some ground for saying that it is a concealed uncleanness

and an uncleanness in a concealed region is ineffective, this³³ is a specific Scriptural ordinance.

The question was raised: Is the region through which the nebelah of a clean bird conveys uncleanness to a human being³⁴ regarded as an absorbed place or as a concealed one? In what respect can this matter? — In a case, for instance, where his friend pushed a piece of nebelah of the size of an olive into his mouth.³⁵ If you regard it as an absorbent place, this nebelah being now an absorbed uncleanness would convey no uncleanness, but if³⁶ you say that it is a concealed one, granted that no uncleanness is conveyed by means of contact,³⁷ uncleanness would be conveyed by means of carriage?³⁸ — Abaye replied: It is an absorbed place, but Raba replied: It is a concealed one. Whence, said Abaye, do I derive this? From what was taught: As it might have been presumed that the nebelah of a beast conveys uncleanness to a person's garments by way of his oesophagus,³⁹ it was explicitly stated in Scripture, That which dieth of itself,⁴⁰ or is torn of beasts, he shall not eat to defile himself therewith,⁴¹ which implies: Only that⁴² which has no other form of uncleanness but that which is conveyed through the eating thereof⁴² [conveys uncleanness by way of the oesophagus],³⁹ but this⁴³ is excluded since it conveys uncleanness even before one had eaten of it. But why should not this⁴⁴ be inferred a minori ad majus from the nebelah of a clean bird: If the nebelah of a clean bird which is not subject to uncleanness externally is subject to uncleanness internally³⁹ how much more then should this,⁴³ which is subject to uncleanness externally, be subject to uncleanness internally? — Scripture said, 'therewith'⁴¹ which implies: Only therewith⁴⁵ but not with any other.⁴³ If so, why was it stated in Scripture, And he that eateth?⁴⁶ To prescribe for one who touches or carries it the same size as that which was prescribed for one who eats of it: As one who eats of it incurs guilt on consuming the full size of an olive so also one who touches or carries it contracts uncleanness only if it is of the size of an olive.

Raba ruled: A man holding a dead creeping thing in a fold of his body⁴⁷ is clean, but if he holds nebelah in a fold of his body he is unclean. 'A man holding a dead creeping thing in a fold of his body is clean', since a dead creeping thing conveys uncleanness by means of touch, while a concealed region of the body⁴⁷ is not susceptible to the uncleanness of touch. 'If he holds nebelah in a fold of his body he is unclean' for, granted that he contracts no uncleanness through touch, he contracts it, at any rate, through carriage. If a man held a dead creeping thing in the fold of his body⁴⁸ and he thus brought it into the air spaces⁴⁹ of an oven⁵⁰ the latter is unclean. Is not this obvious?⁵¹ — It might have been presumed that the All Merciful said, Into the inside of which,⁵² implying:

(1) Cf. prev. n. but two.

(2) From which it is evident that it is rather like other kinds of uncleanness. Why then should it be different from those in conveying uncleanness even while in an absorbed condition?

(3) Sc. if the blood was detached before the immersion the woman becomes unclean after, but not before its complete emergence.

(4) Apparently none, since it is obvious that unclean blood conveys uncleanness when it emerges from the body.

(5) That was detached and remained for a time within the vagina.

(6) R. Zera's ruling.

(7) Included in the Baraita under discussion, which can now no longer be compared with the ruling of R. Zera.

(8) Cf. relevant notes supra 42a ad fin.

(9) And one that was free from bleeding: so that the question of menstrual, or zibah blood does not arise.

(10) Where there is no detached blood either within or without.

(11) How can there be uncleanness in the absence of all blood?

(12) And then draw it back (cf. Strashun). Although the head is now within (internal) the woman is unclean as if the embryo had actually been born (external).

(13) The ruling that the projection of the head of the embryo without the ante-chamber is regarded as birth.

(14) That a midwife is unclean for seven days if she touched a dead embryo before it was extracted, though its mother remains clean until extraction had been effected.

- (15) Enacted by the Rabbis. Pentateuchally the embryo, being at the time an 'absorbed uncleanness', would convey no uncleanness at all.
- (16) Hul. 72a; and the midwife would then touch it when, having touched a corpse, her uncleanness would be Pentateuchal. Thus it follows that according to R. Oshaia the projection of the embryo's head without the ante-chamber is regarded as the actual birth. Similarly in the case under discussion, as soon as the embryo had put its head out of the ante-chamber its mother is subject to the uncleanness of birth as if the birth had taken place.
- (17) V. supra n. 2.
- (18) Lit., 'how was the body of the incident?'
- (19) Whose cry could be heard.
- (20) On the Friday, when he was heard crying.
- (21) On any day after the following Friday which is the eighth day of his virtual birth.
- (22) Circumcision being due on the eighth day of birth.
- (23) The circumcision must, therefore, be postponed until the Sunday. At all events, Raba's ruling shows that the projection of the embryo's head without the ante-chamber is regarded as birth (cf. supra n. 2).
- (24) Euphemism.
- (25) And, therefore, regarded as non-existent.
- (26) Either through contact or carriage (cf. prev. n.).
- (27) The uncleanness by contact not applying to a concealed region of the body.
- (28) Since the woman was carrying the nebelah.
- (29) Supra 41b q.v. notes.
- (30) How can he maintain his view in contradiction to Raba's citation?
- (31) Of the cited statement.
- (32) Lit., 'one and more he says'.
- (33) The woman's uncleanness (cf. supra n. 5).
- (34) Sc. the oesophagus. Only by swallowing it does the nebelah of a clean bird convey uncleanness to man.
- (35) So that he himself did not touch it with his hands.
- (36) Cur. ed. insert the last two words in parenthesis, and marg. n. substitutes 'what would you say'.
- (37) The uncleanness by contact not applying to a concealed region of the body.
- (38) The man having carried the nebelah in his mouth.
- (39) Sc. by swallowing it.
- (40) Heb. nebelah.
- (41) Lev. XXII, 8.
- (42) The nebelah of a clean bird.
- (43) Nebelah of a beast.
- (44) That the nebelah of a beast conveys uncleanness by way of the oesophagus.
- (45) Sc. only if a person swallowed the nebelah of a clean bird do his garments become unclean.
- (46) Lev. XI, 40, in respect of the nebelah of a beast.
- (47) Under his arm-pit, for instance.
- (48) Under his arm-pit, for instance.
- (49) Without touching its sides.
- (50) Of earthenware.
- (51) Apparently it is, since all earthen vessels contract uncleanness from a dead creeping thing within their air spaces though there was no direct contact between it and the creeping thing.
- (52) E.V., 'whereinto'; Every earthen vessel whereinto any of them falleth (Lev. XI, 33).

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But not the inside of its inside,¹ hence we were informed [that the oven is unclean].²

Resh Lakish ruled: If a reed was held in a fold of the body of a zab and he shook therewith a clean person the latter remains clean.³ If a reed was held in the fold of the body of a clean person and he shook therewith a zab the former is unclean.⁴ What is the reason?⁵ Because Scripture said, And

whomsoever he that hath issue⁶ toucheth, without having rinsed his hands in water,⁷ and this⁸ refers to the shaking of a zab, a form of conveyance of uncleanness the like of which we do not find anywhere in all the Torah; and the All Merciful expressed this in the term of touching,⁹ in order to tell that shaking and touching must be performed with a part of the body which is like one's hands; as one's hands are exposed¹⁰ so must any other part of the body¹¹ be exposed.

BUT A ZAB AND ONE WHO EMITTED SEMEN CONVEY NO UNCLEANNESS etc. A ZAB, because it is written in Scripture, When any man hath an issue out of his flesh,¹² [which implies that no uncleanness is conveyed] unless his issue emerged 'out of his flesh'; ONE WHO EMITTED SEMEN, because It is written, And if the flow of seed go out from a man.¹³

IF A MAN WAS EATING TERUMAH WHEN HE FELT etc. Was it not, however, taught: R. Eliezer stated, whoever holds his membrum when he makes water is as though he had brought a flood on the world?¹⁴ — Abaye replied: One does it with a thick rag.¹⁵ Raba stated: It may even be done with a soft rag, for once the semen has been detached the subsequent touch is of no consequence.¹⁶ And Abaye?¹⁷ — He takes into consideration the possibility of an additional discharge. And Raba? — He does not consider the possibility of an additional discharge. But does he not?¹⁸ Was it not in fact taught: 'To what may this be compared? To the putting of a finger upon the eye when, so long as the finger remains on it, the eye continues to tear'? Now Raba?¹⁹ — It is unusual to get heated twice in immediate succession.²⁰

Samuel ruled, Any semen the emission of which is not felt throughout one's body causes no uncleanness. What is the reason? — The All Merciful has said, The flow of seed,²¹ implying that the text²² deals only with such as is fit to produce seed. An objection was raised: If a man was troubled with unchaste thoughts in the night and when he rose up he found his flesh heated, he is unclean!²³ — R. Huna explained this to apply to a man who dreamt of indulging in sexual intercourse, it being impossible to indulge in the act without experiencing the sensation. Another rendering: Samuel ruled, Any semen which does not shoot forth like an arrow causes no uncleanness. What is the practical difference between the latter reading and the former reading? — The practical difference between them is the case where the detachment of the semen was perceived but the emergence was not felt.²⁴ Now this ruling which was quite obvious to Samuel was a matter of enquiry for Raba. For Raba enquired: What is the law where the detachment of the semen was perceived but its emergence was not felt?²⁵ — Come and hear: If a man who emitted semen performed immersion²⁶ before he had made water, his uncleanness is resumed when he makes water!²⁷ — There it is different, since the emergence of most of the semen was perceived. Others have a different reading: Samuel ruled, Any semen which does not shoot forth like an arrow causes no fructification. It is only fructification that it does not cause but it does cause uncleanness, for it is said in Scripture. If there be among you any man, that is not clean by reason of that which chanceth him,²⁸ which implies: Even a chance emission²⁹ whatever its nature.³⁰

Raba enquired: What is the law where an idolater indulged in sexual thoughts,³¹ and then³² he went down and performed ritual immersion?³³ If you were to find some case where we follow the time of detachment³⁴ [the question would arise]. Does this apply only where the law is thereby restricted,³⁵ but not here³⁶ where the law would thereby be relaxed,³⁷ or is it possible that no distinction is made? — This is undecided.

Raba enquired: What is the ruling where the urine of a zabah had been detached from the source³⁸ and then she went down and performed ritual immersion?³⁹ If you were to find some case where we follow the time of the detachment [the question would arise], Does this apply only to semen, since it cannot be restrained,⁴⁰ but not to her urine which she is able to restrain,⁴¹ or is it possible that no distinction is made? — This is undecided.

Raba enquired: What is the law where the urine of an idolatress⁴² who was a zabah had been detached

- (1) Inside, for instance, an arm-pit which is inside the oven.
- (2) The implication, 'but not the inside of its inside' excludes only the case where a creeping thing was within a vessel whose rim and mouth projected above the vessel in which it was contained.
- (3) The reason is given presently.
- (4) Since he 'carried' the zab. The carrying of a zab as the carrying 'of his couch conveys uncleanness to the carrier (cf. Lev. XV, 10).
- (5) Why a person who was shaken by a reed held in the fold of the body of a zab remains clean.
- (6) Heb. zab.
- (7) Lev. XV, 11.
- (8) Since the text cannot refer to direct touch which was already dealt with in Lev. XV, 7.
- (9) 'Toucheth'.
- (10) Lit., 'as there from outside'.
- (11) If it is to convey uncleanness.
- (12) Lev. XV, 2, emphasis on 'out'.
- (13) Ibid. 16. Cf. prev. n.
- (14) Supra 13a.
- (15) Which intercepts the warmth of one's hand.
- (16) Lit., 'since it uprooted it uprooted'.
- (17) Why, in view of Raba's explanation, does he insist on a thick rag?
- (18) So with Bah. Cur. edd. omit.
- (19) What has he to say to this?
- (20) Lit., 'any being heated and being heated again at the time is not usual'. The comparison with the eye holds good only when a discharge was originally due to friction.
- (21) Lev. XV, 16, emphasis on the last word.
- (22) Then he shall . . . be unclean (ibid.).
- (23) Mik. VIII, 3; because he might also have emitted some semen. As this would presumably occur without his being aware of it, an objection arises against Samuel.
- (24) According to the first reading uncleanness would, and according to the latter reading would not be caused.
- (25) Is uncleanness thereby conveyed or not?
- (26) Which frees him from his uncleanness.
- (27) Mik. VIII, 4 (cur. edd. '3', is an error). Now here there was obviously no perception, and yet uncleanness is nevertheless conveyed. An objection against Samuel.
- (28) Deut. XXIII, 11, mikreh of the rt. קרה (v. foll. n.).
- (29) Keri of the rt. קרי (cf. prev. n.).
- (30) Lit., 'in the world'.
- (31) As a result of which semen had been detached but did not emerge.
- (32) For the purpose of his conversion to Judaism.
- (33) Subsequent to which the semen emerged.
- (34) Sc. that, in the case of an Israelite, uncleanness is caused where the detachment was perceived even though the emergence was not felt.
- (35) Uncleanness is caused.
- (36) The case of the idolater.
- (37) Since at the time of the detachment the man was still an idolater and free from the laws of uncleanness.
- (38) Which is a 'father of uncleanness'.
- (39) Whereby she is freed from her uncleanness; and then she made the water. Is she, it is asked, unclean because at the time of the detachment she was unclean or is she clean because the emergence took place when she was already in a condition of cleanness?
- (40) In consequence of which detachment must be regarded as virtual emergence.
- (41) So that the emergence is a separate process which, having taken place after immersion, causes no uncleanness.

(42) Which is Rabbinically unclean.

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from the source, and then she¹ went down and performed ritual immersion? If you were to find a case² where we follow the time of the detachment even where the woman can restrain the discharge [the question would arise], Does this apply only to the Israelitish woman who is Pentateuchally unclean but not to an idolatress who was a zabah, since she is only Rabbinically unclean,³ or is it possible that no difference is made between them? — This is undecided.

AND THE DISCHARGES CONVEY UNCLEANNESS HOWEVER SMALL THE QUANTITY. Samuel ruled: [the discharge of] a zab⁴ must be such a quantity as would stop the orifice of the membrum, for it is said in Scriptures Or his flesh be stopped from his issue.⁵ But have we not learnt: AND THE DISCHARGES CONVEY UNCLEANNESS, HOWEVER SMALL THE QUANTITY? — He⁶ maintains the same view as R. Nathan. For it was taught: R. Nathan citing R. Ishmael ruled, [the discharge of] a zab⁴ must be such a quantity as would stop the orifice of the membrum; but [the Rabbis] did not agree with him.⁷ What is R. Ishmael's reason? — Because Scripture said, Or his flesh be stopped from his issue.⁵ And the Rabbis?⁸ — That text⁹ is required for the inference that the discharge conveys uncleanness only when in a state of fluidity¹⁰ but not when it is dry.¹¹ And R. Ishmael?¹² — That¹³ is inferred from run.¹⁴ And the Rabbis?¹⁵ — That text¹⁴ serves the purpose of indicating the number:¹⁶ His issue,⁹ implies once; His flesh run,⁹ implies twice; With his issue,⁹ implies three times; thus it was taught that a zab who observed three discharges is under an obligation to bring a sacrifice; Or his flesh be stopped from his issue, it is his uncleanness,⁹ implies that he is unclean even on account of a part of the number of his issues,¹⁷ this teaches that a zab who observed only two discharges conveys uncleanness to his couch and seat. As to R. Ishmael, however,¹⁸ whence does he deduce the number required?¹⁹ — He derives it from an exposition of R. Simai; for it was taught: R. Simai stated, Scripture enumerated two issues and described the man as unclean²⁰ and it also enumerated three issues and described the man as unclean,²¹ how is this to be reconciled? Two observations subject a man to the restrictions of uncleanness, and three observations render him liable to bring a sacrifice. But according to the Rabbis²² who deduced both numbers from 'This shall be his uncleanness in his issue',²³ what deduction do they make from the text 'when any man hath an issue out of his flesh'?²⁴ — They require it for the deduction that uncleanness does not begin until the discharge emerged from one's flesh. What need, however, was there for 'His issue be unclean'?²⁴ — 'This teaches that the issue itself²⁵ is unclean.

R. Hanilai citing R. Eliezer son of R. Simeon ruled: Semen conveys uncleanness to the man who emitted it,²⁶ however small its quantity, but as regards the man who touched it its quantity must be of the bulk of a lentil.²⁷ But did we not learn, AND THE DISCHARGES CONVEY UNCLEANNESS, HOWEVER SMALL THE QUANTITY, which applies, does it not, to the case of one who touched semen? — No, it applies only to one who emitted it.²⁶

Come and hear: In one respect the law of semen is more restrictive than that of a dead creeping thing while in another respect the law of a dead creeping thing is more restrictive than that of semen. 'The law of a dead creeping thing is more restrictive' in that no distinction [of age] is made about its uncleanness,²⁸ which is not the case with semen.²⁹ 'The law of semen is more restrictive' in that uncleanness is conveyed by its smallest quantity, which is not the case with a creeping thing.³⁰ Now does not this apply to one who touched the semen?³¹ — No, it applies only to one who emitted it.³² But was it not taught as being on a par with the creeping thing: As the latter is a case of touching so also the former?³¹ — R. Adda b. Ahabah replied: The ruling referred to a creeping thing in general³³ and to semen in general.³⁴ But does a creeping thing convey no uncleanness even when it is of the smallest bulk? Have we not in fact learnt: Members of the body³⁵ have³⁶ no prescribed minimum size [and uncleanness is, therefore, conveyed] by less than the size of an olive of corpse,³⁷ by less

than the size of an olive of nebelah or by less than the size of a lentil of a dead creeping thing?³⁸ — It is different with a member of the body³⁹ since the whole of it takes the place of the size of a lentil; for were any part of it⁴⁰ missing,⁴¹ would the member⁴² have conveyed any uncleanness?⁴³ What is meant by the ‘distinction in uncleanness’ in the case of semen? If it be suggested: The distinction between the semen of an Israelite and that of foreigners [it could be objected]: Is there not in this case also⁴⁴ a distinction between a sea-mouse and a land-mouse?⁴⁵ — The distinction rather is that between a minor and an adult.⁴⁶

R. Papa stated: This ruling⁴⁷ is a point at issue between Tannas:⁴⁸ [For it was taught] whence do we derive the inclusion in uncleanness of one who touched semen? From Scripture which explicitly stated, Or whosoever;⁴⁹ and elsewhere Tannas differ on a relevant point,⁵⁰ for there are those who hold that a deduction is carried through in all respects⁵¹ while others hold that a deduction is limited by its original basis.⁵² Now according to those who hold that a deduction is carried through in all respects⁵¹ it follows that as a dead creeping thing⁵³ conveys uncleanness through touch so does semen convey uncleanness by touch and, consequently,⁵⁴ as a dead creeping thing conveys uncleanness only when it is of the bulk of a lentil so does semen convey uncleanness only when it is of the bulk of a lentil; while according to him who maintained that a deduction is limited by its original basis⁵⁵ it also follows that as a dead creeping thing conveys uncleanness through touch so does semen convey uncleanness through touch, but then, limiting it to its original basis, as semen conveys uncleanness to the man who emitted it, however small its quantity, so does it also convey uncleanness to the man who touched it, however small its quantity.⁵⁶ Said⁵⁷ R. Huna son of R. Nathan to R. Papa: Whence the proof that the inclusion in uncleanness of one who touched semen is deduced from the expression of ‘Or whosoever occurring in the context dealing with the creeping thing?’⁵⁸ Is it not possible that the inclusion is derived from the expression of ‘Or from whomsoever the flow of seed goeth out,’⁵⁹ and⁶⁰ all may be of the opinion that a deduction is to be carried through in all respects?⁶¹ The Tannas⁶² were asked⁶³ Some recited as R. Papa while others recited in agreement with R. Huna son of R. Nathan.

MISHNAH. A GIRL ONE DAY OLD IS SUBJECT TO THE UNCLEANNESS OF MENSTRUATION. ONE WHO IS TEN DAYS OLD IS SUBJECT TO THE UNCLEANNESS OF ZIBAH. A BOY ONE DAY OLD IS SUBJECT TO THE UNCLEANNESS OF ZIBAH, AND TO THE UNCLEANNESS OF LEPROSY AND THAT OF CORPSEUNCLEANNESS; HE SUBJECTS [HIS DECEASED BROTHER'S WIDOW] TO THE DUTY OF LEVIRATE MARRIAGE;⁶⁴ HE EXEMPTS [HIS MOTHER] FROM THE LEVIRATE MARRIAGE,⁶⁵ HE ENABLES HER⁶⁶ TO EAT TERUMAH AND HE ALSO CAUSES HER TO BE DISQUALIFIED FROM EATING TERUMAH;⁶⁷

(1) For the purpose of her conversion to Judaism.

(2) In respect of an Israelitish woman.

(3) Cf. supra n. 5.

(4) If it is to convey uncleanness.

(5) Lev. XV, 3.

(6) Samuel.

(7) Pes. 67b.

(8) How can they maintain their ruling in view of this text?

(9) Lev. XV, 3.

(10) Lit., ‘wet’, when the orifice can ‘be stopped’ by it.

(11) When it crumbles away and is incapable of adhesion.

(12) How, in view of this explanation, can he still maintain his ruling?

(13) That a discharge conveys uncleanness only when in a state of fluidity.

(14) Run with his issue (Lev. XV, 3).

(15) How can they maintain their ruling in view of this text?

- (16) Of issues that determine the various grades of uncleanness.
- (17) 'From his issues' (emphasis on 'from') implying 'a part'.
- (18) Who requires the expression of 'run with his issue' for the inference he mentioned supra.
- (19) As just indicated according to the Rabbis.
- (20) When any man hath an issue out of his flesh (Lev. XV, 2), counts as one; his issue be unclean (ibid), counts as a second.
- (21) This shall be his uncleanness in his issue (Lev. XV, 3) counts as one; His flesh run with his issue (ibid.) counts as a second; or his flesh be stopped from his issue (ibid.) counts as a third.
- (22) Lit., 'him'.
- (23) Supra.
- (24) Cf. supra n. 12.
- (25) And not only the man who suffered from it.
- (26) Lit., 'to the one who observes'.
- (27) A lesser quantity, as is the case with a dead creeping thing, conveys no uncleanness.
- (28) Young and old are equally unclean.
- (29) The uncleanness on account of an emission of semen being restricted to one who is over nine years of age.
- (30) Tosef. Kel. I. Cf. supra n. 2.
- (31) But this would present an objection against R. Hanilai's ruling.
- (32) Lit., 'to the one who observes'.
- (33) Lit., 'the name of' or 'any'.
- (34) Sc. it referred to the form of uncleanness appropriate to each. A dead creeping thing can never convey uncleanness unless its bulk is of the prescribed size, while semen, when it concerns the man who had emitted it, may convey uncleanness, however small its quantity.
- (35) Sc. any part of it which consists of flesh, sinews and bones (v. Bertinoro).
- (36) In regard to the conveyance of uncleanness.
- (37) Cf. prev. n. but one.
- (38) Oh. I, 7, which shows that a dead creeping thing conveys uncleanness, however small its bulk.
- (39) V. p. 300, n. 10.
- (40) Lit., 'a portion'.
- (41) Cf. supra p. 300, n. 10.
- (42) That was smaller than a lentil.
- (43) Obviously not; which shows that it is only on account of its importance that the force of conveying uncleanness (as a piece of the prescribed size) was imparted to it. Any other part of the body, however, is subject to the prescribed minimum.
- (44) That of a creeping thing.
- (45) Of course there is! A sea-mouse (cf. Hul. 126b) conveys no uncleanness.
- (46) No uncleanness is conveyed by that of a child under nine years of age.
- (47) Of R. Hanilai, that semen less in quantity than the bulk of a lentil conveys no uncleanness by means of touch.
- (48) Lit., 'like Tannas'.
- (49) This is now presumed to refer to Lev. XXII, 5, which deals with the uncleanness of a creeping thing.
- (50) Which (as will be shown presently) has a bearing on this deduction:
- (51) Lit., 'judge from it and (again) from it', i.e., all that applies to the case from which deduction is made is also applicable to the case deduced
- (52) Lit., 'judge from it and set it in its (original) place', i.e., the rules applicable to the case deduced limit the scope of the deduction.
- (53) From the law of which that of semen had presumably been deduced (cf. n. 12).
- (54) Lit., 'and from it', since 'a deduction is carried through in all respects.'
- (55) V. p. 301, n. 15.
- (56) It has thus been shown that R. Hanilai's ruling is a point at issue between Tannas. Is it likely, however, that R. Hanilai would differ from the Tannas who presumably hold a different view?
- (57) In an attempt to remove the difficulty (cf. prev. n. second clause).
- (58) Lev. XXII, 5, as presumed by R. Papa supra.

(59) Lev. XXII, 4.

(60) Since the deduction is not made from the contact of the creeping thing.

(61) Sc. even if all were to uphold this view, uncleanness would nevertheless be conveyed by the touch of the smallest quantity of semen, since the inference is made, not from the uncleanness of the creeping thing but from that of the emission of semen which is conveyed by the smallest quantity.

(62) Those who recited Mishnahs and Baraitas at the college; v. Glos. s.v. (b).

(63) To give a decision as to whether R. Papa or R. Huna was in the right.

(64) Provided he was born prior to his brother's death.

(65) If he was born after his father's death though he only lived for a short while.

(66) His mother, the daughter of an Israelite, who was married to a priest, though the latter was dead when the child was born.

(67) This is now presumed to refer to a priest's daughter who was married to an Israelite who died and was survived by a son one day old (v. Gemara infra.)

Talmud - Mas. Nidah 44a

HE INHERITS AND TRANSMITS;¹ HE WHO KILLS HIM IS GUILTY OF MURDER, AND HE COUNTS TO HIS FATHER, TO HIS MOTHER AND TO ALL HIS RELATIVES AS¹ A FULLY GROWN MAN.²

GEMARA. Whence is this ruling³ deduced? — [From the following]. For our Rabbis taught: From the term woman⁴ I would only know that the laws⁵ are applicable to a grown-up woman, whence, however, the inference that a girl one day old is also subject to the uncleanness of menstruation? Since it was explicitly stated, And a woman.⁶

ONE WHO IS TEN DAYS OLD IS SUBJECT TO THE UNCLEANNES OF ZIBAH. Whence is this ruling deduced? [From the following]. For our Rabbis taught: From the term woman⁷ I would only know that the laws are applicable to a grown-up woman, whence, however, the inference that a girl who is ten days old is also subject to the uncleanness of zibah? Since it was explicitly stated, And a woman.⁸

A BOY ONE DAY OLD etc. Whence is this ruling deduced? — [From the following Scriptural text]. For the Rabbis taught: When any man,⁹ what was the object of stating, 'When any man'?¹⁰ To include a boy one day old in the restrictions of the uncleanness of zibah; so R. Judah. R. Ishmael son of R. Johanan b. Beroka said, This deduction is not necessary, for surely it is stated in Scripture, And of them that have an issue, whether it be a man or a woman;¹¹ 'whether it be a man' means one of any age, whether adult or minor, 'or a woman means one of any age, whether an adult or minor. But if so¹² what need was there to state, 'When any man'?¹³ The Torah employed ordinary phraseology.¹⁴

[IS SUBJECT TO . . .] THE UNCLEANNES OF LEPROSY, since it is written, When a man shall have in the skin of his flesh,¹⁵ implying a man of any age.

[IS SUBJECT TO . . .] THAT OF CORPSE-UNCLEANNES, because it is written, And upon the persons that were there,¹⁶ implying a person of any age.

HE SUBJECTS [HIS DECEASED BROTHER'S WIDOW] TO THE DUTY OF LEVIRATE MARRIAGE, for it is written, If brethren dwell together,¹⁷ implying brothers who are contemporaries.¹⁸

HE EXEMPTS [HIS MOTHER] FROM THE LEVIRATE MARRIAGE, for the All Merciful has said, And have no child,¹⁷ but this man has one.

HE ENABLES HER TO EAT TERUMAH, for it is written, And such as are born in his house, they may eat¹⁹ of his bread,²⁰ read it as, 'Shall cause to eat²¹ of his bread'.

AND HE ALSO CAUSES HER TO BE DISQUALIFIED FROM EATING TERUMAH. For the All Merciful has said, And have no child,²² but she has one. But what was the point of speaking of a 'child' seeing that the same applies even to an embryo, for it is written,²³ As in her youth,²² which excludes²⁴ one who is pregnant?²⁵ Both texts were required. For if the All Merciful had only written, 'And have no child' [it might have been presumed that the law²⁶ applied to that case] because originally there was but one body and now there are two bodies,²⁷ but that in this case,²⁸ where there was originally one body and now also there is only one body, it may be held that the woman may eat terumah, hence the All Merciful has written, 'As in her youth'.²⁹ And if the All Merciful has only written, 'As in her youth' [it might have been presumed that the law³⁰ applied to that case alone] since originally the woman's body was empty and now it is a full one, but that in this case,³¹ where her body was originally empty and is now also empty, the woman may well eat terumah. Hence the necessity for both texts. Now, the Scriptural texts have been well explained, but as regards our Mishnah, why just A BOY ONE DAY OLD, seeing³² that even an embryo also disqualifies its mother? — R. Shesheth replied: We are here dealing with the case of a priest who had two wives, one who had previously been a divorced woman³³ and the other was not a divorced woman,³⁴ and he had sons from the latter³⁵ and one son from the former,³⁶ so that the latter³⁷ causes the slaves of his father³⁸ to be disqualified from eating terumah;³⁹ thus indicating that the law is contrary to the view⁴⁰ of R. Jose. He having laid down that an embryo⁴¹ also causes disqualification we were informed here that only A BOY ONE DAY OLD causes disqualification but not an embryo.⁴²

HE INHERITS AND TRANSMITS. From whom does he INHERIT? Obviously from his father; and to whom does he TRANSMIT? Obviously to his paternal brothers;⁴³ but could not these if they wished inherit from their father and, if they preferred, inherit from him?⁴⁴ — R. Shesheth replied: The meaning is, He⁴⁵ inherits the estate of his mother to transmit it⁴⁶ to his paternal brothers;⁴⁷ hence only then when he is ONE DAY OLD but not when he is an embryo. What is the reason? — Because it⁴⁸ dies first,⁴⁹ and no son may inherit from his mother

(1) This is explained in the Gemara.

(2) Lit., 'bridegroom'.

(3) That A GIRL ONE DAY OLD etc.

(4) Lev. XV, 19, which deals with the laws of the menstruant.

(5) Cf. prev. n.

(6) Lev. XV, 19. E.V. and if a woman.

(7) Cf. prev. n. but two. The exposition now is based on what follows in the Scriptural text: Her issue...be blood.

(8) Cf. prev. two notes.

(9) Lev. XV, 2. Lit. 'a man, a man'.

(10) Sc. it would have sufficed if one 'man' (cf. prev. n.) had been omitted, the rendering being, 'when a man'.

(11) Lev. XV, 33.

(12) That the law has been enunciated in Lev. XV, 33.

(13) Lev. XV, 2. Lit., 'a man, a man'.

(14) Lit., 'spoke in the language of men', who are in the habit of repeating their words. No inference, therefore, may be drawn from the repetition of 'a man'.

(15) Lev. XIII, 2.

(16) Num. XIX, 18, in the context dealing with corpse-uncleanness.

(17) Deut. XXV, 5, in the context of the law of levirate marriage and halizah.

(18) Lit., 'who had one (and the same) sitting in the world'.

(19) יָקֵל, yokelu (kal).

(20) Lev. XXII, 11.

- (21) יאכילו, ya'akilu (hif.).
- (22) Lev. XXII, 13.
- (23) In the same context.
- (24) From the privilege of eating terumah.
- (25) Sc. if an embryo causes its mother to be disqualified from eating terumah it is self-evident that a child does it, what need then was there for the text, 'and have no child'?
- (26) Of disqualification (cf. p. 304, n. 14).
- (27) Mother and born child.
- (28) Lit., 'here', that of a pregnant woman.
- (29) To indicate that even a pregnant woman is disqualified.
- (30) Of disqualification (cf. supra p. 304, n. 14).
- (31) Where the child was already born.
- (32) As has just been shown.
- (33) Whom a priest is forbidden to marry and whose children from a priestly marriage are disqualified priests and are themselves forbidden to eat terumah and, of course, have no right to confer the privilege of eating it upon their slaves.
- (34) And whose sons from her marriage with the priest are qualified priests who also confer upon their slaves the right of eating terumah.
- (35) Cf. prev. n.
- (36) Cf. supra n. 8.
- (37) After the death of his father, the priest.
- (38) Whom he and his brothers jointly inherit from their deceased father.
- (39) On account of his share in them; it being impossible to distinguish which of the slaves are his and which are his brothers'.
- (40) Lit., 'to bring out'.
- (41) From a forbidden marriage (cf. supra n. 8).
- (42) The disqualification spoken of in our Mishnah thus referring to the slaves and not, as has previously been assumed, to the child's mother, the difficulty raised supra is now solved.
- (43) Since only paternal relatives are entitled to inherit one's estate.
- (44) Of course they could, since the child's estate would in any case revert on his death to his father from whom they would inherit it. What meaning then could be assigned to the law that he TRANSMITS?
- (45) A BOY ONE DAY OLD.
- (46) When he dies.
- (47) Who were born from the same father but not from the same mother.
- (48) The embryo, when its mother dies.
- (49) Sc. before its mother.

Talmud - Mas. Nidah 44b

in the grave¹ to transmit the inheritance to his paternal brothers. But, surely, this² is not? so, for was there not a case where an embryo made three convulsive movements?³ — Mar son of R. Ashi replied: [Those were only reflexive movements] like those of the tail of the lizard which moves convulsively [even after it has been cut off].⁴

Mar son of R. Joseph citing Raba explained: This⁵ means to say that he causes a diminution in the portion of the birthright.⁶ Mar son of R. Joseph citing Raba further ruled: A son born after the death of his father causes no diminution in the portion of the birthright.⁷ What is the reason?⁸ It is required that They shall have born to him.⁹ Thus¹⁰ it was taught at Sura; but at Pumbeditha it was taught as follows: Mar son of R. Joseph citing Raba ruled, A firstborn son that was born after the death of his father¹¹ does not receive a double portion. What is the reason? It is necessary that He shall acknowledge,¹² and ['he',] surely, is not [there to acknowledge]. And the law is in agreement with all those versions which Mar son of R. Joseph cited in the name of Raba.

HE WHO KILLS HIM IS GUILTY OF MURDER, since it is written, And he that smiteth any man mortally,¹³ implying, whatever the age.¹⁴

AND HE COUNTS TO HIS FATHER, TO HIS MOTHER AND TO ALL HIS RELATIVES AS A FULLY GROWN MAN, In respect of what law? — R. Papa replied: In respect of that of mourning. In agreement with whose view [is our Mishnah]?¹⁵ It cannot be, can it, in agreement with¹⁶ R. Simeon b. Gamaliel who ruled: Any human¹⁷ child¹⁸ that survived for thirty days cannot be, regarded as a miscarriage,¹⁹ from which it follows that if he had not lived so long he would have been a doubtful case?²⁰ — Here²¹ we are dealing with the case of a child concerning whom it is established that the months of his pregnancy were duly fulfilled.²²

MISHNAH. A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED²³ BY INTERCOURSE; IF THE YABAM²⁴ HAD INTERCOURSE WITH HER, HE ACQUIRES HER THEREBY;²⁵ THE GUILT²⁶ OF ADULTERY²⁷ MAY BE INCURRED THROUGH HER,²⁸ AND SHE²⁹ CAUSES UNCLEANNESS TO THE MAN WHO HAD INTERCOURSE WITH HER SO THAT HE IN TURN CONVEYS UNCLEANNESS TO THAT UPON WHICH HE LIES,³⁰ AS TO A GARMENT WHICH HAS LAIN UPON [A ZAB].³¹ IF SHE WAS MARRIED TO A PRIEST, SHE MAY EAT TERUMAH. IF ANY OF THE INELIGIBLE PERSONS³² COHABITED WITH HER HE DISQUALIFIES HER FROM THE PRIESTHOOD.³³ IF ANY OF THE FORBIDDEN DEGREES ENUMERATED IN THE TORAH COHABITED WITH HER HE IS TO BE EXECUTED ON HER ACCOUNT, BUT SHE³⁴ IS EXEMPT [FROM THE PENALTY]. IF ONE WAS YOUNGER THAN THIS AGE INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE.

GEMARA. Our Rabbis taught: A girl of the age of three years may be betrothed by intercourse; so R. Meir. But the Sages say: Only one who is three years and one day old. What is the practical difference between them? — The school of R. Jannai replied: The practical difference between them is the day preceding the first day of the fourth year.³⁵ R. Johanan, however, replied: The practical difference between them is the rule that thirty days of a year are counted as the full year.³⁶

An objection was raised: A girl of the age of three years and even one of the age of two years and one day may be betrothed by intercourse; so R. Meir. But the Sages say: Only one who is three years and one day old.

(1) Sc. after his death.

(2) That an embryo dies before its mother.

(3) After its mother was dead.

(4) But are no signs of life.

(5) The law that A BOY ONE DAY OLD... TRANSMITS.

(6) If, for instance, there were two brothers other than the boy in question, and one of them was the firstborn, the estate is divided, not into three portions (two for the ordinary portions of the two brothers and one for the birthright), but into four portions. Each brother, including the young child, receives one such portion and the firstborn receives the additional fourth portion as his birthright. The firstborn thus receives, as the portion of his birthright, a quarter of the estate, and not (as would have been the case if the child were excluded) a third.

(7) Though he receives his due portion in the estate. In the case mentioned as an instance in the prev. n. the estate would first be divided into three portions (as if the embryo did not exist) and the firstborn would receive, as his birthright, one of these, which represents a third of the estate. The remaining two thirds would then be divided into three equal shares, each of the three brothers receiving one, I.e., two ninths of the estate. The full portion of the firstborn would accordingly amount to $(1/3 + 2/9 = 5/9)$ five ninths of the estate, while, where the child was one day old, the firstborn's full portion would only amount to half the estate, i.e., $(5/9 - 1/2 = 1/18)$ one eighteenth less.

(8) That a born child does, and an embryo does not cause a diminution in the portion of the birthright.

(9) Deut. XXI, 15, emphasis on 'him', sc. while the father is alive. An embryo cannot come within the category of 'have

born'.

(10) The version just given.

(11) In the case, for instance, where his widow bore twins, or where he was survived by two widows and both bore sons and one of these was the firstborn.

(12) Deut. XXI, 17.

(13) Lev. XXIV, 17.

(14) Lit., 'from any place'.

(15) Which, treating an infant one day old in the various laws embodied in it as a grown-up man, obviously assumes him to be viable.

(16) Lit., 'that not as'.

(17) Opp. to cattle where the period is only eight days.

(18) Of doubtful premature birth.

(19) Thirty days being a period that suffices to establish the viability of a child.

(20) Now since according to our Mishnah a child may be regarded as viable on the first day of its life (cf. p. 307, n. 9) its view must differ from that of R. Simeon b. Gamaliel, must it not?

(21) In our Mishnah.

(22) Lit., 'whose months have ended'. The child's viability is beyond question even according to R. Simeon b. Gamaliel who (cf. p. 307, n. 12) referred only to a doubtful premature birth.

(23) Subject to her father's approval.

(24) The brother of her deceased childless husband, whose duty it is to contract the levirate marriage with her.

(25) In consequence of which he gains possession of his deceased brother's estate, is entitled if she dies to inherit her own estate and even if he is a priest, he may defile himself to her as to a legally married wife.

(26) Punishable by death.

(27) Lit., 'on account of the wife of a man'.

(28) If, for instance, her father betrothed her to one man and another cohabited with her.

(29) When a menstruant.

(30) Lit., 'lower couch'.

(31) Lit., 'like the upper'.

(32) A bastard or a slave, for instance.

(33) Sc. if she was the daughter of a priest she loses the privilege of eating terumah.

(34) Being a minor.

(35) Lit., 'the eve of the beginning of the year'. According to R. Meir she attains the prescribed age on that day while according to the Rabbis she does not attain it until the following day.

(36) According to R. Meir the prescribed age is attained as soon as thirty days of the third year have passed, while according to the Rabbis it is not attained until the first day of the fourth year.

Talmud - Mas. Nidah 45a

Now, all is well according to R. Johanan, for just as there is a Tanna¹ who holds² that one day of a year is counted as a year so there may also be a Tanna who holds³ that thirty days of a year are counted as a full year; but, according to R. Jannai,⁴ does not this⁵ present a difficulty? — This is a difficulty.

IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE. It was asked, Do the features of virginity⁶ disappear⁷ and reappear again⁸ or is it possible that they cannot be completely destroyed until after the third year of her age? In what practical respect could this matter? — In one, for instance, where her husband had intercourse with her before the age of⁹ three and found blood, and when he had intercourse after the age of three he found no blood. If you grant that they disappear and reappear again [it might well be assumed]¹⁰ that¹¹ there 'was not sufficient time for their reappearance, but if you maintain that they cannot be destroyed until after the age of three years it would be obvious that¹² a stranger cohabited with her.¹³ Now what is your decision? — R. Hiyya son of R. Ika demurred: But who can tell us that a wound

inflicted within the three years is not healed¹⁴ forthwith, seeing it is possible that it is immediately healed and it would thus be obvious¹² that a stranger had cohabited with her?¹³ Rather the practical difference is the case, for instance, where her husband had intercourse with her while she was under¹⁵ three years of age and found blood and when he had intercourse after the age of three he also found blood. If you grant that the features disappear and reappear again the blood might well be treated as that of virginity, but if you maintain that they cannot be destroyed until after the age of three years, that¹⁶ must be the blood of menstruation. Now what is your decision? — R. Hisda replied, Come and hear: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE; what need was there to state, LIKE PUTTING A FINGER IN THE EYE' instead of merely saying: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS of no consequence'? Does not this then teach us that as the eye tears and tears again so do the features of virginity disappear and reappear again.

Our Rabbis taught: It is related of Justinia¹⁷ the daughter of 'Aseverus son of Antonius that she once appeared before Rabbi 'Master', she laid to him, 'at what age may a woman marry?'. 'At the age of three years and one day', he told her. 'And at what age is she capable of conception?' 'At the age of twelve years and one day', he replied. 'I', she said to him, 'married at the age of six and bore a child at the age of seven; alas for the three years that I have lost at my father's house'. But can a woman conceive at the age of six years? Did not R. Bibi recite in the presence of R. Nahman: Three classes of woman may use an absorbent¹⁸ in their marital intercourse:¹⁹ A minor, and an expectant and a nursing mother. The minor,²⁰ because otherwise she might become pregnant and die. An expectant mother,²⁰ because otherwise she might cause her foetus to degenerate into a sandal.²¹ A nursing mother,²⁰ because otherwise she might have to wean her child prematurely,²² and this would result in his death. And what is the age of such a 'minor'?²³ From the age of eleven years and one day to the age of twelve years and one day. One who is under²⁴ or over this age²⁵ must carry on her marital intercourse in a normal manner; so R. Meir. But the Sages ruled: The one as well as the other carries on her marital intercourse in a normal manner and mercy²⁶ will be vouchsafed from heaven, for it is said in Scripture, The Lord preserveth the simple?²⁷ — If you wish I might reply: Whose flesh is as the flesh of asses.²⁸ And if you prefer I might reply: Whose mouth speaketh falsehood, and their right hand is a right hand of lying.²⁹

Our Rabbis taught: A story is told of a certain woman who came before R. Akiba and said to him, 'Master, intercourse has been forced upon me³⁰ when I was under³¹ three years of age; what is my position towards the priesthood?'³² 'You are fit for the priesthood',³³ he replied. 'Master', she continued, 'I will give you a comparison; to what may the incident be compared? To a babe whose finger was submerged³⁴ in honey. The first time and the second time he cries about it, but the third time he sucks it'.³⁵ 'If so', he replied, 'you are unfit for the priesthood'.³⁶ Observing that the students were looking at each other,³⁷ he said to them, 'Why do you find the ruling difficult?'³⁸ 'Because', they replied, 'as all the Torah is a tradition that was handed to Moses at Sinai so is the law that a girl under the age of three years³⁹ is fit for the priesthood one that was handed to Moses at Sinai'. R. Akiba too made his statement⁴⁰ only for the purpose of exercising the wits of⁴¹ the students.⁴²

MISHNAH. IF A BOY OF THE AGE OF NINE YEARS AND ONE DAY COHABITED WITH HIS CHILDLESS BROTHER'S WIDOW, HE⁴³ ACQUIRES HER THEREBY,⁴⁴ BUT⁴⁵ HE CANNOT DIVORCE HER UNTIL HE ATTAINS HIS MAJORITY. HE CONTRACTS UNCLEANNESS THROUGH INTERCOURSE WITH A MENSTRUANT AND HE IN TURN CONVEYS THE SAME DEGREE OF UNCLEANNESS TO THAT UPON WHICH HE LIES AS [DOES A ZAB] TO THAT WHICH HAS LAIN UPON HIM.⁴⁶ HE⁴⁷ DISQUALIFIES A WOMAN FROM THE PRIESTHOOD,⁴⁸ BUT⁴⁹ CANNOT CONFER UPON ONE⁵⁰ THE RIGHT TO EAT TERUMAH.⁵¹ HE RENDERS A BEAST⁵² INVALID FOR THE ALTAR, AND IT IS STONED ON HIS ACCOUNT.⁵³ IF HE HAD INTERCOURSE WITH ANY OF THE FORBIDDEN

DEGREES THAT ARE ENUMERATED IN THE TORAH, SHE IS TO BE EXECUTED ON HIS ACCOUNT, THOUGH HE⁵⁴ IS EXEMPT FROM PUNISHMENT.

GEMARA. But when HE ATTAINS HIS MAJORITY, is⁵⁵ a divorce alone sufficient? Was it not taught: The cohabitation of a boy of nine years⁵⁶ of age was given the same validity as that of a ma'amar⁵⁷ by an adult; as a ma'amar by an adult requires⁵⁸ a divorce in respect of his ma'amar and halizah in respect of his marital bond so does the cohabitation of a boy of nine years of age⁵⁶ require⁵⁸ a divorce in respect of his ma'amar⁵⁹ and halizah in respect of his marital bond?⁶⁰ — Rab replied: It is this that was meant.⁶¹

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- (1) In the Baraitha just cited.
 - (2) As evidenced by his ruling, 'Even one of the age of two years and one day'.
 - (3) As R. Johanan submitted supra according to R. Meir.
 - (4) Sc. the school of R. Jannai who submitted supra that even R. Meir does not regard the part of the third year as a full year.
 - (5) Cf prev. n. but two.
 - (6) Of one under three years of age.
 - (7) As a result of intercourse.
 - (8) Lit., 'going do they go and come'.
 - (9) Lit., 'within'.
 - (10) As a reason for the absence of blood.
 - (11) Owing to his continued intercourse.
 - (12) Lit., 'surely', since the husband found no traces of bleeding.
 - (13) After she had attained the age of three. She would consequently be subjected to the disqualifications of a harlot.
 - (14) Lit., 'returns'.
 - (15) Lit., 'within'.
 - (16) The blood found while she was under three.
 - (17) For a different reading and a biographical note v. Golds.
 - (18) Muk, flax or hackled wool.
 - (19) To avoid conception.
 - (20) Is permitted the use of the absorbent.
 - (21) A fish-shaped abortion. Lit., 'flat-fish'.
 - (22) On account of her second conception which causes the deterioration of her breast milk.
 - (23) Of whom it has been said that she is capable of conception but is thereby exposed to fatal consequences.
 - (24) When conception is impossible.
 - (25) When conception involves no danger.
 - (26) To protect them from harm.
 - (27) Ps. CXVI, 6; sc. those who are unable to protect themselves. At any rate it was here stated that a minor under eleven years of age is incapable of conception. How then is Justinia's story to be reconciled with this statement?
 - (28) Ezek. XXIII, 20.
 - (29) Ps. CXLIV, 8.
 - (30) By a disqualified person.
 - (31) Lit., 'within'.
 - (32) Sc. is she permitted to marry a priest?
 - (33) Cf. prev. n.
 - (34) Lit., 'they hid for him'.
 - (35) Sc. he ultimately enjoyed the experience.
 - (36) Cf. prev. n.
 - (37) Amazed or perplexed.
 - (38) Lit., 'why is the thing difficult in your eyes'.
 - (39) Who had intercourse.
 - (40) 'If so, you are unfit etc.'

- (41) Lit., 'to sharpen'.
- (42) By affording them the opportunity of questioning his ruling.
- (43) Since his marriage with the widow is Pentateuchally ordained.
- (44) And in consequence gains possession of his deceased brother's estate, though elsewhere a minor cannot acquire possession.
- (45) Since his deceased brother's marriage was fully valid and his own bond with the widow is consequently equally valid, while his divorce, being merely that of a minor, has no validity.
- (46) Lit., 'the lower couch as the upper'.
- (47) If he is a disqualified person, a bastard, for instance, or a slave.
- (48) If she was the daughter of a priest she loses her right to the eating of terumah.
- (49) Though a priest.
- (50) If, for instance, he had intercourse with his childless brother's widow.
- (51) Though he acquires her as his wife.
- (52) If he covered it, though his act was seen by one witness only.
- (53) If his act (cf. prev. n.) was observed by two witnesses.
- (54) On account of his minority.
- (55) As our Mishnah seems to imply.
- (56) And one day.
- (57) V. Glos.
- (58) If the parties have agreed upon a divorce.
- (59) Which corresponds to intercourse which is another form of kinyan (v. Glos.) Alfasi reads: in respect of his intercourse.
- (60) How then could it be ruled here that a divorce alone suffices?
- (61) By our Mishnah.

Talmud - Mas. Nidah 45b

when HE ATTAINS HIS MAJORITY he shall cohabit with her¹ and give her a divorce.²

MISHNAH. THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED;³ THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID;⁴ AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED.³ THE VOWS OF A BOY OF THE AGE OF TWELVE YEARS AND ONE DAY MUST BE EXAMINED;⁵ THE VOWS OF ONE WHO IS OF THE AGE OF THIRTEEN YEARS AND ONE DAY ARE VALID; AND THROUGHOUT THE THIRTEENTH YEAR THEY ARE TO BE EXAMINED.⁵ PRIOR TO THIS AGE,⁶ EVEN THOUGH THEY SAID, 'WE KNOW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW' OR 'IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION', THEIR VOW⁷ IS NO VALID VOW AND THEIR DEDICATION IS NO VALID DEDICATION. SUBSEQUENT TO THIS AGE,⁸ EVEN THOUGH THEY SAID, 'WE DO NOT KNOW IN THE HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW' OR 'IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION', THEIR VOW IS A VALID VOW AND THEIR DEDICATION IS A VALID DEDICATION.

GEMARA. But since it was stated, THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED,⁹ what need was there for stating, THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID? — It might have been presumed that henceforth they must always be examined,¹⁰ hence we were informed that after the age of twelve years and a day the vows are invariably valid. But since it was stated, THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID,¹¹ what need was there for stating, AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED?¹² — It might have been presumed that, since a Master has laid down that

‘Thirty days of a year are counted as a full year’, where we examined her vows during a period of thirty days¹³ and she knew not how to express their significance,¹⁴ no further examinations¹⁵ should be held¹⁶ hence we were informed that her vows are to be examined all through the twelfth year. Then let the last two cases be stated, THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID, AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED, but¹⁷ what was the need for the statement, THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED? — It was required: Since it might have been suggested that as a rule examination was necessary in the twelfth year and unnecessary in the eleventh year, but that where we see that the girl is particularly bright she might also be examined in the eleventh year,¹⁸ we were informed that the period of examination invariably begins at the age of eleven years and one day. What was the need¹⁹ for stating, PRIOR TO THIS AGE and SUBSEQUENT TO THIS AGE? — It might have been presumed that the previous rulings²⁰ applied only where the children themselves spontaneously say nothing²¹ but that where they do assert spontaneous opinion²² we may rely upon them, hence we were informed that even their own assertions do not affect the age limits.

Our Rabbis taught: These²³ are the rulings of Rabbi. R. Simeon b. Eleazar stated, The age limits that were assigned to the girl apply to the boy while those assigned to the boy apply to the girl.²⁴ R. Hisda stated: What is Rabbi’s reason? Because it is written in Scripture, And the Lord God built²⁵ the rib²⁶ which teaches that the Holy One, blessed be He, endowed the woman with more understanding²⁷ than the man. And the other²⁸ — He requires that text²⁵ for the same deduction as the one made by Resh Lakish, for Resh Lakish citing R. Simeon b. Menasya stated, And the lord God built the rib which he took from the man into a woman, and he brought her unto the man,²⁹ teaches that the Holy One, blessed be He, plaited Eve’s hair and then brought her to Adam, for in the sea-towns they describe net-work as binyatha.³⁰ But what is R. Simeon b. Eleazar’s reason? — R. Samuel son of R. Isaac replied: As a boy frequents the house of his teacher his subtlety³¹ develops earlier.³²

It was asked: Is the intervening period³³ regarded as that of under, or of over age?³⁴ — In respect of what law could this matter: If in that of vows, it is neither regarded as that of under age nor as that of over age?³⁵ — Rather in respect of punishments.³⁶ Now what is the ruling? — Both Rab and R. Hanina replied: The intervening period is regarded as that of under age.³⁷ Both R. Johanan and R. Joshua b. Levi replied: The intervening period is regarded as that of over age. Said R. Nahman b. Isaac: Your mnemonic³⁸ is: Now this was the custom in former time in Israel.³⁹

R. Hamnuna raised an objection.⁴⁰ SUBSEQUENT TO THIS AGE, EVEN THOUGH THEY SAID, WE DO NOT KNOW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW’ OR ‘IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION’ THEIR VOW IS A VALID VOW AND THEIR DEDICATION IS A VALID DEDICATION. Thus⁴¹ it follows, does it not, that the intervening period is regarded as that of under age? Said Raba to him, Read then the first clause: PRIOR TO THIS AGE, EVEN THOUGH THEY SAID, ‘WE KNEW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW’ OR ‘IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION’, THEIR VOW IS NO VALID VOW AND THEIR DEDICATION IS NO VALID DEDICATION. Thus⁴² it follows, does it not, that the intervening period is regarded as that of over age? — This, however, is no argument, Raba having laboured under a misapprehension. He thought that R. Hamnuna drew his inference from a Mishnah redundancy,⁴³ [hence he argued that] instead of drawing an inference from the final clause he might as well have drawn one from the first clause; but this was not the case. R. Hamnuna in fact drew his inference from the very wording⁴⁴ of our Mishnah. How [he reasoned] is one to understand the expression of ‘SUBSEQUENT TO THAT AGE’? If by that time one had not yet grown two hairs, one would, surely, still be a minor.⁴⁵ Consequently it must refer to one who had grown two hairs,

- (1) Thus, being of age, affecting valid kinyan of marriage.
- (2) Being now in all respects her lawful husband, halizah is no longer necessary.
- (3) To ascertain whether the girl was aware of their significance.
- (4) No examination being necessary.
- (5) Cf. prev. n. but one, mut. mut.
- (6) The first day of the twelfth year in the case of a girl and the first day of the thirteenth year in that of a boy.
- (7) Since they are still minors.
- (8) Twelve years and a day in the case of a girl and thirteen years and a day in that of a boy when they respectively attain their majority.
- (9) From which it might well be inferred that at a later age her vows are valid and no examination is necessary.
- (10) And that the age of eleven years and one day is only the limit below which even an examination does not establish the validity of a vow.
- (11) And it has previously been stated that from the age of eleven years and one day vows must be examined.
- (12) A ruling which evidently follows (cf. prev. n.) from the previous statements.
- (13) The first of the twelfth year.
- (14) Thus revealing her mental incapacity.
- (15) During the remaining months of that year.
- (16) On the assumption that the examinations during the thirty days have established for the rest of that year that her mental state was that of a minor.
- (17) In view of the explicit statement that examinations are conducted throughout the twelfth year.
- (18) And if she shows sufficient mental development her vows are valid even at that early age.
- (19) In view of the earlier statements.
- (20) On the limits of minority and majority.
- (21) Sc. they do not claim 'we know' when they are under the age limit or 'we do not know' when they are above the limit.
- (22) Cf. Prev. n. mut. mut.
- (23) The statements on the respective age limits of a boy and a girl, according to which the latter matures earlier than the former.
- (24) The boy, in his opinion, maturing earlier.
- (25) Wa-yiben.
- (26) Gen. II, 22. E.V., And the rib...made He.
- (27) Binah, of a root that is analogous to that of wa-yiben (prev. n. but one).
- (28) R. Simeon b. Eleazar; how in view of this deduction can he maintain his view?
- (29) Gen. II, 22. E.V., And the rib . . . made He.
- (30) 'Building'.
- (31) Or 'shrewdness'.
- (32) Lit., 'enters into him first'.
- (33) From the age of eleven years and a day to that of twelve years and a day and from twelve years and a day to thirteen years and a day in the case of a girl and a boy respectively.
- (34) Lit., 'as before time or as after time'.
- (35) As stated supra.
- (36) And in the case where the boy or the girl had grown two pubic hairs. In the absence of these, even one of age is exempt from punishments.
- (37) And exempt from punishment.
- (38) An aid to the recollection of the respective authorship of the two views just expressed.
- (39) R. Joshua b. Levi was a Levite, whilst Rab and R. Hanina were Israelites; and those who were 'in Israel' (Israelites) gave former time' which recalls 'before time' ('under age') as their ruling (Tosaf. Asheri).
- (40) Against R. Johanan and R. Joshua b. Levi.
- (41) Emphasizing SUBSEQUENT.
- (42) Emphasis on PRIOR.
- (43) Sc. the apparent superfluity of the rulings PRIOR TO THIS AGE etc. and SUBSEQUENT TO etc. discussed and explained supra.

(44) Lit., 'from the body'.

(45) How then could it be ruled, THEIR VOW IS VALID etc.

Talmud - Mas. Nidah 46a

the reason for the ruling¹ being that one was over age, when all requirements² were satisfied.³ Thus it follows, does it not, that the intervening period⁴ is regarded as that of under age?⁵ A further objection was [also] raised by R. Zera: When . . . man . . . shall clearly utter a vow, the vow of . . .⁶ What was the purpose of stating 'man'? To include in the scope of the law a boy of the age of thirteen years and one day whose vows are valid, though he is unable to 'utter clearly'. Now how is this to be understood? If it be suggested that the reference is to a boy who had not yet grown two hairs, [the objection could be raised:] Such a boy would still have the status of a minor.⁷ The reference consequently must be to one who had grown two hairs, the reason being that he is thirteen years and one day old, when he is regarded as a 'man'. Thus⁸ it follows, does it not, that the intervening period is regarded as that of under age?⁹ — This is indeed a refutation.

R. Nahman stated, The question¹⁰ is a point at issue between Tannas:¹¹ [For it was taught:] If a boy of the age of seven years grew two hairs they are attributed to a mole;¹² from the age of nine years to that of twelve years and one day they are also to be attributed to a mole,¹² but R. Jose son of R. Judah ruled: They¹³ are a sign of puberty; at the age of thirteen years and one day, all agree that they are a sign of puberty.¹⁴ Now is not this self-contradictory: You said, 'From the age of nine years to that of twelve years and one day they are also to be attributed to a mole', from which it follows that at the actual age of thirteen years they are a sign of puberty; but then it is stated, 'At the age of thirteen years and one day . . . they are a sign of puberty', from which it follows, does it not, that at the actual age of thirteen years they are to be attributed to a mole? Must you not concede then that this question¹⁵ is a point at issue between the Tannas, one Master¹⁶ holding that the intervening period is regarded as that of over age while the other Master maintains that the intervening period is regarded as that of under age?¹⁷ No; all may agree that the intervening period is regarded as that under age, but both clauses refer to a girl the first¹⁸ supporting the view of Rabbi¹⁹ while the latter²⁰ represents that of R. Simeon b. Eleazar.²¹ And if you prefer I²² might reply: Both clauses refer to a boy, and the first represents the view of R. Simeon b. Eleazar while the latter represents the view of Rabbi.²³ And if you prefer I²⁴ might reply: Both clauses are the view of Rabbi, but one²⁵ refers to a boy while the other²⁶ refers to a girl. And if you prefer I²⁴ might say: Both clauses are the view of R. Simeon b. Eleazar, but the one²⁶ refers to a boy while the other²⁵ refers to a girl.

'R. Jose son of R. Judah ruled: They are a sign of puberty.' R. Kerespedai son of R. Shabbethai explained: This applies only where they²⁷ are still on him.²⁸ So it was also taught: If a boy of the age of nine years and one day had grown two hairs they are to be attributed to a mole; from the age of nine years to that of twelve years and one day, though the hairs are still on him, they are to be attributed to a mole. R. Jose son of R. Judah ruled: They are a sign of puberty.

Raba stated: The law is that the intervening period is regarded as that of under age. R. Samuel b. Zutra taught Raba's tradition in the following form:²⁹ Raba stated, A minor all through her twelfth year may make a declaration of mi'un³⁰ and go away,³¹ but from that age upwards she may not make a declaration of mi'un³² but³³ she may not submit to halizah.³⁴ Is not this statement, however, self-contradictory? You said, 'she may not make a declaration of mi'un' from which it is evident that³⁵ she is regarded as one of age; but if she is of age why may she not submit to halizah? And were you to reply that he³⁶ was in doubt,³⁷ [it could be retorted:] Was he in doubt? Did not Raba in fact rule: A minor on attaining the age of majority need not be examined³⁸ since there is presumption that she has grown the signs of puberty? — This³⁹ applies only to general cases, but not here where an examination was held and no hairs were found. If so,⁴⁰ why should she not be allowed to make a declaration of mi'un? The possibility is taken into consideration that they might have fallen off. This

would be a satisfactory explanation according to him who holds that such a possibility is taken into consideration, but what explanation can be offered according to him who holds that such a possibility need not be taken into consideration? Was it not stated: R. Kahana⁴¹ ruled, There is no need to consider the possibility that they may have fallen off and R. Papi ruled, The possibility must be considered? — This⁴² applies only to the matter of halizah,⁴³ but as regards mi'un the possibility is taken into consideration.⁴⁴ Thus it follows that according to him who holds that the possibility⁴⁵ is taken into consideration she may submit to halizah; but [it may be objected:] Did he not merely say that the possibility⁴⁶ is taken into consideration?⁴⁷ The fact is that this⁴⁸ is a case where she was not examined,⁴⁹ but the possibility⁵⁰ is taken into consideration as regards halizah,⁵¹ and when Raba stated 'There is presumption' he meant it in regard to mi'un,⁵² but in regard to halizah⁵³ an examination⁵⁴ is a pre-requisite. R. Dimi of Nehardea stated: The law is that the possibility that the hairs may have fallen off is taken into consideration.⁵⁵ This,⁵⁶ however, applies only where one had betrothed her⁵⁷ during the intervening period and cohabited after that period, since a Pentateuchal doubt is thereby involved,⁵⁸ but not to the original betrothal alone.⁵⁹

R. Huna ruled: If [a child]⁶⁰ dedicated some food and then ate it, he⁶¹ is subject to flogging, for it is said in Scripture, When... man . . . shall clearly utter a vow,⁶² and He shall not break his word,⁶³ which⁶⁴ implies that whosoever is able to 'utter clearly'⁶⁵ is subject to the prohibition of 'he shall not break his word'⁶⁶ and only he who is not able to 'utter clearly' is not subject to the injunction of 'he shall not break his word'. R. Huna b. Judah addressed an objection to⁶⁷ Raba⁶⁸ in support of R. Huna:

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- (1) Cf. prev. n.
 - (2) Age and external marks of puberty.
 - (3) Lit., 'when the thing was completed'.
 - (4) When the prescribed age limit had not yet been reached.
 - (5) An objection against R. Johanan, and R. Joshua b. Levi.
 - (6) Num. VI, 2.
 - (7) How then could his vow be valid?
 - (8) Since the law is applicable only to one who is above the age of thirteen years and a day.
 - (9) An objection against R. Johanan. and R. Joshua b. Levi.
 - (10) To which age the intervening period belongs.
 - (11) Lit., 'as Tanna'.
 - (12) From which hair grows; and they are, therefore, no evidence of puberty.
 - (13) In the latter case, from nine years to twelve years and a day.
 - (14) Kid. 16b.
 - (15) To which age the intervening period belongs.
 - (16) The first Tanna.
 - (17) Which proves R. Nahman's contention.
 - (18) According to which the growth of the hairs at the age of thirteen years is sufficient evidence.
 - (19) Who stated supra that in the case of a girl the age of thirteen years is regarded as over the prescribed age.
 - (20) From which it is inferred that the growth of hairs at the age of thirteen is attributed to a mole.
 - (21) Who, as stated supra, regards a girl at the age of thirteen years as being under the age prescribed.
 - (22) Still maintaining that the intervening period is regarded as that of under age.
 - (23) V. supra 45b.
 - (24) Still maintaining that the intervening period is regarded as that of under age.
 - (25) The last clause.
 - (26) The first clause.
 - (27) The two hairs.
 - (28) When he attained his majority. If by that time they have fallen off it is obvious that their growth was merely due to a mole.
 - (29) From which also it may be inferred that the intervening period is regarded as that of under age.

(30) V. Glos.

(31) And there is no need to consider the possibility that she may have grown two hairs. If any hairs had grown they must be attributed to a mole. It thus follows that the intervening period is regarded as that of under age.

(32) Since at this age the possibility must be considered that she may have grown two hairs.

(33) If her husband died childless.

(34) Because her majority is not yet established.

(35) If she has grown two hairs.

(36) Raba.

(37) Whether a girl at such an age had, or had not grown pubic hairs; and consequently he forbade mi'un in case she was already of age, and forbade halizah in case she was still a minor.

(38) For the presence of hairs.

(39) Raba's ruling just cited.

(40) That an examination has established the absence of hairs.

(41) So MS.M. and marg. gl. Cur. edd. 'Papa'.

(42) That where no hairs were found there is no need to consider the possibility that they may have fallen off.

(43) Since by forbidding it the law is thereby restricted.

(44) And mi'un is, therefore, forbidden and (cf. prev. n. mut. mut.) only a proper divorce can dissolve the marriage.

(45) That the hairs may have fallen off.

(46) Emphasis on this word.

(47) Of course he said. How then can he allow halizah when the question of majority is still a matter of doubt?

(48) Raba's ruling just cited.

(49) And as she has attained the age of majority, when she might be presumed to have grown pubic hairs, she must be forbidden mi'un and subjected to the restrictions of divorce.

(50) That she never grew pubic hairs.

(51) And he cannot submit to halizah in order to be exempt from divorce. Since the law must always be restricted.

(52) Cf. prev. n. but two.

(53) Sc. to allow her to submit to halizah and be exempt from divorce (cf. prev. n. but one).

(54) To establish the presence of hair.

(55) Once she has attained the age of majority, though on examination no hairs are found, she may no longer exercise the right of mi'un.

(56) Cf. prev. n.

(57) With the approval of her mother or brothers.

(58) Cohabitation, which is a Pentateuchal form of 'acquisition' in marriage, having taken place at an age when she may well be presumed to have attained her majority.

(59) That was not followed by cohabitation after the age of majority had been attained. As the betrothal of a minor (if it was not effected through her father) has only Rabbinical sanction, the Rabbis did not insist on the restrictions of a divorce where her majority was in doubt. Where, however, hairs have grown, though betrothal took place during her minority, the Rabbis forbade mi'un and insisted on the restrictions of a divorce as a preventive measure against the possibility of allowing mi'un to one with whom cohabitation took place after majority had been attained.

(60) Who understands the significance of dedications and vows.

(61) Though exempt from penalties in other cases.

(62) Num. VI, 2, from which it is deduced that a minor approaching manhood (or womanhood), viz., a boy in his thirteenth year (or a girl in her twelfth), provided he (or she) understands the significance of vows and dedications, is regarded as a man (or woman).

(63) Num. XXX, 3.

(64) By analogy.

(65) Sc. understands the significance of vows.

(66) A negative precept punishable by flogging.

(67) Not 'against'.

(68) MS.M. and Maharsha delete the last two words the Heb. for which in cur. edd. is enclosed in parenthesis. [The objection is against those who hold infra that others who ate it are subject to flagellation but not the child. V. Maharsha].

Talmud - Mas. Nidah 46b

Since we find that Scripture has put a minor on a par with an adult¹ as regards a presumptuous oath, a self-imposed prohibition² and [the injunction] not to break his word, it might have been presumed that he should also incur the liability of a sacrifice for eating that which he had dedicated, hence it was explicitly stated,³ This is the thing.⁴ At any rate, was it not here stated that guilt was incurred for infringing a self imposed prohibition or [the injunction] not to break one's word?⁵ Read: The prohibition⁶ not to break his word.⁷ [You say,] 'The prohibition not to break his word'! Whatever your assumption may be [a difficulty arises]. If an intelligent minor⁸ approaching manhood is Pentateuchally forbidden to break his word, he should also incur the penalty of flogging;⁹ and if an intelligent minor approaching manhood is not Pentateuchally forbidden to do it, there should not be¹⁰ even a mere prohibition?¹¹ — The prohibition¹² applies to those who are responsible for him.¹³ May it then be inferred from this ruling¹⁴ that if a minor eats nebelah¹⁵ it is the duty of Beth din to take it away from him?¹⁶ Here we may be dealing with a case, for instance, where the minor dedicated the food and others¹⁷ ate it.¹⁸ This explanation is quite satisfactory according to him who laid down that if a minor dedicated some food and others¹⁷ ate it the latter are to be flogged, but what can be said in explanation according to him who ruled that they were not to be flogged; for it was stated: If a minor dedicated some food and others ate it, R. Kahana ruled, They are not to be flogged, while both R. Johanan and Resh Lakish ruled, They are to be flogged? — The prohibition¹⁹ is²⁰ merely Rabbinical²¹ and the Scriptural text²² serves as a mere prop.

[Reverting to] the above text, 'If a minor dedicated some food and others ate it, R. Kahana ruled, They are not to be flogged, while both R. Johanan and Resh Lakish ruled, They are to be flogged'. On what principle do they differ? — The Masters²³ are of the opinion that an intelligent minor approaching manhood is under a Pentateuchal obligation²⁴ while the Master²⁵ is of the opinion that an intelligent minor approaching manhood is only under a Rabbinical obligation.²⁴ R. Jeremiah raised an objection: If a fatherless girl²⁶ made a vow, her husband may disallow it for her. Now if you grant that an intelligent minor approaching manhood is only under a Rabbinical obligation²⁴ one can well justify the ruling,²⁷ since the force of a Rabbinical marriage²⁸ may well annul a Rabbinical vow, but if you maintain that the obligation²⁴ is Pentateuchal, could [it may be objected] the force of a Rabbinical marriage²⁹ annul a Pentateuchal vow? — R. Judah citing Samuel replied: Her husband may disallow her vow for her whatever your assumption might be. If the minor's obligation²⁴ is Rabbinical, the whole matter is a Rabbinical affair; and if the obligation is Pentateuchal, it is a case of a minor who eats nebelah³⁰ where it is not the duty of the Beth din to take it away from him. But would she not be eating, in reliance upon the first disallowance,³¹ even when she attains her majority?³² — Rabbah b. Liwai replied: Her husband disallows her vow for her every now and then.³³ This,³⁴ however, applies only to one who cohabited with her.³⁵ But, surely, no husband may disallow vows made prior to marriage?³⁶ — This³⁷ is in agreement with R. Phinehas who cited Raba,³⁸ for R. Phinehas citing Raba stated: Any woman who vows acts in reliance on the opinion of her husband.³⁹

Said Abaye, Come and hear: If a minor has not yet grown two hairs, R. Judah ruled, his terumah is not⁴⁰ valid; while R. Jose ruled, Before reaching the age when his vows are valid⁴¹ his terumah is not valid, but after reaching the age when his vows are valid⁴² his terumah is valid.⁴³ Assuming⁴⁴ that R. Jose is of the opinion that terumah at the present time is a Pentateuchal institution, his ruling would be well justified if you grant that an intelligent minor approaching manhood is under a Pentateuchal obligation,⁴⁵ since a man under a Pentateuchal obligation may well render fit⁴⁶ Pentateuchal tebel,⁴⁷ but if you maintain that he is only under a Rabbinical obligation,⁴⁸ could a man under a Rabbinical obligation render fit Pentateuchal tebel?⁴⁹ — No, R. Jose is of the opinion that terumah at the present time is only a Rabbinical institution. But does R. Jose hold that terumah at the present time is only Rabbinical? Was it not in fact taught in Seder Olam:⁵⁰ 'Which thy fathers possessed and thou shalt possess it,⁵¹ they had a first,⁵² and a second⁵³ possession⁵⁴ but they had no need for a third one',⁵⁵

and R. Johanan stated, 'Who is the author of Seder Olam? R. Jose?'⁵⁶ — R. Jose may well be its compiler⁵⁷ but he himself does not uphold this view.⁵⁸ This⁵⁹ may also be supported by a process of reasoning. For it was taught: A dough⁶⁰ that had become subject to the restrictions of terumah⁶¹ or became sour through a leaven of terumah,

(1) Cf. supra n. 9.

(2) V. Num. XXX, 3.

(3) In the same context as the oath and a self-imposed prohibition.

(4) Num. XXX, 2, emphasis on 'this', sc. but no other.

(5) Evidently it was; but since such a negative precept is punishable by flogging, R. Huna's ruling evidently finds support in the citation.

(6) Issur instead of issar ('bond', self-imposed prohibition).

(7) Without incurring a flogging.

(8) Sc. one understanding the significance of vows and dedications.

(9) As in the case of all Pentateuchal prohibitions.

(10) Since the Rabbis do not subject minors to preventive measures.

(11) Issur (cf. prev. n. but three).

(12) Spoken of supra, which is in fact only Rabbinical.

(13) Not to the minor himself (cf. prev. n. but two).

(14) According to which those responsible for a minor must prevent him from encroaching even on that which is only Rabbinically forbidden.

(15) Symbolic of any religious transgression.

(16) But if so why (cf. Yeb. 114a) was there a divergence of view on this question?

(17) Adults.

(18) The original reading, 'prohibition and [the injunction] not to break', may, therefore, be retained and yet no support would be forthcoming for R. Huna since the penalty of flogging does not apply to the minor but to the adults who ate that which he has dedicated.

(19) Sc. 'the prohibition not to break his vow'.

(20) According to R. Kahana.

(21) As was first suggested supra.

(22) From which deduction was made supra 46a ad fin.

(23) R. Johanan and Resh Lakish.

(24) To observe the laws of vows and dedications.

(25) R. Kahana.

(26) A minor whose marriage was contracted by her mother or brothers.

(27) The husband's right by virtue of his marriage with the minor (cf. prev. n.) to disallow her vows.

(28) The marriage of a minor contracted in the absence of her father has only Rabbinical sanction.

(29) Cf. prev. n.

(30) Cf. supra p. 322, n. 14.

(31) Which has only Rabbinical validity.

(32) When she is subject to Pentateuchal prohibitions.

(33) Even after she has attained her majority.

(34) That the disallowance has Pentateuchal force.

(35) After she had attained majority. Cohabitation at that age having the Pentateuchal force of 'acquisition' the marriage which thus has Pentateuchal sanction may well enable the husband to disallow a vow that has Pentateuchal sanction.

(36) How then can he disallow here a vow that was made by a minor before her subsequent Pentateuchally valid marriage?

(37) The ruling that the husband may disallow the minor's vow though when she comes of age her vow would assume Pentateuchal validity.

(38) Sc. there is no need to explain, as presumably suggested, that the husband 'disallows the vow every now and then', for even though he only disallowed it during her minority, there is no need to disallow it again when she attains her majority.

- (39) As the minor was at least Rabbinically married when her vow was made, its validity is entirely dependent on her husband's pleasure. Only where a woman was not married at all at the time her vow was made is her subsequently married husband precluded from disallowing it.
- (40) In the separate edd. of the Mishnah this word is missing.
- (41) V. foll. n.
- (42) Sc. an intelligent minor approaching manhood whose vows are to be examined.
- (43) Ter. I, 3.
- (44) Lit., 'they (the Rabbis of the college) thought'.
- (45) In regard to his vows and dedications and consequently also in regard to his terumah.
- (46) By separating terumah from it.
- (47) Sc. produce the separation of terumah from which is Pentateuchally ordained, v. Glos.
- (48) As R. Kahana maintains.
- (49) An objection against R. Kahana.
- (50) 'Order of the World', a chronological compilation by R. Jose b. Halafta in the first half of the second century.
- (51) Deut. XXX, 5, repetition of the verb 'to possess'.
- (52) After the conquest of Joshua'.
- (53) In the days of Ezra.
- (54) Sc. the sanctity of the Land of Israel having ceased with the destruction of the first Temple and the Babylonian exile, a second 'possession' (sc. sanctification) was necessary.
- (55) Since the second sanctification (as the Scriptural text implies) remained for all time. As the land remained sacred the Pentateuchal obligation of terumah also obviously remained in force.
- (56) How then (cf. prev. n.) could it be maintained here that R. Jose holds the institution of terumah at the present time to be merely Rabbinical?
- (57) Lit., 'taught it'.
- (58) That the second sanctification remained for all time. He may well be of the opinion that it ceased with the destruction of the second Temple and the Roman exile and that terumah at the present time is merely a Rabbinical institution.
- (59) Cf. prev. n.
- (60) Ordinary and unconsecrated.
- (61) Where for instance, some terumah fell into a dough that was less than a hundred times the quantity of the former. Rabbinically, terumah cannot be neutralized unless it was mixed up with unconsecrated commodities that exceeded its quantity a hundredfold.

Talmud - Mas. Nidah 47a

is subject to the obligation of the dough-offering¹ and² does not become unfit through contact with a tebul yom;³ so R. Meir and R. Judah, but R. Jose and R. Simeon exempt it from the obligation of the dough-offering. Assuming⁴ that he who holds that the institution of terumah⁵ is Pentateuchal also holds that of the dough-offering⁵ to be Pentateuchal and that he who holds that terumah⁵ is Rabbinical also holds the dough-offering⁵ to be Rabbinical, the ruling would be well justified if you grant that R. Jose⁶ is of the opinion that the dough offering at the present time is only Rabbinical, since the Rabbinic law which subjects the dough to the restrictions of terumah may well override the Rabbinical law of the dough-offering, but if you maintain that the institution of the dough-offering⁷ is Pentateuchal,⁸ could the Rabbinic law which subjects the dough to the restrictions of terumah override the institution of the dough offering which is Pentateuchal?⁹ — But is it not possible that R. Jose holds that terumah at the present time is a Pentateuchal institution while the dough offering is only a Rabbinical one, as in fact R. Huna son of R. Joshua stated in a reply?¹⁰ For R. Huna son of R. Joshua stated, I found the Rabbis of the college sitting at their studies and saying, ‘Even according to him who holds that terumah at the present time is a Rabbinical institution, the dough offering is a Pentateuchal one, for during the seven years in which they¹¹ conquered Canaan and during the seven years in which they divided it¹² they were under the obligation of the dough offering though they were under no obligation to give tithe’; and I told them, ‘Even according to him who holds that terumah at the present time is Pentateuchal, the dough offering is only Rabbinical, for it was taught: If Scripture had written, "when you come"¹³ it might have been presumed [that the obligation of the dough-offering should come into force] as soon as two or three spies had entered, hence it is said, In your coming,¹⁴ I have spoken¹⁵ only of the coming of all of you and not of the coming of a portion of you; but when Ezra brought them up not all of them went up with him.’¹⁶

MISHNAH. THE SAGES SPOKE OF [THE PHYSICAL DEVELOPMENT OF] A WOMAN IN FIGURATIVE SPEECH: AN UNRIPE FIG, A FIG IN ITS EARLY RIPENING STAGE AND A RIPE FIG. SHE IS LIKE AN UNRIPE FIG’ WHILE SHE IS YET A CHILD; A FIG IN ITS EARLY RIPENING STAGE’ WHEN SHE IS IN THE AGE OF¹⁷ HER MAIDENHOOD. DURING BOTH THE LATTER AND THE FORMER AGES,¹⁸ THEY¹⁹ RULED, HER FATHER IS ENTITLED TO ANYTHING SHE FINDS AND TO HER HANDIWORK AND TO THE RIGHT OF INVALIDATING HER VOWS. ‘A RIPE FIG’ — AS SOON AS SHE BECOMES A BOGERETH, AND HER FATHER HAS NO LONGER ANY RIGHT OVER HER.

WHAT ARE THE MARKS [OF A BOGERETH]? R. JOSE THE GALILEAN SAYS: THE APPEARANCE OF²⁰ THE WRINKLE BENEATH THE BREAST. R. AKIBA SAYS: THE HANGING DOWN OF²¹ THE BREASTS. BEN AZZAI SAYS: THE DARKENING OF THE RING AROUND THE NIPPLE. R. JOSE SAYS: [THE DEVELOPMENT OF THE BREAST TO A STAGE] WHEN ONE’S HAND BEING PUT ON THE NIPPLE IT SINKS AND ONLY SLOWLY RISES AGAIN.

GEMARA. SHE IS LIKE ‘AN UNRIPE FIG’²² WHILE SHE IS YET A CHILD, as it is written in Scripture, The fig-tree putteth forth her green figs.²³

‘A FIG IN ITS EARLY RIPENING STAGE’²⁴ WHEN SHE IS IN THE AGE OF HER MAIDENHOOD, as we have learnt: Figs [become subject to tithe] as soon as they reach an early stage of ripening²⁵ and Rabbah b. Bar Hana explained this to mean: As soon as their tips grow white. And if you prefer I might say that the meaning²⁶ is derived from the following: For my soul became impatient of them, and their soul also loathed²⁷ me.²⁸

A RIPE FIG’²⁹ as one would say, ‘It has come forth complete.’³⁰

WHAT ARE THE MARKS [OF A BOGERETH]? R. JOSE THE GALILEAN SAYS: THE APPEARANCE OF THE WRINKLE. Samuel explained: Not the actual appearance of the wrinkle, but it suffices if, when putting her hands behind her, the wrinkle beneath the breast seems to appear. Samuel³¹ examined his slave and paid her four zuz compensation for the indignity. Samuel thereby followed his principle, for Samuel stated: Of them³² may ye make bondmen³³ for ever,³⁴ I have given them to you for work³⁵ but not to be subjected to indignities. Samuel assigned his female slaves to individual husbands.³⁶ R. Nahman interchanged them.³⁷ R. Shesheth entrusted them to Arabs³⁸ but told them 'Be careful to have no intercourse with an Israelite'.

R. JOSE SAYS etc. What is the meaning of ukaz?³⁹ — Samuel replied: The nipple of the breast.

Our Rabbis taught: What are the marks of bagruth? R. Eleazar son of R. Zadok stated, When the breasts begin to shake.⁴⁰ R. Johanan b. Beroka stated, When the top of the nose⁴¹ grows white. But is not a woman when this grows white already old? — Rather said R. Ashi, when the top of the nose splits.⁴² R. Jose stated, When a ring is formed around the nipple. R. Simeon stated, When the mons veneris grows lower.

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- (1) Though terumah proper is exempt.
 - (2) Cf. prev. n. mut. mut.
 - (3) V. Glos.
 - (4) Lit., 'they thought' (cf. supra p. 324, n. 12).
 - (5) At the present time.
 - (6) Who exempts the dough under discussion from the dough-offering.
 - (7) At the present time.
 - (8) And that, consequently, terumah at the present time is also Pentateuchal.
 - (9) Of course not. A Rabbinical enactment could not override a Pentateuchal law. Consequently it must be admitted (as stated supra 46b ad fin.) that R. Jose holds terumah at the present time to be merely a Rabbinical institution.
 - (10) Of course it is possible. Hence the Baraitha cited provides no proof for the contention supra that the view that R. Jose holds terumah at the present time to be Rabbinical 'may be supported by a process of reasoning'.
 - (11) The Israelites in the days of Joshua.
 - (12) Years that may well be compared to the 'present time'.
 - (13) Ki thabo'u, so MS.M. Cur. edd., bebo'akem.
 - (14) Num. XV, 18, in the context of the dough-offering; Heb. bebo'a'kem, emphasis on kem 'your'.
 - (15) Of the obligation of the dough-offering.
 - (16) Since that time, therefore, there could be no Pentateuchal obligation; and the dough offering of the present time must consequently be a mere Rabbinical institution.
 - (17) Lit., 'these are the days of'.
 - (18) Childhood and maidenhood.
 - (19) The Sages.
 - (20) Lit., 'when it rises'.
 - (21) Lit., 'when they incline'.
 - (22) Paggah (v. foll. n.).
 - (23) Cant. II, 13, paggeha, the noun absolute being paggah (with the pron. suff. of the third sing. fem. and the omission of the dagesh in the pe owing to a preceding he) which proves that the term is applied to the earliest stage of growth.
 - (24) Bohal (v. foll. n.).
 - (25) Misheyibahalu, of the same root as bohal.
 - (26) Of bohal.
 - (27) Bahalah, of the same rt. as bohal.
 - (28) Zech. XI, 8; loathing is an early stage in the 'rising' of the food.
 - (29) צמל Zemel.
 - (30) Phonetic etymology. יצתה מלאה, yazetha mele'ah containing the letters of צמל.
 - (31) In his investigations on the applicability of R. Jose's ruling.

- (32) Canaanitish slaves.
- (33) Ta'abodu, lit., 'you may cause them to work'.
- (34) Lev. XXV, 46.
- (35) Cf. Prev. n. but one.
- (36) Lit., 'he appointed for them', sc. he did not allow promiscuous intercourse among his slaves. To each female slave was assigned one particular male slave.
- (37) Unlike Samuel he did not mind promiscuity among his slaves.
- (38) Their morality, he held, was not his concern.
- (39) Rendered supra 'nipple'.
- (40) In walking. Aliter: 'to become stiff' (v. Jast.).
- (41) The central circle of the oblate part of the breast (Jast.).
- (42) Aliter (Jast.). When the skin of the central circle of the oblate part of the breast appears wrinkled.

Talmud - Mas. Nidah 47b

So also did R. Simeon¹ state: The Sages have indicated in [the physical development of] a woman three marks below and corresponding ones above. If, namely, she is like an unripe fig above, it may be taken for granted² that she has not yet grown two hairs. If she is above like a fig in its early ripening, it may be taken for granted² that she has already grown two hairs. If she is like a ripe fig above it may be taken for granted that the mons veneris has grown lower. What is meant by mons veneris? — R. Huna replied: There is a rounded eminence above that place,³ and as the girl grows in age it steadily grows lower.

Rabbi was asked:⁴ In agreement with whose view is the halachah? He sent word in reply: In agreement with all so as to restrict⁵ the law.⁶ R. Papa and R. Hinena son of R. Ika differ. One taught it⁷ in connection with this,⁸ while the other taught it in connection with the law of the Tyrian courtyard. For we have learnt: Which courtyard⁹ imposes the obligations of tithe?¹⁰ R. Simeon¹¹ ruled: A Tyrian courtyard in which objects are safely kept.¹² (Why is this described as a Tyrian courtyard? — Rabbah b. Bar Hana citing R. Johanan replied: Since in Tyre they put a watchman at the door of a courtyard.) R. Akiba ruled: Any courtyard which one may open and another close¹³ is exempt from tithe.¹⁴ R. Nehemiah ruled: Any courtyard in which no one is ashamed to eat is subject to tithe.¹⁵ R. Jose ruled: Any courtyard into which people may enter and none is asked, 'What do you want?' is exempt.¹⁴ R. Judah ruled: If there were two courtyards, one within the other, the inner one is subject to tithe¹⁵ while the outer one is exempt.¹⁴ Rabbi was asked: In agreement with whose view is the halachah? He replied: The halachah is in agreement with all of them so as to restrict the law.¹⁶

MISHNAH. IF A WOMAN AT THE AGE OF TWENTY DID NOT PRODUCE TWO HAIRS,¹⁷ SHE MUST BRING EVIDENCE THAT SHE IS TWENTY YEARS OF AGE AND SHE BECOMES CONFIRMED AS A WOMAN WHO IS INCAPABLE OF PROCREATION AND NEITHER PERFORMS HALIZAH NOR IS TAKEN IN LEVIRATE MARRIAGE. IF A MAN OF THE AGE OF TWENTY YEARS DID NOT PRODUCE TWO HAIRS,¹⁷ THEY¹⁸ MUST BRING EVIDENCE THAT HE IS TWENTY YEARS OLD AND HE BECOMES CONFIRMED¹⁹ AS A SARIS²⁰ AND NEITHER SUBMITS TO HALIZAH NOR PERFORMS THE LEVIRATE MARRIAGE; SO BETH HILLEL. BETH SHAMMAI RULED: WITH THE ONE AS WELL AS WITH THE OTHER [THIS TAKES PLACE AT] THE AGE OF EIGHTEEN. R. ELIEZER RULED IN THE CASE OF THE MALE, IN AGREEMENT WITH BETH HILLEL, WHILE IN THAT OF THE FEMALE, IN AGREEMENT WITH BETH SHAMMAI, SINCE A WOMAN MATURES EARLIER THAN A MAN. GEMARA. But I would point out an incongruity: The same law applies whether one is²¹ of the age of nine years and one day or whether one is of the age of twenty years but had not produced two hairs!²² — R. Samuel son of R. Isaac citing Rab replied: This law²³ applies only where other symptoms of a saris²⁴ also appeared on him. Raba observed: This²⁵ may also be arrived at by a deduction. For it was stated, AND HE BECOMES CONFIRMED AS A

SARIS.²⁶ This is conclusive.

Where, however, no other symptoms of a saris had developed, how long [is one²⁷ regarded as a minor]? — R. Hiyya taught: Until he has passed middle age.²⁸ Wherever people come with such a case²⁹ before R. Hiyya,³⁰ he used to tell them, if the youth was emaciated, ‘Let him first be fattened’; and if he was stout, he used to tell them, ‘Let him first be made to lose weight’;³¹ for these symptoms³² appear³³ sometimes as a result of emaciation and sometimes they appear as a result of stoutness.

Rab stated: It is the law throughout this chapter that age is calculated from one point of time to another point of time;³⁴ but ‘Ulla stated: This is the case only where we have explicitly learnt it.³⁵ According to ‘Ulla all is well since there is a satisfactory reason why in one case it was stated³⁶ ‘one day’ while in the other this was not stated; but according to Rab, why was not this³⁷ stated in all cases?³⁸ Furthermore, it was taught: R. Jose b. Kipper stated in the name of R. Eliezer, If thirty days of the twentieth year have passed it is exactly the same as if the entire year had passed;³⁹ and so also Rabbi at Lydda ruled, If thirty days of the eighteenth year have passed it is exactly the same as if the entire year had passed.⁴⁰ Now one may well agree that there is no difficulty [as regards the contradiction between the ruling] of Rabbi and that of R. Jose b. Kipper, since the former⁴¹ is in agreement with Beth Shammai⁴² while the latter⁴³ is in agreement with Beth Hillel,⁴² but does not this⁴⁴ present a difficulty against Rab?⁴⁵ — This⁴⁶ is a question in dispute between Tannas.⁴⁷ For it was taught: The year that is mentioned in connection with consecrated things;⁴⁸ the year that is mentioned in connection with houses in walled cities;⁴⁹ the two years⁵⁰ in connection with a field of one's possession;⁵¹ the six years in connection with a Hebrew servant,⁵² and so also the years in the age of a son and a daughter⁵³ are all to be calculated from one point of time to another point of time.⁵⁴ Whence do we deduce the duration of the year that was mentioned in connection with consecrated things? R. Aha b. Jacob replied: Scripture said, A lamb of its⁵⁵ year,⁵⁶ which implies, Its own year and not a calendar year.⁵⁷ Whence do we deduce the duration of the year that was mentioned in connection with the houses in walled cities? — Scripture said, Until the end of his year of sale⁵⁸ which implies, Only his year of sale but not a calendar year.⁵⁷ Whence do we deduce the duration of the two years in connection with a field of one's possession? — Scripture said, According unto the number of

(1) Cur. edd. in parenthesis add ‘b. Yohai’.

(2) Lit., ‘it is known’.

(3) Euphemism.

(4) With reference to the various views given supra on the marks of bogereth.

(5) Sc. whichever of the marks appears the girl is regarded as a bogereth and her father has no longer the right to annul her vows. Aliter: Even if only the earliest of the marks has appeared she enters a doubtful state of bogereth and if her father received on her behalf a token of betrothal from one man and she received a similar token from another she must be properly divorced from both. She must be divorced from the latter in case she is already a bogereth when her father's act cannot annul hers; and she must be divorced from the former in case she is not a bogereth before all the tokens have appeared.

(6) MS.M., Alfasi and Asheri add, ‘R. Johanan and Sabya say: the halachah is in agreement with all of them so as to restrict the law’.

(7) Rabbi's reply.

(8) The marks of a bogereth.

(9) So MS.M. and sep. edd. of the Mishnah. Cur. edd. read, ‘Tyrian courtyard’.

(10) On produce that was brought into it (cf. Bezah 34b).

(11) Var. lec. Ishmael (v. separate edd. of the Mishnah).

(12) Ma'as. III, 5. Such may be treated for the purpose of tithes as a house and consequently it imposes the obligations of tithe on any produce that is brought into it.

(13) Sc. there is no one man responsible for both the opening and the closing.

- (14) Sc. produce brought into it does not become subject to tithe, since such a courtyard cannot be regarded as a suitable place for the safe keeping of objects.
- (15) V. p. 329, n. 11.
- (16) I.e., if it is in any one of the conditions mentioned it subjects to tithe any produce brought into it.
- (17) The marks of puberty.
- (18) The relatives of the widow who desire her to be exempt from the duties of halizah and the levirate marriage.
- (19) By a display of the prescribed symptoms.
- (20) A eunuch.
- (21) Lit., 'it is one (and the same) to me'.
- (22) Yeb. 96b. So long as the pubic hairs have not appeared a person retains the status of a minor. How then is this to be reconciled with our Mishnah which assigns a new legal status at the age of eighteen or twenty?
- (23) Of our Mishnah (cf. prev. n.).
- (24) Described in Yeb. 80b.
- (25) That before one is regarded a saris other symptoms, besides the absence of pubic hairs, must also have made their appearance.
- (26) Which implies that other independent symptoms of a saris had already developed earlier.
- (27) If two pubic hairs did not appear.
- (28) Lit., 'most of his years'.
- (29) Of one who attained the age of twenty without having grown two hairs.
- (30) Var. lec. 'Raba' (cf. Yeb. 97a).
- (31) Lit., 'cause him to be lean'.
- (32) Described in Yeb. 80b.
- (33) The reading in Yeb. 97a is 'disappear'.
- (34) The age of twenty, for instance, is deemed to have been attained at the completion of full twenty years of life and not merely at the beginning of the twentieth calendar year.
- (35) Lit., 'where we learnt we learnt' etc., sc. only where the years and the first day of the year following were specifically mentioned as, for instance, 'three years and one day' (supra 44b), 'eleven years and one day' (supra 45b). Where, however, (as in our Mishnah) the years only are given one day of the twentieth calendar year is regarded as the whole of that year and the person is deemed to be twenty years of age from that day.
- (36) Lit., 'that is it that it was stated here'.
- (37) 'And one day'.
- (38) Lit., 'let him teach'.
- (39) Lit., 'behold it is like the twentieth year in all its matters'.
- (40) Cf. prev. n.
- (41) Eighteen years.
- (42) V. our Mishnah.
- (43) Twenty years.
- (44) The view accepted by both authorities cited that the part of a year is regarded as the whole of it.
- (45) Who stated supra that the years must be complete.
- (46) Whether the part of a year is regarded as the entire one.
- (47) One of whom, as will be shown presently, holds the same view as Rab.
- (48) Sc. that certain beasts for sacrifices must be one year old.
- (49) Cf., If a man sell a dwelling house in a walled city, he may redeem it within a whole year (Lev. XXV, 29).
- (50) This is deduced infra.
- (51) Cf. Lev. XXV, 14ff.
- (52) Cf., If thou buy a Hebrew servant, six years shall he serve (Ex. XXI, 2).
- (53) Which (so it is now presumed) were discussed in our Mishnah.
- (54) Cf. p. 331, n. 14 supra.
- (55) E.V., 'the first'.
- (56) Lev. XII, 6.
- (57) Lit., 'the year of the number of the world'.
- (58) Lev. XXV, 29, E.V., Within a whole year after it is sold.

Talmud - Mas. Nidah 48a

years of the crops he shall sell unto thee,¹ which implies² that one may sometimes sell three crops in two years.³ Whence do we deduce the duration of the six years in connection with a Hebrew servant? — Scripture said, Six years he shall serve, and in the seventh,⁴ which implies that in the seventh [calendar] year also he shall serve.⁵ In regard to what law was mention made of 'the years in the age of a son and a daughter'?⁶ — R. Giddal citing Rab replied: In regard to valuations.⁷ R. Joseph, however, replied: In regard to the ages⁸ given in our chapter of 'For a foetus born from its mother's side'.⁹ Said Abaye to him,¹⁰ 'Are you in disagreement?'¹¹ — 'No', the other replied, 'he made one statement and I made another statement but there is no essential difference between us'. This is also logically right; for if it could be imagined that there is a radical difference between them and that the one¹² who replied, 'In regard to valuations' does not accept the reply, 'In regard to our present chapter'¹³ [the difficulty would arise:] Did not Rab in fact state, 'It is the law throughout this chapter that age is calculated from one point of time to another point of time'?¹⁴ But, then, why did not the one¹⁵ who replied, 'In regard to valuations' also add, In regard to our chapter?¹⁶ — [The reference¹⁷ must be to cases] similar to those previously enumerated: As those¹⁸ were recorded in the Scriptures so must these¹⁷ be such as were recorded in the Scriptures.¹⁹ And the other?²⁰ — [If that were so] it should have been said,¹⁷ instead of 'the age of a son and a daughter', the age of a male and a female.²¹

R. Isaac b. Nahmani citing R. Eleazar²² stated: The halachah is in agreement with the ruling which R. Jose b. Kipper cited in the name of R. Eliezer.²³ R. Zera observed: May I be worthy to go up²⁴ and to learn the tradition²⁵ from the Master's mouth. When he went up²⁴ he met R. Eleazar and asked him, 'Did you say: The halachah is in agreement with R. Jose b. Kipper?' — 'What I said was', the other replied, 'that it seemed to be reasonable. For since, throughout the chapter, "one day" was explicitly added²⁶ while in this case²⁷ it was not mentioned it may well be inferred that it seems reasonable [that the halachah is] in agreement with him'.

CHAPTER VI

MISHNAH. IF THE LOWER MARK²⁸ APPEARED BEFORE THE UPPER ONE²⁹ HAD YET MADE ITS APPEARANCE, SHE MAY PERFORM HALIZAH OR CONTRACT LEVIRATE MARRIAGE.³⁰ IF THE UPPER MARK²⁹ APPEARED BEFORE THE LOWER ONE²⁸ HAD MADE ITS APPEARANCE, THOUGH THIS IS IMPOSSIBLE,³¹ R. MEIR RULED, SHE MAY NEITHER PERFORM HALIZAH NOR CONTRACT THE LEVIRATE MARRIAGE; BUT THE SAGES RULED, SHE MAY EITHER PERFORM HALIZAH OR CONTRACT THE LEVIRATE MARRIAGE, BECAUSE THEY MAINTAIN: IT IS POSSIBLE FOR THE LOWER MARK TO APPEAR BEFORE THE UPPER ONE HAD YET MADE ITS APPEARANCE, BUT IT IS IMPOSSIBLE FOR THE UPPER MARK TO APPEAR BEFORE THE LOWER ONE HAD MADE ITS APPEARANCE.³²

GEMARA. 'THOUGH THIS IS IMPOSSIBLE'! But has it not in fact APPEARED:³³ — 'APPEARED', according to R. Meir;³⁴ 'THOUGH THIS IS IMPOSSIBLE' according to the Rabbis.³⁵ Why then was it not stated: 'If the upper mark appeared, R. Meir ruled, She may neither perform halizah nor contract levirate marriage but the Sages ruled, She may either perform halizah or contract levirate marriage'. and I would well have known that their reason is that it is impossible?³⁶ — If 'THOUGH THIS IS IMPOSSIBLE' had not been stated, It might have been presumed that in most women the lower mark appears first and in that of a minority the upper mark appears first, and that R. Meir³⁷ is guided by his principle according to which he takes even a minority into consideration,³⁸ while the Rabbis³⁹ are guided by their principle according to which they do not take a minority into consideration;⁴⁰ and that this⁴¹ applies only to a general case, but where an

examination was held and no [lower mark] was found the Rabbis, it might have been assumed, agree with R. Meir³⁷ since the upper mark has appeared first, hence we were informed that this IS IMPOSSIBLE and that the lower mark⁴² had undoubtedly appeared earlier but merely fell off. According to R. Meir⁴³ one may well justify the Scriptural text, Thy breasts⁴⁴ were fashioned, and thy hair⁴⁵ was grown,⁴⁶ but according to the Rabbis,⁴⁷ should not the order have been reversed?⁴⁸ — It is this that was meant: As soon as the ‘breasts are fashioned’ it is known that ‘thy hair was grown’. According to R. Meir⁴⁹ one can well see the justification for the order of the Scriptural text, When they from Egypt bruised thy breasts⁴⁴ for the bosom⁴⁵ of thy youth.⁵⁰ but according to the Rabbis,⁴⁷ should not the order have been reversed?⁴⁸ — It is this that was meant: As soon as ‘thy breasts’ appeared it is known that thy youth⁴⁵ had appeared. And if you prefer I might reply: As to the meaning of⁵¹ shede,⁵² all the clause was written with regard to the breasts; and it is this that the Holy One, blessed be He, said in effect to Israel:

(1) Lev. XXV, 15.

(2) Since the minimum of ‘years’ (plural) is two, and the plural ‘crops’ denotes all the crops which can be produced in two years.

(3) And this is only possible in two complete years, or a full period of twenty-four months, where the sale took place before the produce of the first calendar year had been harvested. In two calendar years there can be no more than two crops.

(4) Ex. XXI, 2.

(5) But this is possible only if one serves six full years from the date of purchase which took place in the middle of a calendar year. The end of the sixth full year would in such a case coincide with the middle of the seventh calendar year.

(6) Supra 47b ad fin.

(7) Which differ with the ages of the persons valued (cf. Lev. XXVII, 2ff). The ruling here serves the purpose of indicating that, even where the Scriptural text provides no clear guidance on the point, the years mentioned throughout the context are full periods each of twelve months duration.

(8) Even where ‘and a day’ does not follow the number of years.

(9) Sc. the present Chapter V which begins with these words.

(10) R. Joseph.

(11) With Rab.

(12) Rab.

(13) Lit., ‘for a foetus born from its mother's side’ (cf. p. 333, n. 11).

(14) Supra 47b. Of course he did. Consequently it must be admitted that Rab and R. Joseph are essentially of the same opinion.

(15) Rab.

(16) Lit., ‘for a foetus born from its mothers’ side’ (cf. prev. n. but one).

(17) In the expression, ‘the years in the age of a son and a daughter’ (supra 47b).

(18) Consecrated things, houses in wall cities, etc.

(19) Hence his reply that the reference was to valuations (which are also recorded in the Scriptures) though he fully agrees that the same principle applies also to the years in the ages dealt with in the present chapter (which are not Scriptural but merely traditional).

(20) R. Joseph; why does he not add, ‘In regard to valuation’?

(21) Which are the expressions of the Scriptures in the context of valuations (cf. Lev. XXVII, 3f.).

(22) R. Eleazar b. Pedath, the famous Palestinian Amora.

(23) Supra 27b.

(24) To Palestine (cf. prev. n. but one).

(25) Cited by R. Isaac b. Nahmani.

(26) Lit., ‘learned’, after the number of the years.

(27) A man of the age of twenty years (cf. our Mishnah).

(28) Two pubic hairs.

(29) ‘A fig in its early ripening’ (v. Mishnah supra 47a).

(30) Because she is deemed to have attained her majority.

- (31) The apparent contradiction is described in the Gemara infra.
- (32) Though it cannot be discovered the hairs may be presumed to have fallen off.
- (33) Of course it had; since it was explicitly stated, IF THE UPPER MARK APPEARED BEFORE THE LOWER ONE.
- (34) Who ruled that SHE MAY NEITHER PERFORM HALIZAH etc., thus regarding her as a minor because, obviously, the upper mark may appear though the lower one had not yet made its appearance.
- (35) THE SAGES, who in either case (v. our Mishnah) regard her as of age.
- (36) And this would avoid the insertion of the ambiguous clause, 'THOUGH THIS IS IMPOSSIBLE'.
- (37) In regarding the girl as a minor.
- (38) And since a minority have the upper before the lower mark, every girl producing the upper mark alone must be regarded as a minor in case she belonged to the minority.
- (39) THE SAGES, who in either case (v. our Mishnah) regard her as of age.
- (40) As soon, therefore, as the upper mark appeared it may be taken for granted that the lower one had appeared previously.
- (41) The ruling of the Sages, which is dependent on the principle of following the majority.
- (42) Cf. Bah, wanting in cur. edd.
- (43) Who maintains that the upper mark sometimes appears first.
- (44) The upper mark.
- (45) The lower one.
- (46) Ezek. XVI, 7, since the marks do sometimes appear in this order.
- (47) Who hold that the upper mark can never appear first.
- (48) Hair first and breasts afterwards.
- (49) Who maintains that the upper mark sometimes appears first.
- (50) Ezek. XXIII, 21.
- (51) Lit., 'what'.
- (52) The word rendered supra 'bosom'.

Talmud - Mas. Nidah 48b

'Thy breasts were swollen, yet thou didst not repent; yea, thy breasts were dried up, yet thou didst not repent'.¹ All² at any rate agree that³ we rely on the lower mark; whence do we deduce this? — Rab Judah citing Rab replied and so it was taught at the school of R. Ishmael: Scripture said, When a man or a woman shall commit any sin that men commit,⁴ Scripture⁵ compared the 'woman' to the 'man' in respect of all the punishments in the Torah; as a man is subject to punishments on the appearance of the one mark⁶ so is also a woman subject to punishments on the appearance of the one mark. Might it not be suggested: Either the one or the other?⁷ — Like the man: As with the man [the determining factor] is the lower mark and not the upper one so also with the woman it is the lower one that determines majority but not the upper one. So⁸ it was also taught: R. Eliezer son of R. Zadok stated, Thus did they explain and promulgate at Jamnia: As soon as the lower mark makes its appearance no attention need any longer be paid to the upper one.

It was taught: R. Simeon b. Gamaliel stated, Among towns-women the lower mark appears earlier because they are in the habit of taking baths; among village women the upper mark appears earlier because they grind with millstones.⁹ R. Simeon b. Eleazar stated: Among the daughters of the rich the right hand side develops earlier because it rubs against their scarves;¹⁰ among the daughters of the poor the left side develops earlier because they carry¹¹ jars of water on them. And if you prefer I might say, Because they carry their brothers on their sides.

Our Rabbis taught: The left side develops earlier than the right side. R. Hanina the son of the brother of R. Joshua stated: The left side never developed earlier than the right side except in the case of one woman who lived in our neighbourhood whose left side developed earlier than the right one which later regained its normal strength.

Our Rabbis taught: All girls to be examined must be examined by women. So also R. Eliezer entrusted the examination to his wife, and R. Ishmael entrusted it to his mother. R. Judah ruled: Before the period¹² and after the period,¹³ women examine them.¹⁴ During the period¹⁵ no woman may examine them, since in doubtful cases¹⁶ no woman is allowed to marry¹⁷ on the evidence of women. R. Simeon ruled, Even during the period¹⁵ women examine them. And a woman may be relied upon when by her evidence the law is restricted but not when it is relaxed thereby. How so? [She may be relied upon when she states: ‘The girl] is of age’, so that the latter should thereby be denied the right of mi'un, or ‘She is a minor’, so that she should thereby be denied the right of performing halizah; but she is not trusted when asserting, ‘She is a minor’, so that she should have the right of exercising mi'un, or ‘She is of age’, so that she should be entitled to perform halizah.

The Master said, ‘R. Judah ruled: Before the period and after the period women examine them’. One can well concede that before the period an examination is required, for should [the same hairs]¹⁸ be found after the period they would be regarded as a mole;¹⁹ but what need could there be for an examination after the period seeing that Raba has laid down that a minor who has attained the age of her majority need not be examined since there is presumption that she had by that time produced the marks of puberty? — When Raba stated, ‘there is presumption’, he meant it in respect of mi'un,²⁰ but as regards halizah²¹ an examination is still required.²² ‘During the period no women may examine them’, because he is of the opinion [that the presence of hairs] during the period [is a mark of majority] as after the period;²³ but after the period, when Raba's presumption is applicable, we rely upon women who may, therefore, conduct the examination,²² while during the period, when Raba's presumption is not applicable, we cannot rely upon women, and women, therefore, may not conduct the examination. ‘R. Simeon ruled, Even during the period women examine them’, for he is of the opinion [that the presence of hairs] during the period [is no more a mark of puberty] than it is before the period; and an examination is, therefore, required so that if [the same hairs]²⁴ should be found after the period they would be regarded as a mole.²⁵ ‘And a woman may be relied upon when by her evidence the law is restricted but not when it is relaxed thereby.’ Who taught this? — If you wish I might say: R. Judah, and [the reference is to evidence] during the period.²⁶

(1) Aliter (Jast.) and cf. Rashi's first interpretation: Thy breasts began to develop, yet thou didst not repent, thy breasts were fully developed, yet etc.

(2) Lit., ‘that all the world’. R. Meir and the Sages.

(3) In determining whether a girl is of age.

(4) Num. V, 6.

(5) By placing the two nouns in juxtaposition.

(6) The lower one, which is the only mark he possesses.

(7) The analogy between ‘man’ and ‘woman’ extending only as far as a single mark is concerned, sc. that one mark (upper or lower) suffices to establish the majority of a woman as one mark (the lower) establishes the majority of a man.

(8) That the lower mark alone is the determining factor.

(9) The constant exercise of their arms distends their breasts.

(10) Which are worn on the right side.

(11) So with a certain reading. Cur. edd. ‘draw’.

(12) Sc. before the age of eleven years and a day.

(13) After the age of twelve years and a day.

(14) But, whether they report the presence of hair or their absence, the girls in the former case (a time when hairs are regarded as a mere ‘mole’) are treated as minors. In the latter case (a time when pubic hairs and maturity may well be expected) the girls are deemed to be of age if the women report the presence of hairs; but even if they report their absence, the girls cannot be treated as minors (since the hairs may have fallen off) and they are consequently deprived of the right of mi'un (v. Glos.).

(15) From the age of eleven years and one day to that of twelve years and one day, when their status is a matter of doubt and is entirely dependent on the presence or absence of the hairs.

(16) Cf. prev. n. In the first two cases (cf. prev. n. but one) a doubt hardly exists.

- (17) If the women were to report the presence of hairs the girls would have to be allowed to contract levirate marriage.
- (18) And no others.
- (19) And the girl would still be deemed a minor and denied the right of performing halizah.
- (20) Sc. to impose the restriction of denying her the right of mi'un.
- (21) I.e., to relax the law by allowing the performance of the rite.
- (22) A woman's evidence being in such a case relied upon, since a girl at the age mentioned usually has all the mark of puberty.
- (23) Cur. edd. in parenthesis insert 'like'.
- (24) And no others.
- (25) And the girl would still be deemed a minor and denied the right of performing halizah.
- (26) His opinion being that hairs discovered during the period are evidence of puberty as are hairs discovered after the period. If the women report the presence of hairs as a result of which the girl is deprived of the right of mi'un they are relied upon since the law is thereby restricted. Their evidence, however, is not relied upon as regards entitling her to perform halizah since thereby the law would be relaxed.

Talmud - Mas. Nidah 49a

And if you prefer I might say: R. Simeon, and [the reference is to evidence] after the period,¹ for he does not uphold the principle of Raba's presumption.

BECAUSE THEY MAINTAIN: IT IS POSSIBLE etc. What need again was there for this statement, seeing that it was already taught in the earlier clause? And were you to reply: Because it was desired to lay down an anonymous statement² in agreement with the Rabbis [it could be objected:] Is not this obvious, since in a dispute between an individual authority and a number of authorities the halachah is in agreement with the majority? — It might have been presumed that R. Meir's reason is more acceptable because Scriptural texts³ provide support for his view, hence we were informed⁴ [that the halachah is in agreement with the view of the Rabbis]. And if you prefer I might reply: Because it was desired to state,⁵ 'Similarly'.⁶

MISHNAH. SIMILARLY⁷ ANY [HOLE IN] AN EARTHEN VESSEL THAT LETS IN A LIQUID⁸ WILL⁹ LET IT OUT,¹⁰ BUT THERE MAY BE ONE THAT WILL LET IT OUT AND WILL NOT LET IT IN.¹¹ ANY LIMB¹² THAT GROWS A NAIL HAS ALSO A BONE IN IT¹³ BUT THERE MAY BE ONE THAT HAS A BONE IN IT BUT GROWS NO NAIL.¹⁴ WHATEVER CONTRACTS MIDRAS-UNCLEANNES¹⁵ ALSO CONTRACTS CORPSE-UNCLEANNES¹⁶ BUT THERE ARE SUCH AS CONTRACT CORPSE UNCLEANNES¹⁷ AND DO NOT CONTRACT MIDRAS-UNCLEANNES.¹⁸

GEMARA. A vessel with a hole THAT LETS IN A LIQUID is unfit for the water of purification¹⁹ and is [even more so] unfit²⁰ as a defective vessel;²¹ one with a hole THAT WILL LET IT OUT²² is fit for the water of purification²³ but unfit as a defective vessel.²⁴

R. Assi stated, It was learnt,²⁵ The minimum size [of a hole to render] an earthen vessel [unfit for the consecration of the water of purification] is one that will let a liquid in;²⁶ and one that will let a liquid out²² was mentioned only in respect of a defective vessel.²⁴ What is the reason?²⁷ — Mar Zutra son of R. Nahman replied: Because people do not say,²⁸ 'Bring a defective vessel for another defective vessel'.²⁹

Our Rabbis taught: How is an earthen vessel to be tested in order to ascertain whether its perforation is big enough to admit a liquid or not? One brings a tub full of water and puts the pot³⁰ into it. If it absorbs any of the liquid, it may be taken for granted that it lets liquids in; and if not, it may be taken for granted that it only lets liquids out.

- (1) And even then women's evidence is accepted only in so far as to impose restrictions (denial of the right of mi'un). It is not accepted, however, for the purpose of relaxing the law (allowing the performance of halizah).
- (2) Which, as a rule, is the accepted law.
- (3) From Ezekiel XVI and XXIII (supra 48a).
- (4) By the anonymous statement, BECAUSE THEY MAINTAIN etc. (cf. prev. n. but one).
- (5) In the next Mishnah.
- (6) Introducing similar cases where one process follows or is the result of another though the reverse is impossible.
- (7) Cf. prev. n.
- (8) In which the vessel stands,
- (9) If the liquid was within the vessel.
- (10) A lesser hole in fact being required for the latter process than for the former.
- (11) Cf. prev. n. mut. mut. The legal purpose of this statement is discussed in the Gemara infra.
- (12) Sc. a redundant finger.
- (13) And is, therefore, regarded as a proper limb which (cf. supra 43b) conveys uncleanness by overshadowing even though it is smaller than the minimum prescribed for the flesh of a corpse.
- (14) In such a case, if the limb is a redundant one, the conveyance of uncleanness (cf. prev. n.) is subject to the prescribed minimum.
- (15) Of a zab, to be a 'father of uncleanness' (v. Glos.).
- (16) Of the same grade (cf. prev. n.) since whatever object is suitable as midras for a zab has the status of a 'vessel' and is, therefore, subject to corpse-uncleanness also.
- (17) Having the status of a vessel in respect of susceptibility to all forms of uncleanness including that of 'father of uncleanness' if it came in contact with a corpse.
- (18) Sc. to become a 'father of uncleanness' through the midras of a zab. This is further discussed infra in the Gemara.
- (19) Which (cf. Num. XIX, 17) must be consecrated in a sound vessel.
- (20) To contract uncleanness.
- (21) Defective vessels which are still suitable for certain uses are, under given conditions, susceptible to uncleanness (cf. Hul. 54b) but when they have a hole of the nature mentioned they lose even the status of a defective vessel and, like broken sherds, are immune from all forms of uncleanness.
- (22) But will not let it in, sc. a smaller hole.
- (23) Such a small hole being disregarded in the case of an otherwise sound vessel.
- (24) Being already defective the smallest hole deprives it altogether of its status (cf. prev. n. but two).
- (25) Shonin Sc. as an oral tradition handed down to Moses from Sinai (Rashi).
- (26) If the hole is smaller the vessel retains in all respects the status of a sound one (cf. Shab. 95b.).
- (27) For the last ruling.
- (28) When there is a leak in a defective vessel.
- (29) That the former should receive the leakage from the latter. A defective vessel may be so used under an otherwise sound one, since the latter is not discarded on account of a very small hole. When such a hole, however, occurs in a defective vessel it is completely discarded and, therefore, loses its status (cf. supra n. 10).
- (30) That is to be tested.

Talmud - Mas. Nidah 49b

R. Judah¹ said: One inverts the handles of the pot into the tub² and allows water to float over it. If it then absorbs any, it may be taken for granted that it will let liquids in; but if not, it may be taken for granted that it only lets liquids out. Or else, it³ may be put upon a fire. If the fire stops the leakage it is certain that the pot will only let liquids out; but if not it is certain that it also lets liquids in. R. Jose said: One does not put it upon the actual⁴ fire since the fire stops it,⁵ but it is put upon embers. If the embers stop it, it is certain that it only lets liquids out, but if not, it is certain that it also lets liquids in. If it drips drop after drop⁶ it is certain that it lets liquids in. What is the practical difference between the first Tanna⁷ and R. Judah? — 'Ulla replied: The practical difference between them is a case of absorption under pressure.⁸

ANY LIMB THAT GROWS A NAIL etc. If it grows a nail⁹ it¹⁰ conveys uncleanness¹¹ by means of touch, carriage and overshadowing. If it contains a bone but grows no nail it conveys uncleanness¹² by means of touch and carriage but does not convey it by means of overshadowing.¹³

R. Hisda stated: The following was said by our great Master,¹⁴ may the Omnipresent be his help. A redundant finger that contains a bone but grows no nail conveys uncleanness¹² by means of touch and carriage but does not convey it by means of overshadowing. Rabbah b. Bar Hana explained: This is the case only when it¹⁵ is not counted in [the row of the fingers of] the hand.¹⁶

WHATEVER CONTRACTS MIDRAS — UNCLEANNESS etc. Whatever object is fit for midras contracts corpse-uncleanness, but there are such as contract corpse-uncleanness and do not contract midras-uncleanness. What is this rule intended to include? — It is intended to include a se'ah measure and a tarkab;¹⁷ for it was taught: And he that sitteth on any thing;¹⁸ as it might have been presumed that if the zab inverted a se'ah measure and sat upon it or a tarkab measure and sat upon it, it shall be unclean,¹⁹ it was explicitly stated, Whereon he that hath the issue sat,¹⁸ implying²⁰ that the text refers only to a thing that is appointed for sitting;²¹ but this one²² is excluded, since people would tell him, 'Get up that we may do our work with it'.²³

MISHNAH. WHOSOEVER IS FIT TO TRY CAPITAL CASES IS ALSO FIT TO TRY MONETARY SUITS, BUT ONE MAY BE FIT TO TRY MONETARY SUITS AND YET BE UNFIT TO TRY CAPITAL CASES.

GEMARA. Rab Judah stated: This²⁴ was meant to include a bastard.²⁵ Have we not, however, learnt this once before: 'All are eligible to try monetary suits but not all eligible to try capital cases',²⁶ and when the question was raised, 'What was this intended to include?' Rab Judah replied, 'It was intended to include a bastard'.²⁷ — One statement was intended to include a proselyte and the other to include a bastard. And both statements were necessary. For if we had been informed of the proselyte only it might have been presumed that it applied to him alone because he is eligible to enter the Assembly²⁸ but not to a bastard who is not eligible to enter the Assembly.²⁹ And if we had been informed of the bastard only it might have been presumed to apply to him alone because he issues from an eligible source³⁰ but not to a proselyte who issues from an ineligible source.³¹ Hence the necessity for both rulings.

MISHNAH. WHOSOEVER IS ELIGIBLE TO ACT AS JUDGE IS³² ELIGIBLE TO ACT AS WITNESS, BUT ONE MAY BE ELIGIBLE TO ACT AS WITNESS AND NOT AS JUDGE.

GEMARA. What [was this³³ intended] to include? — R. Johanan replied: To include one who is blind in one eye,³⁴ and who is the author?

(1) Objecting to the previous test which, since the bottom of the pot is inevitably pressed against the water, would cause the latter to penetrate even through the smallest of holes.

(2) Lit., 'into it', while it is still empty.

(3) The pot to be tested, with water in it.

(4) Lit., 'even not'.

(5) Even if the hole is big.

(6) This is another test, independent of the former.

(7) Supra 49a ad fin.

(8) According to the first Tanna this also is proof that the vessel lets liquids in, while according to R. Judah this is no proof (cf. supra n. 2).

(9) Though the limb is a redundant one, a sixth finger for instance.

(10) Being regarded as a proper limb (cf. relevant n. on our Mishnah).

(11) However small its bulk.

- (12) If the bone is not smaller than a barley-grain.
- (13) Unless the bulk of the flesh was no less than that of an olive.
- (14) Rab.
- (15) Being situated outside the row of the normal fingers.
- (16) A normal finger, or even a redundant one in the normal row, conveys uncleanness by overshadowing, however small in bulk it may be, as any proper limb.
- (17) A measure of capacity containing two kabs; Aliter: ** = three kabs or half a se'ah, a dry measure.
- (18) Lev. XV, 6.
- (19) Midras-uncleanness that is conveyed to men and objects which become thereby a 'father of uncleanness'.
- (20) Emphasis on 'sat' (v. Hag. Sonc. ed., p. 149, n. 2).
- (21) Such an object only is subject to the major grade of uncleanness (cf. prev. n. but two).
- (22) An inverted measure.
- (23) Hence they contract from a zab the uncleanness of touch only and this subjects them only to the uncleanness of the first grade, while through contact with a corpse they become a 'father of uncleanness'.
- (24) The second clause of our Mishnah.
- (25) Who is a fit person to act as judge in monetary suits but not in capital cases (cf. Sanh. 36b).
- (26) Sanh. 32a.
- (27) That he is fit to adjudicate in indictory cases. Ibid. 36b. Why then the repetition.
- (28) Sc. to marry the daughter of an Israelite.
- (29) Cf. Deut. XXIII, 3.
- (30) Lit., 'a fit drop', sc. pure Israelite origin.
- (31) Heathen origin. Cf. prev. n. mut. mut.
- (32) Much more so.
- (33) The second rule in our Mishnah.
- (34) Such a person is eligible as witness but not as judge. One blind in both eyes is ineligible even as witness.

Talmud - Mas. Nidah 50a

— R. Meir.¹ For it was taught: R. Meir used to say, What was the purport of the Scriptural text, According to their word shall every controversy and every leprosy be?² What connection could controversies have with leprosy? But³ controversies were compared to leprosy, as leprosy must be examined by day, since it is written, And in the day when . . . appeareth in him,⁴ so must controversies be tried by day; and⁵ as leprosy is not to be examined by a blind man,⁶ since it is written, Wherever the priest looketh,⁷ so are controversies not to be tried by a blind man.⁶ And⁸ leprosy is further compared to controversies: As controversies are not to be tried by relatives, so are leprosy not to be examined by relatives. In case [one were to argue:] 'As controversies must be tried by three men so must leprosy also be examined by three men, this being logically arrived at a minori ad majus: If controversies affecting one's wealth must be tried by three men, how much more so matters affecting one's body', it was explicitly stated, When he shall be brought unto Aaron the priest or unto one of his sons the priests.⁹ Thus you have learnt that even a single¹⁰ priest may examine leprosy.¹¹

A certain blind man who lived in the neighbourhood of R. Johanan used to try lawsuits and the latter¹² told him nothing against it. But how could he¹² act in this manner, seeing that R. Johanan actually stated, 'The halachah is in agreement with an anonymous Mishnah', and we have learnt,¹³ WHOSOEVER IS ELIGIBLE TO ACT AS JUDGE IS ELIGIBLE TO ACT AS WITNESS, BUT ONE MAY BE ELIGIBLE TO ACT AS WITNESS AND NOT AS JUDGE, and when the question was raised, 'What was this intended to include?' R. Johanan replied, 'To include one who is blind in one eye'?¹⁴ — R. Johanan found another anonymous Mishnah.¹⁵ For we have learnt, Monetary suits must be tried by day and may be concluded by night.¹⁶ But why should this anonymous Mishnah¹⁷ be deemed more authoritative than the former?¹⁸ If you wish I might reply: An anonymous Mishnah which represents the view of a majority¹⁹ is preferable. And if you prefer I might reply: Because it²⁰

was taught among the laws of legal procedure.²¹

MISHNAH. WHATSOEVER IS SUBJECT TO TITHES IS SUSCEPTIBLE TO FOOD-UNCLEANNES;²² BUT THERE IS A KIND OF FOODSTUFF²³ THAT IS SUSCEPTIBLE TO FOOD-UNCLEANNES AND IS NOT SUBJECT TO TITHES.

GEMARA. What was this²⁴ intended to include? — To include flesh, fish and eggs.²⁵

MISHNAH. WHATSOEVER IS SUBJECT TO THE OBLIGATION OF PE'AH²⁶ IS ALSO SUBJECT TO THAT OF TITHES; BUT THERE IS A KIND OF PRODUCE WHICH IS SUBJECT TO THE OBLIGATION OF TITHES AND IS NOT SUBJECT TO THAT OF PE'AH.

GEMARA. What was this²⁴ intended to include? — To include the fig-tree and vegetables, which are not subject to the obligation of pe'ah.²⁷ For we have learnt: They²⁸ have laid down a general rule concerning pe'ah. Whatsoever is a foodstuff, is kept under watch, grows²⁹ from the ground, is all harvested at the same time, and is taken in for storage, is subject to pe'ah.³⁰ 'A foodstuff', excludes the after-growths of woad and madder;³¹ 'is kept under watch', excludes hefker; 'grows³² from the ground', excludes morils and truffles;³³ 'is all harvested at the same time', excludes the fig-tree;³⁴ and is taken in for storage', excludes vegetables. As regards tithes, however, we have learnt: Whatsoever is a foodstuff, is kept under watch and grows from the ground is subject to the obligation of tithes;³⁵ whereas 'is all harvested at the same time³⁶ and is taken in for storage'³⁷ was not mentioned.³⁸ But if garlic or onions³⁹ grew among them⁴⁰ they are subject [to pe'ah]. For we have learnt: As regards plots of onions between other vegetables, R. Jose ruled, Pe'ah must be left from each⁴¹ and the Sages ruled, From one for all.⁴²

Rabbah b. Bar Hana citing R. Johanan ruled: If endives were originally sown for cattle-food and then [the owner] changed his mind⁴³ to use them for human food,

(1) Who disqualifies a man blind in one eye from acting as judge.

(2) Deut. XXI, 5.

(3) Owing to juxtaposition.

(4) Lev. XIII, 14, emphasis on 'day'. (E.V. 'whenever' for 'in the day when').

(5) By a further analogy (cf. prev. n. but one).

(6) Even by one who is blind in one eye only.

(7) Lev. XIII, 12 emphasis on the last word.

(8) Owing to juxtaposition.

(9) Lev. XIII, 2 emphasis on 'Aaron' and 'one'.

(10) Cf. prev. n.

(11) At any rate it follows, as was stated above, that according to R. Meir a blind man (even if in one eye only) is eligible as judge. Our Mishnah, therefore, represents his view.

(12) R. Johanan.

(13) As an anonymous Mishnah.

(14) Which clearly shows that according to R. Johanan no blind man is eligible to act as judge. Why then did he raise no objection against the blind man's conduct?

(15) Which allows a blind man to act as judge.

(16) Sanh. 32a; which shows that, according to this Mishnah, 'controversies' were not compared to 'leprosy' for though the latter may not be examined by night the trying of the former may well be concluded by night. And since the two were not compared in this respect they were not compared as regards the ineligibility of a blind man either.

(17) The latter, cited from Sanh.

(18) Our Mishnah. Lit., 'and what is the strength of that anonymous etc.'

(19) As does the one from Sanh. Our Mishnah, as was explained supra, represents the view of R. Meir alone.

(20) The latter, cited from Sanh.

- (21) With which the tractate of Sanh. deals. A law occurring in a tractate that is devoted to similar laws is more reliable than one occurring in a tractate that is mainly devoted to a totally different subject.
- (22) Since only foodstuffs are subject to tithe.
- (23) This is presently explained in the Gemara.
- (24) The second clause of our Mishnah.
- (25) Only foodstuffs that grow from the ground are subject to tithe.
- (26) Lit., 'corner'. Cf. When ye reap the harvest . . . thou shalt not wholly reap the corner of thy field . . . thou shalt leave them for the poor (Lev. XIX, 9f).
- (27) But are liable to tithes.
- (28) The Rabbis.
- (29) Var. lec. 'draws its nourishment' (v. Tosaf.).
- (30) Pe'ah I, 4.
- (31) Plants used only in dyeing which are unsuitable as food.
- (32) Var. lec. 'draws its nourishment' (v. Tosaf.).
- (33) Which are not planted Aliter: Which (cf. prev. n.) do not draw their nourishment from the ground.
- (34) And similar trees whose fruit ripens at different times.
- (35) Ma'as. I, 1.
- (36) Which would have excluded the fig-tree and the like.
- (37) Which would have excluded vegetables.
- (38) It thus follows that figs and vegetables are liable to tithes though exempt from pe'ah. The tithe mentioned is, of course, only Rabbinical, since Pentateuchally only corn, wine and oil are subject to the obligations of tithe.
- (39) Vegetables that are taken in for storage.
- (40) The other vegetables.
- (41) Since the other vegetables form a division between one plot and another.
- (42) The intervening vegetables being disregarded, Pe'ah III, 4.
- (43) While they were still attached to the ground.

Talmud - Mas. Nidah 50b

it is necessary¹ that he should intend them for the purpose² after they had been detached; he being of the opinion that intention² concerning attached [produce] is no valid intention. Raba observed: We also have learnt a rule to the same effect: Thirteen things have been said about the carrion of a clean bird, (and the following is one of them).³ It is necessary⁴ that it should be intended for food but there is no need for it to be rendered⁵ susceptible to uncleanness.⁶ Thus it is clearly evident that⁷ an intention concerning a live being is no valid intention; so also here⁸ it must be said, that an intention concerning attached [produce]⁹ is no valid intention.¹⁰ R. Zera said:¹¹ We are dealing here¹² with a [flying] pigeon that dropped from on high, so that it was not before us¹³ to enable one to have any intentions about it.¹⁴ Said Abaye to him:¹⁵ What can be said about the [case of the] hen of Jamnia?¹⁶ — That, the other¹⁵ replied, was a wild cock.¹⁷ They laughed at him: A wild cock is an unclean bird and an unclean bird does not convey uncleanness!¹⁸ — 'When a great man', Abaye told them, 'said something, do not laugh at him. This was a case of a hen that ran away;¹⁹ and as to the meaning²⁰ of "wild", it turned wild as far as its master was concerned'.²¹ R. Papa said: It was a field-hen.²² R. Papa thus followed his known view. For R. Papa ruled, A field-cock is forbidden and a field-hen is permitted; and your mnemonic is 'A male Ammonite²³ but not a female Ammonite'. Amemar laid down in his discourse that a field-hen is forbidden.²⁴ The Rabbis observed that it stamps on its prey²⁵ when eating it;²⁶ and it is this bird that is known as girutha.²⁷

Our Rabbis taught: If a pigeon²⁸ fell into a winepress²⁹ and it was intended to pick it up for a Samaritan,³⁰ it is unclean;³¹ but if it was intended for a dog it is clean,³² R. Johanan b. Nuri³³ ruled, Even if intended for a dog it is unclean.³¹ R. Johanan b. Nuri argued: This is arrived at a *minori ad majus*. If it³⁴ conveys a major uncleanness,³⁵ though there was no intention,³⁶ should it not convey a minor uncleanness³⁷ though there was no intention? They answered him: No; if you maintain your

view in the case of a major uncleanness, which never descends to that,³⁸ would you also maintain it in the case of a minor uncleanness which does descend to that?³⁸ He replied: the hen of Jamnia proves my contention, for it descends to that and, though there was no intention, it was declared unclean. 'From there', they retorted, 'is your proof? In that place there were Samaritans and it was intended that they shall eat it.' Now with what case are we dealing here? If it be suggested with big cities [the objection would arise]: What need was there for intention, seeing that we have learnt: The carcass of a clean beast anywhere³⁹ and the carcass of a clean bird and forbidden fat in large towns⁴⁰ require neither intention nor to be rendered susceptible.⁴¹ If, however, it is suggested: Of villages, [the difficulty arises:] Is there any authority who maintains that in this case no intention is required, seeing that we have learnt: The carcass of an unclean beast⁴² anywhere⁴³ and the carcass of a clean bird in villages⁴⁴ require⁴⁵ intention⁴⁶ but need not be rendered susceptible?⁴⁷ — R. Ze'ira b. Hanina replied: We are in fact dealing with an incident in a big city, but⁴⁸ the winepress caused it⁴⁹ to be objectionable⁵⁰ and thus caused the town to be regarded as a village.

'R. Johanan b. Nuri argued: This is arrived at a *minori ad majus*. If it conveys a major uncleanness, though there was no intention, should it not convey a minor uncleanness though there was no intention? They answered him: No; if you maintain your view in the case of a major uncleanness which never descends to that.' What is meant by 'it never descends to that'? — Raba replied: It is this that they⁵¹ in effect said to him,⁵² 'No; if you maintain your view

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- (1) If they are to be rendered susceptible to food-uncleanness as human food.
 - (2) To be used as human food.
 - (3) The bracketed words are not in the cited Mishnah.
 - (4) Cf. prev. n. but one mut. mut.
 - (5) By intentionally wetting it.
 - (6) As is the case with other dry foodstuffs which must come in contact with liquids before they can be capable of contracting uncleanness. Toh. I, 1.
 - (7) Since intention is required when it is already carrion though a live bird is usually intended for food.
 - (8) R. Johanan's ruling.
 - (9) Which, analogous to a live animal, is not susceptible to uncleanness.
 - (10) Support is thus adduced for R. Johanan's ruling.
 - (11) The cited Mishnah affords no support to R. Johanan.
 - (12) The Mishnah of Toh. cited.
 - (13) While it was yet alive.
 - (14) Hence the ruling that 'it is necessary that it should be intended for food' after it was carrion. Where, however, a live animal was intended to be used in due course as food no further intention is necessary after it had been killed,
 - (15) R. Zera.
 - (16) Which (v. infra) was in its owner's possession before it died and yet was regarded as a food for the sole reason that the Samaritans living there intended it as such after it was dead.
 - (17) Not usually intended for food. Hence the necessity for intention after its death.
 - (18) Through one's oesophagus, v. Hul. 100b. Now since the uncleanness of the hen at Jamnia was conveyed through the oesophagus (sc. by the swallowing of it) it could not possibly have been a wild cock.
 - (19) Lit., 'rebelled', and thus was not before us while alive and for this reason intention would be necessary after it died. It was one of the young of this hen that dropped at Jamnia and gave rise to the discussion.
 - (20) Lit., 'and what',
 - (21) Lit., 'from its master'. As the bird in question was consequently a clean one it may well have conveyed uncleanness (as stated) through the oesophagus.
 - (22) Or 'a hen of the marshes', which in his opinion (v. infra) is a clean bird.
 - (23) Is forbidden to enter the Assembly (cf. Deut. XXIII, 4).
 - (24) As food.
 - (25) In the manner of birds of prey.
 - (26) No clean birds eat in this manner.

- (27) Presumably the moor-hen. The girutha is an unclean bird (cf. Hul. 109b).
- (28) A clean bird.
- (29) Where it got crushed and died, becoming repulsive for eating.
- (30) To give it to him to eat.
- (31) Food-uncleanness. It conveys uncleanness to other foodstuffs through contact, without being rendered susceptible.
- (32) Such an intention being invalid.
- (33) Holding that no intention is required (v. infra).
- (34) The pigeon.
- (35) The uncleanness of the person and the clothes worn by him when he ate it.
- (36) When, for instance, the man was unaware that he was eating that particular pigeon.
- (37) That of food and drink by means of contact.
- (38) This is explained presently.
- (39) Even in a village where there are not many consumers.
- (40) Where consumers are many and any sort of food finds buyers.
- (41) 'Uk. III, 3; since a clean beast is usually intended for food both in town and in villages while the carcass of a clean bird and forbidden fat would find consumers in large towns only but not in villages (cf. prev. two notes). Intention, therefore, is required in the latter case but not in the former.
- (42) Which is not usually eaten.
- (43) Even in large towns,
- (44) Where consumers are few.
- (45) Since they are not usually eaten.
- (46) To enable them to convey uncleanness. In the case of the former, uncleanness is conveyed even in the absence of intention provided its bulk was no less than that of an olive. The intention, however, avails where the bulk of carcass was less than that of an olive and that of other food was less than the bulk of an egg. In such a case the two quantities combine to form together the prescribed bulk of an egg which contracts uncleanness through contact with a dead creeping thing.
- (47) Since they would eventually be subject to a major uncleanness.
- (48) The reason why the Rabbis require intention.
- (49) The pigeon.
- (50) So that it is not so very suitable for consumption.
- (51) The Rabbis.
- (52) R. Johanan b. Nuri.

Talmud - Mas. Nidah 51a

in the case of a major uncleanness which never causes an uncleanness of the same grade,¹ would you also maintain it in the case of a minor uncleanness which does cause an uncleanness of the same grade?'² Said Abaye to him: [Should not this³ apply to the latter] with even more reason: If a major uncleanness, concerning which the law has been relaxed in that it does not cause an uncleanness of the same grade,⁴ conveys uncleanness in the absence of intention, how much more then should a minor uncleanness, concerning which the law has been restricted in that it does cause uncleanness of the same grade,⁵ convey uncleanness even where there was no intention? — Rather, said R. Shesheth, It is this that they⁶ implied: 'No; if you maintain your view⁷ in the case of a major uncleanness, which need not be rendered susceptible,⁸ would you also maintain it⁷ in the case of a minor uncleanness which does require to be rendered susceptible?' But is it required to be rendered susceptible? Have we not in fact learnt:⁹ Three¹⁰ things have been said about the carrion of a clean bird,¹¹ it is necessary that it should be intended for food, it conveys uncleanness through the oesophagus only,¹² and there is no need for it to be rendered susceptible?¹³ — Granted that it is not required that a dead creeping thing shall render it susceptible,¹⁴ it is nevertheless necessary that it shall be rendered susceptible¹⁵ by means of water.¹⁶ Why¹⁷ is it not required that a dead creeping thing shall render it susceptible? In agreement with what the school of R. Ishmael taught. But then there should be no need for it to be rendered susceptible by means of water also in agreement with

what the school of R. Ishmael taught; for the school of R. Ishmael taught: Upon any sowing seed which is to be sown,¹⁸ as seeds¹⁵ which do not eventually contract a major uncleanness¹⁹ must²⁰ be rendered susceptible so must any other thing which does not eventually contract a major uncleanness be rendered susceptible; the carcass of a clean bird is excluded, in that it need not be rendered susceptible, since it eventually contracts a major uncleanness?²¹ — Rather, replied Raba, or as some say R. Papa, [the reference²² is to] a major uncleanness in general and to a minor uncleanness in general.²³

Raba stated: R. Johanan,²⁴ however, agrees in regard to tithe that intention²⁵ concerning attached [produce] is a valid intention.²⁶ Raba explained, Whence do I derive this? From what we learnt: Savory,²⁷ hyssop and calamint²⁸ that are grown in a courtyard, if they are kept under watch,²⁹ are subject to tithe.³⁰ Now how are we to imagine the circumstances?³¹ If it be suggested that these herbs were originally sown for human consumption [the difficulty would arise]: Was it at all necessary to enunciate such a law?³² Consequently the circumstances must be such, must they not, that the herbs were originally sown for cattle food; and yet it was stated, 'if they are kept under watch'³³ they 'are subject to tithe'.³⁴ R. Ashi retorted: Here³⁰ we are dealing with a courtyard in which the herbs grew spontaneously³⁵ so that as a rule they are destined for human consumption, and³⁶ it is this that was meant: If the courtyard affords protection for the produce it grows³⁷ the herbs are subject to tithe; otherwise they are exempt.³⁸

R. Ashi objected:³⁹ Whatsoever is subject to tithes is susceptible to food uncleanness.⁴⁰ Now if that were so,⁴¹ would there not be the case of these⁴² which are liable to tithe⁴³ and yet⁴⁴ do not become susceptible to the uncleanness of food?⁴⁵ — The fact is, said Raba, that it is this that was meant: Any species that is liable to tithe is susceptible to food uncleanness. This⁴⁶ is also logically sound. For in the final clause⁴⁷ it was stated, Whatsoever is subject to the law of the first of the fleece⁴⁸ is also subject to that of the priestly gifts⁴⁹ but there may be a beast⁵⁰ that is subject to the law of the priestly gifts and is not subject to that of the first of the fleece.⁵¹ Now if it were so⁵² [the objection would arise]: Is there not also the case of the terefah which is subject to the law of the first of the fleece and yet is not subject to that of the priestly gifts?⁵³ — Rabina retorted: This⁵⁴ represents the view of⁵⁵ R. Simeon. For it was taught:⁵⁶ R. Simeon exempts the terefah from the law of the first of the fleece.⁵⁷ R. Shimi b. Ashi replied,⁵⁸ Come and hear: If a man declared his vineyard hefker⁵⁹ and, rising early in the morning, he cut its grapes, he is liable⁶⁰ to peret,⁶¹ 'oleloth,⁶² the forgotten sheaf⁶³ and pe'ah⁶⁴ but⁶⁵ is exempt from tithe.⁶⁶ But have we not learnt: WHATSOEVER IS SUBJECT TO THE OBLIGATION OF PE'AH IS ALSO SUBJECT TO THAT OF TITHES?⁶⁷ Must you not then infer from this⁶⁸ that the reference⁶⁹ was⁷⁰ to the whole species?⁷¹ This is conclusive.

Elsewhere we have learnt:⁷² The Sages agree with R. Akiba that if a man sowed dill or mustard seed in two or three different spots he must allow pe'ah from each.⁷³

(1) When a carcass (a 'father of uncleanness'), for instance, imparted uncleanness to a person the latter cannot impart it to another person, since only a 'father of uncleanness' can carry uncleanness to persons.

(2) Foodstuffs, for instance, that contracted an uncleanness may (Rabbinically) convey the same uncleanness to other foodstuffs.

(3) The view that no intention is necessary.

(4) Cf. p. 350, n. 12.

(5) V. p. 350, n. 13.

(6) The Rabbis.

(7) The view that no intention is necessary.

(8) A carcass, for instance, is unclean irrespective of whether it had been rendered susceptible by liquids or not.

(9) MS.M., 'was it not taught?'

(10) In the Mishnah citation supra the reading for 'three' is 'thirteen' (cf. prev. n.)

- (11) A minor uncleanness.
- (12) Sc. only when it is being swallowed is uncleanness conveyed to the person and to his clothes.
- (13) Cf. supra 50b q.v. notes.
- (14) Sc. that it shall cause it to become unclean.
- (15) Like any other foodstuffs.
- (16) Only after it had been purposely wetted is it susceptible to uncleanness.
- (17) Lit., 'wherein the difference?'
- (18) Lev. XI, 37.
- (19) Sc. they can never convey uncleanness to a person.
- (20) If they are to contract any uncleanness.
- (21) How then could it be maintained that it is 'necessary that it shall be rendered susceptible by means of water'?
- (22) In the argument of the Rabbis.
- (23) In the case of the former susceptibility is never required; hence it is that no intention is required either. In the case of the latter susceptibility is usually (though not in the particular case of a bird) required; hence it is that intention also is necessary.
- (24) Though he stated (supra 50b) that in regard to uncleanness intention concerning an attached plant is no valid intention.
- (25) To use the produce as food for men.
- (26) And it is in consequence subject to tithe.
- (27) Satureia Thymbra.
- (28) Or 'thyme'.
- (29) For the purpose, so it is now assumed, of using them for human consumption.
- (30) Ma'as. III, 9.
- (31) In which the law mentioned applies.
- (32) Of course not. The law is too obvious to be stated.
- (33) For the purpose, so it is now assumed, of using them for human consumption.
- (34) Which shows that intention regarding the use of attached produce in the case of tithe is valid.
- (35) Sc. they were never intended to be used as cattle food.
- (36) In reply to the objection: What need was there for enunciating a law that was too obvious?
- (37) In consequence of which the herbs cannot be regarded as hefker (v. Glos.).
- (38) Hefker being exempt from tithe.
- (39) Against Raba.
- (40) Supra 50a.
- (41) That intention to use attached produce for human consumption is valid enough as regards liability to tithe.
- (42) Endives sown for the purpose of producing cattle food concerning which the grower changed his mind, while they were still attached to the ground, and decided to use the crop as food for human consumption.
- (43) Since intention in this respect (cf. prev. n. but one) is valid.
- (44) Intention regarding attached produce being invalid in respect of susceptibility to uncleanness.
- (45) How then is Raba's statement to be reconciled with the Mishnah cited?
- (46) Raba's interpretation just given.
- (47) The Mishnah infra 51b which is the continuation of the previous Mishnah.
- (48) Cf. Deut, XVIII, 4.
- (49) The shoulder, the two cheeks and the maw given from slaughtered cattle (cf. ibid. 3).
- (50) An ox or a goat.
- (51) Infra 51b.
- (52) That a general statement like 'whatsoever etc.' includes every individual case.
- (53) Hul. 136b. Must it not consequently be admitted, as Raba explained, that by the general rule (cf. prev. n.) the whole species was meant?
- (54) The Mishnah just cited.
- (55) Lit., 'that whose? It is'.
- (56) V. marg. gl. Cur. edd. 'for we learnt'.
- (57) No proof, therefore, may be adduced from this Mishnah that a general rule refers to the entire species.

- (58) Justifying Raba's submission (cf. prev. n. but four).
- (59) V. Glos.
- (60) For the reason cf. B.K. 94a.
- (61) Single grapes dropped during the cutting (cf. Lev. XIX, 10) which must be left for the poor.
- (62) 'Gleanings' of the vineyards or a small single bunch of grapes on a single branch 'which are the portion of the poor (cf. Lev. XIX, 10 and Deut. XXIV, 21).
- (63) Which had to be left for the poor (cf. Deut. XXIV, 19).
- (64) V. Glos. Cf. Lev. XIX, 9.
- (65) Since the vineyard is hefker.
- (66) Ned. 44b. B.K, 94a.
- (67) How then are the two Tannaitic statements to be reconciled?
- (68) Cf. prev. n.
- (69) In the general rule, 'Whatsoever etc.'.
- (70) Not to each individual case.
- (71) Of course one must. Raba's submission is thus confirmed.
- (72) This is quoted here because an objection against it is raised from our Mishnah.
- (73) Pe'ah III, 2.

Talmud - Mas. Nidah 51b

Now dill, surely, since it is liable to pe'ah is also liable¹ to tithe, for we have learnt, **WHATSOEVER IS SUBJECT TO THE OBLIGATION OF PE'AH IS ALSO SUBJECT TO THAT OF TITHES**; and since it is liable to tithe it is also susceptible to food uncleanness. It is accordingly evident that anything that is used as a flavouring is susceptible to food uncleanness, since dill is used as a flavouring. But is not this incongruous with the following: 'Castus,² amomum,³ and the principal spices, crowfoot, asafoetida, pepper and lozenges of bastard safron may be bought with second tithe money but they are not susceptible to food uncleanness; so R. Akiba. Said R. Johanan b. Nuri to him: If they may be bought with second tithe money why are they not susceptible to food uncleanness? And if they are not susceptible,⁴ they⁵ should not be bought with second tithe money',⁶ and in connection with this R. Johanan b. Nuri stated, 'A vote was taken and they decided that these are not to be bought with second tithe money and that they are not susceptible to food uncleanness'⁷ — R. Hisda replied: When that Mishnah⁸ was taught the reference was to dill intended as an ingredient⁹ of kamak.¹⁰ R. Ashi stated, I submitted the following argument before R. Kahana:¹¹ Do not say, 'The reference was to dill intended¹² as an ingredient of kamak', from which it would follow that generally¹³ it is used as flavouring matter,¹⁴ but rather that dill is generally intended as an ingredient of kamak.¹⁵ For we have learnt: Dill,¹⁶ as soon as it has imparted some flavour to a dish, is no longer subject to the restrictions of terumah¹⁷ and it is no longer susceptible to food uncleanness.¹⁸ From which it follows that before it had imparted any flavour to a dish it is subject to the restrictions of terumah and is susceptible to food uncleanness.¹⁹ Now if you were to imagine that as a rule it is used for flavouring¹⁴ [the difficulty would arise]: Even if it had not imparted any flavour to a dish [should it not be free from the restrictions of food since] as a rule it is used for flavouring?²⁰ Must you not then infer from this²¹ that generally it is used as an ingredient of kamak?¹⁵ This is conclusive.

MISHNAH. WHATSOEVER IS SUBJECT TO THE LAW OF THE FIRST OF THE FLEECE²² IS ALSO SUBJECT TO THAT OF THE PRIESTLY GIFTS,²³ BUT THERE MAY BE [A BEAST]²⁴ THAT IS SUBJECT TO THE LAW OF THE PRIESTLY GIFTS AND NOT TO THAT OF THE FIRST OF THE FLEECE. WHATSOEVER IS SUBJECT TO THE LAW OF REMOVAL²⁵ IS ALSO SUBJECT TO THE RESTRICTIONS OF THE SABBATICAL YEAR,²⁶ BUT THERE IS [A KIND OR PRODUCE] THAT IS SUBJECT TO THE RESTRICTIONS OF THE SABBATICAL YEAR²⁶ AND IS NOT SUBJECT TO THE LAW OF REMOVAL.²⁵

GEMARA. As, for instance, the leaves of arum and of miltwaste.²⁷

THERE IS A KIND OF PRODUCE THAT IS SUBJECT TO THE RESTRICTIONS OF THE SABBATICAL YEAR AND IS NOT SUBJECT TO THE LAW OF REMOVAL, the root of the arum and the root of miltwaste, since it is written in Scripture, And for thy cattle and for the beasts that are in thy land, shall all the increase thereof be for food,²⁸ as long as 'the beasts' eat²⁹ from the field you may feed 'thy cattle' in the house, but when the produce comes to an end for 'the beasts' in the field you must bring it to an end for 'thy cattle' which are in the house; but these,³⁰ surely, have not come to an end.

MISHNAH. WHATSOEVER³¹ HAS SCALES HAS FINS BUT THERE ARE SOME THAT HAVE FINS AND NO SCALES. WHATSOEVER³² HAS HORNS HAS HOOFS BUT THERE ARE SOME THAT HAVE HOOFS AND NO HORNS.

GEMARA. WHATSOEVER HAS SCALES [etc.] [viz.] a clean fish,³³ THERE ARE SOME THAT HAVE FINS AND NO SCALES, refers to an unclean fish.³⁴ Now consider: Since we³⁵ rely on the scales,³⁶ what need then was there for the All Merciful to mention³⁷ fins?³⁸ — If the All Merciful had not written fins it might have been presumed that the written word *kaskeseth*³⁹ meant⁴⁰ fins and that even an unclean fish [is, therefore, permitted]. Hence has the All Merciful written 'fins' and 'scales'.⁴¹ But now that the All Merciful has written both 'fins' and 'scales', whence is it deduced that *kaskeseth*³⁹ means the covering? Because it is written, And he was clad with a coat of mail.⁴² Then why⁴³ did not the All Merciful write *kaskeseth*³⁹ and there would be no need for the mention of fins?⁴⁴ — R. Abbahu replied and so it was also taught at the school of R. Ishmael: To make the teaching great and glorious.⁴⁵

MISHNAH. WHATSOEVER REQUIRES A BENEDICTION AFTER IT REQUIRES ONE BEFORE IT, BUT THERE ARE THINGS THAT REQUIRE A BENEDICTION BEFORE THEM AND NOT AFTER THEM.

GEMARA. [What was the last clause⁴⁶ intended] to include? — To include vegetables. But according to R. Isaac who did say a benediction⁴⁷ after the eating of vegetables, what was this⁴⁶ intended to include? — To include water. But according to R. Papa who said a benediction⁴⁷ after he drank water, what was it⁴⁶ intended to include? — To include the performance of commandments.⁴⁸ But according to the Palestinians⁴⁹ who after removing their tefillin say the benediction of ' . . . who hath sanctified us by his commandments, and hath commanded us to keep his statutes', what does this⁵⁰ include? — It includes

(1) V. Bah,

(2) **, a fragrant root,

(3) Cf. **, a spice indigenous to India and Syria.

(4) To food uncleanness, which is evidence that they are not regarded as a foodstuff.

(5) Since only foodstuffs may be bought with second tithe money.

(6) 'Uk. III, 5.

(7) Now how is this Mishnah (from which it follows that flavouring spices are not susceptible to food uncleanness) to be reconciled with the inference drawn supra from the Mishnah of Pe'ah III, 2?

(8) Of Pe'ah, from which it was inferred that dill is regarded as food.

(9) Not as a mere flavouring.

(10) A milk sauce. Such dill is rightly regarded as a foodstuff and is consequently susceptible to food uncleanness.

(11) Cur. edd. in parenthesis add, 'he said'.

(12) Emphasis on this word.

(13) Where the owner's intention has not been expressed.

(14) Lit., 'for (the flavouring of) the dish', and should, therefore, be exempt from food uncleanness.

(15) And so subject to all the laws of a foodstuff.

- (16) Of terumah.
- (17) Should the root subsequently fall into a dish of ordinary food no complications would arise.
- (18) 'Uk. III, 4; it being regarded as mere flavouring matter.
- (19) I.e., it is regarded as food.
- (20) Of course it should. Why then was its exemption from the restrictions made dependent on the imparting of some flavour to a dish?
- (21) Cf. Prev. n,
- (22) Cf. Deut. XVIII, 4.
- (23) Sc. the shoulder, the two cheeks and the maw that are due to the priest from slaughtered cattle (cf. Deut. XVIII, 3).
- (24) An ox or a goat.
- (25) In the Sabbatical year. When no produce is left in the field for the beasts the owner must remove all stored produce from his house into the field (cf. Deut. XXVI, 13).
- (26) Cf. Lev. XXV, 2ff.
- (27) These and similar products are SUBJECT TO THE LAW OF REMOVAL since (cf. infra) their supply is exhausted before the end of the year, and also TO THE RESTRICTIONS OF THE SABBATICAL YEAR.
- (28) Lev. XXV, 7.
- (29) Okeleth of the same rt. as le'ekol (rendered supra, for food').
- (30) The roots of the herbs mentioned.
- (31) Among fishes.
- (32) Among animals.
- (33) Sc. one that may be eaten.
- (34) Cf. prev. n. mut. mut.
- (35) In determining whether a fish is clean or unclean.
- (36) As has been stated in our Mishnah, WHATSOEVER HAS SCALES HAS FINS.
- (37) As one of the marks of a clean fish in Lev. XI, 9ff.
- (38) Lit., fins which the All Merciful has written, wherefore to me'.
- (39) The word rendered scales'.
- (40) Lit., 'what kaskeseth that is written.'
- (41) Thus indicating that each is a distinctive mark.
- (42) Kaskasim (of the same rt. as kaskeseth). I Sam. XVII, 5.
- (43) Since the meaning of kaskeseth is definitely established and cannot be mistaken for that of fins.
- (44) Since WHATSOEVER HAS SCALES HAS FINS.
- (45) Isa. XLII, 21. Even an apparently superfluous word adds to the greatness and glory of the Torah.
- (46) BUT THERE ARE etc.
- (47) '... who create many living beings' (cf. P. B. p. 290).
- (48) Those, for instance, of lulab, shofar, zizith and tefillin which require a benediction only before and not after they are performed.
- (49) Lit., 'the sons of the west'. Palestine lay to the west of Babylon where the discussion took place.
- (50) BUT THERE ARE etc.

Talmud - Mas. Nidah 52a

fragrant odours.¹

MISHNAH. IF A GIRL² HAS GROWN TWO PUBIC HAIRS SHE³ MAY EITHER PERFORM HALIZAH OR CONTRACT LEVIRATE MARRIAGE, AND SHE IS UNDER AN OBLIGATION TO PERFORM ALL THE COMMANDMENTS THAT ARE ENUMERATED IN THE TORAH. SO ALSO A BOY, IF HE HAS GROWN TWO PUBIC HAIRS, IS UNDER AN OBLIGATION TO PERFORM ALL THE COMMANDMENTS ENUMERATED IN THE TORAH. HE IS FURTHERMORE LIABLE TO THE PENALTY OF A STUBBORN AND REBELLIOUS SON⁴ AS SOON AS HE HAS GROWN TWO HAIRS UNTIL THE TIME WHEN HIS BEARD FORMS A CIRCLE.⁵ (THIS REFERS TO THE LOWER, AND NOT TO THE UPPER ONE, BUT⁶ THE

SAGES USED A EUPHEMISM,)⁷ A GIRL WHO HAS GROWN TWO HAIRS⁸ MAY NO LONGER EXERCISE THE RIGHT OF MI'UN. R. JUDAH RULED: MI'UN MAY BE EXERCISED UNTIL THE BLACK⁹ PREDOMINATES.¹⁰

GEMARA. But since we have learnt, SHE IS UNDER AN OBLIGATION TO PERFORM ALL THE COMMANDMENTS THAT ARE ENUMERATED IN THE TORAH, what need was there for stating, SHE MAY EITHER PERFORM HALIZAH OR CONTRACT LEVIRATE MARRIAGE?¹¹ — To exclude a ruling of R. Jose who stated, 'In the Biblical section¹² it is written man,¹³ but as regards a woman there is no difference between a major and a minor'.¹⁴ Hence we were informed that¹⁵ if she has grown two hairs she may perform halizah,¹⁶ but otherwise she may not. What is the reason? A woman is to be compared to man.¹⁷

But since it was stated, SO ALSO A BOY, IF HE HAS GROWN TWO PUBIC HAIRS,¹⁸ what need was there for stating, HE IS UNDER AN OBLIGATION TO PERFORM ALL THE COMMANDMENTS ENUMERATED IN THE TORAH? And should you reply: Because it was desired to teach, HE IS FURTHERMORE LIABLE TO THE PENALTY OF A STUBBORN AND REBELLIOUS SON [the objection would arise]: Have we not learnt this once: 'When does one become liable to the penalty of a stubborn and rebellious son? As soon as one grows two hairs until the time the beard forms a circle. (By this was meant the lower, and not the upper one, but the Sages used a euphemism)'? — This is so indeed; only because details were specified about the girl those relating to the boy were also specified.

IF A GIRL HAS GROWN etc. R. Abbahu citing R. Eleazar stated, The halachah is in agreement with R. JUDAH. R. Judah, however, agrees that if she was subjected to cohabitation after she had grown two hairs,¹⁹ she may no longer exercise the right of mi'un.²⁰ The colleagues of R. Kahana desired to give a practical decision²¹ in agreement with the ruling of R. Judah, although intercourse had taken place, but R. Kahana addressed them as follows: Did not such an incident happen with the daughter of R. Ishmael?²² She, namely, came to the schoolhouse to exercise the right of mi'un while her son was riding on her shoulder; and on that day were the views of R. Ishmael mentioned at the schoolhouse; and the Rabbis wept bitterly²³ saying, 'Over a ruling which that righteous man²⁴ had laid down should his offspring stumble!' For Rab Judah citing Samuel who had it from R. Ishmael stated: And she be not seized,²⁵ [then only]²⁶ is she forbidden,²⁷ but if she was seized she is permitted. There is, however, another class of woman who is permitted²⁷ even if she was not seized. And who is that? A woman whose betrothal was a mistaken one,²⁸ and who, even if her son sits riding on her shoulder, may exercise the right of mi'un and go away.²⁹ Thereupon they took a vote and decided: Up to what age may a girl³⁰ exercise the right of mi'un? Until that at which she grows two hairs. [On hearing this incident] they³¹ abstained and did not act as they first intended.³²

R. Isaac and the disciples of R. Hanina gave a practical decision in agreement with R. Judah, though the girl had been subjected to intercourse. R. Shamin b. Abba proceeded to tell it in the presence of R. Johanan; R. Johanan proceeded to tell it in the presence of R. Judah Nesi'ah³³ and the latter sent a constable³⁴ who took her away.³⁵

R. Hisda citing Mar Ukba stated: The meaning³⁶ is not that the black must actually predominate but that it shall be such as, when two hairs lie flat, has the appearance³⁷ of the black predominating over the white,³⁸ Raba stated: Two hairs that reach from rim to rim.

R. Helbo citing R. Huna stated: The two hairs of which the Rabbis spoke³⁹ must⁴⁰ have follicles at their roots. R. Malkio citing R. Adda b. Ahabah ruled: Follicles suffice even in the absence of hairs. Said R. Hanina the son of R. Ika: The rulings concerning a spit,⁴¹ bondwomen⁴² and follicles⁴³ were laid down by R. Malkio, but those concerning a forelock,⁴⁴ wood-ash⁴⁵ and cheese⁴⁶ were laid down by R. Malkia. R. Papa, however, stated: If the statement was made on a Mishnah or a Baraita the

author is R. Malkia but if on reported traditions⁴⁷ the author is R. Malkio. And the mnemonic⁴⁸ is, 'The mathnitha⁴⁹ is queen'.⁵⁰ What is the practical difference between them?⁵¹ — The practical difference between them is the statement on bondwomen.⁵² R. Ashi stated, Mar Zutra told me that R. Hanina of Sura felt about this the following difficulty: Would not a single Tanna⁵³ go out of his way to teach⁵⁴ us the law of the follicles? — If one⁵⁵ had informed us of the law of the follicles it might have been presumed that [puberty is not established] unless there were two hairs in two follicles respectively, hence we were informed⁵⁶ that even two hairs in one follicle are sufficient. But is there such a phenomenon?⁵⁷ Is it not in fact written in Scripture, He that would break me with a tempest, and multiply my wounds without cause⁵⁸ in connection with which Raba⁵⁹ remarked: Job blasphemed with the mention of tempest and he was answered with a tempest. He 'blasphemed with the mention of tempest', saying to Him, 'Sovereign of the world, perhaps a tempest has passed before Thee, and caused Thee to confuse "Job"⁶⁰ with "enemy"?'⁶¹ 'He was answered with a tempest': Then the Lord answered

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- (1) Before the smelling of which, but not after, a benediction (cf. P.B. p. 290) is said.
 - (2) Being twelve years and one day old.
 - (3) If her husband died childless.
 - (4) Cf. Deut. XXI, 18ff and Sanh. 68b.
 - (5) When he is regarded as an adult who is no longer subject to this law.
 - (6) In speaking in vague terms.
 - (7) Lit., 'spoke in clean language'.
 - (8) Having thus passed out of her minority.
 - (9) The pubic hair.
 - (10) The growth of no more than two hairs does not suffice in his opinion to deprive her of the right of mi'un (cf. Gemara infra).
 - (11) Which are rites already included in the general rule.
 - (12) Of halizah.
 - (13) Deut. XXV, 7; 'man', excluding the woman, implies that only the male must be of age.
 - (14) Sc. a minor also may perform halizah.
 - (15) In the case of a girl also.
 - (16) Lit., 'yes'.
 - (17) Cf. Yeb. 105b, B.B. 156a.
 - (18) A statement which brings the boy under the same obligations as the girl.
 - (19) So that there was a valid marriage kinyan (cf. Kid, 2a) after she had attained her majority.
 - (20) Only where no intercourse had taken place after two hairs have grown does R. Judah maintain his view (cf. relevant n. on our Mishnah). The first Tanna, however, maintains that, even if she allowed only one moment to pass after the growth of two hairs, irrespective of whether intercourse did or did not take place, her right to mi'un is lost.
 - (21) Lit., 'to do a deed'.
 - (22) Who, after her father's death, while she was in her minority was given in marriage by her mother.
 - (23) Lit., 'a great weeping'. For the reading cf. MS.M. Cur. edd. 'and she wept . . . in the schoolhouse and they said'.
 - (24) R. Ishmael.
 - (25) Num, V, 13. E. V. neither she be taken in the act.
 - (26) Sc. if she did not act under compulsion but willingly.
 - (27) To her husband.
 - (28) If, for instance, a condition was attached to it and the condition remained unfulfilled, or if the marriage was with a minor (in the absence of her father) whose act (even with the consent of her mother) has no validity. In such a case the woman may leave her husband without a letter of divorce and she has the status of a feme sole who had never before been married.
 - (29) Since the marriage had no validity.
 - (30) Lit., 'the daughter'.
 - (31) R. Kahana's colleagues.
 - (32) Lit., 'and did not do the deed'.

- (33) The Prince, Judah II.
- (34) Or 'a detachment of police. Lit., 'searcher'.
- (35) From her second husband who had married her in reliance on her mi'un.
- (36) Of R. Judah's ruling on our Mishnah.
- (37) Owing to the length of the hairs.
- (38) The skin.
- (39) V. our Mishnah.
- (40) If they are to be taken as a mark of puberty.
- (41) That has been used on a festival for the roasting of meat, may, by an indirect movement, be made to slip into a corner, though direct movement is forbidden (v. Bezah 28b).
- (42) Brought by a woman to her husband at her marriage (v. Keth. 59b).
- (43) The law cited here.
- (44) The law that an Israelite who trims the hairs of a heathen must withdraw his hand at a distance of three fingers' breadth on every side of the forelock (v. A.Z. 29a).
- (45) Forbidden to be spread on a wound because it gives it the appearance of an incised imprint (v. Mak. 21a).
- (46) If made by a heathen is forbidden to be eaten on account of the lard that he smears over it.
- (47) Shemathatha, those not recorded in a Mishnah or a Baraitha.
- (48) To help one to recollect which of the statements mentioned were made by R. Malkio and R. Malkia respectively.
- (49) Mathnitha, a general term for both Mishnah and Baraitha as opposed to shemathatha (cf. prev. n. but one).
- (50) Sc. more authoritative than a reported statement. Malkia (מלכיא) whose name closely resembles מלכתא (queen) is to be associated with the Mishnah and the Baraitha that are designated 'queen'.
- (51) R. Hanina and R. Papa.
- (52) Which is recorded in a Mishnah. According to R. Papa the comment on it must be that of R. Malkia (cf. prev. n. but one) while according to R. Hanina it is one of the rulings attributed to R. Malkio,
- (53) If follicles alone, in the absence of hairs, sufficed to establish puberty.
- (54) Anywhere in the Mishnah.
- (55) Tanna.
- (56) By the mention of two hairs only.
- (57) Two hairs in one follicle.
- (58) Job IX, 17.
- (59) Var. lec. Rabbah (cf. B.B. 16a).
- (60) אִיּוֹב (Iyob).
- (61) אִיּוֹב (Oyeb).

Talmud - Mas. Nidah 52b

Job out of the whirlwind, and said¹ to him, 'Most foolish man,² I have created many hairs³ in a man's head and for every hair I have created a separate follicle, so that two should not suck from the same follicle, for if two were to suck from the same follicle they would impair the sight of man. I did not confuse one follicle with another, would I confuse "Job" and "enemy"?'⁴ — This is no difficulty since one⁵ refers to the body while the other⁶ refers to the head.

Rab Judah citing Samuel ruled: The two hairs of which they spoke [establish puberty] even if one is on the crest and the other on the testes. So it was also taught: The two hairs of which they spoke [establish puberty] even if one grows on her back and the other on her belly, one on the joints of the fingers of her hand and the other on the joints of her toes; so R. Simeon b. Judah of Kefar Akko who cited it in the name of R. Ishmael.⁷ But Rab citing R. Assi ruled: puberty is not established unless two hairs grow in the same spot.

Our Rabbis taught: Up to what age may a girl exercise the right of mi'un? Until she grows two hairs; so R. Meir. R. Judah ruled: Until the black predominates.⁸ R. Jose ruled: Until a ring is formed around the nipple. Ben Shelakoth ruled: Until she grows her hair in profusion.⁹ In connection with

this R. Simeon stated: Hanina b. Hakinai once met me at Zidon and said to me,¹⁰ 'When you arrive at R. Akiba's ask him "until what age may a girl exercise the right of mi'un". If he tells you, "Until she grows two hairs", ask him this: Did not Ben Shelakoth testify in the presence of all of you at Jamnia, "Until she grows her hair in profusion", and you did not say to him a word to the contrary?' When I arrived at R. Akiba's the latter told me, 'I do not know anything about the growing of hair in profusion, and I do not know Ben Shelakoth; a girl may exercise the right of mi'un until the age when she grows two hairs'.

MISHNAH. THE TWO HAIRS SPOKEN OF IN REGARD TO THE RED HEIFER¹¹ AND IN REGARD TO LEPROSY¹² AS WELL AS THOSE SPOKEN OF ANYWHERE ELSE¹³ MUST BE LONG ENOUGH FOR THEIR TIPS TO BE BENT TO THEIR ROOTS; SO R. ISHMAEL. R. ELIEZER RULED: LONG ENOUGH TO BE GRASPED BY A FINGER-NAIL, R. AKIBA RULED: LONG ENOUGH TO BE TAKEN OFF WITH SCISSORS.

GEMARA. R. Hisda citing Mar Ukba stated: The halachah is in agreement with the views of all these in that the law is thereby invariably restricted.¹⁴

MISHNAH. A WOMAN WHO OBSERVED A BLOOD-STAIN¹⁵ IS IN AN UNSETTLED CONDITION¹⁶ AND MUST¹⁷ TAKE INTO CONSIDERATION THE POSSIBILITY THAT IT WAS DUE TO ZIBAH; SO R. MEIR. BUT THE SAGES RULED: IN THE CASE OF BLOOD-STAINS THERE IS NO [NEED TO CONSIDER THE POSSIBILITY OF THEIR BEING] DUE TO ZIBAH.

GEMARA. Who are THE SAGES? — R. Hanina b. Antigonus. For it was taught: R. Hanina b. Antigonus ruled, In the case of blood-stains there is no [need to consider the possibility of their being] due to zibah, but sometimes blood-stains do lead to zibah. How so? If a woman¹⁸ put on three shirts that she had previously examined and then found a blood-stain on each of them, or if she¹⁹ observed a discharge²⁰ on two days and [a blood-stain on] one shirt,²¹ these are the blood-stains that lead to zibah. But since in the case of three shirts, where she observed no direct discharge from her body, the possibility of zibah is taken into consideration, why was it necessary to mention²² that of 'two days and one shirt'? — It might have been presumed²³ that in any instance like this²⁴ the woman brings a sacrifice which may be eaten,²⁵ hence we were informed [that only the possibility²⁶ of zibah is taken into consideration].²⁷ Raba observed: In this matter R. Hanina b. Antigonus vindicated his case against the Rabbis. For why is it [that when a bloodstain] less than three beans in size is in one spot we do not take into consideration the possibility of zibah? [presumably] because we assume that it is the result of observations on two days.²⁸ But then why should we not, even if a stain of the size of three beans was in one spot, similarly assume that only to the extent of the size of two and a half beans the discharge was from her body while the rest is the blood of a louse due to the filth?²⁹ — And the Rabbis?³⁰ — Since the stain³¹ can be divided up into parts of the size of a bean and over for each day³² we do not ascribe it to any external cause. As to R. Hanina b. Antigonus, is it³³ only when a stain of the size of three beans in one spot that we do not take the possibility of zibah into consideration, but if it is in three different places³⁴ the possibility is taken into consideration? But did you not say³⁵ that this³⁶ applies only to stains on³⁷ three shirts,³⁸ from which it follows that it does not apply to stains³⁹ in three spots?⁴⁰ — He⁴¹ spoke to them on the line of the view of the Rabbis. As far as I am concerned, he said in effect, it⁴² applies only to three shirts³⁸ and not to three spots;⁴⁰ but according to your view, agree with me at least that, where she had observed a stain of the size of three beans in one spot, we assume that to the extent of two and a half beans the discharge came from her body while the rest is the blood of a louse due to the filth. And the Rabbis? — Since the stain⁴³ can be divided up into parts of the size of a little more than a bean for each day,⁴⁴ we do not ascribe it to any external cause,

Our Rabbis taught: If a woman observed a blood-stain, if it is big enough⁴³ to be divided into parts

corresponding respectively to three beans, each of which being slightly bigger than the size of a bean, she must take into consideration the possibility of zibah; otherwise, she need not take this possibility into consideration. R. Judah b. Agra citing R. Jose ruled: In the one case and in the other⁴⁵ the possibility must be taken into consideration.⁴⁶

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- (1) Job XXXVIII, 1.
 - (2) Lit., 'fool that (you are) in the world'.
 - (3) The Heb. word for tempest, 'se'arah', may also be rendered 'hair'.
 - (4) From which it is obvious that two hairs can never grow from the same follicle. How then could it be maintained (supra 52a) that two hairs may sometimes grow from the same follicle?
 - (5) The case of the hairs mentioned in our Mishnah.
 - (6) The hairs mentioned in connection with Job,
 - (7) The reading to 'ruled' is that of MS.M. Cur. edd. read, 'And the Rabbis [what is their view]? R. Hisda replied'. Bah substitutes 'Ashi' for 'Hisda'.
 - (8) Cf. relevant n. on our Mishnah,
 - (9) Cf. Tosaf.
 - (10) So MS.M.
 - (11) Cf. A.Z. 24a and Parah II, 5.
 - (12) Cf. Neg. I, 5.
 - (13) In regard to the marks of puberty.
 - (14) Sc. as soon as the hairs grow to the smallest length mentioned in our Mishnah she is no longer regarded as minor and the right of mi'un is denied to her, while halizah may not be performed until the hairs grew to the maximum of the lengths mentioned, when her majority is beyond all doubt.
 - (15) On her underclothing.
 - (16) Lit., 'damaged', sc. the calculations (that enable her to determine in which days she is liable to menstruation and in which she is susceptible to zibah) are upset since she is unable to ascertain when exactly the discharge (of which the blood-stain is the result) had occurred.
 - (17) Under certain circumstances (cf. Gemara infra).
 - (18) On three consecutive days respectively during the period in which she is susceptible to zibah,
 - (19) In the zibah period (cf. prev. n.).
 - (20) An actual flow of blood.
 - (21) That was previously duly examined.
 - (22) That zibah must be taken into consideration.
 - (23) If the latter case had not been mentioned.
 - (24) Two actual discharges and one blood-stain.
 - (25) Sc. that the sacrifice is deemed to be valid as in the case of certain zibah.
 - (26) But not the certainty.
 - (27) So that the sacrifice is of a doubtful nature. As the method of killing that is prescribed for a bird sacrifice renders an unconsecrated bird nebelah and forbidden to be eaten, the bird sacrifice offered in this case must (on account of its doubtful nature) be forbidden to be eaten.
 - (28) While zibah cannot be established unless discharges occurred on three consecutive days.
 - (29) Of menstruation; so that (cf. prev. n.) there was no zibah at all.
 - (30) How can they maintain their ruling in view of this argument?
 - (31) Being of generous dimensions and rather larger than the size of three beans.
 - (32) So that on each day there may have been a new stain of the size prescribed.
 - (33) As Raba's statement seems to suggest.
 - (34) Though on the same shirt.
 - (35) In the Baraita supra.
 - (36) That the possibility of zibah is taken into consideration.
 - (37) Lit., 'yes'.
 - (38) One stain on each.
 - (39) Lit., 'not'.

- (40) On the same shirt.
- (41) R. Hanina according to Raba's submission.
- (42) That the possibility of zibah is taken into consideration.
- (43) Being of generous dimensions and rather larger than the size of three beans.
- (44) So that on each day there may have been a new stain of the size prescribed.
- (45) Sc. even if the stain was no bigger than the size of two beans.
- (46) Since it is possible that at least one of the stains was due to a discharge at twilight which counts as two (v. infra).

Talmud - Mas. Nidah 53a

Rabbi stated: R. Judah b. Agra's ruling is acceptable where she did not examine¹ and the ruling of the Sages where she did examine. What is meant by 'she did examine' and by 'she did not examine'? — Raba replied: I found the Rabbis of the schoolhouse sitting at their studies and discoursing thus: 'Here² we are dealing with the case of a woman who examined herself,³ but did not examine her shirt;⁴ and even her own body was examined by her only at the twilight of R. Judah,⁵ while at the twilight of R. Jose⁶ she did not examine herself. In such a case, the Rabbis being of the opinion that at the twilight of R. Jose it is already night, [the question of zibah does not arise] since she had examined herself at the twilight of R. Judah,⁷ and R. Jose follows his own view, he having stated that twilight is a doubtful time'.⁸ But I said to him: 'Had her hands been kept in her eyes⁹ throughout the twilight¹⁰ you would¹¹ have spoken well,¹² but now,¹³ is it not possible that she experienced a discharge¹⁴ as soon as she had removed her hands?'¹⁵ They then told me, 'We only spoke of a case where the woman had her hands in her eyes⁹ throughout the twilight'.

'Rabbi stated: R. Judah b. Agra's ruling¹⁶ is acceptable where she did not examine'. Now¹⁷ what is meant by 'she did not examine'? If it be suggested that she examined herself in the twilight of R. Judah but did not examine herself in the twilight of R. Jose [the difficulty would arise]: From this¹⁸ it follows that R. Judah holds¹⁹ that even where she examined herself both times,²⁰ the possibility of zibah must be considered; [but why should this be so] seeing that she did examine herself?²¹ It is obvious then [that the meaning²² is] that she did not examine herself either in the twilight of R. Judah or in that of R. Jose;²³ but if she had examined herself in R. Judah's twilight²⁴ and did not examine herself in R. Jose's²⁵ there is no need for her to consider the possibility [of zibah].²⁶ It is thus clear that the twilight of R. Jose is according to Rabbi²⁷ regarded as night.²⁸ Now read the final clause: 'And the ruling of the Sages where she did examine' — What is meant by 'she did examine'? If it be suggested that she examined herself in the twilight of R. Judah but did not examine herself in that of R. Jose,²⁹ it would follow³⁰ that the Rabbis are of the opinion that even if she did not examine herself in either³¹ there is no need to consider the possibility of zibah [but why should this be so] seeing that she did not examine herself?³² It is obvious then that [the meaning³³ is] that she examined herself both in the twilight of R. Judah and in that of R. Jose, but that if she had examined herself in the twilight of R. Judah and not in that of R. Jose the possibility of zibah³⁴ must be considered.³⁵ It is thus clear that the twilight of R. Jose is according to Rabbi³⁶ regarded as doubtful time.³⁷ Does not this then present a contradiction between two statements of Rabbi?³⁸ — It is this that he³⁹ meant: The view of R. Judah b. Agra⁴⁰ is acceptable to the Rabbis⁴¹ when she did not examine herself at all either in R. Judah's twilight or in that of R. Jose's, for even the Sages differed from him⁴² only when she has examined herself in R. Judah's twilight⁴³ and did not examine herself in that of R. Jose,⁴⁴ but where she did not examine herself at all they agree with him,⁴⁵ But does not the following show incongruity?⁴⁶ [For it was taught:] If a woman observed a bloodstain, the observation being one of a large one,⁴⁷ she must take into consideration the possibility of a discharge at twilight,⁴⁸ but if the observation was one of a small stain⁴⁹ she should not take the possibility into consideration. This is the ruling of R. Judah b. Agra who cited it in the name of R. Jose. Said Rabbi: I heard from him⁵⁰ that in both cases must the possibility be taken into consideration; 'and', he said to me, 'it is for this reason: What if she had been a menstruant who did not⁵¹ make sure of her cleanness⁵² from the minha time⁵³ and onwards, would she not⁵⁴ have been regarded as being in a

presumptive state of uncleanness?⁵⁵ And his ruling is acceptable to me where she has examined herself. Now what is meant by 'she has examined herself'? If it be suggested that she has examined herself in the twilight of R. Judah and did not examine herself in that of R. Jose, it would follow that R. Judah b. Agra holds that even though she did not examine herself either in the twilight of R. Judah or in that of R. Jose the possibility need not be considered; but why should this be so seeing that she did not examine herself? It must be obvious then that she did examine herself both in the twilight of R. Judah and in that of R. Jose. Thus it follows that R. Judah b. Agra holds that if she examined herself in the twilight of R. Judah and not in that of R. Jose she need not consider the possibility. It is thus clear that the twilight of R. Jose is according to R. Judah b. Agra regarded as night. Does not this then present a contradiction between two rulings of R. Judah b. Agra?⁵⁶ In the absence of Rabbi's interpretations⁵⁷ there would well be no difficulty, since the former ruling might refer to a case where she has examined herself in R. Judah's twilight and not in that of R. Jose while here it is a case where she has examined herself in R. Jose's twilight as in that of R. Judah's; but with Rabbi's interpretations⁵⁸ does not the contradiction arise? — Two Tannas expressed different views as to the opinion of R. Judah b. Agra. The first Tanna holds that the twilight of R. Judah ends first

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- (1) This is discussed presently.
 - (2) In the dispute between R. Judah b. Agra and the Rabbis,
 - (3) Each day at twilight.
 - (4) Which was examined for the first time on the third day when a stain of the size of two beans was discovered. As it is thus unknown when the stain was made, the possibility must be taken into consideration that there may have been a discharge at the twilight of each, or at least one, of the two days; and, since a discharge at twilight counts as two (one for the passing and one for the coming day), that she had experienced no less than three discharges on three consecutive days.
 - (5) Which extends after sunset for a time during which one can walk a distance of a thousand cubits.
 - (6) Which lasts no longer than a 'wink of the eye', beginning and ending later than R. Judah's twilight.
 - (7) When she had ascertained that on that day she was clean, Any subsequent discharge at the twilight of R. Jose could only be counted as one for the following day. The total of her discharges cannot consequently have been more than two.
 - (8) Cf. prev. n. but one, As it is possible that there was a discharge at that time (which counts as both possible day and possible night) the woman must be treated as if she experienced two discharges (one on the passing, and one on the incoming day) in addition to the discharge on the other day in question, thus making a total of three discharges.
 - (9) Euphemism.
 - (10) Of R. Judah.
 - (11) As far as the Rabbis are concerned.
 - (12) Since it would have been definitely established that during the passing day no discharge had occurred.
 - (13) That a general statement was made that the discharge is always ascribed to one day only.
 - (14) During the twilight of R. Judah.
 - (15) And this would count as two.
 - (16) That the possibility of zibah is to be considered even where a stain is not big enough to be divided into three parts, each of the prescribed minimum.
 - (17) Since Rabbi stated that only in this case he accepted the ruling of R. Judah b. Agra, it follows that where she did examine herself he does not accept his ruling though R. Judah himself maintains that the possibility of zibah must be considered even in the latter case.
 - (18) Since 'no examination' only means the absence of one in R. Jose's twilight though one did take place in R. Judah's twilight.
 - (19) Cf. prev. n. but one.
 - (20) The twilight of R. Judah and the twilight of R. Jose.
 - (21) Making sure that on that day there was no discharge. How then could one subsequent possible discharge in the night be counted as two?
 - (22) Of the expression 'she did not examine',
 - (23) So that the possibility must be considered that she may have experienced a discharge in R. Judah's twilight.
 - (24) Thus ascertaining that she was clean on that day.

- (25) Which is regarded as night.
- (26) Since one discharge in the night cannot possibly be counted as two discharges.
- (27) Who on this point disagrees with R. Judah.
- (28) Cf. prev. n. but two
- (29) And it is in this case only that Rabbi stated that the ruling of the Sages is acceptable but, it follows, where she examined herself in neither, though the Rabbis still maintain that the possibility of zibah need not be considered he holds that it must be taken into consideration.
- (30) Cf. prev. n.
- (31) Lit., 'in the two'. The twilights of R. Judah and R. Jose respectively.
- (32) In consequence of which she may have experienced a discharge at twilight when the one discharge is counted as two. How then could the possibility of zibah be ruled out?
- (33) Of the expression 'she did examine', in Rabbi's approval of the ruling of the Sages.
- (34) According to Rabbi who in this case disagrees with the Sages' ruling.
- (35) It being possible that she experienced a discharge in R. Jose's twilight when one discharge is counted as two.
- (36) Who on this point disagrees with the Sages.
- (37) Cf. prev. n. but one.
- (38) Lit., 'a difficulty of Rabbi on Rabbi'. According to the inference from the first clause R. Jose's twilight is regarded by him as right while according to the inference from the final clause it is doubtful whether it is day or night.
- (39) Rabbi.
- (40) That the possibility of a discharge at twilight is to be considered.
- (41) Not to himself; sc. Rabbi did not express any opinion as to what view he accepted and with whom he agreed (as was previously assumed when the contradiction was pointed out) but merely explained the extent and limits of the dispute between the Sages and R. Judah b. Agra.
- (42) In maintaining that the possibility (cf. p. 368, n. 14) may be disregarded.
- (43) Thus ascertaining that there was no discharge at twilight.
- (44) Which in their opinion is regarded as night.
- (45) Cf. p. 368 n. 14. R. Jose, however, who holds his twilight to be a doubtful time, takes into consideration the possibility of a discharge in his twilight which would be regarded as two, one of which must be attributed to the passing, and the other to the incoming day.
- (46) With what had been said supra that according to R. Judah b. Agra it is not certain whether the twilight of R. Jose is night or day.
- (47) One that can be divided into three stains each of which is slightly bigger than the size of a bean.
- (48) Which counts as two.
- (49) Sc. one not bigger than a little more than the size of two beans, so that it can only be divided into two stains of the prescribed minimum.
- (50) R. Jose.
- (51) On the seventh day after menstruation.
- (52) Lit., 'separated in cleanness'.
- (53) Two and a half seasonal hours before nightfall.
- (54) Though in the morning she made sure of her cleanness.
- (55) Of course she would, and in consequence she would not be allowed to undergo immersion in the evening. Thus it follows that in the absence of an examination, the possibility of a discharge is considered. Similarly in the case of the stain under discussion, since no examination was held at twilight, the possibility of a discharge that must be counted as two must be taken into consideration.
- (56) According to his first ruling supra the twilight of R. Jose is only a doubtful time while according to his present ruling it is definitely night.
- (57) Both here and supra.
- (58) Which inevitably lead to the conclusion (as stated supra) that, according to the first ruling, R. Judah b. Agra holds R. Jose's twilight to be a doubtful time, while according to his second ruling, it is definitely night.

and then begins the twilight of R. Jose,¹ while the second Tanna holds that the twilight of R. Jose is absorbed in that of R. Judah.²

Our Rabbis taught: A woman who observes a bloodstain causes uncleanness to herself³ and to consecrated things retrospectively;⁴ so Rabbi. R. Simeon b. Eleazar ruled: She causes uncleanness⁵ to consecrated things but does not cause uncleanness to herself, since her bloodstain cannot be subject to greater restrictions than her observation.⁶ But⁷ do we not find that her bloodstain is subject to greater restrictions in regard to consecrated things? — Read rather thus: R. Simeon b. Eleazar ruled, Even to consecrated things she conveys no uncleanness,⁸ since her bloodstain should in no case be subject to greater restrictions than her observation.⁶

Our Rabbis taught: If a woman observed first a bloodstain and then⁹ she observed a discharge of blood she may for a period of twenty-four hours ascribe her stain to her observation;¹⁰ so Rabbi. R. Simeon b. Eleazar ruled: Only during the same day.¹¹ Said Rabbi: His view seems more acceptable than mine, since he improves¹² her position while I make it worse. ‘He improves it’! Does he not in fact¹³ make it worse? — Rabina replied: Reverse the statement,¹⁴ R. Nahman said: You need not really reverse it, [the meaning being:] Since he improves her position in regard to the laws of zibah while I make her position worse as regards the laws of zibah.¹⁵

R. Zera enquired of R. Assi: Do stains¹⁶ necessitate an interval of cleanness¹⁷ or not? The other remained silent, answering him nothing at all. Once he¹⁸ found him¹⁹ as he was sitting at his studies and discoursing as follows: ‘She may for twenty-four hours ascribe her stain to her observation. This is the ruling of Rabbi. In connection with this Resh Lakish explained that it applied only where she has examined herself,²⁰ while R. Johanan explained: Even though she did not examine herself’.²¹ ‘Thus it follows’, he¹⁸ said to him,¹⁹ ‘that²² stains necessitate an interval of cleanness’. ‘Yes’, the other¹⁹ replied. ‘But did I not ask you this question many a time and you gave me no answer at all? It is likely that you recalled the tradition²³ in the rapidity of your reviewing?’²⁴ — ‘Yes’, the other replied, ‘in the rapidity of my reviewing I recalled it’.

MISHNAH. IF A WOMAN OBSERVED A DISCHARGE OF BLOOD ON THE ELEVENTH DAY²⁵ AT TWILIGHT,²⁶ AT THE BEGINNING OF A MENSTRUATION PERIOD AND AT THE END OF A MENSTRUATION PERIOD,²⁷ AT THE BEGINNING OF A ZIBAH PERIOD AND AT THE END OF A ZIBAH PERIOD,²⁷ ON THE FORTIETH DAY AFTER THE BIRTH OF A MALE²⁸ OR ON THE EIGHTIETH DAY AFTER THE BIRTH OF A FEMALE,²⁹ [THE DISCHARGE HAVING BEEN OBSERVED] AT TWILIGHT IN ALL THESE CASES,³⁰ BEHOLD WOMEN IN SUCH CIRCUMSTANCES³¹ ARE IN A STATE OF PERPLEXITY.³² SAID R. JOSHUA: BEFORE YOU MAKE PROVISION FOR THE FOOLISH WOMEN³³ COME AND MAKE PROVISION FOR THE WISE ONES.³⁴

GEMARA. AT THE BEGINNING OF A MENSTRUATION PERIOD AND AT THE END OF A MENSTRUATION PERIOD! Is it³⁵ not rather the beginning of a menstruation period and the end of a zibah period?³⁶ — R. Hisda replied: It is this that was meant: IF A WOMAN OBSERVED A DISCHARGE OF BLOOD ON THE ELEVENTH DAY AT TWILIGHT a time which is THE BEGINNING OF A MENSTRUATION PERIOD AND THE END OF A ZIBAH PERIOD, or on the seventh day of her menstruation when it is THE END OF A MENSTRUATION PERIOD AND THE BEGINNING OF A ZIBAH PERIOD.

SAID R. JOSHUA: BEFORE YOU MAKE PROVISION FOR THE FOOLISH WOMEN etc. But are these

(1) Hence it is uncertain whether it still belongs to the day or to the following night.

(2) And since in his opinion the examination must extend over all the twilight of the latter it obviously covers also the

twilight of the former, so that the examination took place in both twilights.

(3) Sc. if she was in the process of counting her clean days she must start anew (Tosaf.).

(4) To the time the article on which the stain was found had been washed.

(5) Retrospectively.

(6) In the latter case the uncleanness is retrospective for twenty-four hours only, while in the former it would go back to the time the article had been washed.

(7) Since R. Simeon b. Eleazar agrees with Rabbi in the case of consecrated things.

(8) Retrospectively.

(9) Within twenty-four hours.

(10) Sc. her uncleanness does not extend retrospectively to the time the article had been washed but begins at the time the stain was found.

(11) Sc. only where the stain was observed on the same day as the discharge of the blood may the former be ascribed to the latter (cf. prev. n.); but if the stain was discovered in the daytime while the blood was not observed until after sunset, though this took place within twenty-four hours, the former cannot be ascribed to the latter.

(12) This is discussed presently.

(13) By reducing the period of twenty-four hours.

(14) Reading, 'my view seems more acceptable etc.'.

(15) According to Rabbi who for a period of twenty-four hours ascribes the stain to the observation of the blood the woman is deemed to have been unclean on the day of her observation as well as on the previous day. If, therefore, she were to observe some blood on the next day following she would be regarded as a confirmed zabah, while according to R. Simeon who ascribes a stain to blood observed during the same day only the woman would be deemed unclean on one day only and could not become a confirmed zabah unless blood was observed on the two following days also (R. Han.).

(16) According to Rabbi who attributes a stain to an observation of blood if the latter took place within twenty-four hours, and does not regard the woman's uncleanness as having begun at the time the article (on which the stain was found) had been washed,

(17) Sc. must the woman have examined herself between the time the article had been washed and the discovery of the stain? (Tosaf.).

(18) R. Zera.

(19) R. Assi.

(20) Near the time of discovering the stain, within twenty-four hours; but if twenty-four hours have passed between the examination and the discovery of the stain the woman is deemed unclean retrospectively from the time of the examination (Tosaf.).

(21) Sc. near the examination between which and the discovery of the stain an interval of twenty-four hours had been allowed to pass. Despite this interval the woman's uncleanness is not retrospective since less than twenty-four hours have passed between the time the article had been washed and the discovery on it of the stain. As the uncleanness in such a case is not retrospective to the time of the washing of the article, it is equally not retrospective over the twenty-four hours' period (Tosaf.). Cf. Tosaf. Asheri.

(22) According to both Resh Lakish and R. Johanan.

(23) Lit., 'it came to thee'.

(24) Cf. Jast,

(25) After the termination of a menstruation period. Any issue of blood within the eleven days is deemed to be zibah.

(26) A time which is neither certain day nor certain night, so that it is doubtful whether the issue was one of zibah or one of menstruation. If the time were certain day the issue (cf. prev. n.) would be zibah and if it were certain night (when a new menstruation period commences) it would be menstrual.

(27) This is discussed in the Gemara infra.

(28) All discharges of blood from the eighth to the fortieth day after the birth of a male is regarded as clean and after that begins the menstruation period of seven days followed by the zibah one of eleven days.

(29) From the fifteenth to the eightieth day after the birth of a female all discharges of blood are clean and after the eightieth day the menstruation period followed by that of zibah (cf. prev. n.) begins.

(30) Cf. prev. n. but three.

(31) Lit., 'these'.

(32) Lit., 'erring', as regards the counting of the clean and unclean days prescribed in the various cases mentioned; because they are unable to determine on which of the 'two days involved they had observed the discharge.

(33) Those of the type just mentioned.

(34) Women who observed their discharges in the day or the night when no doubt arises. This is further explained in a Baraitha cited infra.

(35) The twilight of THE ELEVENTH DAY.

(36) Since the zibah period which began after the seventh day of the menstruation period terminated at the conclusion of the eleventh day when a second menstruation period begins.

Talmud - Mas. Nidah 54a

FOOLISH WOMEN? Are they not merely IN A STATE OF PERPLEXITY?¹ — Rather read: Women who are in a state of perplexity. For² it was taught: [If a woman is alternately] unclean on one day and clean on the next,³ she may perform her marital duty⁴ on the eighth day,⁵ the night following being included,⁶ and on four nights out of every eighteen days.⁷ If, however, she observed any issue in the evening,⁸ she performs her marital duty on the eighth day⁹ only.¹⁰ [If she is alternately] unclean¹¹ for two days and clean for two days, she may perform her marital duty on the eighth,¹² the twelfth,¹³ the sixteenth¹⁴ and the twentieth.¹⁵ But why is she not allowed to perform her marital duty on the nineteenth?¹⁶ — R. Shesheth replied: This¹⁷ proves that the 'gluttony'¹⁸ of which we have learnt¹⁹ is forbidden. R. Ashi²⁰ replied: Granted that the eleventh day²¹ requires no safeguard,²² the tenth day²³ at any rate does require a safeguard.²⁴ If she is alternately unclean for three days and clean for three days, she may perform her marital duty on two days²⁵ and may never again perform it.²⁶ If she is alternately unclean for four days and clean for four days she performs her marital duty on one day,²⁷ and may never again perform it.²⁸ If she is alternately unclean for five days and clean for five days, she performs her marital duty on three days²⁹ and may never again perform it.²⁸ If she is alternately unclean for six days and clean for six days she performs her marital duty on five days³⁰ and may never again perform it.²⁸ If she is alternately unclean for seven days and clean for seven days, she may perform her marital duty during a quarter of her lifetime, [seven days]³¹ out of each twenty-eight days.³² If she is alternately unclean for eight days and clean for eight days, she may perform her marital duty on fifteen days³³ out of every forty-eight days.³⁴ But is not the number³⁵ fourteen?³⁶ — R. Adda b. Isaac replied: This proves that the days of her menstruation in which she observes no discharge³⁷ are reckoned in the counting³⁸ prescribed for her zibah;³⁹ for the question was raised:

(1) V. supra p. 373, n. 6.

(2) The following series of rules applies to the WISE ONES of which R. Joshua spoke.

(3) Sc. is discharging blood every alternate day.

(4) If the discharge never occurs in the night.

(5) Counting from the one on which her first discharge was observed. On the eighth day her cleanness is established beyond any possible doubt since her unclean period of menstruation terminated with the seventh, and the eighth is one of her alternate clean days.

(6) Lit., 'and its night with it', since (cf. Prev. n. but one) she never discharges any blood in the night.

(7) Again counting from the day of the first discharge (cf. prev. n. but one). As she never discharges on three consecutive days she can never become a major zabah (who must allow seven clean days to pass before she can attain cleanness). When she discharges on the ninth day (one of the alternate unclean days) she, as a minor zabah (the discharge having taken place within the eleven days of the zibah period which began on the eighth), must allow one clean day (the tenth) to pass and may perform her marital duty in the night following it. Observing a discharge on the eleventh day (one of the alternate unclean days) she allows the twelfth day to pass and performs her duty in the night that follows. Similarly she may perform her marital duty on the nights following respectively the fourteenth and the sixteenth. By the time eighteen days have passed with the sunset of the eighteenth day she has, in addition to the eighth day and night following it, the four nights that follow respectively the tenth, twelfth, fourteenth and sixteenth day. The night following the eighteenth day is again one in which performance of marital duty is permitted, but it belongs to the

next cycle. On the nineteenth, the seven days of menstruation begin again and the cycle is repeated.

(8) Of the alternate unclean days.

(9) After her first discharge, sc. the day and the night preceding it. On the day she is definitely clean since her discharge does not appear until evening, and in the previous night she is also clean since with the day preceding it (the seventh) her unclean menstruation period had come to an end.

(10) During the first seven days she is unclean as a menstruant and in the night following the eighth (one of the alternate unclean nights) she is unclean as a minor zabah (the zibah period having commenced on the eighth) and must consequently allow one day, the ninth, to pass. On the night following the ninth (another of the alternate unclean nights) she is again unclean as a minor zabah and must again allow a day, the tenth, to pass, and so on until the termination of eighteen days when a new cycle of the same number of days begins in which again she is allowed marital duty on the eighth day and the night preceding it only.

(11) The discharge making its appearance (as is also the case in all the following rulings) in the evenings.

(12) Which (with the night preceding) is the second of the two alternating clean days and (unlike the first of these two days) follows the immersion on the seventh day of the unclean seven days of the menstruation period.

(13) The preceding night included, On the ninth and the tenth (two of the alternating unclean days) she is (since these days are within her zibah period) a minor zabah and must in consequence allow the eleventh also to pass, performing immersion in the evening of that day and thus attaining cleanness on the twelfth.

(14) Including also the night preceding it. On the thirteenth and fourteenth (cf. prev. n. mut. mut.) she is a minor zabah, the fifteenth is the day she must allow to pass and in the evening of which she performs immersion and attains cleanness by the sixteenth.

(15) Cf. prev. n. mut. mut. The uncleanness on the twenty-first and twenty-second is already part of a menstruation period and belongs to the next cycle.

(16) The day following the eleventh day of the zibah period, which (as stated infra 72b) need not be passed before cleanness is attained.

(17) The prohibition of marital intercourse on the nineteenth.

(18) Lit., 'glutton'.

(19) Infra 72a: If a woman observed a discharge on the eleventh day of her zibah period, and performed immersion on the twelfth, and, after intercourse, again observed a discharge, her husband (who had not the patience to allow the twelfth day to pass) is described by Beth Hillel as a glutton.

(20) Maintaining that 'gluttony' is not forbidden,

(21) Of the zibah period (the eighteenth in the cycle).

(22) Sc. allowing one clean day to pass after it before cleanness is attained.

(23) The seventeenth in the cycle which is also one of the two alternating unclean days.

(24) Cf. prev. n. but one. As the day following it (the eleventh of zibah or the eighteenth in the cycle) is an unclean one, the next clean day (the nineteenth in the cycle) must be allowed to pass as a safeguard. Hence it is that marital intercourse cannot in this case be permitted before the twentieth.

(25) The eleventh and twelfth after her first discharge. On the first seven days she is unclean as a menstruant, on the eighth and the ninth (two of the alternating three unclean days) being within the eleven days of the zibah period, she is unclean as a minor zabah, and the tenth must be allowed to pass as a safeguard against these days.

(26) Since after the twelfth day she will never attain cleanness. The thirteenth, fourteenth and fifteenth (three of the alternating three unclean days) will be unclean days within her zibah period that subject her to the restrictions of a major zabah who cannot attain cleanness before seven clean days have passed, but (owing to these three alternating unclean days) she will never experience a full period of seven clean days.

(27) The eighth, the first day after her first unclean menstruation period, which is the last of the second group of four clean days.

(28) Cf. prev. n, but one mut. mut.

(29) The eighth, ninth and tenth (immediately following the first menstruation period) being the last three of the first group of five clean days.

(30) The eighth to twelfth. Cf. prev. n. mut. mut.

(31) That follow the unclean seven days of the menstruation period.

(32) Made up as follows: Seven unclean days of menstruation, seven days of cleanness (in which marital intercourse is permitted), seven days of uncleanness in which the woman becomes a major zabah and seven days that must be counted

after the confirmed zibah; and so on with each cycle of twenty-eight days.

(33) The tenth to the sixteenth (seven days), the twenty-sixth to the thirty-second (seven days) and the forty-eighth ($7 + 7 + 1 = 15$ days). Cf. foll. n.

(34) Composed as follows: Eight unclean days (the last of which being the first of the eleven days of zibah turns the woman into a minor zabah); one day (the first of the second group of eight days) that must be allowed to pass by a minor zabah before cleanness is attained, and seven clean days in which marital intercourse is permitted; two days (the first of the third group of eight days) of zibah (being the last two of the eleven days of the first zibah period) and six days of the second menstruation period; one day (the first of the fourth group of eight days) completing the seventh day of menstruation, and seven days in which marital intercourse is permitted; eight days of uncleanness (the fifth group of eight days during the first three of which she becomes a major zabah); seven days (the first of the sixth group) that serve as the number of days prescribed for a major zabah and one day (the last of the sixth group and the forty-eighth day in the cycle) in which marital intercourse is permitted.

(35) Lit. 'behold they are', the days on which marital intercourse is permitted.

(36) Since the forty-eighth day should be excluded. It is now assumed that in the sixth group of eight days five clean days only are available for the prescribed counting, since the first three days of the group completed a menstruation period that began on the fifth day of the fifth group, and, since seven clean days have not yet passed, the forty-eighth, as the day following it, should be equally forbidden for marital intercourse.

(37) As is the case with the first three days of the sixth group in which she was clean.

(38) Sc. of the seven days.

(39) Since the counting thus begins with the first day of the sixth group of eight days it terminates (cf. prev. n.) on the seventh. On the eighth day, the forty-eighth of the cycle, the woman having attained cleanness and undergone immersion on the preceding night, marital intercourse is permitted.

Talmud - Mas. Nidah 54b

May the days succeeding childbirth¹ on which the woman observes no discharge² be reckoned in the counting prescribed for her zibah?³ R. Kahana replied, Come and hear: If a woman⁴ observed a discharge on two days, and on the third day she miscarried but was unaware what she miscarried, behold this is a case of doubtful zibah and doubtful birth⁵ and⁶ she must bring a sacrifice⁷ which may not be eaten⁸ while the days succeeding her childbirth⁹ on which she observes no discharge are reckoned in the counting prescribed for her zibah.¹⁰ R. Papa retorted: There¹¹ the case is quite different,¹² since it might be assumed¹¹ that she gave birth to a male child,¹³ so that all the extra seven days that we impose upon her¹⁴ may well be reckoned in the counting prescribed for her zibah.¹⁵ Said R. Huna son of R. Joshua to R. Papa: Is there¹¹ only the doubt of having given birth to a male child, and is there no doubt as to the possibility of the birth of a female child?¹⁶ But the fact is that¹⁷ you may well infer from here that they¹⁸ may be reckoned.¹⁹ This is conclusive.

If a woman is alternately unclean for nine days and clean for nine days she may have marital intercourse on eight days out of every eighteen days.²⁰ If she is alternately unclean for ten days and clean for ten days, the days in which she is permitted marital intercourse are the same in number as the days of her zibah.²¹ And the same²² applies to cycles of a hundred²³ and so also to cycles of a thousand.²⁴

CHAPTER VII

MISHNAH. THE BLOOD OF A MENSTRUANT AND THE FLESH OF A CORPSE CONVEY UNCLEANNESS WHEN WET AND WHEN DRY. BUT THE ISSUE, PHLEGM AND SPITTLE OF A ZAB, A DEAD CREEPING THING, A CARCASS AND SEMEN CONVEY UNCLEANNESS WHEN WET BUT NOT WHEN DRY. IF, HOWEVER, ON BEING SOAKED, THEY ARE CAPABLE OF REVERTING TO THEIR ORIGINAL CONDITION THEY CONVEY UNCLEANNESS WHEN WET AND WHEN DRY. AND WHAT IS THE DURATION²⁵ OF THEIR SOAKING?²⁶ TWENTY-FOUR HOURS IN LUKEWARM WATER.²⁷ R. JOSE RULED:

IF THE FLESH OF A CORPSE IS DRY, AND ON BEING SOAKED CANNOT REVERT TO ITS ORIGINAL CONDITION, IT IS CLEAN.²⁸

GEMARA. Whence are these rulings²⁹ deduced? — Hezekiah replied: From Scripture which says, And of her that is sick with her impurity,³⁰ her impurity³¹ is like herself, as she conveys her uncleanness so does her impurity convey similar uncleanness. Thus we find the law concerning wet blood,³² whence the deduction concerning dry blood? — R. Isaac replied: Scripture said, Be,³³ it shall retain its original force.³⁴ But might it not be suggested that this³⁵ applies only to blood that was wet and then dried up; whence, however, the deduction that it applies also to blood that was originally³⁶ dry? And, furthermore, with reference to what we have learnt, 'If a woman aborted an object that was like a rind, like earth, like a hair, like red flies, let her put it in water and if it dissolves she is unclean', whence is this³⁷ deduced? — 'Be'³⁸ is an inclusive statement.³⁹ If [it be argued:] As she causes couch and seat to convey uncleanness to man and to his garments⁴⁰ so should her blood also cause couch and garment to convey uncleanness to man and his garments. [it can be retorted:] Is then her blood capable of using a couch or a seat?⁴¹ — But according to your argument⁴² [it could also be objected]: Is a leprous stone⁴³ capable of using a couch or a seat that a text should be required to exclude it?⁴⁴ For it was taught. 'It might have been presumed that a leprous stone should cause a couch and a seat to convey uncleanness to man and to his garments, this being arrived at logically, for if a zab who does not convey uncleanness by means of entry⁴⁵ causes couch and seat to convey uncleanness to man and to his garments, how much more then should a leprous stone, which does convey uncleanness by means of entry,⁴⁶ convey uncleanness to couch and seat to convey it to man and his garments, hence it was specifically stated, He that hath the issue,⁴⁷ implying only 'he that hath the issue' [is subject to the restriction]⁴⁸ but not a leprous stone'. Now the reason⁴⁹ is that Scripture has excluded it, but if that had not been the case it would have conveyed the uncleanness, would it not?⁵⁰ — A reply may indeed be forthcoming from this very statement,⁵¹ for did you not say. 'He that hath the issue⁵² [is subject to the restriction] but not a leprous stone'? Well here also Scripture said, Whereon she sitteth,⁵³ only she but not her blood.

(1) Which took place in zibah that immediately ceased.

(2) But is nevertheless Pentateuchally unclean.

(3) So that at the conclusion of seven days, and the due performance of immersion, she is exempt from the restrictions that are imposed upon a zabah.

(4) During the eleven days of her zibah period.

(5) Since it is possible that she gave birth to a proper child and that no bleeding accompanied it, in which case it is a valid birth and no zibah. It is equally possible that the birth was not that of a proper child and that it was accompanied by a flow of blood, in which case it is a proper zibah and no valid birth. It is also possible that the birth was a proper one and that it was accompanied by bleeding in which case it is both a valid birth and a proper zibah. It is equally possible that there was neither proper birth nor bleeding so that there was neither zibah nor valid birth.

(6) Adopting the most restrictive course in order to meet all possible circumstances,

(7) In case the birth was a valid one.

(8) Since it is possible that the birth was not valid, that in consequence no sacrifice was required, and that the bird that was mistakenly killed in the manner prescribed for a sacrifice was, therefore, nebelah,

(9) During the first fourteen days of which, since it is possible that the birth was that of a female, the woman is unclean even though no discharge was observed,

(10) To the restrictions of which she is subject on account of the possibility that the miscarriage was accompanied by bleeding. Thus it has been shown that the days succeeding childbirth on which no discharge is observed are reckoned in the counting prescribed for a zabah.

(11) In the case just cited by R. Kahana where uncertainties exist,

(12) From that discussed supra 54a where no doubtful factor is involved,

(13) After the birth of whom a woman is unclean for seven days only.

(14) A total of fourteen days as a precaution against the possibility that the birth was that of a female child.

(15) Had it, however, been certain that the birth was that of a female child (similar to the certainty supra 54a) the days

succeeding birth could not be reckoned in the counting prescribed for a zabah.

(16) Of course there is. The birth of the latter is as possible as the birth of the former and the possibility, therefore, exists that the woman is unclean for fourteen days.

(17) Lit., 'but not'.

(18) The days succeeding a childbirth during which no discharge is observed.

(19) In the seven days prescribed for a zabah.

(20) In the first group of nine days she is a menstruant during the first seven days and a minor zabah on the last two days; and in the second group of nine days she allows the first day to pass (as prescribed for a minor zabah) while in the remaining eight days, being fully clean, she is permitted marital intercourse. The same process is repeated in every cycle of eighteen day.

(21) During the first ten days she is a menstruant for seven days and a zabah during the last three days, while during the second group of ten days she counts the prescribed seven days and has three days left in which she is clean and permitted marital intercourse. The three latter days are thus equal in number to the three days of her zibah.

(22) That the number of days in which marital intercourse is permitted is equal to the number of the days of zibah.

(23) The woman is menstrual during the first seven days of the first hundred and is a zabah during the remaining ninety-three days, while the first seven days of the second hundred are counted as the days prescribed after the zibah and in the remaining ninety-three days she is permitted marital intercourse.

(24) Cf. prev. n. mut. mut.

(25) Sc. the maximum time.

(26) To cause them to be regarded as CAPABLE OF REVERTING TO THEIR ORIGINAL CONDITION.

(27) But if they do not resume their original freshness unless soaked for a longer time or in warmer water they convey uncleanness when wet only.

(28) V. Gemara.

(29) That the blood of menstruation conveys uncleanness by contact and carriage.

(30) Lev. XV, 33, emphasis on 'her' and 'impurity'.

(31) Sc. menstrual blood.

(32) Which is its natural state when discharged from the body.

(33) Her issue . . . be blood (Lev. XV, 19).

(34) Lit., 'in its being it shall be'.

(35) Retention of its original force.

(36) Sc. when it was discovered. Cf. the cited Mishnah that follows.

(37) That subsequent solution renders the originally dry object unclean.

(38) Her issue . . . be blood (Lev. XV, 29).

(39) Covering all the objects mentioned.

(40) Sc. she does not merely convey to them an uncleanness of a degree next to, and lower than her own but one, that of 'father of uncleanness', which is on a par with hers. Only a 'father of uncleanness' can effect the uncleanness of a man.

(41) Of course not. The analogy, therefore, cannot be drawn.

(42) That since blood cannot use a couch or a seat it cannot cause it to be a 'father of uncleanness'.

(43) Cf. Lev. XIV, 34ff.

(44) From the restriction of causing a couch and a seat to become 'fathers of uncleanness'.

(45) If a clean person enters with a zab into the same house the former does not thereby become unclean.

(46) Cf. Lev. XIV, 46.

(47) Lev. XV, 4.

(48) Of causing couch and seat to convey uncleanness to man and his garments.

(49) Why a leprous stone was excluded from the restriction (cf. prev. n.).

(50) Though it is not capable of using couch or seat.

(51) Lit., 'and from it'.

(52) Lev. XV, 4.

(53) Lev. XV. 23. emphasis on 'she'.

Talmud - Mas. Nidah 55a

But might it not be suggested that¹ as she conveys uncleanness to objects under a heavy stone² so does her blood also convey uncleanness to objects under a heavy stone? — R. Ashi replied: Scripture said, And he that beareth those things,³ implying⁴ an exclusion.⁵

AND THE FLESH OF A CORPSE. Whence is this deduced? — Resh Lakish replied: Scripture said, Whatsoever uncleanness he hath,⁶ implying all forms of uncleanness⁷ that emanate from him.⁸ R. Johanan replied: Or a bone of a man, or a grave,⁹ ‘a man’ is¹⁰ on a par with ‘a bone’; as a bone [conveys uncleanness when] dry so does a man.¹¹ What is the practical difference between them?¹² — The practical difference between them is the case of flesh that¹³ crumbles.¹⁴

An objection was raised: The flesh of a corpse that was crumbled is clean?¹⁵ — There it is a case where it was pulverised and turned into dust.

An objection was raised:¹⁶ Every part of a corpse conveys uncleanness except the teeth, the hair and the nails, but while they are attached [to the corpse] they are all unclean?¹⁷ — R. Adda b. Ahabah replied: It¹⁸ must be exactly like a bone; as a bone was created simultaneously with it¹⁹ so must every other part²⁰ be such as was created with it.²¹ But are there not the hair and nails that were created with it¹⁹ and they are nevertheless clean? — Rather, said R. Adda b. Ahabah, It²⁰ must be exactly like a bone; as a bone was created simultaneously with it¹⁹ and when cut²² does not grow again²³ so must every other part²⁰ be such as was created with it and when cut²² does not grow again. The teeth are, therefore, excluded since they were not created with it,¹⁹ and the hair and nails were excluded since, though they were created with it, they²² grow again. But skin surely [is a part of the body] that²² grows again, for²⁴ we have learnt: A skinned animal,²⁵ R. Meir declares, is ritually fit,²⁶ and only the Sages declare it to be unfit.²⁷ And even the Rabbis declare it to be unfit only because in the meantime²⁸ the air affects it and it would die, but the skin²⁹ would, as a matter of fact, grow again;³⁰ and yet have we not learnt: In the case of the following their skins are on a par with their flesh,³¹ viz., the skin of a human being?³² — Surely in connection with this ruling it was stated: ‘Ulla said, ‘Pentateuchally the skin of a human being is clean, and what is the reason why they ruled it to be unclean? It is a preventive measure against the possibility that a person might use the skins of his father and mother as spreads for an ass.’

Others there are who read: Skin, surely, [is a part of the body] that³³ does not grow again, for³⁴ we have learnt: And the Sages declare it to be unfit.³⁵ And even R. Meir declares it to be fit only because its flesh hardens and the animal recovers its health but it does not, as a matter of fact, grow again,³⁶ and yet did not ‘Ulla state, ‘Pentateuchally the skin of a man is clean’? — When ‘Ulla’s statement was made it had reference to the final clause³⁷ only: But all these,³⁸ if they were dressed or trodden upon sufficiently to render them fit for dressing, are clean³⁹ with the exception of a human skin.⁴⁰ And it was in connection with this ruling that ‘Ulla stated, ‘Pentateuchally the human skin is clean if it had been dressed; and what is the reason why they ruled it to be unclean? It is a preventive measure against the possibility that a person might use the skins of his father and mother as spreads’. But does not flesh grow again and yet it is unclean? — Mar son of R. Ashi replied: The place of missing flesh becomes a scar.⁴¹

BUT THE ISSUE. Whence is this⁴² deduced? — It was taught: His issue is unclean,⁴³ teaches concerning an issue of a zab that it is unclean.⁴⁴ But cannot this be arrived at by a process of reasoning: If it⁴⁵ causes uncleanness to others⁴⁶ would it not, with more reason, cause uncleanness to itself?⁴⁷ The case of the scapegoat proves the contrary, since it causes uncleanness to others⁴⁸ while it is itself clean. You also should not, therefore, be surprised in this case⁴⁹ where, though the issue carries uncleanness to others,⁴⁶ it is itself⁴⁹ clean. Hence it was specifically stated, ‘His issue is unclean’⁴³ teaching thereby that the issue is unclean. But might it not be suggested that this⁵⁰ applies only to contact [uncleanness] but not to carriage, this being a case similar to that of a dead creeping thing?⁵¹ — R. Bibi b. Abaye replied: There was no need for a Scriptural text as far as contact is

concerned, since it⁵⁰ is not inferior⁵² to semen,

(1) Lit., 'if'.

(2) On which she sits; though her weight can hardly exercise any tangible pressure on the objects (Tosaf.). Lit., 'a stone (used) for closing (a pit)'. V. Shab., Sonc. ed., p. 394, n. 2.

(3) Lev. XV, 10, dealing with the couch of a zab which (as explained in Torath Kohanim) when carried on a heavy stone conveys uncleanness to objects under the stone.

(4) Emphasis on 'those'.

(5) Sc. only those but not blood.

(6) Lev. XXII, 5.

(7) Whether wet or dry.

(8) Lit., 'separate'.

(9) Num. XIX, 16.

(10) By analogy.

(11) Sc. his corpse.

(12) R. Johanan and Resh Lakish.

(13) Owing to its extreme dryness.

(14) While according to Resh Lakish it would still be unclean since it emanates from a corpse, it would lose its uncleanness according to R. Johanan since it is not one solid piece like a bone.

(15) An objection against Resh Lakish.

(16) Both against Resh Lakish and R. Johanan.

(17) Oh. III.3. Now teeth are on a par with bones and yet it was stated that when detached from the corpse they are clean (cf. prev. n.).

(18) To convey uncleanness.

(19) The body.

(20) To convey uncleanness.

(21) Teeth grow later.

(22) Lit., 'its stem'.

(23) Lit., 'changes', sc. once a bone has been removed no other will grow in its place.

(24) So MS.M. and marg. note. Cur. edd., 'and'.

(25) One whose skin has worn away owing to scabs or excessive work.

(26) For consumption, sc. it is not forbidden as terefah, since the skin grows again.

(27) Hul. 54a.

(28) Before a new skin has grown.

(29) Lit., 'its stem'.

(30) So that according to R. Adda b. Ahabah the skin should be clean.

(31) Sc. the former are as unclean as the latter.

(32) Hul. 122a.

(33) Lit., 'whose root'.

(34) So MS.M. and marg. note. Cur. edd., 'and'.

(35) Hul. 54a; because it does not grow again.

(36) The skin should consequently have been unclean.

(37) Of the Mishnah, beginning 'In the case of the following their skins etc.' cited supra.

(38) The skins which the Sages ruled to be unclean.

(39) Since they have lost all resemblance to flesh.

(40) Hul. 122a, Pes. 46a.

(41) Sc. it does not grow again to its original shape as is the case with hair or nails.

(42) That the issue of a zab is unclean.

(43) Lev. XV, 2.

(44) Supra 34b.

(45) The issue.

(46) Sc. the zab.

- (47) What need then was there for the text of Lev. XV, 2?
 (48) The man who carries it away (cf. Lev. XVI, 26).
 (49) Zibah.
 (50) The conveyance of uncleanness by an issue.
 (51) Which also conveys uncleanness by means of contact but not by carriage.
 (52) In its uncleanness.

Talmud - Mas. Nidah 55b

so that if a Scriptural text was required it was only in respect of carriage. But might it not be suggested that by means of carriage it conveys uncleanness to both man and his garments, while by means of contact it conveys uncleanness to man but not to his garments, this being a case similar to that of contact with a carcass?¹ — This cannot be entertained, for it was taught: Others² Say, Of them that have an issue, whether it be a man, or a woman,³ his 'issue' is compared⁴ to himself;⁵ as in his case you make no distinction between his contact and his carriage as regards the conveyance of uncleanness to man and to his garments,⁶ so also in that of his issue. But now that the law⁷ is deduced from 'Of them that have an issue',³ what need is there for 'His issue is unclean'?⁸ — R. Judah of Daskarta⁹ replied: It was required; since¹⁰ it might have been presumed that the case of the scapegoat proves the contrary,¹¹ for it causes uncleanness to others¹² while it itself is clean; and as to the deduction from¹³ 'Of them that have an issue' [it might have been explained that] it serves the purpose of indicating the number,¹⁴ viz., 'issue', one; 'his issue',¹⁵ two; while after the third issue the All Merciful compared him to the 'woman',¹⁶ hence the All Merciful has written, 'His issue is unclean'. And now that the All Merciful has also written, 'His issue is unclean'¹⁷ you may apply to the other text¹⁸ this exposition¹⁹ also.

AND SPITTLE. Whence do we deduce [the uncleanness of] spittle? — It was taught And if he²⁰ . . . spit.²¹ As this might be presumed to apply even if the spittle did not touch,²² it was explicitly stated, upon him that is clean,²¹ only if it touched him that is clean.²³ Thus I know the law concerning his spittle only,²⁴ whence could I deduce the uncleanness of his mucus, phlegm and nasal discharge? From the explicit statement, And²⁵ if he . . . spit.²⁶

The Master said, 'As this might be presumed to apply even if the spittle did not touch',²⁷ but whence could this uncleanness²⁸ be deduced? — It might have been presumed that the expression of 'spit' here²⁶ may be inferred from that of 'spit'²⁹ mentioned in the case of a yebamah, as there the act³⁰ is valid though the spittle does not touch [the yabam] so is the act³¹ valid here also even though the spittle did not touch the clean person, hence we were informed [that actual contact is essential]. But might it not be suggested that this³¹ applies only to touch³² but not to carriage, the law being similar to that of a dead creeping thing?³³ — Resh Lakish replied: The school of R. Ishmael taught, Scripture said, 'upon that³⁴ which is with the clean',²⁶ implying, whatever is in the hand of him that is clean,³⁵ I have declared it to be unclean to you.³⁶ But might it not be suggested that by carriage it conveys uncleanness to the man and his garments while by contact it conveys uncleanness to man only but not to his garments, this law being similar to that of the touch of nebelah? — Resh Lakish replied and so it was also taught at the school of R. Ishmael: Scripture said, 'upon that which is with the clean'³⁷ implying that that which I have declared to you as clean elsewhere I have declared to you as unclean here, and what is this? It is the touch of nebelah.³⁸ But might it not be suggested that this³⁹ refers to⁴⁰ the carrying of a dead creeping thing?⁴¹ — If that were so, Scripture should have written, 'upon that which is with a man',⁴² why then did it write 'upon that which is with the clean'?⁴³ Consequently the two deductions may be made.⁴⁴

'And nasal discharge'. What [uncleanness] is [there in a] nasal discharge?⁴⁵ — Rab replied: This is the case where it was drawn and discharged through the mouth,⁴⁶ since in the circumstances it is impossible for the nasal secretion to be free from particles of spittle. R. Johanan, however, stated that

it is unclean even if it is drawn and discharged through the nose. It is thus clear that he is of the opinion that the nose is a source,⁴⁷ the All Merciful⁴⁸ having included it.⁴⁹ As to Rab,⁵⁰ why should not the tears of a zab's eyes⁵¹ be enumerated?⁵² For⁵³ has not Rab stated, He who wishes to blind his eye shall have it painted by an idolater,⁵⁴ and Levi stated, He who wishes to die shall have his eyes painted by an idolater, and in connection with this R. Hiyya b. Gorias explained, 'What is Rab's reason for not saying "He who wishes to die [etc.]"? Because one might sniff them up and discharge them, through the mouth'.⁵⁵ Now⁵⁶ what is Rab's explanation?⁵⁷ — Granted that the poison is discharged,⁵⁸ the tears themselves are not so discharged.

Come and hear: 'There are nine fluids of⁵⁹ a zab. His sweat, foul secretion and excrement are free from all uncleanness of zibah; the tears of his eye, the blood of his wound and the milk of a woman convey the uncleanness of liquids⁶⁰ if they consist of a minimum quantity of a quarter of a log; but his zibah, his spittle and his urine⁶¹ convey major uncleanness';⁶² but nasal discharge was not mentioned. Now according to Rab⁶³ one can well see why this was not mentioned, since it was not definite enough to be mentioned, for it is only sometimes that it is discharged through the mouth while at other times it is discharged through the nose,⁶⁴ but according to R. Johanan⁶⁵ why was it not mentioned? — But according to your view,⁶⁶ was his mucus and phlegm⁶⁷ mentioned?⁶⁸ But the fact is that spittle was mentioned and the same law applies to all other secretions the law of whose uncleanness was derived from the Pentateuchal amplification,⁶⁹ and so also here⁷⁰ spittle was mentioned and all other secretions the law of whose uncleanness was derived from the amplification are also included. 'The tears of his eye' [is legally a fluid] since it is written in Scripture, And given them tears to drink in large measure,⁷¹ 'the blood of his wound', since it is written, And drink the blood of the slain,⁷² and there is no difference⁷³ between striking one down outright or striking one down in part;⁷⁴ 'the milk of a woman', since it is written, And she opened a bottle of milk, and gave him drink.⁷⁵ Whence do we derive the law that 'his urine' [is legally a fluid]? — It was taught: His issue is unclean, and this⁷⁶ includes his urine in respect of uncleanness. But may not this⁷⁷ be arrived at by a logical argument? If spittle, that emanates from a region of cleanness, is unclean how much more so his urine that emanates

(1) Cf. Lev. XI, 39, 40.

(2) Sc. R. Meir.

(3) Lev. XV, 33.

(4) By juxtaposition and analogy.

(5) The zab.

(6) Cf. Lev. XV, 7, 10. The latter verse speaks of the zab's couch and seat and applies with greater force to the zab himself.

(7) That the issue of a zab conveys uncleanness by contact and carriage.

(8) Lev. XV, 2.

(9) Darkarah, 16 parasangs N.E. of Bagdad.

(10) If the text of Lev. XV, 2, had not been available.

(11) Of what is deduced from Lev. XV, 33.

(12) The man who carries it away (cf. Lev. XVI, 26).

(13) Lit., 'and if on account of'.

(14) Lit., 'it is for the number that it came'.

(15) E.V., 'of them that have'.

(16) Who becomes unclean even in a case of an accidental issue. After no more than two issues a man does not become unclean unless they were intentional.

(17) From which the principle of the uncleanness of an issue is deduced.

(18) From which the prescribed number of issues had already been deduced.

(19) That no distinction is to be made between contact and carriage.

(20) A zab.

(21) Lev. XV, 8.

- (22) The clean person in whose direction it was thrown.
- (23) Only then is he unclean.
- (24) Lit., 'I have not but'.
- (25) Emphasis on 'and' which might well have been omitted.
- (26) Lev. XV, 8.
- (27) The clean person in whose direction it was thrown.
- (28) Cf. prev. n.
- (29) Deut. XXV, 9.
- (30) Halizah.
- (31) The conveyance of uncleanness by the zab's spittle.
- (32) Sc. only if it came in contact with the clean person does it convey uncleanness to him.
- (33) Which also conveys uncleanness by contact but not through carriage if an object intervened between it and the person.
- (34) E.V. Upon him that is clean, Sc. within his hand.
- (35) Sc. even if the spittle has fallen on an object that was merely carried by the clean person, so that the spittle did not come in direct contact with the man.
- (36) Sc. that it conveys uncleanness to the person.
- (37) Emphasis on 'clean'.
- (38) Which causes the uncleanness of the man alone who touched it while his garments remain clean. In the case of the spittle of a zab, however, its touch by a clean man conveys uncleanness to his garments also.
- (39) The deduction just made (cf. MS.M.).
- (40) Cur. edd. 'like'.
- (41) Sc. the garments which remain clean in the case of the carrying of a dead creeping thing are unclean in this case (cf. p. 386, n. 15). Whence, however, the proof that touch in this case is not like the touch of nebelah which causes the uncleanness of the man only and not that of his garments?
- (42) From which (cf. supra p. 386, nn. 11 and 12) the deduction ('whatever is in the hand etc.') could well have been made.
- (43) Emphasis on 'clean'.
- (44) Cf. supra p. 386, n. 15 (second clause) and supra n. 2 (first clause).
- (45) Seeing that Scripture speaks of spittle only.
- (46) The uncleanness being due to the spittle.
- (47) In the case of a zab whose sources are unclean.
- (48) By the use of the expression *ki yarok* (E.V., if he spit) which (by change of vowels) may be read as one word, *kerok*, 'like spittle', Sc. any thing that is similar to spittle is subject to the same uncleanness.
- (49) Among the sources of a zab.
- (50) Who does not regard the nose as a source and attributes the uncleanness of a discharge from it to the particles of spittle that get mixed up with it when it passes through the mouth.
- (51) Which might also pass through his mouth and collect particles of spittle.
- (52) Among the unclean discharges.
- (53) The following is evidence that Rab agrees that tears may be made to pass through the mouth.
- (54) Who may well be suspected of mixing poisonous drugs in the eye paint.
- (55) And thus avoid swallowing them.
- (56) Cf. prev. n. but two.
- (57) Of the omission of tears of the eye (cf. supra p. 387, nn. 11 and 12) from the list of unclean discharges.
- (58) Through the mouth.
- (59) Cf. MS.M. and Bomb. ed.
- (60) Sc. cause the uncleanness of food and drink (as other unclean liquids) but not that of man and garments.
- (61) Being sources.
- (62) I.e., that of man and garments. Ker. 13a.
- (63) V. supra p. 387, n. 11.
- (64) When it is free from uncleanness. Hence it could not be included among those discharges that are invariably unclean.

- (65) Who ruled that it is always unclean, irrespective of the channel through which it passed.
- (66) That a discharge that is always unclean should have been mentioned among the others.
- (67) Which are undoubtedly as unclean as his spittle.
- (68) Of course not.
- (69) V. supra p. 387, n. 9.
- (70) The Baraita cited from Ker. 13a.
- (71) Ps. LXXX, 6; emphasis on 'drink'.
- (72) Num. XXIII, 24, cf. prev. n.
- (73) In respect of the blood.
- (74) Lit., 'what (difference is there) to me (whether) he killed all of him . . . his half'.
- (75) Judges IV, 19, cf. p. 388, n. 14
- (76) Lev. XV, 2f, emphasis on 'and this', sc. and another fluid also is unclean.
- (77) The uncleanness of urine.

Talmud - Mas. Nidah 56a

from an unclean region?¹ — The blood that issues from the orifice of the membrum² could prove the contrary, for though it issues from an unclean region it is nevertheless clean; you also need not, therefore, be surprised at this that, though it issues from an unclean region, it should be clean. Hence it was explicitly stated, 'His issue is unclean and this', to include his urine in respect of uncleanness. Whence is it deduced that the blood that issues from the orifice of the membrum² is clean? — From what was taught It might have been assumed that blood that issues from his² mouth or from the orifice of the membrum is unclean,³ hence it was explicitly stated, As to his issue it is unclean,⁴ only 'it' is unclean, but blood that issues from his mouth or from his membrum is not unclean but clean.⁵ But might I not reverse the deductions?⁶ — R. Johanan citing R. Simeon b. Yohai replied: It⁷ must be similar to spittle; as spittle is formed in globules when it is discharged so must any other unclean fluid be one that is formed in globules when it is discharged; blood is, therefore, excluded since it is not formed in globules when it is discharged. But is not a woman's milk formed in globules when it is discharged and the Master nevertheless stated that 'a woman's milk conveys the uncleanness of liquids' which implies: Only⁸ the uncleanness of liquids but not major uncleanness? — Rather said R. Johanan citing R. Simeon b. Yohai: It⁷ must be similar to spittle, as spittle is formed in globules when discharged but⁹ may be re-absorbed, so must any other unclean fluid be one that is formed in globules when discharged and that¹⁰ may be re-absorbed; blood is, therefore, excluded since it is not formed in globules when it is discharged, and a woman's milk is excluded since, though it is formed in globules when discharged, it cannot be re-absorbed. But why should not deduction be made from the zab's issue: As his issue which is not formed in globules when it is discharged causes uncleanness so does any other fluid?¹¹ — Raba replied: One cannot make a deduction from his issue, since it also causes uncleanness to others.¹²

A DEAD CREEPING THING. Resh Lakish ruled: A dead creeping thing that dried up but whose shape was retained is unclean. But have we not learnt that they CONVEY UNCLEANNESS WHEN WET BUT NOT WHEN DRY? — R. Zera replied: This is no difficulty since the former¹³ refers to a whole¹⁴ while the latter¹⁵ refers to a part;¹⁶ for it was taught: R. Isaac son of R. Bisna citing R. Simeon b. Yohai stated, In them,¹⁷ one might presume that it is necessary¹⁸ to touch a whole, hence it was explicitly stated, Of them.¹⁹ If only 'Of them' had been written it might have been presumed that it suffices¹⁸ to touch a part, hence it was explicitly stated 'In them'.¹⁷ How then are the two to be reconciled? The one²⁰ refers to a wet creeping thing while the other²¹ refers to a dry one. Raba ruled: The lizards of Mahuza,²² if their shapes are retained, are unclean.

Resh Lakish further stated: If a dead creeping thing was burnt while its shape was retained it is unclean. An objection was raised: If a burnt creeping thing was found upon olives and so also if a tattered rag²³ was found upon them they are clean, because all questions of uncleanness are

determined by the condition of the objects at the time they are found!²⁴ — R. Zera replied: This is no difficulty since the former²⁵ refers to a whole²⁶ while the latter²⁷ refers to a part; for it was taught: R. Isaac son of R. Bisna citing R. Simeon b. Yohai stated, In them',²⁸ one might presume that it is necessary²⁹ to touch a whole, hence it was explicitly stated, Of them.³⁰ If only 'of them' had been written it might have been presumed that it suffices²⁹ to touch a part, hence it was explicitly stated, 'in them'. How then are the two to be reconciled? The one³¹ refers to a burnt creeping thing while the other refers to one that is not burnt.

CONVEY UNCLEANNESS WHEN WET. The ISSUE?³² Because it is written, His flesh run.³³ His mucus, PHLEGM AND SPITTLE?³² Because it is written, If he that hath the issue spit³⁴ implying³⁵ any fluid like spittle. A DEAD CREEPING THING?³² The All Merciful said, When they are dead,³⁶ implying when they have the appearance of being dead.³⁷ SEMEN?³² Since it must be capable of causing fertilization. A CARCASS?³² Since it is written, If . . . die³⁸ implying when they have the appearance of being dead.³⁷

IF, HOWEVER, ON BEING SOAKED THEY ARE CAPABLE. R. Jeremiah enquired: Is the soaking to be from beginning to end³⁹ in LUKEWARM WATER,⁴⁰ or only at the beginning although it is not so at the end?⁴¹ — Come and hear what was taught: For how long must they be soaked in lukewarm water? Judah b. Nakosa replied, For twenty-four hours, being lukewarm at the beginning though not at the end. R. Simeon b. Gamaliel replied, They must be lukewarm throughout the twenty-four hours.

R. JOSE RULED: THE FLESH OF A CORPSE etc. Samuel explained: It is CLEAN in so far only as not to convey uncleanness if it is of the bulk of an olive, but it does convey the uncleanness of corpse mould.⁴² So it was also taught: R. Jose ruled, The flesh of a corpse that is dry and, on being soaked, cannot return to its original condition is clean in so far only as not to convey uncleanness if it is of the bulk of an olive but it is subject to the uncleanness of corpse-mould.⁴²

MISHNAH. IF A DEAD CREEPING THING WAS FOUND IN AN ALLEY IT CAUSES UNCLEANNESS RETROSPECTIVELY TO SUCH TIME AS ONE CAN TESTIFY, 'I EXAMINED THIS ALLEY AND THERE WAS NO CREEPING THING IN IT', OR TO SUCH TIME AS IT WAS LAST SWEEPED. SO ALSO A BLOODSTAIN, IF IT WAS FOUND ON A SHIRT, CAUSES UNCLEANNESS RETROSPECTIVELY TO SUCH TIME AS ONE CAN TESTIFY, 'I EXAMINED THIS SHIRT AND THERE WAS NO STAIN ON IT' OR TO SUCH TIME AS IT WAS LAST WASHED. AND IT⁴³ CONVEYS UNCLEANNESS⁴⁴ IRRESPECTIVE OF WHETHER IT IS WET OR DRY.⁴⁵ R. SIMEON RULED: IF IT IS DRY⁴⁵ IT CAUSES UNCLEANNESS RETROSPECTIVELY,⁴⁶ BUT IF IT IS WET⁴⁵ IT CAUSES UNCLEANNESS ONLY TO A TIME WHEN IT COULD STILL HAVE BEEN WET.⁴⁷

GEMARA. The question was raised: Is the alley TO SUCH TIME AS IT WAS LAST SWEEPED in the presumptive state of having been duly examined,⁴⁸ or is it possible that it is in the presumptive state of having been properly swept?⁴⁹ And in what case could this⁵⁰ matter? — In that where a person declared that he had swept the alley but did not examine it.⁵¹ If you say that 'it is in the presumptive state of having been duly examined'⁴⁸ surely, he had not examined it;⁵² but if you say, 'it is in the presumptive state of having been properly swept'⁴⁹ surely, at that time⁵³ it was properly swept.⁵⁴

(1) Whence actual zibah comes.

(2) Of a confirmed zab.

(3) As his spittle and issue respectively are unclean.

(4) Lev. XV, 2.

(5) Yeb. 105a.

- (6) 'And this' including blood that issues from his mouth or membrum, and 'as to his issue etc.' excluding urine.
- (7) A fluid that is to be included in the same law of uncleanness as spittle.
- (8) Lit., 'yes'.
- (9) If it is not ejected.
- (10) If it is not ejected.
- (11) Though it is not formed in globules when discharged.
- (12) Sc. the zab himself.
- (13) The ruling of Resh Lakish.
- (14) Such is unclean even when dry.
- (15) Our Mishnah.
- (16) Cf. MS.M. Cur. edd., 'in all of them . . . in their part'.
- (17) Lev. XI, 31. E.V. 'them'.
- (18) In order to become unclean.
- (19) Lev. XI, 32; emphasis on 'of', sc. a part.
- (20) Uncleanness through contact with a part.
- (21) Requiring contact with a whole.
- (22) Which are discovered dry.
- (23) Which is no longer subject to uncleanness.
- (24) Toh. IX, 9; thus the burnt creeping thing, like the tattered rag, is regarded as clean: how then could Resh Lakish maintain that it is unclean?
- (25) The ruling of Resh Lakish.
- (26) Which is unclean even if burnt.
- (27) The Mishnah cited.
- (28) Lev. XI, 31 E.V., 'them'.
- (29) In order to become unclean.
- (30) Lev. XI, 32; emphasis on 'of', sc. a part.
- (31) Requiring contact with a whole.
- (32) Conveys uncleanness when wet.
- (33) Lev. XV, 3.
- (34) Lev. XV, 8, Heb.; ki yarak (v. next note).
- (35) Since ki yarak by change of vowels might be made to read kerok, 'like spittle'.
- (36) Lev. XI, 31.
- (37) Sc. while still moist.
- (38) Lev. XI, 39.
- (39) 'Sc. throughout the TWENTY-FOUR HOURS.
- (40) I.e., even if they resume their original moist condition only after soaking in lukewarm water for the full period of twenty-four hours they are unclean.
- (41) Sc. they are regarded as clean if they have not resumed their original condition after being soaked in water that was at first lukewarm and then turned cold, though they would have resumed that condition if they had been soaked all the time in lukewarm water.
- (42) Sc. a ladleful of it conveys uncleanness by means of touch, carriage and overshadowing.
- (43) The dead creeping thing as well as the bloodstain.
- (44) RETROSPECTIVELY to the times indicated.
- (45) When discovered.
- (46) To the times previously indicated, since it is possible that the creeping thing or stain may have been there soon after the alley had been swept or the shirt washed.
- (47) And not to the times previously indicated if they are earlier. For if it had been there since the earlier times it would have been dry by now.
- (48) By the person who swept it who had thus definitely ascertained that there was no unclean object in it at the time.
- (49) So that if any unclean object had been there at the time it would have been swept away.
- (50) The assumption of the former or of the latter.
- (51) To ascertain whether any unclean object remained after the sweeping.

(52) And the uncleanness would be retrospective to the time before the sweeping.

(53) Though no examination took place.

(54) And no unclean object could have remained. Hence the uncleanness could be retrospective only to the time of the sweeping.

Talmud - Mas. Nidah 56b

Or also in the case where the creeping thing was found in a hole.¹ If you say that 'it is in the presumptive state of having been duly examined', any one who examines the alley examines also any hole in it; but if you say that 'it is in the presumptive state of having been properly swept', a hole is not usually swept.²

SO ALSO A BLOODSTAIN etc. The question was raised: Is the shirt TO SUCH TIME AS IT WAS LAST WASHED in the presumptive state of having been duly examined,³ or is it possible that it is in the presumptive state of having been properly washed?⁴ And in what case could this⁵ matter? — In that where a person declared that he had washed the shirt but did not examine it — If you say that 'it is in the presumptive state of having been duly examined', surely, he had not examined it,⁶ but if you say that 'it is in the presumptive state of having been properly washed', surely, it had been properly washed.⁷ Or also in the case where the stain was discovered in a fold.⁸ If you say that 'it is in the presumptive state of having been duly examined', anyone engaged in an examination examines also the folds,⁹ but if you say that 'it is in the presumptive state of having been properly washed', a stain in a fold may not have been washed out.¹⁰ Now what is the decision? — Come and hear: For it was taught: R. Meir stated, Why did they¹¹ rule that if a dead creeping thing was found in an alley it causes uncleanness retrospectively to such time as one can testify, 'I examined this alley and there was no creeping thing in it', or to such time as it was last swept?¹² Because there is presumption that the children of Israel examine their alleys at the time they are swept; but if they did not examine them, they impaired its presumptive cleanness retrospectively.¹³ And why did they¹¹ rule that a bloodstain, if found on a shirt, causes uncleanness retrospectively to such time as one can testify, 'I examined this shirt and there was no stain on it', or to such time as it was last washed?¹⁴ Because there is presumption that the daughters of Israel examine their shirts at the time they are washing them; but if they did not examine them, they impair its presumptive cleanness retrospectively.¹⁵ R. Aha ruled: Let her¹⁶ wash it again. If its colour fades¹⁷ it may be taken for granted¹⁸ that it was made after the previous washing,¹⁹ but if it does not fade it may be taken for granted¹⁸ that it was made before the previous washing. Rabbi said, A stain after its washing is not like a stain before it had been washed, for the former penetrates into the material while the latter remains clotted on its surface. Thus it may be inferred²⁰ that²¹ there is presumption that it was duly examined. This is conclusive.

AND IT CAUSES UNCLEANNESS IRRESPECTIVE OF WHETHER IT IS WET etc. R. Eleazar explained: This²² was learnt only concerning the dead creeping thing, but a wet bloodstain also causes uncleanness retrospectively,²³ for it might be assumed that it was already dry but water had fallen upon it. But can it not be assumed in the case of a dead creeping thing also that it was already dry but water had fallen upon it? — If that were the case it would have been completely dismembered.²⁴

MISHNAH. ALL BLOODSTAINS²⁵ THAT COME FROM REKEM²⁶ ARE CLEAN.²⁷ R. JUDAH DECLARES THEM UNCLEAN, BECAUSE THE PEOPLE WHO LIVE THERE ARE PROSELYTES²⁸ THOUGH MISGUIDED.²⁹ THOSE³⁰ THAT COME FROM THE HEATHENS³¹ ARE CLEAN.³² THOSE THAT COME FROM ISRAELITES OR FROM SAMARITANS, R. MEIR DECLARES, ARE UNCLEAN, BUT THE SAGES DECLARED THEM CLEAN³³ BECAUSE THEY ARE UNDER NO SUSPICION³³ IN REGARD TO THEIR STAINS.

GEMARA. Since the statement³⁴ was made categorically³⁵ it follows, does it not, that it applies even to those from Tarmod?³⁶ — R. Johanan replied: This proves that proselytes may be accepted from Tarmod.³⁷ But can this be right³⁸ seeing that both R. Johanan and Sabya ruled, No proselytes may be accepted from Tarmod? And should you reply that R. Johanan only said, ‘This’,³⁹ but he himself⁴⁰ does not hold this view [it could be retorted]: Did not R. Johanan lay down, ‘The halachah is in accordance with an anonymous Mishnah’?⁴¹ — It is a question in dispute between Amoras as to what was actually R. Johanan's view.

FROM ISRAELITES etc. As to the Rabbis,⁴² if they declare the menstrual blood of Israelites clean, whose do they hold to be unclean? — Some words are missing from our Mishnah, this being the correct reading: FROM ISRAELITES are unclean, FROM SAMARITANS, R. MEIR DECLARES, ARE UNCLEAN, since Samaritans are true proselytes,⁴³ BUT THE SAGES DECLARED THEM CLEAN because, in their opinion, Samaritans are merely lion-proselytes.⁴⁴ If so, instead of saying, BECAUSE THEY ARE UNDER NO SUSPICION IN REGARD TO THEIR STAINS, It should have been said, Because they are lion-proselytes? — The fact rather is that it is this that was meant: FROM ISRAELITES OR FROM SAMARITANS they are unclean, since Samaritans are true proselytes; those that are found in Israelite cities⁴⁵ are clean since they are not suspected of leaving their stains exposed, for they rather keep them in privacy; and those that are found⁴⁵ in Samaritan cities, R. MEIR DECLARES, ARE UNCLEAN because they are suspected of leaving their stains exposed, BUT THE SAGES DECLARED THEM CLEAN BECAUSE THEY⁴⁶ ARE UNDER NO SUSPICION IN REGARD TO THEIR STAINS.

MISHNAH. ALL BLOODSTAINS, WHERESOEVER THEY ARE FOUND,⁴⁷ ARE CLEAN, EXCEPT THOSE THAT ARE FOUND INDOORS⁴⁸ OR ROUND ABOUT A CHAMBER FOR⁴⁹ UNCLEAN WOMEN.⁵⁰ A CHAMBER FOR⁴⁹ UNCLEAN SAMARITAN WOMEN CONVEYS UNCLEANNESS BY OVERSHADOWING⁵¹ BECAUSE THEY BURY MISCARRIAGES THERE. R. JUDAH STATED, THEY DID NOT BURY THEM BUT THREW THEM AWAY AND THE WILD BEASTS DRAGGED THEM OFF. THEY⁵² ARE BELIEVED WHEN THEY DECLARE, ‘WE BURIED MISCARRIAGES THERE’, OR ‘WE DID NOT BURY THEM’. THEY⁵² ARE BELIEVED WHEN THEY DECLARE CONCERNING — A BEAST WHETHER IT HAD GIVEN BIRTH TO A FIRSTLING⁵³ OR HAD NOT GIVEN BIRTH TO ONE. THEY⁵² ARE BELIEVED WHEN GIVING INFORMATION ON THE MARKING OF GRAVES,⁵⁴ BUT THEY ARE NOT BELIEVED EITHER IN REGARD TO OVERHANGING BRANCHES,⁵⁵ OR PROTRUDING STONES⁵⁵ OR A BETH HA-PERAS.⁵⁵ THIS IS THE GENERAL RULE: IN ANY MATTER WHERE THEY ARE UNDER SUSPICION THEY ARE NOT BELIEVED.

(1) And the sweeper made no declaration at all.

(2) And the creeping thing may have been lying in that hole long before the alley had been swept (cf. n. 5).

(3) At the time it was washed, when it was definitely ascertained that there was then no stain on it.

(4) When any stain that may have been on it would have been washed out.

(5) Our assumption of the former or of the latter.

(6) The uncleanness would, therefore, be retrospective to the time before the washing.

(7) And the uncleanness could be retrospective to the time of washing only.

(8) . Lit., ‘side’, ‘border’; and the washer did not make any declaration.

(9) V. p. 393, n. 14.

(10) V. p. 393, n. 13.

(11) The Rabbis.

(12) Sc. why does not the uncleanness begin prior to the sweeping?

(13) To the time prior to the sweeping.

(14) Sc. why does not the uncleanness begin before the washing?

(15) The uncleanness beginning prior to the washing.

(16) Who did not examine her shirt when she washed it and subsequently found a bloodstain on it, and it is unknown

whether that stain was there before the washing or was made subsequently.

(17) As a result of the last washing.

(18) Lit., 'it is known'.

(19) For if it had been there before the previous washing it would have faded in the course of that washing. Hence the uncleanness is retrospective to the time of the previous washing only.

(20) From R. Meir's ruling.

(21) When nothing to the contrary is definitely known.

(22) R. Simeon b. Gamaliel's ruling.

(23) To the time it had last been washed.

(24) The assumption can, therefore, be applied to a bloodstain only.

(25) On women's garments.

(26) V. Yeb., Sonc. ed., p. 88, n. 10.

(27) Because no Israelites of pure stock live there. The menstrual blood of heathens is levitically clean.

(28) Whose menstrual blood is unclean like that of Israelites proper.

(29) Sc. though they no longer observed the religious laws of Israel.

(30) Bloodstains.

(31) Sc. from places where no Israelites live.

(32) Cf. n. 6.

(33) This is discussed in the Gemara infra.

(34) THOSE THAT CAME FROM THE HEATHENS ARE CLEAN.

(35) Lit., 'he decided and teaches'.

(36) Whose inhabitants were reputed to have an admixture of Jewish blood. But how could this be reconciled with the law that Jewish menstrual blood is unclean?

(37) Palmyra: the inhabitants being regarded in all respects as heathens and not as a mixed breed of bastards from whom no proselytes may be accepted.

(38) Lit., 'I am not.

(39) Sc. 'this proves etc.'

(40) Maintaining that no proselytes may be accepted from Tadmor.

(41) From which, as shown supra, it follows that proselytes may be accepted from the Tarmodites.

(42) THE SAGES.

(43) Whose menstrual blood is, therefore, as unclean as that of a proper Israelite.

(44) Sc. proselytes who were converted to Judaism not out of religious convictions but out of fear of the lions that attacked them (cf. II Kings XVII, 25).

(45) In an open place.

(46) Keeping them in privacy.

(47) In an Israelite locality.

(48) Lit., 'in rooms', it being assumed that, since they are kept in privacy, they must be menstrual.

(49) Lit., 'a house of'.

(50) Sc. a chamber used by menstruants.

(51) Sc. any person who enters into the chamber.

(52) Samaritans.

(53) So that the next birth is free from the restrictions imposed on a firstling.

(54) Sc. any place not so marked may be treated as clean.

(55) This is explained in the Gemara infra.

Talmud - Mas. Nidah 57a

GEMARA. What exposition did they rely upon?¹ — Thou shalt not remove thy neighbour's landmark,² which they of old time have set, in thine inheritance,³ whosoever has an 'inheritance'⁴ has also a 'landmark',² but whosoever has no inheritance⁵ has no landmark.²

THEY ARE BELIEVED WHEN THEY SAY, 'WE BURIED . . .' But,⁶ surely, they do not

uphold, do they, the exposition of the injunction, Nor put a stumbling-block before the blind?⁷ — R. Abbahu replied: This⁸ is a case where a [Samaritan] priest stood there.⁹ But is it not possible that the priest was unclean?¹⁰ — It is a case where he holds terumah in his hand.¹¹ But is it not possible that the terumah was unclean?¹⁰ — It is a case where he was eating of it.¹² If so,¹³ what was the need of stating it?¹⁴ — It might have been presumed that they are not acquainted with the stages of formation,¹⁵ hence we were informed [that we do rely upon them].¹⁶

THEY ARE BELIEVED WHEN THEY DECLARE CONCERNING A BEAST etc. But, surely, they do not uphold, the exposition of the injunction, Nor put a stumbling-block before the blind, do they?¹⁷ — R. Hiyya b. Abba citing R. Johanan replied: It is the case of a beast that is shorn and engaged in work.¹⁸ If so, what was the need of stating such a law?¹⁴ — It might have been presumed that they are not acquainted with the nature of a discharge [from the womb],¹⁹ hence we were informed [that they are to be believed].

THEY ARE BELIEVED WHEN GIVING INFORMATION ON THE MARKING OF etc. Although this²⁰ is only a Rabbinical institution²¹ they are careful to observe it, since it is mentioned in Scripture. For it is written, And any seeth a man's bone, then shall he set up a sign by it.²²

BUT THEY ARE NOT BELIEVED EITHER IN REGARD TO OVERHANGING BRANCHES etc. 'OVERHANGING BRANCHES', as we have learnt: The following are regarded as overhanging branches. The foliage of a tree that affords a covering over the ground.²³

PROTRUDING STONES, as we have learnt: protruding stones that project from a wall.²⁴

BETH HA-PERAS. Rab Judah citing Samuel ruled: A man²⁵ may²⁶ blow away the earth in a beth ha-peras²⁷ and²⁸ continue on his way. R. Judah b. Ammi citing Rab Judah ruled: A beth peras that had been trodden out is clean.²⁹ One further taught: If one ploughs a graveyard he forms thereby a beth ha-peras.³⁰ And to what extent does he form it? To that of a full length of a furrow of a hundred cubit [squared, which covers an area of] four beth se'ah.³¹ R. Jose ruled: Five beth se'ah. But are they³² not believed?³³ Was it not in fact taught, 'Concerning a field in which a grave was lost³⁴ a Samaritan is believed when he stated, "There is no grave there",³⁵ since he gives his evidence only about the grave itself;³⁶ concerning a tree whose foliage affords a covering over the ground³⁷ he is believed when he stated, "There is no grave under it",³⁸ since he renders evidence only about the grave itself'?³⁶ — R. Johanan replied: This³⁹ is a case where he walks backward and forward throughout all its area.⁴⁰ If so,⁴¹ what was the need of stating it?⁴² — It might have been presumed that a narrow strip jutted out,⁴³ hence we were informed that⁴⁴ he is believed.⁴⁵

THIS IS THE GENERAL RULE etc. What is the expression THIS IS THE GENERAL RULE intended to include? — To include Sabbath boundaries⁴⁶ and wine of libation.⁴⁷ [

(1) In not burying their miscarriages (v. our Mishnah.).

(2) Sc. his ancestral grave-yard (Sifri).

(3) Deut. XIX, 14.

(4) Sc. a normal child.

(5) A miscarriage.

(6) How can they be relied upon?

(7) Lev. XIX, 14, which is homiletically applied to the supply of misleading information which leads the unwary into sin. As the Samaritans do not mind misleading in such matters, how could their evidence on the cleanness or uncleanness of a place be acted upon?

(8) The law that Samaritans may be relied upon when they declare 'WE DID NOT BURY THEM'.

(9) Had there been a grave in that place the priest would not have been there.

(10) So that he has nothing to lose by remaining in the unclean place.

- (11) He would not have held the *terumah* there if the place had been unclean.
- (12) A certain proof that the *terumah* was clean. Unclean *terumah* is forbidden to a clean, and much more so to an unclean priest.
- (13) Cf. prev. n.
- (14) A law that is self-evident.
- (15) Sc. of the embryo; so that a mature one might be mistaken by them for an abortion and, in consequence, they would declare a place to be free from graves when in fact it is not clean.
- (16) Because they are well capable of distinguishing between an abortion and a normal child.
- (17) Cf. supra p. 397, nn. 15f mut. mut.
- (18) In the case of a firstling both these are forbidden and the Samaritan would not have ventured to shear it or to work with it.
- (19) Which in the case of small cattle is an indication of a birth that exempts the next from the restrictions of a firstling (cf. Bek. 21b); sc. they might mistake an ordinary discharge for one of abortion and thus erroneously regard the next birth as free from the restrictions of a firstling.
- (20) The marking of graves.
- (21) Which Samaritans usually disregard.
- (22) Ezek. XXXIX, 15.
- (23) Oh. VIII, 2. If one of the branches overshadowed a grave, uncleanness is conveyed only to a person under it but not to one under any of the other branches; but when the exact spot of the grave is unknown all the area overshadowed by the foliage is on account of the doubt subject to the same restriction. A Samaritan who is lax in the observance of uncleanness in a doubtful case, is not to be relied upon when he states that the grave was overshadowed by a particular branch or branches and that the others did not overshadow it.
- (24) Cf. prev. n. mut. mut.
- (25) Who desires to remain clean while making his way through a *beth peras*.
- (26) Since no flesh of the corpse need be expected, while the bones which the plough crushed (v. infra) to fractions convey uncleanness (if they are no smaller than a barley-grain) only by means of touch or carriage.
- (27) A grave area, v. Hag., Sonc. ed., p. 160, n. 1.
- (28) By thus making sure that his feet would touch no bone.
- (29) Because the bones are crushed and scattered by the constant treading and no bone of the prescribed minimum bulk (cf. prev. n. but one) remains.
- (30) *Peras* is derived from a root meaning 'to crush' the bones being crushed by the plough. Aliter: 'Peras' means a 'half', the extent of the unclean area being half a furrow in each direction from the grave. Aliter: 'Peras' is derived from a root meaning 'to extend', the uncleanness being extended to an area larger than that of the grave.
- (31) Which means a hundred times a hundred cubits.
- (32) The Samaritans.
- (33) About a *beth ha-peras*.
- (34) And which also, like a field in which a grave was ploughed, is subject to the uncleanness of a *beth ha-peras* (cf. M.K. 5b).
- (35) Sc. in any particular spot in the field.
- (36) Which is subject to Pentateuchal uncleanness which Samaritans observe. As his evidence amounts to an assertion that no Pentateuchal uncleanness is involved in that particular place he may well be relied upon. How then is this to be reconciled with our Mishnah?
- (37) Cf. supra p. 399, n. 2.
- (38) Under any particular branch.
- (39) The cited Baraita according to which a Samaritan is relied upon.
- (40) Which may well be taken as reliable evidence that there was no grave there. Our Mishnah, however, refers to a case where the Samaritan walks only across a part of the field. As he omits the other part there is reason to suspect that he knows it to contain a grave and that his evidence on the doubtful part of the field is intended to mislead Israelites so that they become subject to an uncleanness in which he himself does not believe. Hence the ruling of our Mishnah.
- (41) That the Samaritan walked throughout the suspected area.
- (42) A rule that is self evident. As a grave was known to have been in the field and the Samaritan nevertheless walked through all its area, it must be obvious that he knew that the corpse had been removed.

(43) From the field; and that he assumed the grave to be located within that strip. As the rest of the field is still a suspected area the doubtful uncleanness of which Samaritans disregard his evidence ought not to be relied upon.

(44) Since he walked across its four sides.

(45) The possibility of a narrow strip jutting out not being taken into consideration.

(46) Which are a Rabbinical institution. Samaritans who reject it are not trusted when they state where the limit is.

(47) Yen nesek, wine touched by an idolater and suspected of having been dedicated by him to idolatry. Samaritans do not regard such wine as forbidden and their evidence in such a case cannot, therefore, be trusted.

Talmud - Mas. Nidah 57b

CHAPTER VIII

MISHNAH. IF A WOMAN OBSERVED A BLOODSTAIN ON HER BODY,¹ IF IT WAS NEAR THE PUDENDA SHE IS UNCLEAN² BUT IF IT WAS NOT NEAR THE PUDENDA SHE REMAINS CLEAN. IF³ IT WAS ON HER HEEL OR ON THE TIP OF HER GREAT TOE, SHE IS UNCLEAN.⁴ ON HER THIGH OR ON HER FEET, IF ON THE INNER SIDE, SHE IS UNCLEAN; IF ON THEIR OUTER SIDE, SHE REMAINS CLEAN; AND IF ON THE FRONT AND BACK SIDES⁵ SHE REMAINS CLEAN. IF SHE OBSERVED IT ON HER SHIRT BELOW THE BELT, SHE IS UNCLEAN,² BUT IF ABOVE THE BELT, SHE REMAINS CLEAN. IF SHE OBSERVED IT ON THE SLEEVE OF HER SHIRT, SHE IS UNCLEAN IF IT⁶ CAN REACH AS LOW AS THE PUDENDA,² BUT IF IT CANNOT, SHE REMAINS CLEAN. IF SHE TAKES IT OFF AND COVERS HERSELF WITH IT IN THE NIGHT, SHE IS UNCLEAN WHEREVER THE STAIN IS FOUND,⁷ SINCE IT CAN TURN ABOUT.⁸ AND THE SAME LAW⁹ APPLIES TO A PALLIUM.¹⁰

GEMARA. Samuel ruled: If a woman examined the ground¹¹ and after sitting on it, found on it some blood, she remains clean, for it is said, In her flesh,¹² implying that she is not unclean unless she feels¹³ in her flesh. But the expression¹⁴ 'in her flesh' is required for the deduction that she conveys uncleanness within¹⁵ as without?¹⁶ — If so,¹⁷ Scripture could have said, 'In flesh', why then did it say 'in her flesh'? It may, therefore, be deduced that she is not unclean 'unless she feels¹⁸ in her flesh'. But still, is not the expression required for the deduction, 'In her flesh, but not within a sac or within a lump of flesh'?¹⁹ — Both deductions may be made from it.

Come and hear: If a woman while attending to her needs²⁰ observed a discharge of blood, R. Meir ruled: If she was standing at the time she is unclean,²¹ but if she was then sitting she remains clean.²² Now how is one to imagine the circumstance?²³ If she felt the discharge, why should she be clean where she was sitting? Consequently this must be a case where she did not feel a discharge, and yet it was taught, was it not, that she was unclean?²⁴ — This may in fact be a case where she did feel a discharge but²⁵ it might be assumed that the feeling was that of the ejection of the urine. When she stands, the urine might well return to the interior of her womb²⁶ and then carry out some blood with it, but if she sits,²⁷ she remains clean.

Come and hear: If on a testing rag that was placed under a pillow some blood was found, it is regarded as clean if it²⁸ was round,²⁹ but if it was elongated it is unclean. Now how are we to understand the circumstances? If she felt a discharge, why should it be clean when round? Consequently it must be a case where she felt no discharge, and yet it was stated, was it not, that if it was elongated it is unclean?³⁰ — No, it may in fact be a case where³¹ she felt the discharge, but it might be assumed that it was the feeling of the testing rag. Hence if it is elongated it must certainly have issued from her body.³² but if it is round³³ it is clean.³⁴

Come and hear: If a vestige of blood is found on his rag they are both unclean and are also under the obligation of bringing a sacrifice. If any blood is found on her rag immediately after their

intercourse they are both unclean and are also under the obligation of bringing a sacrifice. If, however, any blood is found on her rag after a time they are both unclean by reason of the doubt but exempt from the sacrifice.³⁵ Now how are we to imagine the circumstance? If she has felt a discharge, why should they be exempt from the sacrifice where the blood is found after a time? Must it not then be a case where she did not feel any discharge, and yet it was taught, was it not, that 'if any blood is found on her rag immediately after their intercourse they are both unclean and are also under the obligation of bringing a sacrifice'?³⁰ — No, she may in fact have felt the discharge, but it might be assumed that it was the feeling of the attendant.³⁶

Come and hear: You are thus in a position³⁷ to say that three forms of doubt appertain to a woman. A bloodstain on her body, concerning which there is doubt whether it is unclean and clean, is regarded as unclean;³⁸ on her shirt, when it is doubtful whether it is unclean or clean, is regarded as clean;³⁸ and in regard to the laws of the uncleanness of contact and *heset*³⁹ you follow the majority. Now what is meant by 'you follow the majority'? Is it not that if on most days she is unclean⁴⁰ this is a cause of uncleanness⁴¹ even when she felt no discharge?³⁰ — No, the meaning is that if on most days her observation of the blood is accompanied by a feeling of the discharge she is unclean since it might be assumed that she had felt it this time also but did not pay any attention to it.

The Master said, 'A bloodstain on her body, concerning which there is doubt whether it is unclean or clean, is regarded as unclean; on her shirt, when it is doubtful whether it is unclean or clean, is regarded as clean'. How is one to understand the circumstances? If it⁴² was below her belt, why, when on her shirt, is it regarded as clean seeing that we have learnt, **BELOW THE BELT, SHE IS UNCLEAN**; and if it was above her belt, why, when on her body is it regarded as unclean, seeing that we have learnt that if she observed blood on her body, **IF IT WAS NOT NEAR THE PUDENDA, SHE REMAINS CLEAN**? — If you wish I could reply that the stain was below the belt; and if you prefer I might reply that it was above the belt. 'If you wish I could reply that the stain was below the belt', in a case, for instance, where she passed through a butchers' market. If the stain was on her body it must have emanated from herself, for if it had emanated from an external source⁴³ it should have been found on her shirt; but if it is found on her shirt, it must have emanated from an external source,⁴³ for if it had emanated from herself it should have been found on her body. 'And if you prefer I might reply that it was above her belt', in a case, for instance, where she jumped backwards. If the stain is on her body it must undoubtedly have emanated from herself, for if it had emanated from an external source⁴³ it should have been found on her shirt; but if it is found on her shirt, it must have emanated from an external source,⁴³ for if it had emanated from herself, it should have been found on her body. At all events, it was stated, was it not, 'A bloodstain on her body, concerning which there is doubt whether it is unclean or clean, is regarded as clean', presumably even if she did not feel any discharge?⁴⁴ Furthermore, we have learnt, **IF A WOMAN OBSERVED A BLOODSTAIN ON HER BODY. IF IT WAS NEAR THE PUDENDA, SHE IS UNCLEAN**. Does not this imply even where she did not feel any discharge?⁴⁵ — R. Jeremiah of Difti replied: Samuel agrees that⁴⁶ she is unclean

(1) Lit., 'flesh'.

(2) Since it may be attributed to menstruation.

(3) The following illustrates the previous general rule.

(4) The reason follows *infra* in the Gemara.

(5) Lit., 'and on the sides from here and from here'.

(6) The place of the stain.

(7) Sc. even if it is on a part which when worn cannot reach as low as the pudenda.

(8) And the upper part then comes in contact with the lower parts of the body.

(9) That she is UNCLEAN WHEREVER THE STAIN IS FOUND.

(10) ** a square sheet used as a cloak and as a bed cover. When used as a cover the upper part might well turn about (cf. prev. n. but one).

- (11) Lit., 'floor of the world'.
- (12) Lev. XV, 19.
- (13) The discharge.
- (14) Lit. 'that'.
- (15) Sc. while the blood is still within her body.
- (16) Supra 21b q.v. nn. How then can Samuel's deduction be made from the same expression?
- (17) That only the latter deduction is to be made.
- (18) The discharge.
- (19) Sc. if blood is found within any of these abortions, but not on the woman's person, she remains clean (supra 21b).
- (20) Making water.
- (21) Since owing to the narrowness of the passage occasioned by her standing position, her urine may have returned to the interior of her womb whence it gathered up some menstrual blood.
- (22) Infra 59b, supra 14a, the blood being attributed to a wound in the bladder.
- (23) In which R. Meir's rule applies.
- (24) An objection against Samuel.
- (25) As to the reason why she remains clean.
- (26) Lit., 'source'.
- (27) A position which does not block the passage.
- (28) The blood mark.
- (29) Because it cannot be the result of the test which would produce an elongated patch.
- (30) An objection against Samuel.
- (31) In the course of the test.
- (32) This being the shape that a blood mark would assume on a testing rag.
- (33) And, therefore, likely to be the result of some wound.
- (34) Because it cannot be the result of the test which would produce an elongated patch.
- (35) Mishnah supra 14a q.v. notes.
- (36) Euphemism.
- (37) Lit., 'thou art found'.
- (38) This is explained infra.
- (39) V. Glos.
- (40) Cf. Rashi and Tosaf. for different illustrations of this uncleanness.
- (41) Lit., 'unclean'.
- (42) The stain.
- (43) Lit., 'from the world'.
- (44) An objection against Samuel.
- (45) An objection against Samuel.
- (46) Since it is possible that she was so much pre-occupied at the time of the discharge that she was unconscious of her sensation.

Talmud - Mas. Nidah 58a

according to Rabbinic law.¹ R. Ashi² replied: Samuel gave his ruling in accordance with the view of R. Nehemiah. For we learnt: R. Nehemiah ruled, Any thing that is not susceptible to uncleanness is not susceptible to stains.³ According to R. Ashi one can well see the reason why he⁴ mentioned 'ground',⁵ but according to R. Jeremiah of Difti,⁶ what was the point of mentioning 'ground', seeing that even in the case of a cloak⁷ the woman is subject to the same law? — This is a case of an implied climax:⁸ There is no question [that the woman is clean where she sat on] a cloak since it cannot be thoroughly examined and one may, therefore, well assume [that the stain] emanated from an external source,⁹ but even [where she sat on] the ground which can well be thoroughly examined,⁹ and where¹⁰ it might justifiably be assumed that it emanated from her body, she is nevertheless regarded as clean.

ON HER HEEL OR ON THE TIP OF HER GREAT TOE. SHE IS UNCLEAN etc. One can well concede that HER HEEL¹¹ is likely¹² to come in contact with that place,¹³ but what is the reason for the uncleanness in the case of a stain on THE TIP OF HER GREAT TOE? And should you reply: It might sometimes touch her heel [the objection would arise]: Do we [as regards] uncleanness presume transfer from place to place? Was it not in fact taught: If she¹⁴ had a wound on her neck in a position to which the blood stain might be attributed,¹⁵ she may so attribute it;¹⁶ if it was on her shoulder, in which case she cannot so attribute it,¹⁷ she must not so attribute it; and we do not suggest that it is possible that she had taken it¹⁸ with her hand and transferred it there?¹⁹ — The fact rather is that THE TIP OF HER TOE is in a different category.²⁰ because [direct dropping of blood] might occur while she is walking. But do we not [as regards] uncleanness presume transfer from place to place? Was it not in fact taught: If it²¹ was found on her finger joints.²² she is unclean, because hands are active.²³ Now what is the reason?²⁴ Is it not this: That we assume that she had examined herself with one hand²⁵ and then touched it with her other hand?²⁶ — No, her hand is different²⁰ since all of it might come in direct contact²⁷ [with the menstrual source].

ON HER THIGH OR ON HER FEET, IF ON THEIR INNER SIDE etc. How far²⁸ ON THEIR INNER SIDE?²⁹ — The school of R. Jannai replied: As far as the place of hebek.³⁰ The question was asked: Is the place of the hebek.³¹ regarded as the inner, or as the outer side? — Come and hear what R. Kattina learnt: As far as the place of the hebek, and the hebek itself is regarded as the inner side. R. Hiyya son of R. Iwya taught this³² explicitly: The School of R. Jannai ruled, As far as the place of the hebek and the hebek itself is regarded as in the inner side.

R. Jeremiah enquired: What is the ruling³³ where a bloodstain had the shape of a ring, of a straight line of drops,³⁴ or of a splash of drops.³⁵ or where it runs across the breadth of her thigh? — Come and hear: ‘A bloodstain on her body concerning which there is doubt whether it is unclean or clean, is regarded as unclean’. Now does not ‘on her body’ imply stains of such shapes? — No, it might only refer to one that is shaped like a stripe.³⁶

A woman once found blood on her web. When she came to R. Jannai³⁷ he told her to experiment by repeating³⁸ her forward and backward movements.³⁹ But was it not taught: No repetition [test is recognized] in questions of cleanness?⁴⁰ — We say that no repetition test is recognized only⁴¹ where the law would thereby⁴² be relaxed, but where it is thereby restricted we do recognize a test of repetition.⁴³

IF SHE TAKES IT OFF etc. It was taught: R. Eleazar son of R. Jose stated, In such a case⁴⁴ I gave a ruling in the city of Rome imposing a prohibition,⁴⁵ and when I came to the Sages of the South they said to me, ‘You have given the right decision.

Our Rabbis taught: Where a tall woman put on the shirt⁴⁶ of a short woman or if a short one put on the shirt⁴⁶ of a tall one, if [a blood stain]⁴⁷ corresponds to the position of the pudenda of the tall one, they are both unclean, but if it does not correspond to it,⁴⁸ the tall one is clean while the short one is unclean. Another Baraitha taught: If a woman examined her shirt⁴⁹ and then⁵⁰ lent it to her friend,⁵¹ she is clean, but her friend may attribute it⁵² to her. R. Shesheth explained: This⁵³ was learnt only in regard to the civil law,⁵⁴ but as regards the law of uncleanness the lender is clean while her friend is unclean.

(1) The ruling cited in objection to Samuel being also Rabbinical only. Samuel's ruling, however, was concerned with the Pentateuchal law.

(2) Maintaining that Samuel's ruling is not at all based on the principle that the woman must feel the discharge.

(3) *Infra* 59b, sc. a stain found on such an object is no cause of uncleanness to the person in whom it may possibly have originated. As the ground on which the woman sat is not susceptible to uncleanness the woman also, despite the stain found, remains clean. All the rulings cited in objection to Samuel based on the principle of ‘feeling’, are, therefore,

irrelevant.

(4) Samuel.

(5) Since the ground is not susceptible to uncleanness.

(6) Who, as appears from his reply, accepted the view that Samuel based his ruling on the absence of sensation.

(7) If, while sitting on it, the woman experienced no sensation of a discharge.

(8) Lit., 'there is no question, he implied'.

(9) Before the woman sat on it.

(10) Since no stain was noticed before she sat down but was found after she rose.

(11) When she sits with her legs folded under her body in eastern fashion.

(12) Lit., 'does'.

(13) Euphemism. Hence the uncleanness.

(14) A woman who discovered a bloodstain near her pudenda.

(15) Sc. if the position of the wound was such that when the woman bends down some blood might drop from it on to the spot where the stain was discovered.

(16) And remain clean.

(17) Because even when she bends her head low the blood from the shoulder would not fall on the spot (cf. prev. n. but two) where the stain was discovered.

(18) The blood from the shoulder wound.

(19) How then could it be suggested here that the blood might have been transferred from the heel to the toe?

(20) From the shoulder.

(21) A bloodstain.

(22) On the back of her hand.

(23) And might, though the woman was not conscious of the fact, have touched menstrual blood.

(24) That blood on the back of the hand (cf. prev. n. but one), which one would not expect to come in contact with the menstrual source, even in the course of an examination, should be regarded as unclean.

(25) The palm of which became soiled in the process.

(26) Which proves, does it not, that we do presume transfer as regards uncleanness?

(27) Lit., 'does that it touches'.

(28) From their front and back.

(29) Sc. at what distance from their front and back is a stain regarded as being on their inner side.

(30) The sinews that connect the thigh and the leg. The part of the leg beneath this junction and the part of the thigh above it are regarded as the INNER SIDE (cf. Rashi and Tosaf. Asheri). Aliter: The place where the leg meets the thigh when the woman squats (Aruk); the part of the leg to the place where the (ankle) loop sits (Jast.).

(31) Sc. the sinews themselves (cf. Rashi and Tosaf. Asheri). Aliter: The ankle itself (Jast.).

(32) The ruling that was just given in the form of a question and answer.

(33) As regards menstrual uncleanness.

(34) Cf. Tosaf. and Tosaf. Asheri.

(35) Lit., 'drops, drops'.

(36) Running downwards, which is the natural shape that may be expected if the blood was menstrual.

(37) To enquire whether the stain was to be regarded as menstrual.

(38) At the loom.

(39) Lit., 'let her go and come'. By repeating the process several times she would be able to ascertain whether the web comes sometimes in contact with the menstrual source.

(40) Supra 5b q.v. notes.

(41) Lit., when do we say'.

(42) By sanctioning the test.

(43) Because here, since it was found neither on her body nor shirt, in the absence of evidence we assume her to be clean.

(44) Lit., 'this thing', a shirt that a woman used at night as a covering (v. our Mishnah).

(45) Sc. that the blood is regarded as menstrual and that the woman is consequently unclean.

(46) Without previously examining it.

(47) Discovered subsequently.

- (48) Not reaching so low.
 (49) Var. lec., 'herself and her shirt' (v. Bah.).
 (50) Having made sure that it was clean.
 (51) And subsequently a stain was found on it.
 (52) The stain.
 (53) That the borrower may attribute the stain to the lender.
 (54) Sc. the lender, having no valid proof that the shirt was clean when she had lent it to the other, has no legal claim on the other for the cost of washing.

Talmud - Mas. Nidah 58b

But why is this case different from the following where it was taught: If two women were engaged in the preparation of one bird which contained no more than one sela' of blood, and then a stain of the size of a sela' was found on each, they are both unclean?¹ — There² the law is different since there was an additional sela'.³

Our Rabbis taught: Where a woman put on three shirts⁴ that she had previously examined⁵ [and then found blood on one of them]. if she is in a position to attribute [the blood to an external source]⁶ she may do so even though [the blood was found] on the lowest shirt, but if she is not in a position to attribute [it to an external cause]⁶ she may not do so even though [the blood was found] on the uppermost shirt. How so? If she passed through a butchers' market she may attribute the blood to it even though it was found on the lowest shirt, but if she did not pass through a butchers' market she may not attribute the blood to it even if it was found on the uppermost.

MISHNAH. [A WOMAN] MAY ATTRIBUTE [A BLOODSTAIN] TO ANY [EXTERNAL] CAUSE TO WHICH SHE CAN POSSIBLY ATTRIBUTE IT.⁷ IF [FOR INSTANCE] SHE HAD SLAIN A DOMESTIC BEAST, A WILD ANIMAL OR A BIRD, IF SHE WAS HANDLING BLOODSTAINS OR SAT BESIDE THOSE WHO HANDLED THEM. OR IF SHE KILLED A LOUSE. SHE MAY ATTRIBUTE THE BLOODSTAIN TO IT. HOW LARGE A STAIN MAY BE ATTRIBUTED TO A LOUSE?⁸ R. HANINA B. ANTIGONUS REPLIED: ONE UP TO THE SIZE⁹ OF A SPLIT BEAN; [AND IT MAY BE ATTRIBUTED TO A LOUSE] EVEN THOUGH SHE DID NOT KILL IT.¹⁰ SHE MAY ALSO ATTRIBUTE IT TO HER SON OR TO HER HUSBAND.¹¹ IF SHE HERSELF HAD A WOUND THAT¹² COULD OPEN AGAIN AND BLEED SHE MAY ATTRIBUTE IT TO IT. A WOMAN ONCE CAME TO R. AKIBA AND SAID TO HIM: I HAVE OBSERVED A BLOODSTAIN'. 'HAD YOU PERHAPS', HE SAID TO HER. 'A WOUND?' YES'. SHE REPLIED, 'BUT IT HAS HEALED'. IS IT POSSIBLE HE AGAIN ASKED HER, THAT IT COULD OPEN AGAIN AND BLEED?' 'YES', SHE REPLIED; AND R. AKIBA DECLARED HER CLEAN. OBSERVING THAT HIS DISCIPLES LOOKED AT EACH OTHER IN ASTONISHMENT. HE SAID TO THEM, ' WHY DO YOU FIND THIS DIFFICULT, SEEING THAT THE SAGES DID NOT LAY DOWN THE RULE¹³ IN ORDER TO IMPOSE RESTRICTIONS BUT RATHER TO RELAX THEM, FOR IT IS SAID IN SCRIPTURE, AND IF A WOMAN HAVE AN ISSUE, AND HER ISSUE IN HER FLESH BE BLOOD.¹⁴ ONLY BLOOD¹⁵ BUT NOT A BLOODSTAIN. IF ON A TESTING RAG THAT WAS PLACED UNDER A PILLOW SOME BLOOD WAS FOUND, IF THE STAIN IS ROUND IT IS CLEAN BUT IF IT IS ELONGATED IT IS UNCLEAN; SO R. ELIEZER SON OF R. ZADOK.

GEMARA. Thus we have here¹⁶ learnt what our Rabbis taught elsewhere: It once happened that R. Meir attributed it to collyrium, and Rabbi attributed it to the sap of a sycamore.¹⁷

OR SAT. Only where SHE SAT¹⁸ but not [where she believes that] she did not sit.¹⁹ Thus²⁰ we have here learnt what our Rabbis taught elsewhere: If a woman passed through a butchers' market, and it is a matter of doubt whether any blood was or was not squirted on her she may attribute [any

bloodstain on her to a possible contingency]; but if it is doubtful whether she did or did not pass the market she²¹ is unclean.²²

IF SHE KILLED A LOUSE. Only where SHE KILLED¹⁸ but not where she did not kill any. Whose view then does our Mishnah²³ represent? — That of R. Simeon b. Gamaliel. For it was taught: If she killed a louse she may attribute a bloodstain to it, but if she did not kill any she may not so attribute it; so R. Simeon b. Gamaliel. But the Sages ruled: In either case she may attribute the one to the other. Said R. Simeon b. Gamaliel: According to my view there is no limit²⁴ and according to the view of my colleagues there is no end.²⁴ ‘According to my view there is no limit’ since you could hardly find²⁵ a woman who could be regarded as clean for her husband, seeing that there is hardly²⁵ a bed that does not contain ever so many drops of louse blood.²⁶ ‘According to the view of my colleagues there is no end’, since there is hardly²⁵ a woman who could be regarded as unclean for her husband, seeing that there is hardly a sheet on which there are not ever so many drops of blood;²⁷ but the view of R. Hanina b. Antigonus is more feasible than mine and theirs, for he has laid down, ‘How large a stain may be attributed to a louse? One not bigger than the size of a split bean’,²⁸ and we rule in agreement with his view.²⁹ But according to the Rabbis who ruled, SHE MAY ATTRIBUTE,³⁰ how large may be the stain?³¹ — R. Nahman b. Isaac replied: She may attribute it to a bed-bug even if it is as big as a lupine.³²

Our Rabbis taught: A³³ bed-bug is of the same length and breadth and the taste of it is like its odour. Whosoever crushes it cannot help³⁴ smelling it. It was stated to be of ‘the same length and breadth’ in regard to bloodstains.³⁵ ‘The taste of it is like its odour’ has been stated in regard to terumah.³⁶ For we have learnt: ‘Or if he tasted the flavour of a bed-bug in his mouth he must spit it out.’³⁷ But how could he know this?³⁸ Because ‘the taste of it is like its odour’. But still, whence could he know this?³⁹ [Because] ‘whosoever crushes it cannot help³⁴ smelling it’.

R. Ashi ruled: In a town in which there are pigs there is no need to consider the possibility of menstrual bloodstains.⁴⁰ R. Nahman b. Isaac stated: The condition of⁴¹ Dokereth⁴² is⁴³ like that of a town in which there are pigs.⁴⁴

HOW LARGE A STAIN MAY BE ATTRIBUTED etc. R. Huna explained: If the stain is equal in size to a split bean it may not be attributed to a louse; if it is smaller in size than a split bean it may be attributed to it. R. Hisda, however, explained: If it was of the same size as a split bean it may be attributed to it, but if it was bigger than the size of a split bean it may not be attributed to it. Must it be assumed that they⁴⁵ differ on the question whether UP TO’ is meant to include the terminus,⁴⁶ R. Huna⁴⁷ holding the opinion that ‘up to’ does not include the terminus⁴⁸ while R. Hisda⁴⁹ holds that ‘up to’ is inclusive of the terminus?⁵⁰ — R. Huna can answer you: ‘Up to’ may sometimes include the terminus and sometimes exclude it, but in either case⁵¹ the meaning must be one that leads to a restriction,⁵² while R. Hisda can answer you: Elsewhere I agree with you⁵³ that we adopt a meaning that leads to a restriction and not one that leads to a relaxation, but here the meaning must be in agreement with a ruling of R. Abbahu, R. Abbahu having ruled: All prescribed minima of the Sages are intended to impose restrictions, except the prescribed size of a split bean in the case of bloodstains which is intended to relax the law.⁵⁴ There are others who give this tradition⁵⁵ as an independent statement:⁵⁶ R. Huna ruled, A bloodstain of the size of a split bean is treated as one bigger than the size of a split bean;⁵⁷ while R. Hisda ruled, One of the size of a split bean is treated as one that is less than the size of a split bean;⁵⁸ but they differ on the interpretation of UP TO here, as has just been explained.⁵⁹

An objection was raised:

(1) Sc. as in this case, though one stain could well be attributed to the bird, both women are unclean, so also in the former case, since it is possible that the lender did not properly examine her shirt, both lender and borrower should be

unclean.

(2) The latter case.

(3) Which cannot possibly be attributed to the bird. As the stain of one woman at least must be an unclean one, and since it cannot be ascertained which one it is, uncleanness must be imposed on both women. In the former case, however, where one woman examined the shirt and the other did not, uncleanness may well be imposed on the latter only.

(4) One on the top of the other.

(5) Lit., 'that are examined to her'.

(6) This is explained presently.

(7) And thus regard herself as clean.

(8) Lit., 'until how much may she attribute?'

(9) This is discussed infra in the Gemara.

(10) Contrary to the view of the Rabbis.

(11) If any of them had a wound.

(12) Though it is already dry.

(13) About bloodstains.

(14) Lev. XV, 19.

(15) Causes uncleanness.

(16) In our Mishnah.

(17) Supra 19b f q.v. notes.

(18) Does the law apply. Lit., 'yes'.

(19) Though it might well be possible that she did sit there without being conscious of the fact (cf. Rashi and Tosaf. Asheri).

(20) Since the possibility of an unconscious act is here disregarded.

(21) If any bloodstain was found on her.

(22) Cf. prev. n. but two mut. mut.

(23) Sc. the anonymous ruling which is contrary to the view of R. Hanina b. Antigonus.

(24) This is explained presently.

(25) Lit., 'since you have not'.

(26) So that the woman, unless she was certain that she killed one, would always be unclean, however minute the speck of blood.

(27) And these can be attributed to lice, however big the stain.

(28) Even if she killed nothing; while if it is bigger it is unclean even though a louse was killed.

(29) So Elijah Wilna. Cf. MS.M. Cur. edd., 'and we agree with his view'.

(30) Even if she is not aware of killing anything.

(31) To be regarded as clean. If it is very big it could not obviously be attributed to a louse.

(32) Cf. prev. n.

(33) Lit., 'this'.

(34) Lit., 'a covenant is made for it'. sc. a protection for its preservation.

(35) A stain, though bigger than a split bean, may be regarded as clean if its length is equal to its breadth since it may be attributed to a bug.

(36) And the same applies to unconsecrated produce. Terumah was mentioned because the Mishnah of Ter. cited happens to deal with terumah.

(37) Ter. VIII, 2.

(38) The taste of vermin.

(39) Its odour.

(40) Since the pigs, eating all sorts of creeping things and vermin, scatter about their blood.

(41) Lit., 'and that of'.

(42) Darankat on the Tigris. v. Obermeyer p. 197.

(43) Since it had many butchers' shops and swarmed with dung hills and vermin.

(44) Cf. prev. n. but three.

(45) R. Huna and R. Hisda.

(46) Lit., 'until and until included'.

- (47) Who holds that a stain that is equal in size to a split bean may not be attributed to vermin.
- (48) Which is (cf. our Mishnah) 'THE SIZE OF A SPLIT BEAN'.
- (49) Who maintains that a stain of the size of a split bean may be attributed to vermin.
- (50) But if so how could each respectively reconcile his view with (cf. Hul. 55a) the cases to the contrary?
- (51) Lit., 'and here . . . and here'.
- (52) As in the case of stains here under discussion the law is restricted by excluding the terminus, he justifiably maintains that the stain of the size of a split bean is excluded.
- (53) Lit., 'In the world I will tell you'.
- (54) Hence the inclusion of the terminus in the ruling of our Mishnah.
- (55) The dispute between R. Huna and R. Hisda.
- (56) Sc. not as an explanation of our Mishnah.
- (57) Sc. is regarded as unclean.
- (58) Is regarded as clean.
- (59) R. Huna, here as elsewhere, adopting the meaning that leads to a restriction while R. Hisda regards the meaning here as an exception in agreement with R. Abbahu's ruling.

Talmud - Mas. Nidah 59a

If a woman had drops of blood on her body below her belt¹ and drops of blood above it, she may attribute [the former to the blood that is assumed to be the cause of the drops] on the latter² up to the size of a split bean. Now does not this³ mean a stain of the size of a split bean below her belt?⁴ — No, a stain of the size of a split bean above the belt.⁵

It was stated: If on the body of a woman⁶ was found a stain of the size of a split bean plus some addition,⁷ and to that addition clung a louse, R. Hanina ruled: She is unclean;⁸ and R. Jannai ruled: She is clean.⁹ 'R. Hanina ruled: She is unclean', since she may attribute a stain to a louse only where the former is of the size of a split bean but not where it is of the size of a split bean plus. 'R. Jannai ruled: She is clean', since this restriction¹⁰ applies only where no louse clings to the addition, but where a louse clings to it, it is quite evident that the addition is the blood of a louse, so that only a stain of the size of a split bean remains;¹¹ and since such a size may elsewhere¹² be attributed to a louse it may also here be so attributed.

R. Jeremiah enquired: What is the ruling where a woman handled some blood of the bulk of a split bean but on her body was found a bloodstain of the size of a split bean and a little more? This question arises according to R. Hanina and it also arises according to R. Jannai. 'This question arises according to R. Hanina', since R. Hanina may have maintained his view there¹³ that the woman was unclean, only because she did not handle any blood, but here, where she did handle some, she may well attribute [the stain to an extraneous cause].¹⁴ or is it possible that, even according to R. Jannai who ruled¹³ that she was clean, the ruling applies only where a louse clings to the stain, but where no louse clings to it, the stain may not be attributed to it? — Come and hear: If she was handling red stuff she may not attribute to it a black stain; if she was handling a small quantity¹⁵ she may not attribute to it a large stain. Now how is one to imagine the circumstances?¹⁶ Would you not agree that they were of the same nature?¹⁷ — No, this¹⁶ might be a case, for instance, where she handled a quantity of blood of the bulk of a split bean while on her body was found a stain of the size of two split beans and a little more in excess.¹⁸ But if so,¹⁹ what was the need of mentioning it?²⁰ — It might have been presumed that one takes the part of the stain²¹ that may be attributed to the blood of the bird²² to be in the middle²³ so that there remains less than the prescribed minimum on either of its sides,²⁴ hence we were informed [that the stain cannot be attributed to it²⁵ at all].

Raba ruled: If one kind of material²⁶ was found upon a woman²⁷ she may attribute to it any kind of stain.²⁸ It was objected: If she was handling red stuff she may not attribute to it a black stain!²⁹ — A case where she had handled the stuff is different.³⁰ There are some who say: Raba ruled, If a

woman was handling one kind of material, she may attribute to it any kinds of stain.²⁸ It was objected: If she was handling red stuff she may not attribute to it a black stain!³¹ — When Raba laid down his ruling he referred to a woman who was handling a hen which contains several kinds of blood.

A WOMAN ONCE etc. But was it not taught: Seeing that the Sages did not lay down the rule in order to relax the law but rather to restrict it?³² — Rabina replied: The meaning is that they did not lay down the rule to relax Pentateuchal laws,³³ but rather to add restrictions to them;³⁴ but the uncleanness of bloodstains is altogether a Rabbinical enactment.³⁵

IF ON A TESTING RAG THAT WAS PLACED. The question was raised: Do the Rabbis differ from R. Eliezer son of R. Zadok or not? — Come and hear: A long stain is counted³⁶ but scattered drops are not combined.³⁷ Now whose view does this represent? If it be suggested: That of R. Eliezer son of R. Zadok [the difficulty would arise:] Why was there need³⁸ for the combination, seeing that he ruled that even a stain that was only slightly elongated is unclean. Must we not then conclude that it represents the view of the Rabbis? Thus it follows, does it not, that they differ from his view? — No, this may indeed represent the view of R. Eliezer son of R. Zadok, for he laid down the law³⁹ in regard to a testing rag⁴⁰ but not in regard to a bloodstain.⁴¹

Come and hear⁴² what Rab Judah citing Samuel stated: ‘The halachah is in agreement with R. Eliezer son of R. Zadok’. Now since the halachah had to be declared it follows that they⁴³ differ from him.⁴⁴ This is conclusive. [

(1) So Tosaf. and Tosaf. Asheri, (contra Rashi) whose interpretation is here followed.

(2) Lit., ‘on the upper’. As the drops above the belt may be attributed to blood from a source external to her body so may also the drops below it.

(3) The prescribed ‘size of a split bean’.

(4) But if so, it would follow that only where there are bloodstains above the belt are stains of the size of a split bean below it regarded as originating from the same extraneous source as those above and, therefore, treated as clean, but that where there are no drops of blood above the belt, even a stain of the size of a split bean below it is regarded as unclean. An objection against R. Hisda who ruled that a stain of such size is invariably attributed to vermin and is, therefore, clean.

(5) Sc. so long as the stain above is not smaller than the size of a split bean the stain below, though bigger than the size of a split bean, may be attributed to the same cause as that of the stain above. When the stain below, however, is no bigger than the size of a split bean, it is invariably clean irrespective of whether the body above was or was not stained with drops of blood.

(6) Lit., ‘upon her’.

(7) Lit., ‘and more’.

(8) It being regarded as due to menstrual blood.

(9) Sc. it is not attributed to blood of menstruation.

(10) That only a stain no bigger than a split bean is attributed to a louse.

(11) In doubt as to its origin.

(12) Where there is no addition to it.

(13) In the statement just cited.

(14) One part of the stain, to the extent of the size of a bean, might be attributed to the blood of the same quantity that she had previously handled while the remainder might be attributed to some vermin.

(15) Of the blood of a bird (cf. infra).

(16) In the latter case.

(17) As the case submitted by R. Jeremiah. Would then a solution be forthcoming from here?

(18) As the excess over the size of a split bean amounts to more than a split bean, it cannot possibly be attributed to vermin. Hence the uncleanness.

(19) Cf. prev. n.

- (20) A ruling that is self-evident.
- (21) The size of one split bean.
- (22) Cf. supra n. 5.
- (23) Lit., 'take like the size of a split bean; threw it in the middle' of the stained area.
- (24) Lit., 'go here there is no prescribed size (bis)'. As the stain is thus smaller than the size prescribed it might have been presumed to be clean.
- (25) The blood of the bird.
- (26) Collyrium or sap, for instance, which leaves a stain after it is removed.
- (27) Lit., 'upon her'.
- (28) That she subsequently discovers; though the latter is not of the same colour as the material to which it is attributed.
- (29) How then can Raba maintain that a stain of any colour may be attributed to any stuff that was previously found on the woman?
- (30) From where, unknown to herself, something had clung to her body. In this latter case, since she was unaware of the particular stuff that clung to her, she may well be presumed to have been unaware also of the presence upon her of the substance from which the stain had originated. In the former case, however, where she had handled a red substance and was fully aware of it no ground for such an assumption exists.
- (31) Cf. prev. n. but one mut. mut.
- (32) An objection against R. Akiba.
- (33) Regarding menstruation.
- (34) Sc. by declaring certain stains (which are Pentateuchally clean) to be unclean they have added restrictions to the Pentateuchal laws.
- (35) Hence wherever it is possible to attribute one to a cause that would exempt it from uncleanness the lenient course must be followed.
- (36) Lit., 'combined', sc. is regarded as compact in respect of the prescribed size of a split bean.
- (37) Cf. prev. n. mut. mut.
- (38) in the case of a long stain.
- (39) That even a stain that is only slightly elongated is unclean.
- (40) An elongated stain on which is obviously the natural shape of one obtained in the course of the test.
- (41) Which he does not regard as unclean unless it was no less in size than a split bean.
- (42) In reply to the question whether the Rabbis differ from R. Eliezer son of R. Zadok.
- (43) The Rabbis.
- (44) Had they been in agreement with him the question of the halachah would not have arisen.

Talmud - Mas. Nidah 59b

CHAPTER IX

MISHNAH. IF A WOMAN WHEN ATTENDING TO HER NEEDS¹ OBSERVED AN ISSUE OF BLOOD, R. MEIR RULED: IF SHE WAS STANDING SHE IS UNCLEAN² BUT IF SHE WAS SITTING SHE REMAINS CLEAN. R. JOSE RULED: IN EITHER CASE SHE REMAINS CLEAN. IF A MAN AND A WOMAN ATTENDED TO THEIR NEEDS¹ IN THE SAME BOWL AND BLOOD WAS FOUND ON THE WATER, R. JOSE³ RULED THAT IT WAS CLEAN,⁴ WHILE R. SIMEON RULED THAT IT WAS UNCLEAN, SINCE IT IS NOT USUAL FOR A MAN TO DISCHARGE BLOOD, BUT THE PRESUMPTION IS THAT BLOOD ISSUES FROM THE WOMAN.

GEMARA. Wherein does the case where the woman WAS STANDING differ [from that of sitting]? [Obviously] in that we presume that the urine had returned to the source⁵ and brought back blood with it. But then, even where SHE WAS SITTING why should it not also be assumed that the urine had returned to the source and brought back blood with it? — Samuel replied: The reference is to a woman who discharges in a gush.⁶ But even where a discharge is gushing is it not possible that⁷ the blood issued⁸ after the water had ceased to flow?⁹ — R. Abba replied. The reference is to a

woman who sat on the rim of a bowl, discharging into the bowl, and blood was found within the bowl, [in which case it is obvious] that if the blood had issued after the water had ceased to flow it¹⁰ should have been found on the rim of the bowl.¹¹ Samuel ruled or, as some say, Rab Judah citing Samuel ruled: The halachah is in agreement with R. Jose; and also R. Abba gave a ruling to Kala.¹² The halachah is in agreement with R. Jose.

IF A MAN AND A WOMAN etc. The question was asked: Where both the man and the woman were standing.¹³ what, pray tell me, is the ruling of¹⁴ R. Meir?¹⁵ Did R. Meir maintain his view¹⁶ only where one doubt¹⁷ is involved, but where a double doubt¹⁸ is involved he does not hold the woman to be unclean, or is it possible that there is no difference? — Resh Lakish replied: His ruling¹⁹ is the same in both. Whence is this²⁰ inferred? — Since it was not stated:²¹ R. Meir and R. Jose²² ruled that she remains clean'. If so,²³ [the difficulty arises:] Now that R. Meir holds the woman to be unclean where a double doubt is involved,²⁴ was there any need for his ruling²⁵ where only one doubt is involved?²⁶ — Yes, in order to inform you how far reaching is the ruling²⁷ of R. Jose who laid down that the woman is clean even where only one doubt is involved. But, instead of disputing about such a case involving only one doubt in order to inform you how far reaching is the ruling of R. Jose, why should they not dispute about a case involving a double doubt in order to inform you how far reaching is the ruling of R. Meir?²⁸ The power of a lenient view²⁹ is preferred.³⁰ R. Johanan, however, replied: R. Meir gave his ruling³¹ only where one doubt is involved, but where a double doubt is involved³² he did not maintain his view. But if so,³³ why was it not stated:³⁴ R. Meir and R. Jose³⁵ ruled that she remains clean? — This should indeed have been done,³⁶ but since he had just left R. Jose³⁷ he also began³⁸ With R. Jose. As to R. Jose, however, since he holds the woman clean where only one doubt is involved,³⁹ was there any need for his ruling where a double doubt is involved?⁴⁰ — As it might have been presumed that his ruling applied only ex post facto⁴¹ but not ab initio,⁴² we were informed⁴³ that the ruling applied even ab initio. It was taught in agreement with R. Johanan: If a man and a woman attended to their needs in the same bowl and blood was found on the water, R. Meir and R. Jose declared it clean and R. Simeon declared it unclean.

The question was raised: Where a woman⁴⁴ was sitting,⁴⁵ what, pray tell me, is the ruling of⁴⁶ R. Simeon? Did R. Simeon maintain his view only where she is standing, since her passage is then compressed.⁴⁷ but not where she was sitting;⁴⁸ or is it possible that there is no difference? — Come and hear what was taught: If she was sitting she may attribute [any discharge of blood to an internal wound], but if she was standing she may not attribute [it to it]; so R. Meir. R. Jose ruled: In either case she may attribute [it to it]. R. Simeon ruled: In either case she may not attribute [it to it].

The question was raised: Where a man and a woman were sitting.⁴⁹ what, pray tell me, is the ruling of⁴⁶ R. Simeon? Did R. Simeon maintain his view only where the woman was standing, since her passage is then compressed,⁵⁰ or where she was sitting, since only one doubt is involved, but not where a double doubt is involved;⁵¹ or is it possible that there is no difference? — Come and hear: Since R. Simeon ruled, THE PRESUMPTION IS THAT BLOOD ISSUES FROM THE WOMAN,⁵² no distinction is to be made between an issue when they⁵³ were standing and one when they were sitting.

MISHNAH. IF SHE LENT HER SHIRT TO A GENTILE WOMAN OR TO A MENSTRUANT SHE MAY ATTRIBUTE A STAIN⁵⁴ TO EITHER.⁵⁵ IF THREE WOMEN HAD WORN THE SAME SHIRT OR HAD SAT ON THE SAME WOODEN BENCH AND SUBSEQUENTLY BLOOD WAS FOUND ON IT, ALL ARE REGARDED AS UNCLEAR.⁵⁶ IF THEY HAD SAT ON A STONE BENCH⁵⁷ OR ON THE PROJECTION WITHIN THE COLONNADE OF A BATH HOUSE,⁵⁷ R. NEHEMIAH RULES THAT THEY ARE CLEAN;⁵⁸ FOR R. NEHEMIAH HAS LAID DOWN: ANY THING THAT IS NOT SUSCEPTIBLE TO UNCLEANNES IS NOT SUSCEPTIBLE TO STAINS.⁵⁹

GEMARA. Rab explained: The reference⁶⁰ is to a GENTILE WOMAN

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- (1) Making water.
 - (2) This is discussed in the Gemara infra.
 - (3) Who regards the blood as clean even where, as in the first clause, only one doubt is involved, viz., whether the blood originated in the menstrual source or in a wound in the bladder.
 - (4) Since in addition to the doubt mentioned (cf. prev. n.) there is also the one whether the blood issued from the woman or from the man. The necessity for this ruling will be discussed infra in the Gemara.
 - (5) Whence the menstrual blood issues.
 - (6) Sc. in the natural manner, no strain being involved in the process. Only when a strain is involved (as where the woman is standing or where the discharge is slow) is it likely for the urine to return to the source and to re-issue mixed with blood, but not where the discharge is flowing normally and easily.
 - (7) Though the urine does not return to the source.
 - (8) From the menstrual source, independently of the other discharge.
 - (9) Why then is the woman regarded as clean?
 - (10) Since the discharge of blood is not bow-shaped.
 - (11) As, however, it was found within the bowl it must be assumed to have found its way there together with the water.
 - (12) A person who sought 'his opinion on the question.
 - (13) When attending to their needs; and blood was found in the bowl.
 - (14) Lit. 'what, to me, said'.
 - (15) Who (v. our Mishnah) regards a woman as unclean if she was standing alone.
 - (16) cf. prev. n.
 - (17) Whether the blood emanated from the menstrual source or from a wound in the bladder.
 - (18) Lit., 'doubt of a doubt'. Firstly there is the doubt whether the blood emanated from the woman or from the man; and secondly, even if it emanated from the woman, there remains the doubt previously mentioned (cf. prev. n.).
 - (19) That the woman is unclean.
 - (20) Resh Lakish's statement.
 - (21) In our Mishnah in the case where A MAN AND A WOMAN ATTENDED etc.
 - (22) Instead of the latter name alone.
 - (23) That even in the latter case, where a double doubt is involved (cf. n. 11). R. Meir holds the woman to be unclean.
 - (24) Cf. prev. n.
 - (25) In the first clause of our Mishnah.
 - (26) Apparently not. For if the woman is unclean in the case of a double doubt it is obvious that she is unclean in the case of one doubt. Why then was R. Meir's ruling given in the first clause, from which the second cannot be derived, instead of in the second clause from which the first would be self-evident?
 - (27) Lit., 'the power'.
 - (28) Who even in such a case regards the woman as unclean.
 - (29) As is that of R. Jose who holds the woman to be clean.
 - (30) To that which is more restrictive. While the former must be the result of careful study and conviction the latter may be due to mere indecision and doubt.
 - (31) That the woman is unclean.
 - (32) As in the case of A MAN AND A WOMAN etc.
 - (33) That in the latter case (cf. prev. n.). R. Meir is of the same opinion as R. Jose that the woman is clean.
 - (34) In our Mishnah in the case where A MAN AND A WOMAN ATTENDED etc.
 - (35) Instead of the latter name alone.
 - (36) Lit., 'yes, thus also'.
 - (37) At the conclusion of the preceding clause.
 - (38) The clause under discussion.
 - (39) In the first clause of our Mishnah.
 - (40) Cf. supra p. 418, n. 11.
 - (41) Where the woman, for instance, had already handled clean things.

- (42) Sc. if she had not yet come in contact with clean things she is to be ordered to keep away from them.
- (43) By the additional and apparently superfluous clause.
- (44) Alone.
- (45) When attending to her needs; and blood was found in the bowl.
- (46) Lit., 'what, to me, said'.
- (47) Lit., 'the world is pressed for her'. As a result of the narrowness of the passage blood from the menstrual source might well be presumed to issue together with the returned urine, and since this presumption almost amounts to a certainty there remains no more than one doubt, as to whether the blood emanated from the man or the woman, which well justifies R. Simeon's ruling that the blood is unclean.
- (48) And the passage allowed of the free movement of the urine. Any blood discharged in this case might well be attributed to a wound in the bladder, and, therefore, regarded as clean.
- (49) When attending to their needs; and blood was found in the bowl.
- (50) And the presumption that the blood emanated from the menstrual source is then so strong that, despite the double doubt involved, R. Simeon, disregarding one of the doubts, maintains his view.
- (51) Whether (a) the blood issued from the woman or the man and (b) if from the woman whether from the menstrual source or from some internal wound.
- (52) Which clearly indicates that he never attributes it to the man.
- (53) The man and the woman.
- (54) That was found on it after she herself had worn it.
- (55) Lit., 'on her'; and she remains clean. Such a presumption is permitted since neither the gentile woman nor the menstruant is thereby placed at a disadvantage, the former being free from the restrictions in any case while the latter is already in a state of uncleanness.
- (56) Since each one might be presumed to have been the cause.
- (57) Which, unlike a wooden one, is not susceptible to uncleanness.
- (58) [The same applies to one woman sitting on a stone bench etc. The plural is used here in continuation of the preceding clause. v. Strashun].
- (59) Sc. no uncleanness of the person is assumed by reason of a stain that was found on it. This is further explained in the Gemara infra.
- (60) In our Mishnah.

Talmud - Mas. Nidah 60a

who once experienced a discharge.¹ Whence is this derived? From the fact that she is placed on a par with A MENSTRUANT. As the menstruant is a woman who experienced a discharge¹ so must the GENTILE WOMAN be one who experienced a discharge.¹ R. Shesheth remarked, Rab must have made this statement when he was lying down and about to doze, for it was taught: 'She may attribute it² to the gentile woman.³ R. Meir said, To the gentile woman who is capable of a menstrual discharge',⁴ Now even R. Meir⁵ only spoke of one who is 'capable of a menstrual discharge' but did not require one who actually experienced a discharge.⁶ Raba retorted: But do you understand R. Meir to restrict the law?⁷ R. Meir in fact relaxes it. For it was taught: 'She may not attribute it⁸ to the gentile woman. R. Meir ruled: She may attribute it to her'.⁹ But, then, does not a difficulty arise¹⁰ from the former?¹¹ — Explain thus:¹² Only when she¹³ experienced a discharge once before; and R. Meir said, If she is capable of a menstrual discharge even though she never yet experienced one.¹⁴

Our Rabbis taught: A woman may attribute a stain¹⁵ to another woman¹⁶ who was awaiting a day for a day, if it¹⁷ was the latter's second day,¹⁸ and¹⁹ to a woman¹⁶ who counted seven days²⁰ before she had performed ritual immersion.²¹ Hence she is at an advantage²² while her friend is at a disadvantage;²³ so R. Simeon b. Gamaliel. Rabbi ruled, She²⁴ may not so attribute it.²⁵ Hence both are at a disadvantage. They²⁶ agree, however, that she may attribute a stain to a woman who was awaiting a day for a day if it²⁷ was the latter's first day,²⁸ and to a woman who was abiding in her clean blood,²⁹ and to a virgin whose blood is clean.³⁰ Why was it necessary to state the 'hence' of R. Simeon b. Gamaliel?³¹ — On account of the ruling of Rabbi.³² Why was it necessary to state the

‘hence’ of Rabbi?³³ — It might have been presumed that only the woman on whom the stain was found shall be at a disadvantage while the other shall not be disadvantaged, hence we were informed that both are at a disadvantage.

R. Hisda stated: If a clean and an unclean person walked respectively in two paths one of which was clean and the other unclean,³⁴ we arrive at the dispute between Rabbi and R. Simeon b. Gamaliel.³⁵ R. Adda demurred: Rabbi may have maintained his view only³⁶ there, because both are in similar conditions,³⁷ but what difference [to the unclean person in this case] could our assumption make?³⁸ And R. Hisda?³⁹ — After all⁴⁰ she has yet to perform the immersion.⁴¹ It was stated:⁴² R. Jose son of R. Hanina ruled, If a clean and an unclean person, and even if a clean, and a doubtfully clean person walked respectively in two paths one of which was unclean and the other clean, it may be assumed, according to the opinion of all,⁴³ that the unclean path was taken by the doubtfully clean person and the clean path by the clean one.

R. Johanan enquired of R. Judah b. Liwai: May a stain⁴⁴ be attributed to [another woman⁴⁵ who was unclean on account of] a stain? So far as Rabbi's view is concerned the question does not arise; for, since in that case⁴⁶ where the woman had observed a discharge from her own body⁴⁷ you said [that the other woman's stain] may not be attributed [to her], how much less then may this be done in this case where the stain may have originated from an external cause.⁴⁸ The question arises only in connection with the view of R. Simeon b. Gamaliel: Is it only in that case,⁴⁶ where the woman had observed a discharge from her own body,⁴⁷ that the other woman's stain may be attributed to her, but here, where the stain may have originated from an external cause,⁴⁸ she may not so attribute it,⁴⁹ or is it possible that no difference is made between the two cases? — The other replied: One may not so attribute it. What is the reason? — Because [there is a tradition that]⁵⁰ one may not so attribute it.⁵¹

He pointed out to him the following objection: ‘Is it not permissible to attribute a stain⁵² to [another woman⁵³ who was unclean on account of] a stain. If a woman⁵⁴ had lent her shirt to a gentile woman or to one who continued unclean by reason of a stain, she may attribute its to her⁵⁵. (But is not this Baraitha self contradictory: In the first clause you stated, ‘it is not permissible to attribute’ while in the final clause you stated that it was permissible to attribute? — This is no difficulty: The former is the view of Rabbi while the latter is that of R. Simeon b. Gamaliel. There are some who read: The latter as well as the former represents the view of Rabbi, but⁵⁶ the latter⁵⁷ applies to her first day⁵⁸ while the former⁵⁹ applies to her second day.⁶⁰ R. Ashi replied: The former⁶¹ as well as the latter⁵⁷ represents the view of R; Simeon b. Gamaliel and yet there is no difficulty,

(1) Lit., ‘who sees’.

(2) A stain found on her shirt.

(3) And thus remain clean.

(4) Sc. one of mature age.

(5) Who seems to be more restrictive than the first Tanna.

(6) Much less (cf. prev. n.) would the Rabbis (the first Tanna) require that the gentile woman should be one who actually experienced a discharge once before.

(7) More than the Rabbis. V. p. 421, nn. 12,13.

(8) A stain found on her shirt.

(9) And since the first Tanna restricts the law he may well uphold also the restriction imposed by Rab.

(10) Against the Baraitha cited by Raba from which it is evident that R. Meir is more lenient than the Rabbis.

(11) Lit., ‘that’, the Baraitha cited by R. Shesheth from which it appears that R. Meir is more restrictive.

(12) The Baraitha cited by R. Shesheth, according to which the first Tanna ruled that ‘she may attribute it to a gentile woman’.

(13) The gentile woman.

(14) Similarly the Baraitha cited by Raba is to be explained that the first Tanna holds that ‘she may not attribute it to the

gentile woman' unless the latter had experienced a discharge once before, while R. Meir maintains that it may be attributed to her even if she is only capable of a discharge, though she had not experienced one. Both Baraitas thus give the same rulings in different words, and Rab's view is upheld by that of the first Tanna in each.

(15) Found on her underclothing.

(16) To whom she had previously lent it.

(17) The day on which the latter had worn it.

(18) Sc. the day during a zibah period following the one on which she observed a discharge, though on that day none had been observed. This assumption in favour of the former is permitted (despite the slight disadvantage to the latter of having to wait another day) because of the latter's known condition of uncleanness.

(19) For a similar reason (cf. prev. n. second clause).

(20) After an established zibah.

(21) Though the latter would in consequence have to count again a new period of seven days.

(22) Lit., 'repaired', 'sound', sc. she remains clean.

(23) Lit., 'spoil', 'damaged'; the one having to wait an additional day (cf. supra n. 12) and the other to count another seven days (cf. prev. n. but one).

(24) Since her attribution would be a disadvantage to her friend.

(25) Though she herself would in consequence be regarded as unclean.

(26) Rabbi and R. Simeon b. Gamaliel.

(27) The day on which the latter had worn it.

(28) When the assumption that the stain was due to her would impose no additional uncleanness upon her.

(29) From the eighth to the fortieth day after the birth of a male child and from the fifteenth to the eightieth after the birth of a female child. Cf. prev. n.

(30) Cf. supra 10b and prev. n. but one.

(31) Sc. in view of his specific statement that the stain may be attributed to the other woman who was already in a state of uncleanness, is it not obvious that the former is at an advantage while the latter is at a disadvantage?

(32) According to which both women are at a disadvantage.

(33) Cf. prev. n. but one mut. mut.

(34) And it is unknown who walked in which.

(35) According to the latter, who ruled that a stain found on a clean woman may be attributed by her to a woman who was known to be unclean while she herself remains clean, it may be here assumed that the clean person walked in the clean path and the unclean walked in the unclean one; while according to Rabbi no such assumption could be allowed and both persons must be regarded as unclean.

(36) Lit., 'until here Rabbi only said'.

(37) Since even the woman who was hitherto unclean could, by performing immersion, attain cleanness on the day the stain was found. The assumption would consequently place her at an undeserved disadvantage.

(38) None; since whatever the assumption he is unclean. As the assumption would not place him under any disadvantage Rabbi in this case may well agree with R. Simeon b. Gamaliel.

(39) How in view of this argument could he maintain his statement?

(40) Granted the woman could attain to cleanness by immersion.

(41) Before doing which she is still unclean in all respects. As Rabbi nevertheless rules out the assumption that the stain was due to her, it is obvious that he would equally rule out the assumption that it was the unclean person who walked in the unclean path.

(42) In agreement with R. Adda's view that even according to Rabbi it may be assumed that the clean person walked in the clean path and the unclean person in the unclean one.

(43) Sc. even according to Rabbi.

(44) Found on the under garment of a woman who was known to be clean.

(45) Who had previously worn that garment.

(46) Discussed supra. Lit., 'there'.

(47) A case of certain uncleanness.

(48) Lit., 'where it came from the world'; a case of doubtful uncleanness.

(49) And both women are, therefore, unclean.

(50) Since the uncleanness that is due to a stain is merely of a doubtful nature, it being possible that the stain originated

from an external cause, and the woman cannot in consequence be regarded as prone to a discharge.

(51) And both women are, therefore, unclean.

(52) Found on the under garment of a woman who was known to be clean.

(53) Who had previously worn that garment.

(54) Who discovered the stain.

(55) The stain she discovered.

(56) As to the apparent contradiction.

(57) 'It is permissible to attribute'.

(58) Sc. the stain was discovered by the woman on the same day on which the other (to whom the garment had been lent) had found a stain on an under garment of hers which caused her to be unclean on that day and also imposed upon her the restriction of remaining unclean until a second day (a day for a day) had passed. Since she has in any case to lose a second day, the attribution does not cause her any disadvantage.

(59) Which does not allow the attribution.

(60) When the attribution would place her under a disadvantage by extending her uncleanness to the third day.

(61) Which does not allow the attribution.

Talmud - Mas. Nidah 60b

for the former applies to retrospective uncleanness¹ while the latter applies to future uncleanness.)² At all events does not a difficulty arise?³ — Rabina replied: This is no difficulty for it is this that was meant:⁴ If she had lent her shirt to a gentile woman,⁵ she who discovered⁶ the stain⁷ may attribute it to her.⁸ But was it not stated, 'or to one who continued unclean by reason of a stain'?⁹ — It is this that was meant: Or to one who continued clean owing to clean blood,¹⁰ she who discovered¹¹ the stain may attribute it to her.¹²

IF THREE WOMEN HAD WORN etc. FOR R. NEHEMIAH HAS etc. R. Mattenah stated: What is R. Nehemiah's reason? That it is written, And clean¹³ she shall sit upon the ground,¹⁴ provided she sat on the ground she is clean.¹⁵ R. Huna citing R. Hanina stated: R. Nehemiah rules that they are clean if they sat even on the back of an earthenware vessel. But is not this obvious?¹⁶ — It might have been presumed that a restriction shall be imposed on its back as a preventive measure against the possible relaxation of the law in regard to its inside,¹⁷ hence we were informed that on the back of an earthenware vessel they are clean. Abaye stated: R. Nehemiah holds them to be clean if they sat on strips of cloth that were less than three by three fingerbreadths, since such are unsuitable for use either by the poor or the rich.¹⁸

R. Hiyya son of R. Mattenah citing Rab stated in his discourse: The halachah is in agreement with R. Nehemiah. Said R. Nahman to him: Abba¹⁹ learnt, 'A case was once submitted to the Sages and they declared the woman concerned to be unclean' and you state, 'the halachah is in agreement with R. Nehemiah'? — What was that case? — The one concerning which it was taught: If two women were grinding with a hand mill and blood was found under the inner one,²⁰ both are unclean.²¹ If it was found under the outer one,²² the outer one is unclean²³ but the inner one remains clean.²⁴ If it was found between the two, both are unclean.²⁵ It once happened that blood was found on the edge of a bath,²⁶ and on an olive leaf while they were making a fire in an oven, and when the case was submitted to the Sages they declared them to be unclean.²⁷ This²⁸ is a point at issue between Tannas. For it was taught: R. Jacob²⁹ ruled that they were unclean and R. Nehemiah ruled that they were clean, and the Sages³⁰ ruled in agreement with R. Nehemiah.

MISHNAH. IF THREE WOMEN SLEPT IN ONE BED AND BLOOD WAS FOUND UNDER ONE OF THEM, THEY ARE ALL UNCLEAR. IF ONE OF THEM EXAMINED HERSELF AND WAS FOUND TO BE UNCLEAR, SHE ALONE IS UNCLEAR WHILE THE TWO OTHERS ARE CLEAR. THEY MAY ALSO ATTRIBUTE THE BLOOD TO ONE ANOTHER.³¹ AND IF THEY WERE NOT LIKELY³² TO OBSERVE A DISCHARGE,³¹ THEY MUST BE REGARDED

AS THOUGH THEY WERE LIKELY TO OBSERVE ONE.

GEMARA. Rab Judah citing Rab explained: But this³³ applies only where she examined herself immediately [after the discovery of the blood],³⁴ He is of the same opinion as Bar Pada who laid down: Whenever her husband is liable to a sin-offering,³⁵ her clean things³⁶ are³⁷ to be unclean,³⁸ where her husband is liable to a suspensive guilt-offering,³⁹ her clean things⁴⁰ are regarded as being in a suspended state of uncleanness;⁴¹ and where her husband is exempt,⁴² her clean things⁴³ remain clean. But R. Oshaia⁴⁴ ruled: Even where her husband is liable to a sin-offering,⁴⁵ her clean things are⁴⁶ deemed to be in a suspended state.⁴⁷ One can see the reason⁴⁸ there, since it might well be assumed that the waiter⁴⁹ had caused the obstruction of the blood; but, in this case,⁵⁰ if it were a fact that the blood was there,⁵¹ what could have caused its obstruction?⁵² R. Jeremiah observed: As to R. Oshaia's metaphor⁵³ to what may this be compared? To an old man and a child who were walking together on a road. While they are underway the child restrains his gait.⁵⁴ but after they enter the town⁵⁵ the child accelerates his pace.⁵⁶ Abaye on the other hand observed: As to the metaphor of R. Oshaia, to what may this be compared? To a man who puts his finger on his eye. While the finger is on the eye the tears are held back, but as soon as the finger is removed the tears quickly come forth.⁵⁶

THEY MAY ALSO ATTRIBUTE THE BLOOD TO ONE ANOTHER. Our Rabbis taught: In what manner do they attribute it to one another? If one was a pregnant woman⁵⁴ and the other was not pregnant, the former may attribute the blood to the latter. If one was a nursing woman⁵⁷ and the other was not a nursing woman, the former may attribute the blood to the latter. If one was an old woman⁵⁷ and the other was not an old woman, the former may attribute the blood to the latter. If one was a virgin⁵⁸ and the other was no virgin, the former may attribute the blood to the latter. If both were pregnant, nursing, old or virgins — it is [a case like] this concerning which we have learnt, IF THEY WERE NOT LIKELY TO OBSERVE A DISCHARGE, THEY MUST BE REGARDED

(1) Sc. to a case where the owner of the shirt discovered the stain on it before the other to whom she had lent it had discovered the stain on her own under garment, Though the other subsequently discovered the stain, she cannot be regarded as unclean retrospectively (from the time the owner of the shirt had discovered the stain) since at that time she was still in a condition of cleanness (cf. Tosaf. and Tosaf. Asheri, contra Rashi).

(2) The stain on the lent shirt having been discovered after the woman who borrowed it had discovered hers (cf. prev. n.).

(3) Apparently it does; for since, according to the Baraita cited, R. Simeon b. Gamaliel allows the attribution how could R. Judah b. Liwai maintain that he does not.

(4) By the Baraita under discussion.

(5) Who experienced a discharge.

(6) Lit., 'the owner of'.

(7) Sc. the Israelitish woman.

(8) The gentile, who loses thereby nothing, while the Israelitish woman remains clean.

(9) Of course it was. Now if the reference is to the woman who just discovered the stain, how could the expression 'continued' (which implies that the counting of the clean days had already begun) be used?

(10) I.e., either to a gentile woman who is free from the restrictions of uncleanness or to an Israelitish woman who for the reason stated is exempt from uncleanness.

(11) Lit., 'the owner of'.

(12) Since neither would thereby be adversely affected while she remains clean in consequence.

(13) E.V., utterly bereft.

(14) Isa. III, 26.

(15) I.e., a stain found on the ground does not render her unclean.

(16) Apparently it is, since like a stone bench, the back of an earthenware vessel is not susceptible to uncleanness.

(17) Which is susceptible to uncleanness, and a stain on which would in accordance with Rabbinic law subject a woman to uncleanness.

- (18) And hence unsusceptible to uncleanness.
- (19) Abba Arika or Rab. 'My father' (Golds.), MS.M., 'ana' ('I').
- (20) The one nearer to the mill.
- (21) Since the other who sits behind her would naturally shift her position towards the mill and, assuming sometimes the same position as the inner one, would be as likely as she to be the cause of the stain in that spot. As it is thus uncertain which of the two was the cause both must be regarded as unclean.
- (22) A position which the inner one would never occupy, the tendency being to come up as close as possible to the mill.
- (23) Since she may have been the cause of the stain.
- (24) Cf. prev. n. but one.
- (25) Because either might have been the cause.
- (26) Which two women were using.
- (27) Now an olive leaf is not susceptible to uncleanness and yet the Sages (the majority) ruled that a stain on it causes uncleanness. How then could it be said that the halachah agrees with R. Nehemiah who was only an individual?
- (28) Whether R. Nehemiah is opposed by an individual authority or by a majority.
- (29) An individual.
- (30) The majority.
- (31) This is explained in the Gemara infra.
- (32) Lit., 'suitable'.
- (33) That IF ONE OF THEM EXAMINED HERSELF . . . SHE ALONE IS UNCLEAN WHILE THE TWO OTHERS ARE CLEAN.
- (34) If, however, her examination had been delayed the others too are unclean.
- (35) In the case, for instance, where she discovered menstrual blood immediately after their intercourse, when it is assumed that the discharge had occurred during intercourse.
- (36) Terumah, for instance, which may be eaten only when clean.
- (37) If she discovered menstrual blood immediately after her contact with them.
- (38) It being assumed (cf. prev. n. but two) that the discharge occurred while she was still handling the clean things. In such a case the uncleanness is regarded as certain and the things she handled must be burnt.
- (39) This is the case where she discovered the blood after an interval had elapsed during which she could descend from the bed and wash her genitals it being doubtful whether the discharge had occurred during or after intercourse.
- (40) If she discovered the blood after such an interval (cf. prev. n.) had passed since she handled them.
- (41) Sc. they may be neither eaten nor burnt.
- (42) In the case where the longer interval (cf. prev. n. but two) had passed before the blood was discovered, when it is regarded as certain that the discharge occurred after intercourse.
- (43) If a similar interval (cf. prev. n.) had elapsed between the time she has handled them and the discovery of the blood.
- (44) Maintaining that even if a discovery of blood was made immediately after she handled the clean things one cannot be sure that the discharge had occurred earlier when she was still handling them.
- (45) V. supra n. 2.
- (46) On account of the doubt.
- (47) Thus it follows that our Mishnah which ruled that only the woman who found herself on examination to be unclean is regarded as the cause of the blood while the two others remain clean, upholds the opinion of Bar Pada who, where the examination took place immediately after the clean things had been handled, regards the things as definitely unclean. It must be contrary to the view of R. Oshaia who, even in such a case (an examination after the shortest interval), regards the clean things as being merely in a suspected state.
- (48) Why it may be assumed that the discharge occurred earlier during intercourse.
- (49) Euphemism.
- (50) The handling of clean things.
- (51) Sc. that the discharge occurred earlier.
- (52) Obviously nothing. Hence it is only in the case of intercourse (where the assumption is possible) that the husband becomes liable for a sin-offering, but in the case of clean things (where no such assumption is possible) no certain uncleanness may be presumed and only that of a doubtful nature may be imposed upon them Rabbinically for twenty-four hours retrospectively.
- (53) 'The waiter had caused the obstruction of the blood'.

(54) Lit., 'delays to come', waiting for the lead of the old man.

(55) When they walk in different directions to their own respective homes.

(56) Lit., 'hastens to come'.

(57) Who usually loses her menstrual flow.

(58) Sc. a young woman (whether unmarried or married) who had not yet experienced any menstrual discharge (cf. supra 8b).

Talmud - Mas. Nidah 61a

AS THOUGH THEY WERE LIKELY TO OBSERVE ONE. MISHNAH. IF THREE WOMEN SLEPT IN ONE BED, AND BLOOD WAS FOUND UNDER THE MIDDLE ONE, THEY ARE ALL UNCLEAN. IF IT WAS FOUND UNDER THE INNER ONE,¹ THE TWO INNER ONES² ARE UNCLEAN WHILE THE OUTER ONE IS CLEAN. IF IT WAS FOUND UNDER THE OUTER ONE,³ THE TWO OUTER ONES⁴ ARE UNCLEAN WHILE THE INNER ONE⁵ IS CLEAN. WHEN⁶ IS THIS THE CASE?⁷ WHEN THEY PASSED⁸ BY WAY OF THE FOOT OF THE BED,⁹ BUT IF THEY PASSED ACROSS IT,¹⁰ THEY ARE ALL UNCLEAN.¹¹ IF ONE OF THEM EXAMINED HERSELF AND WAS FOUND CLEAN, SHE REMAINS CLEAN WHILE THE TWO OTHERS ARE UNCLEAN. IF TWO, EXAMINED THEMSELVES AND WERE FOUND TO BE CLEAN THEY REMAIN CLEAN WHILE THE THIRD IS UNCLEAN. IF THE THREE EXAMINED THEMSELVES AND WERE FOUND TO BE CLEAN, THEY ARE ALL UNCLEAN. TO WHAT MAY THIS BE COMPARED? TO AN UNCLEAN HEAP¹² THAT WAS MIXED UP WITH TWO CLEAN HEAPS, WHERE, IF THEY EXAMINED ONE OF THEM AND FOUND IT TO BE CLEAN, IT IS CLEAN WHILE THE TWO OTHERS ARE UNCLEAN; IF THEY EXAMINED TWO OF THE HEAPS AND FOUND THEM TO BE CLEAN, THEY ARE CLEAN WHILE THE THIRD ONE IS UNCLEAN; AND IF THEY EXAMINED THE THREE AND THEY WERE FOUND TO BE CLEAN, THEY ARE ALL UNCLEAN; SO R. MEIR, FOR R. MEIR RULED: ANY OBJECT THAT IS IN A PRESUMPTIVE STATE OF UNCLEANNESS ALWAYS REMAINS UNCLEAN UNTIL IT IS KNOWN TO YOU WHERE THE UNCLEANNESS IS. BUT THE SAGES RULED: ONE CONTINUES THE EXAMINATION OF THE HEAP UNTIL ONE REACHES BEDROCK OR VIRGIN SOIL.¹³

GEMARA. Why is it that in the first clause¹⁴ no distinction is made¹⁵ while in the final clause¹⁶ a distinction is made? — R. Ammi replied: The former is a case where the women were interlocked.¹⁷

IF ONE OF THEM EXAMINED HERSELF etc. What need was there for stating, 'TO WHAT MAY THIS BE COMPARED'? — It is this that R. Meir in effect said to the Rabbis: Why is it that in the case of blood you do not differ from me¹⁸ while in that of a heap you differ?¹⁹ — And the Rabbis?²⁰ — There [the heap may be regarded as clean] since it might well be assumed that a raven had carried away the piece of corpse, but here, whence²¹ could the blood have come?²²

It was taught: R. Meir stated, It once happened that a sycamore tree at Kefar Saba, held to be in a presumptive state of uncleanness, was examined and no object of uncleanness was found. After a time the wind blew upon it and uprooted it when the skull of a corpse was found stuck in its root.²³ They²⁴ answered him: 'Do you adduce proof from there? It might be suggested that the examination was not thorough enough'.²⁵

It was taught: R. Jose stated, It once happened that a cave at Shihin, held to be in a presumptive state of uncleanness, was examined until ground, that was as smooth as a finger nail²⁶ was reached, but no unclean object was found. After a time labourers entered it to shelter from²⁷ rain, and chopping with their axes found a mortar full of bones.²⁸ They²⁹ answered him: 'Do you adduce proof from there? It might be suggested that the examination was not thorough enough'.³⁰

It was taught: Abba Saul stated, It once happened that a clod at Beth Horon was held in a presumptive state of uncleanness, and the Sages could not properly examine it because its area was extensive.³¹ But there was an old man in the place³² whose name was R. Joshua b. Hananiah and he said to them, 'Bring me some sheets'. They brought to him sheets and he soaked them in water and then spread them over the clod.³³ The clean area³⁴ remained dry while the unclean area³⁵ became moist. And, having examined the latter, they found a large pit full of bones. One taught: That was the pit which Ishmael the son of Nethaniah had filled with slain bodies, as it is written, Now the pit wherein Ishmael cast all the dead bodies of the men whom he had slain by the hand³⁶ of Gedaliah.³⁷ But was it Gedaliah that killed them? Was it not in fact Ishmael that killed them?³⁸ — But owing to the fact that he³⁹ should have taken note of the advice of Johanan the son of Kareah⁴⁰ and did not do so Scripture regards him as though he had killed them.

Raba observed: As to slander, though one should not believe⁴¹ it one should nevertheless take note of it. There were certain Galileans about whom a rumour was spread that they killed a person. They came to R. Tarfon and said to him, 'Will the Master hide us?' 'How', he replied, 'should I act? Should I not hide you, they⁴² would see you.⁴³ Should I hide you, I would be acting contrary to the statement of the Rabbis,⁴⁴ "As to slander, though one should not believe⁴⁵ it, one should take note of it".⁴⁶ Go you and hide yourselves'.

And the Lord said unto Moses: Fear him not'.⁴⁷ Consider: Sihon and Og were brothers, for a Master stated, 'Sihon and Og were the sons of Ahijah the son of Shamhazai',⁴⁸ then why was it that he feared Og while he did not fear Sihon? R. Johanan citing R. Simeon b. Yohai replied: From the answer that was given⁴⁹ to⁵⁰ that righteous man⁵¹ you may understand what was in his mind.⁵² He thought: Peradventure the merit of our father Abraham will stand him⁵³ by, for it is said, And there came one that had escaped, and told Abram the Hebrew,⁵⁴ in connection with which R. Johanan explained: This refers to Og who escaped the fate of the generation of the flood.⁵⁵

Our Rabbis taught:⁵⁶ If a [woman's] bloodstain was lost in a garment⁵⁷ one must apply to it⁵⁸ seven substances⁵⁹ and thus neutralize it. R. Simeon b. Eleazar ruled:

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- (1) The woman that was nearest to the wall.
 - (2) Sc. the one under whom the blood was found (cf. prev. n.) and the middle one.
 - (3) The woman furthest from the wall.
 - (4) The one mentioned and the middle one.
 - (5) The woman that was nearest to the wall.
 - (6) Sep. edd. of the Mishnah read, 'R. Judah said, When'.
 - (7) That IF IT WAS FOUND UNDER THE OUTER ONE. . . THE INNER ONE IS CLEAN.
 - (8) On entering the bed.
 - (9) So that the inner one never passed the spot where the blood was found.
 - (10) Lit., 'the way over it'. The inner two thus passing over the place of the outer one.
 - (11) Even the middle and the inner one, since it is possible that either discharged the blood when she was passing over that spot.
 - (12) One that contained a piece of corpse of the minimum size of an olive.
 - (13) And if no uncleanness can be found even there, it may be presumed that the heap is clean.
 - (14) The previous Mishnah, supra 60b.
 - (15) Between blood found under the middle, the inner or the outer woman.
 - (16) Our Mishnah.
 - (17) As they were so close to each other it is quite possible for the blood of the one to be found under the other.
 - (18) Agreeing that if the three women examined themselves and were found to be clean, they are all unclean.
 - (19) Maintaining that, if the examination was continued down to bedrock or virgin soil and no trace of corpse was found, the heap may be regarded as clean despite the presumptive existence of a piece of corpse in one of the heaps.
 - (20) On what ground do they maintain their view?

- (21) If all the women are clean.
- (22) Hence the ruling that they are all unclean.
- (23) This, in the opinion of R. Meir, proves that an examination that revealed no unclean object is no evidence of cleanness.
- (24) The Rabbis who disagreed with him.
- (25) Lit., 'they did not examine all its requirement'.
- (26) Sc. that was never cultivated.
- (27) Lit., 'on account of'.
- (28) Cf. supra p. 431, n. II mut. mut.
- (29) The Rabbis who disagreed with him.
- (30) Lit., 'they did not examine all its requirement'.
- (31) Lit., 'much'.
- (32) Lit., 'there'.
- (33) Lit., 'them'.
- (34) The soil of which had never been dug and was, therefore, hard and impervious to the moisture from the sheets.
- (35) Which contained corpses and which, having been dug, consisted of loose earth that absorbed the moisture.
- (36) E.V., 'side'.
- (37) Jer. XLI, 9.
- (38) Why then was it stated, 'By the hand of Gedaliah'?
- (39) Gedaliah.
- (40) Who told him that Simeon b. Nethaniah wished to kill him. V. Jer. XL, 13ff.
- (41) Lit., 'accept'.
- (42) The avengers of the blood.
- (43) And execute vengeance.
- (44) Lit., 'surely the Rabbis said'.
- (45) Lit., 'accept'.
- (46) And in case the report about you is true, I have no right to shield you.
- (47) Num. XXI, 34.
- (48) One of the fallen angels referred to in Gen. VI, 2, 4 as 'sons of God' or 'Nephilim'.
- (49) By God.
- (50) Lit., 'of'.
- (51) Moses.
- (52) Lit., 'heart'.
- (53) Og.
- (54) Gen. XIV, 13.
- (55) Cf. Zeb. 113b.
- (56) The following Baraitas have been suggested to the compiler by the law supra concerning heaps in which an unclean object had been lost beyond recovery.
- (57) By falling, for instance, into water or was soiled with the blood of an animal.
- (58) Lit., causes to pass'.
- (59) Enumerated in next Mishnah.

Talmud - Mas. Nidah 61b

One must examine it in small sections.¹ If semen was lost in it, when new it should be examined with a needle,² and when worn out it should be examined in sunlight.³ One taught: No section need be smaller than three fingerbreadths.

Our Rabbis taught: A garment in which kil'ayim⁴ was lost⁵ may not be sold to an idolater,⁶ nor may one make of it a packsaddle for an ass, but it may be made into⁷ a shroud for a corpse. R. Joseph observed: This⁸ implies that the commandments will be abolished in the Hereafter.⁹ Said Abaye (or as some say R. Dimi) to him: But did not R. Manni¹⁰ in the name of R. Jannai state, 'This⁸ was

learnt only in regard to the time of the lamentations¹¹ but for burial¹² this is forbidden'?¹³ — The other replied: But was it not stated in connection with it, 'R. Johanan ruled: Even for burial'? And thereby R. Johanan followed his previously expressed view, for R. Johanan stated: 'What is the purport of the Scriptural text, Free¹⁴ among the dead?'¹⁵ As soon as a man dies he is free from the commandments'.

Rafram b. Papa citing R. Hisda ruled: A garment in which kil'ayim was lost may be dyed¹⁶ and¹⁷ it is then permitted to be worn.¹⁸ Said Raba to Rafram b. Papa: Whence does the old man derive this?¹⁹ The other replied: It is in our Mishnah, for we have learnt, ONE CONTINUES THE EXAMINATION OF THE HEAP UNTIL ONE REACHES BEDROCK; and if it²⁰ is not there, it is obviously assumed that a raven had carried it away. Here too, dye does not have the same effect on wool and flax and, since no [difference could be] discerned,²¹ it may well be assumed [that the compromising threads] had dropped out.

R. Aha son of R. Yeba citing Mar Zutra ruled: If a man inserted flaxen threads in his woollen garment and then pulled them out but is not sure whether he pulled them [all] out or not, it is quite proper [for him to wear the garment]. What is the reason? — Pentateuchally, since it is written sha'atnez²² the prohibition does not apply unless the material was hackled, spun and woven,²³ but it is only the Rabbis who imposed a prohibition on it,²⁴ and since the man is not quite sure about the pulling out of the threads the garment is permitted. R. Ashi demurred: Might it not be suggested that it²⁵ must be either hackled or spun or woven? — The law, however, is in agreement with Mar Zutra, because the All Merciful expressed them in one word.²³

Our Rabbis taught: A dyed garment is susceptible to the uncleanness of a bloodstain. R. Nathan b. Joseph ruled: It is not susceptible to the uncleanness of a stain, for dyed garments were ordained for women only in order to relax the law in regard to their bloodstains. 'Were ordained'! Who²⁶ ordained them? — Rather read: For dyed garments were permitted to women only in order to relax the law in regard to their bloodstains. 'Were permitted'! Does this then imply that they were once forbidden? — Yes, for we have learnt: At the time of the Vespasian invasion they²⁷ prohibited the wearing of garlands by bridegrooms and the beating of drums at weddings. They also desired to prohibit dyed garments, but felt that it was better not to do so,²⁸ in order to relax the law in regard to their bloodstains.

MISHNAH. SEVEN SUBSTANCES MUST BE APPLIED TO A STAIN²⁹ TASTELESS SPITTLE,³⁰ THE LIQUID OF CRUSHED BEANS, URINE, NATRON, LYE

(1) The size of each section is given presently.

(2) Dried up semen offers some resistance to its penetration.

(3) When holding up the garment to the light the place of the semen appears darker than the rest of it. A new garment, however, whose texture is close would not show up such a stain even in front of the light.

(4) V. Glos.

(5) Sc. it was known that a thread of wool had been woven into a garment of flax or a thread of flax into a garment of wool but the thread could not be traced so as to be extracted.

(6) Since he might re-sell it to an Israelite.

(7) Lit., 'makes of it'.

(8) The permissibility to use kil'ayim for a shroud.

(9) At the resurrection. Had they remained in force the revived dead (cf. prev. n) would be transgressing the law of kil'ayim.

(10) Var. lec., Ammi.

(11) Lit., 'to lament for him'.

(12) Lit., 'to bury him'.

(13) How then can R. Joseph derive from this ruling that 'the commandments will be abolished in the Hereafter'?

- (14) E.V., 'set apart'.
- (15) Ps. LXXXVIII, 6.
- (16) As the colour effect of dye on wool is different from that on flax the one could be distinguished and separated from the other.
- (17) If the same shade of colour is shown throughout.
- (18) The assumption being that the threads of the other kind have somehow dropped out of the texture.
- (19) Cf. prev. n.
- (20) The unclean object.
- (21) Even after the dye had been applied.
- (22) Deut. XXII, 11. E.V., 'mingled stuff'.
- (23) Shu'a, tawui and nuz, three words Rabbinically assumed to make up the word sha'atnez.
- (24) On a material that does not satisfy all the three requirements.
- (25) A material that is to be forbidden as Kil'ayim.
- (26) Lit., 'what'.
- (27) The Rabbis.
- (28) Lit., 'they said that was better'.
- (29) If it is desired to ascertain whether it is blood or dye.
- (30) This is explained presently.

Talmud - Mas. Nidah 62a

, CIMOLIAN EARTH, AND LION'S LEAF. IF ONE IMMERSED IT¹ AND, HAVING HANDLED CLEAN THINGS ON IT, APPLIED TO IT THE SEVEN SUBSTANCES AND THE STAIN DID NOT FADE AWAY IT MUST BE A DYE; AND THE CLEAN THINGS REMAIN CLEAN AND THERE IS NO NEED TO IMMERSER IT² AGAIN. IF THE STAIN FADED AWAY OR GREW FAINTER,³ IT MUST BE A BLOODSTAIN AND THE CLEAN THINGS ARE UNCLEAN AND IT IS NECESSARY⁴ TO PERFORM IMMERSION AGAIN.⁵ WHAT IS MEANT BY TASTELESS SPITTLE'? THAT OF A MAN WHO ON THAT DAY⁶ TASTED NOTHING. THE LIQUID OF CRUSHED BEANS'? PASTE MADE OF CRUSHED BEANS THAT WERE NATURALLY⁷ PEELED OFF. URINE'? THIS REFERS TO SUCH AS HAS FERMENTED. ONE MUST SCOUR THE STAIN THREE TIMES WITH EACH OF THE SUBSTANCES. IF THEY WERE NOT APPLIED IN THE PRESCRIBED ORDER, OR IF THE SEVEN SUBSTANCES WERE APPLIED SIMULTANEOUSLY, NOTHING USEFUL HAS THEREBY BEEN DONE.⁸

GEMARA. One taught:⁹ The Alexandrian natron and not the Antipatrian one.

BORITH.¹⁰ Rab Judah stated: This means ahala.¹¹ But was it not taught: The borith and the ahal?¹² — The fact is that borith means sulphur. An incongruity was pointed out: They¹³ added to them¹⁴ the bulb of ornithogalum¹⁵ and garden-orache,¹⁶ the borith and the ahal. Now if 'borith' means sulphur [the objection would arise:] Is it subject to the restrictions of the Sabbatical year, seeing that it was taught:¹⁷ This is the general rule, Whatsoever has a root¹⁸ is subject to the restrictions of the Sabbatical year and whatsoever has no root is not subject to the restrictions of the Sabbatical year? — What then do you suggest: That borith means ahala? But was it not taught: 'The borith and the ahal'?¹⁹ — There are two kinds of ahala.

KIMONIA.²⁰ Rab Judah explained: Shelof-do²¹ And eshlag.²² Samuel stated: I enquired of the seamen and they told me that its name was eshлага, that it was to be found between the cracks of pearls and that it was extracted with an iron nail.

IF ONE IMMERSED IT AND, HAVING HANDLED etc. Our Rabbis taught: If one applied to it²³ the seven substances²⁴ and it did not fade away and then applied to it soap and it disappeared, one's clean things are unclean.²⁵ But does not soap remove dye also?²⁶ — Rather read: If one applied to it²³ six of the substances and it did not fade away and when soap had been applied it disappeared, his clean things are unclean, since it is possible that if one had first applied to it the seventh substance it might also have disappeared.²⁷ Another [Baraita] taught: If one applied to it²³ the seven substances and it did not fade away but when one applied them a second time it disappeared, one's clean things remain clean.²⁸ R. Zera stated: This²⁹ was taught only in regard to clean things that were handled between the first and the second wash;²⁹ but the clean things that were handled after the second wash³⁰ are unclean, since the person was particular about it³¹ and it had disappeared.³²

(1) The garment with the suspicious stain.

(2) The garment with the suspicious stain.

(3) As a result of the application of the seven substances.

(4) Now that the stain had disappeared.

(5) The first immersion when the stain was still on the garment being of no avail.

(6) Lit., 'all who'. This is discussed in the Gemara infra.

(7) Sc. not by human hands.

(8) Lit., 'he did not do anything'.

(9) With reference to NATRON in our Mishnah.

(10) Rendered supra LYE.

(11) An alcalic plant used as soap.

- (12) Ahal and ahala being the same, how could Rab Judah maintain that ahala is synonymous with borith seeing that the latter is placed in juxtaposition with ahal?
- (13) The Rabbis.
- (14) The fruits that are subject to the restrictions of the Sabbatical year.
- (15) Or 'Bethlehem-star'.
- (16) Or 'orach'.
- (17) V. marg. gl. Cur. edd., 'We learnt'.
- (18) By means of which it draws its nourishment from the ground.
- (19) V. p. 436, n. 11.
- (20) Rendered supra CIMOLIAN EARTH.
- (21) Lit., 'pull out, stick in', the popular name for Cimolian earth.
- (22) Rendered LION'S LEAF supra.
- (23) A stain on a woman's garment.
- (24) Enumerated in our Mishnah.
- (25) Because the disappearance of the stain under the application is evidence that it was one of blood.
- (26) It does. What proof then is there that the stain was not one of dye?
- (27) And any stain that disappears under an application of the seven substances can only be a bloodstain.
- (28) Since the stain must be one of dye. Had it been a bloodstain it would have disappeared after the first application.
- (29) That 'the clean things remain clean'.
- (30) Sc. the application of the substances.
- (31) The stain; as is evidenced by his second attempt to remove it.
- (32) As a result of the second application, which brings it within the category of bloodstains that disappear under the application of the seven substances.

Talmud - Mas. Nidah 62b

Said R. Abba to R. Ashi: Does then the uncleanness¹ depend on whether one is particular? — Yes, the other replied, for it was taught, 'R. Hiyya ruled: To that which is certain menstrual blood one may apply the seven substances and² thereby³ neutralize it'.⁴ But why should this be so,⁵ seeing that it is menstrual blood? It is obvious then⁶ that uncleanness¹ depends⁷ on whether one is particular. Here also⁸ then uncleanness¹ may depend on whether one is particular.

Elsewhere we learnt: If potsherds which a zab has used⁹ absorbed liquids and then fell into the air-space of an oven,¹⁰ and the oven¹¹ was heated, the oven becomes unclean, because the liquid¹² would¹³ ultimately emerge.¹⁴ Resh Lakish stated: This¹⁵ was learnt only in regard to liquids of a minor uncleanness¹⁶ but in the case of liquids of a major uncleanness¹⁷ the oven becomes unclean even though it was not heated.¹⁸ R. Johanan stated: Whether the liquids were subject to a minor or a major uncleanness the oven is unclean only if it was heated but not otherwise.¹⁹

R. Johanan raised an objection against Resh Lakish: IF ONE IMMERSED IT AND, HAVING HANDLED CLEAN THINGS ON IT, APPLIED TO IT THE SEVEN SUBSTANCES AND THE STAIN DID NOT FADE AWAY, IT MUST BE A DYE; AND THE CLEAN THINGS REMAIN CLEAN AND THERE IS NO NEED TO IMMERSE IT AGAIN.²⁰ The other replied: Leave alone the laws of stains²¹ which are merely Rabbinical.²² But [R. Johanan objected] did not R. Hiyya teach, 'To that which is certain menstrual blood one may apply the seven substances and thereby neutralize it'?²³ — The other replied: If Rabbi²⁴ has not taught²⁵ it,²⁶ whence could R. Hiyya²⁷ know it?²⁸

R. Johanan pointed out another objection against Resh Lakish: 'If a quarter of a log of blood²⁹ was absorbed in the floor of a house [all³⁰ that is in] the house becomes unclean,³¹ but others say: [All that is in] the house remains clean. These two versions, however, do not essentially differ, since the former refers to vessels that were there originally³² while the latter refers to vessels that were

brought in subsequently.³³ Where ‘blood was absorbed in a garment, and on being washed, a quarter of a log of blood would emerge from it, it is unclean, but otherwise it is clean!’³⁴ — R. Kahana replied: Here they have learnt some of the more lenient rulings concerning quarters of a log [both referring to a mixture of clean and unclean blood]; [and the law of] mixed blood³⁵ is different³⁶ since it³⁷ is only Rabbinical.³⁸ Resh Lakish raised an objection against R. Johanan: Any absorbed uncleanness that cannot emerge is regarded as clean.³⁹ Thus it follows, does it not, that if it can emerge it is unclean even though it had not yet emerged?⁴⁰ — R. Papa replied: Wherever it⁴¹ cannot emerge⁴² and the owner did not mind absorption,⁴³ all agree that it is regarded as clean. If it can emerge and the owner does mind the absorption, all agree that it is unclean. They only differ where it can emerge but the owner does not mind its absorption. One Master⁴⁴ holds the view that since it can emerge [it is unclean], though the owner did not mind its absorption;⁴⁵ and the other Master⁴⁶ holds that although it can emerge

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- (1) Lit., ‘thing’.
 - (2) Though the stain is still slightly visible.
 - (3) Since the application of the substances destroys its natural and original appearance.
 - (4) Since no one minds such a faint stain it becomes clean.
 - (5) Cf. prev. n.
 - (6) From the fact that it is regarded as clean.
 - (7) In this case of R. Hiyya.
 - (8) The case supra 62a ad fin.
 - (9) And thus rendered unclean.
 - (10) Without touching the oven itself.
 - (11) Which was an earthen vessel, that contracts uncleanness through its air-space.
 - (12) Which has contracted uncleanness from the unclean potsherd into which it was absorbed.
 - (13) Owing to the heat of the oven which warms up the potsherds.
 - (14) Into the air-space and thus convey uncleanness to the oven. Cf. Kel. IX, 5, where this Mishnah occurs with some variations.
 - (15) That uncleanness is conveyed to the oven only where it was heated, but if it was not heated the absorbed liquids convey no uncleanness to it.
 - (16) Sc. that are not ‘father of uncleanness’ as for instance, a zab’s tears. Since the uncleanness that such liquids convey to a vessel is only Rabbinical the oven remains clean when the liquids are in an absorbed state.
 - (17) Which convey uncleanness to a vessel even according to Pentateuchal law.
 - (18) And no liquid has emerged. Since heat causes it to emerge the liquid cannot be regarded as an absorbed uncleanness.
 - (19) Lit., ‘if the oven was heated yes; if not, not’, since an absorbed uncleanness (cf. Hul. 71a) conveys no uncleanness.
 - (20) Now if it be granted (with R. Johanan) that an absorbed uncleanness, though it emerges under certain special conditions, is treated as clean, the assumption here that the stain was one of dye and, therefore, clean is well justified; for even though it was blood it would (being absorbed) convey no uncleanness. But if it is maintained (with Resh Lakish) that even an absorbed uncleanness, wherever it would emerge under certain conditions, conveys uncleanness, how could the law be relaxed in this case where the possibility of blood cannot be ruled out?
 - (21) With which our Mishnah deals.
 - (22) And may be relaxed. Pentateuchally no uncleanness is involved unless blood was found on the woman’s body.
 - (23) Supra q.v. notes. This shows that even actual blood, if it is in an absorbed state, though it would emerge under an application of soap, is regarded as clean. How then could Resh Lakish maintain that where the oven was not heated, uncleanness is conveyed by the absorbed liquids?
 - (24) The compiler of the Mishnah.
 - (25) In his authoritative compilation.
 - (26) R. Hiyya’s ruling.
 - (27) Who was the disciple of Rabbi.
 - (28) It is obvious that he could not. The Baraitha cited must, therefore, be treated as spurious.
 - (29) Of a corpse.

- (30) That is susceptible to uncleanness.
- (31) Because the blood of a corpse of the quantity prescribed conveys uncleanness by overshadowing as the corpse itself.
- (32) Before the blood was absorbed, and thus contracted uncleanness by overshadowing.
- (33) After the blood had been absorbed, when it conveys uncleanness no longer.
- (34) Oh. III, 2; though a full quarter of a log of blood is absorbed in it. Those two rulings prove that an absorbed uncleanness, though it would emerge under special conditions, is regarded as clean. An objection against Resh Lakish.
- (35) Dam tebusah (defined infra 71a) whose uncleanness is doubtful.
- (36) From blood that is definitely unclean.
- (37) Even in an unabsorbed condition.
- (38) Hence 'the relaxation of the law when it is absorbed.
- (39) Oh. III, 2.
- (40) How then could R. Johanan maintain in the case of the potsherd that the oven is unclean only when the liquids emerged?
- (41) The unclean substance.
- (42) From the object that absorbed it.
- (43) MS.M., Maharsha, and some old edd. omit the last eight words.
- (44) Resh Lakish.
- (45) Hence his ruling in the case of the potsherd where the liquid would emerge if the oven were heated.
- (46) R. Johanan.

Talmud - Mas. Nidah 63a

it is unclean only if the owner minds the absorption, but not otherwise.¹

WHAT IS MEANT BY 'TASTELESS SPITTLE'. One taught:² That of a man who tasted nothing since the previous evening. R. Papa intended to explain before Raba [that this bears the same meaning] as when one says that he had tasted nothing in the evening.³ But Raba⁴ pointed out to him: Does it say 'in the evening'?³ It only says, 'Since the previous evening',⁵ thus excluding only the case of one who got up early⁶ and ate.⁷ Rabbah b. Bar Hana citing R. Johanan stated: What is meant by tasteless spittle? [That of a person] who spent half a night in sleep.⁸ This then implies that the quality of spittle⁹ depends on sleep. But have we not learnt:¹⁰ If a man slept all day his is no tasteless spittle and if he was awake all night it is tasteless spittle?¹¹ — There¹² it is a case, where one was in a state of drowsiness.¹³ What state of drowsiness is hereby to be understood? — R. Ashi replied: Where a man is half asleep and half awake;¹⁴ when addressed he answers but is unable to give any rational reply, and when he is reminded of any thing he can recall it.

One taught: If a man rose up early in the morning and studied his lesson, his is no tasteless spittle.¹⁵ But for how long?¹⁶ — R. Judah b. Shila citing R. Ashi who had it from R. Eleazar replied: For a period during 'which'¹⁷ can be uttered the greater part of one's usual talk in the course of three hours.

THE LIQUID OF CRUSHED BEANS? — PASTE MADE OF CRUSHED BEANS etc. May it be suggested that this¹⁸ provides support for Resh Lakish; for Resh Lakish said: There must be tasteless spittle with each of the substances? — It is possible that the heat of one's mouth suffices.¹⁹ Our Mishnah²⁰ is not in agreement with R. Judah. For it was taught: R. Judah explained,²¹ Boiling liquid of crushed beans before ['ober] salt is put into it.²² What is the proof that the expression²³ 'ober' means 'before'? — R. Nahman b. Isaac replied: Since Scripture says, Then Ahimaaz ran by way of the plain, and overran [wa-ya'abor]²⁴ the Cushite.²⁵ Abaye replied, The proof comes from here: And he himself passed over ['abar]²⁴ before them.²⁶ And if you prefer I might reply that the proof comes from here: And their king is passed on [wa-ya'abor]²⁴ before them, and the Lord before them.²⁷

URINE? THIS REFERS TO SUCH AS HAS FERMENTED. One taught: What must be the duration of²⁸ their fermentation? Three days. R. Johanan observed, All the standards of the Sages in respect of bloodstains need additional standards to define them:²⁹ [Is the urine that] of a child or of an old man,³⁰ of a man or of a woman,³⁰ covered³⁰ or uncovered, of the summer season³⁰ or of the winter season?

ONE MUST SCOUR THE STAIN THREE TIMES. R. Jeremiah enquired: Does the forward and backward movement³¹ count as one or is it possible that it counts as two? Now what is the decision? — This stands undecided.³²

IF THEY WERE NOT APPLIED IN THE PRESCRIBED ORDER. Our Rabbis taught: If the latter³³ were applied before the former,³⁴ one Baraitha teaches, ‘The latter³⁵ are counted³⁶ and the former³⁷ are not counted,’³⁸ while another [Baraitha] teaches, ‘The former are counted and the latter are not counted’!³⁹ — Abaye replied: According to both statements the latter³⁵ are counted, and the former⁴⁰ are not; but ‘former’⁴¹ refers to those that are⁴² first in the prescribed order⁴³ though second in the process of application.

MISHNAH. FOR EVERY WOMAN THAT HAS A SETTLED PERIOD IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] HER SET TIME. AND THESE ARE THE SYMPTOMS OF SETTLED PERIODS: [IF THE WOMAN]⁴⁴ YAWNS, SNEEZES, FEELS PAIN AT THE TOP OF⁴⁵ HER STOMACH OR THE BOTTOM OF HER BOWELS, DISCHARGES,⁴⁶ OR IS SEIZED BY A KIND OF SHIVERING, OR ANY OTHER SIMILAR SYMPTOMS.⁴⁶ ANY WOMAN WHO ESTABLISHED FOR HERSELF [ONE OF THE SYMPTOMS]⁴⁴ THREE TIMES MAY BE DEEMED TO HAVE⁴⁷ A SETTLED PERIOD.

GEMARA. Have we not learnt once before, ‘For any woman who has a settled period it suffices [to reckon her period of uncleanness from] her set time’?⁴⁸ — There the reference is to settled periods [that are determined by the number] of days⁴⁹ while here the reference is to settled periods [that are determined by conditions] of the body; as it was actually taught, ‘The following are the symptoms of settled periods: If a woman yawns, sneezes, feels pain at the top of her stomach or the bottom of her bowels or discharges’. ‘Discharges’! Is she not then⁵⁰ constantly discharging?⁵¹ — ‘Ulla son of R. Elai replied:

(1) Lit., ‘yes; if not, not’. The inference from the Mishnah cited by Resh Lakish, from which it follows that ‘if it can emerge it is unclean even though it had not yet emerged’, applies to a case where the owner minded the absorption.

(2) In explanation of TASTELESS SPITTLE.

(3) Sc. had nothing to eat since sunset of the previous day.

(4) MS.M., Rabina.

(5) Sc. a part of the night.

(6) Before day-break.

(7) Since the food sweetens the spittle and causes it to lose its strength. The food, however, that one eats in the early evening before going to bed has no such weakening effect.

(8) Lit., over whom half a night has passed, and in sleep’.

(9) Lit., ‘thing’.

(10) Emden reads, ‘was it not taught’.

(11) Which shows that it is the night and not sleep that is the determining factor.

(12) The statement, ‘If he was awake etc.’

(13) Not fully awake. Two conditions are necessary for spittle to be tasteless: Sleep or dozing and night. Sleep in the day-time (after one has had some food which sweetens the spittle) or night without sleep (when the effect of the food has not passed) is not enough.

(14) Lit., ‘asleep and not asleep, awake and not awake’.

(15) Speech also takes away its edge

- (16) Must his study have extended. Lit., 'and unto how much?'
- (17) Lit., 'all'.
- (18) The ruling in our Mishnah that the beans must be crushed into a paste that is presumably mixed with spittle.
- (19) To make the paste. Lit., 'avails'.
- (20) In its definition of the liquid of crushed beans.
- (21) Cf. prev. n.
- (22) Since salt would weaken it.
- (23) Lit., 'that'.
- (24) Of the same root as "ober" .
- (25) II Sam. XVIII, 23.
- (26) Gen. XXXIII, 3.
- (27) Micah II, 13.
- (28) Lit., 'how long'.
- (29) Lit., 'a standard to their standard' .
- (30) This is stronger and more effective.
- (31) Lit., 'carrying out and bringing in' of the hand in the process of scouring .
- (32) Teku; v. Glos.
- (33) The last four of the seven substances enumerated in our Mishnah.
- (34) The first three.
- (35) Sc. those applied last (first mentioned in our Mishnah).
- (36) Lit., 'went up for him' .
- (37) Sc. the substances (last mentioned in our Mishnah) that were applied first.
- (38) So that, if the four substances last mentioned in our Mishnah are subsequently applied again, the prescribed order of application is duly complied with.
- (39) Now how are the two apparently contradictory rulings to be reconciled?
- (40) V. p. 442, n. 16.
- (41) In the second Baraitha.
- (42) Lit., 'and what' .
- (43) In our Mishnah.
- (44) Before experiencing a menstrual discharge.
- (45) Lit., 'mouth' .
- (46) This is discussed in the Gemara.
- (47) Lit., 'behold this' .
- (48) Mishnah supra 2a.
- (49) Every fifth or tenth day of the month, for instance.
- (50) Since every menstrual discharge is preceded by another discharge.
- (51) And since no symptom precedes the first discharge, which is presumably also an unclean one, how could a settled period ever be established?

Talmud - Mas. Nidah 63b

This is a case where she discharges unclean blood as a result of a discharge¹ of clean blood.²

OR . . A KIND OF SHIVERING etc. What was the expression, OR ANY OTHER SIMILAR SYMPTOMS, intended to include? — Rabbah b. 'Ullah replied: To include a woman who feels a heaviness in her head³ or a heaviness in her limbs, who shivers or belches. R. Huna b. Hiyya citing Samuel observed: Behold [the Sages] have ruled that 'for settled periods [that are determined by the number] of days two [occurrences are required],⁴ for settled periods [that are determined by the condition] of the body one occurrence suffices,⁵ for settled periods [that are determined by conditions] which the Sages did not enumerate three occurrences are required;⁶ But [I do not know] what the expression, 'for settled periods that are determined by conditions which the Sages did not enumerate intended to include? — R. Joseph replied: To include a woman who feels a heaviness in

the head,³ a heaviness in her limbs, who shivers or belches. Said Abaye to him:⁷ What does he teach us thereby,⁸ seeing that this is actually a ruling in our Mishnah,⁹ Rabbah b. ‘Ulla having thus¹⁰ explained it? — Rather, said Abaye, it⁸ was intended to include one who ate garlic and observed a discharge, one who ate onions and observed a discharge, and one who chewed pepper and observed a discharge. R. Joseph observed: I have not heard this tradition.¹¹ Said Abaye to him: You yourself have told it to us, and it was in connection with the following that you told it to us:¹² If a woman was in the habit of observing a discharge on the fifteenth day of the month and this was changed to the twentieth day, intercourse is forbidden to her on both days.¹³ If she observed a discharge on three consecutive months¹⁴ on the twentieth day, intercourse on the fifteenth becomes permitted¹⁵ and she establishes the twentieth day as her settled period: for no woman can establish for herself a settled period unless the discharge had appeared three times on the same date.¹⁶ And in connection with this you told us: Rab Judah citing Samuel stated, This is the view of R. Gamaliel son of Rabbi who cited it in the name of R. Simeon b. Gamaliel,¹⁷ but the Sages ruled: If she observed a discharge once¹⁸ she need not¹⁹ repeat it a second time and a third time. And when we asked you, ‘Since you said, "She need not repeat it a second time" was there any need to state that she need not repeat it a third time?’ you replied ‘She need not repeat it a second time in the case of settled periods [that are determined by the condition] of her body and she need not repeat it a third time in the case of settled periods [determined by the number] of days. But why did he not simply say, ‘This is the view of R. Simeon b. Gamaliel’?’¹⁷ — It is this that Samuel informed us: That R. Gamaliel the son of Rabbi holds the same view as R. Simeon b. Gamaliel.

MISHNAH. IF A WOMAN HAD THE HABIT OF OBSERVING HER MENSTRUAL DISCHARGES AT THE ONSET OF THE SYMPTOMS²⁰ OF HER SETTLED PERIODS, ALL CLEAN THINGS²¹ THAT SHE HANDLED WHILE THE SYMPTOMS WERE IN PROGRESS²² ARE UNCLEAN; BUT IF SHE HAD THE HABIT OF OBSERVING THEM AT THE END OF THE SYMPTOMS, ALL CLEAN THINGS²¹ THAT SHE HANDLED WHILE THE SYMPTOMS LASTED²² REMAIN CLEAN. R. JOSE RULED: SETTLED PERIODS MAY ALSO BE DETERMINED BY DAYS AND HOURS.²³ IF²⁴ SHE HAD THE HABIT OF OBSERVING HER MENSTRUAL DISCHARGES AT SUNRISE SHE IS FORBIDDEN INTERCOURSE AT SUNRISE ONLY.²⁵ R. JUDAH RULED: SHE²⁶ IS PERMITTED IT DURING ALL THAT DAY.²⁷

GEMARA. One taught: What²⁸ did R. Jose mean by ‘Settled periods may also be determined by days and hours’? If a woman had the habit of observing her discharge on the twentieth day of the month²⁹ and at the sixth hour of the day,³⁰ and the twentieth day arrived and she observed no discharge, she is forbidden intercourse during all the first six hours;³¹ so R. Judah. R. Jose, however, permits it until the beginning of the sixth hour³² but during the sixth hour she must take into consideration [the possibility of a discharge].³³ If the sixth hour has passed and she observed no discharge, she is still forbidden intercourse all that day; so R. Judah, R. Jose, however, permits it from the time of the afternoon service³⁴ onwards.

IF SHE HAD THE HABIT [etc.]. But was it not taught: R. Judah ruled, She³⁵ is permitted intercourse all night?³⁶ — This is no contradiction. The Baraitha deals with the case of³⁷ one who had the habit of observing the discharge at the beginning of the day³⁸ while the Mishnah deals with one who had the habit of observing the discharge at the end of the night.³⁹

One [Baraitha] taught: R. Judah forbids intercourse before her settled period, and permits it after the period while another [Baraitha] taught: [R. Judah] forbids it after her settled period and permits it before the period. This,⁴⁰ however, represents no difficulty, since the former is a case where she usually observes her discharge at the end of the night while the latter is a case where she usually observes it at the beginning of the day.⁴¹

Raba stated: The halachah is in agreement with R. Judah. But could Raba have said this, seeing

that it was taught: Thus shall ye separate the children of Israel from their uncleanness;⁴² from this, R. Jeremiah⁴³ observed, follows a warning to the children of Israel that they shall separate from their wives near their periods. And for how long? Raba⁴⁴ replied: One 'onah.⁴⁵ Now does not this mean: An additional 'onah?⁴⁶ — No; the same 'onah. But then, what need is there for the two statements?⁴⁷ — Both are required. For, if he had informed us of the former statement only, it might have been presumed that it applied only to the law relating to clean things but not to that relating to a woman's permissibility to her husband. Hence we were informed [of the latter statement]. And if [our information were to be derived] from the latter statement only it might have been presumed that near her settled period an additional 'onah is required, hence we were informed that only one 'onah is necessary.

MISHNAH. IF SHE WAS ACCUSTOMED TO OBSERVE A FLOW OF MENSTRUAL BLOOD ON THE FIFTEENTH DAY⁴⁸ AND THIS WAS CHANGED⁴⁹ TO THE TWENTIETH DAY,⁴⁸ MARITAL INTERCOURSE IS FORBIDDEN ON BOTH DAYS.⁵⁰ IF THIS WAS TWICE CHANGED TO THE TWENTIETH INTERCOURSE IS AGAIN FORBIDDEN ON BOTH DAYS.⁵⁰ IF THIS WAS CHANGED THREE TIMES TO THE TWENTIETH DAY, INTERCOURSE IS NOW PERMITTED ON THE FIFTEENTH⁵¹ AND THE TWENTIETH IS ESTABLISHED AS HER SETTLED PERIOD. FOR A WOMAN MAY NOT REGARD HER MENSTRUAL PERIODS AS SETTLED UNLESS THE RECURRENCE HAS BEEN REGULAR THREE TIMES; NOR IS SHE RELEASED FROM THE RESTRICTIONS OF A SETTLED PERIOD UNLESS IT HAS VARIED⁵² THREE TIMES.

(1) Lit., 'from the midst'.

(2) That is not menstrual, as can be ascertained by an examination of its colour. A settled period is established where menstrual discharge is preceded by one of clean blood, v. infra.

(3) Lit., 'whose head is heavy upon her'.

(4) Lit., 'for days two'; sc. if the discharge appeared twice on the same day of the month, that day is established as a settled period.

(5) To establish a settled period (cf. prev. n. mut. mut.).

(6) cf. prev. n. but one mut. mut.

(7) R. Joseph.

(8) By the addition, 'for settled periods...did not enumerate'.

(9) OR ANY OTHER SIMILAR etc.

(10) As R. Joseph.

(11) Just cited in the name of Samuel.

(12) R. Joseph, as a result of a serious illness, had lost his memory and had very often to be reminded of the traditions he himself had reported.

(13) Lit., 'this and this is forbidden', both the fifteenth (in case her first settled period is re-established) and the twentieth (since this date might form now or become her settled period).

(14) Lit., 'three times'.

(15) Since a new settled period has been established.

(16) Lit., 'until she will fix it three times'.

(17) Who holds that presumption cannot be established unless an occurrence was repeated three times (cf. Yeb. 64b).

(18) On a certain date.

(19) In order to establish a settled period.

(20) In the condition of her body (cf. prev. Mishnah).

(21) Terumah, for instance, or any other foodstuffs that may be eaten only when clean.

(22) Lit., 'within (the symptoms of) the settled period'.

(23) This is explained in the Gemara infra.

(24) This is a continuation of R. Jose's ruling.

(25) But is permitted it during the preceding night and, if no discharge appeared at sunrise, during all that day also.

(26) If no discharge was observed at sunrise.

- (27) Lit., 'all the day is hers', but, contrary to the view of R. Jose, not the preceding night.
- (28) Lit., 'how'.
- (29) Lit., 'from the twentieth day to the twentieth day'.
- (30) Lit., 'and from six hours to six hours'.
- (31) Since in his opinion a discharge that usually occurs in the day time causes intercourse to be forbidden all day and one that usually occurs in the night causes it to be forbidden all night.
- (32) Because the discharge is not due earlier. In his opinion intercourse is forbidden only at the hour the discharge usually occurs, neither earlier nor later.
- (33) And consequently abstain from intercourse during all that hour.
- (34) Sc. from midday (v. Rashi. Cf., however, Tosaf.).
- (35) A woman who had the habit of observing her discharge at sunrise.
- (36) Lit., 'all the night is hers'. How then is this to be reconciled with R. Judah's ruling in our Mishnah that SHE IS PERMITTED IT ALL DAY'?
- (37) Lit., 'that'.
- (38) Hence intercourse is forbidden in the day time only but not during the preceding night.
- (39) This being the meaning of the phrase AT SUNRISE in our Mishnah. Intercourse is, therefore, forbidden in the night only but not during the following day.
- (40) Apparent contradiction.
- (41) cf. supra p. 446, n. 7.
- (42) Lev. XV, 31.
- (43) Var. lec. 'Josiah'. Cf. Bomb. ed. and Shebu. 18b.
- (44) Marg. gl. 'Rabbah'.
- (45) A period. Sc. a day or a night.
- (46) Sc. if the discharge occurs during day time the prohibition extends over that day and the previous night, and if it occurs during the night the prohibition extends over that night and the previous day. But, if so, would not this be contradictory to what Raba said here?
- (47) Of Raba.
- (48) Of the month.
- (49) Lit., 'and she changed to be seeing'.
- (50) Lit., 'this and this (the fifteenth and the twentieth) are forbidden.'
- (51) As was the case before that day had been established as a settled period.
- (52) Lit., 'that it shall be rooted out from her'.

Talmud - Mas. Nidah 64a

GEMARA. It was stated: If a woman observed a discharge on the fifteenth day of one month, on the sixteenth of the next month and on the seventeenth of the third month, Rab ruled: She has thereby established for herself a settled period in arithmetical progression,¹ but Samuel ruled: No settled period can be established unless the progression is repeated three times.² Must it be conceded that Rab and Samuel differ on the same principle as that on which Rabbi and R. Simeon b. Gamaliel differ? For it was taught: If a woman was married to one man who died and to a second one who also died, she may not be married to a third one; so Rabbi. R. Simeon b. Gamaliel ruled: She may be married to a third but may not be married to a fourth?³ — No, all⁴ may concede that the law is in agreement with R. Simeon b. Gamaliel but it is this principle on which they⁵ differ here: Rab holds that the fifteenth day is included in the number while Samuel holds that the fifteenth, since the observation on it was not in arithmetic progression, is not included in the number.⁶

He raised an objection against him: If a woman had been accustomed to observe her discharge on the fifteenth day⁷ and this was changed⁸ to the sixteenth, intercourse is forbidden⁹ on both days.¹⁰ If this was changed¹¹ to the seventeenth day, intercourse¹² on the sixteenth is again permitted¹³ but on the fifteenth¹⁴ and the seventeenth¹⁵ it is forbidden. If¹² this was changed to the eighteenth intercourse¹² is again permitted on all the former dates;¹⁶ and¹⁷ is forbidden only on the day after¹⁸

the eighteenth and onwards.¹⁹ Now does not this²⁰ present an objection against Rab?²¹ — Rab can answer you: Where a woman was accustomed to observe her discharge on a certain date²² the law is different.²³ But as to him who raised the objection, on what possible ground did he raise it?²⁴ — [He assumed that the case of] one who was accustomed to a settled period had to be stated.²⁵ As it might have been presumed that since she was accustomed to observe her discharge on a settled date and this was changed, the change is effective²⁶ even if this²⁷ occurred only twice, hence we had to be informed [that²⁸ the change must have recurred three times].

An objection was raised: If she observed a discharge on the twenty-first day of one²⁹ month, on the twenty-second of the next month and on the twenty-third of the third month, she has thereby established for herself a settled period. If she skipped over³⁰ to the twenty-fourth³¹ day of the month, she has not established for herself a settled period.³² Does not this³³ present an objection against Samuel?³⁴ — Samuel can answer you: Here we are dealing with the case of a woman, for instance, who was accustomed to observe her discharge on the twentieth day and this³⁵ was changed to the twenty-first.³⁶ An inference from the wording also justifies this view,³⁷ for the twentieth day was left out³⁸ and the twenty-first was mentioned.³⁹ This is conclusive.

FOR A WOMAN MAY NOT REGARD HER MENSTRUAL PERIOD AS SETTLED UNLESS THE RECURRENCE HAS BEEN REGULAR etc. R. Papa explained: This⁴⁰ was said only in regard to the establishment of a settled period,⁴¹ but as regards taking the possibility of a discharge into consideration⁴² one occurrence suffices.⁴³ But what⁴⁴ does he⁴⁵ teach us, seeing that we have learnt: IF SHE WAS ACCUSTOMED TO OBSERVE A FLOW OF MENSTRUAL BLOOD ON THE FIFTEENTH DAY AND THIS WAS CHANGED TO THE TWENTIETH DAY, MARITAL INTERCOURSE IS FORBIDDEN ON BOTH DAYS?⁴⁶ — If the inference had to be made from there,⁴⁷ it might have been presumed that the ruling⁴⁸ applied only where the woman was still⁴⁹ within her menstruation period,⁵⁰ but where she is not within her menstruation period⁵¹ she⁵² need not consider the possibility of a discharge,⁵³ hence we were informed⁵⁴ [that even in the latter case the possibility of a discharge must be taken into consideration].

NOR IS SHE RELEASED FROM THE RESTRICTIONS OF A SETTLED PERIOD etc. R. Papa explained: This, that it is necessary for the change to recur three times before a settled period can be abolished, was said only where a settled period had been established by three regular occurrences, but one that was established by two recurrences only may be abolished by one change. But what⁵⁵ does he⁵⁶ teach us, seeing that we learnt: A WOMAN MAY NOT REGARD HER MENSTRUAL PERIODS AS SETTLED UNLESS THE RECURRENCE HAS BEEN REGULAR THREE TIMES?⁵⁷ — It might have been presumed⁵⁸ that one occurrence⁵⁹ is required for the abolition of one,⁶⁰ two⁶¹ for two⁶² and three⁶¹ for three,⁶² hence we were informed⁶³ [that even for two occurrences⁶⁴ only ones is required].⁶⁵ It was taught in agreement with R. Papa.⁶⁶ If a woman had a habit of observing her menstrual discharge on the twentieth day,⁶⁷ and this was changed to the thirtieth, intercourse is forbidden⁶⁸ on both days. If the twentieth day⁶⁸ arrived and she observed no discharge, she is permitted intercourse until the thirtieth but must consider the possibility of a discharge on the thirtieth day itself.⁶⁹ If the thirtieth day arrived and she observed a discharge, the twentieth⁶⁸ arrived and she observed none, the thirtieth arrived and she observed none and the twentieth⁶⁸ arrived and she observed one, the thirtieth⁶⁸ becomes a permitted day⁷⁰

(1) Lit., 'in skipping'. The eighteenth day of the fourth month, the nineteenth of the fifth and so on are consequently forbidden days.

(2) Sc. only if in the intercourse given, the discharge had actually appeared on the eighteenth of the fourth month. The appearance on the fifteenth is not counted since it was the first of the series when the process of progression had not yet been apparent (v. infra).

(3) Is the case of the husbands, it is asked, analogous to that of the periods, so that Rab's view coincides with that of Rabbi and the view of Samuel with that of R. Simeon b. Gamaliel? But, if so, why should the same principle be

discussed twice?

(4) Even Rab.

(5) Rab and Samuel.

(6) Cf. prev. n. but three.

(7) Of the month.

(8) In a subsequent month.

(9) In the month following that in which the discharge appeared on the sixteenth.

(10) The fifteenth and sixteenth.

(11) In the month following that in which the discharge appeared on the sixteenth.

(12) In the month following.

(13) As a discharge appeared on it once only, the prohibition on it also is abolished by one change.

(14) Which was the day of her established settled period.

(15) The day on which her discharge was last observed.

(16) It is permitted on the sixteenth and seventeenth for the reason given supra (prev. n. but two); and on the fifteenth it is permitted because in three consecutive months the discharge appeared on days (sixteenth, seventeenth and eighteenth) other than the fifteenth which, in consequence, can no longer be regarded as the settled period.

(17) Since the discharge appeared three times on days that represent an arithmetical progression.

(18) Lit., 'from'.

(19) Sc. on the nineteenth of the next month, the twentieth of the one following it, and so on in arithmetical progression in each succeeding month.

(20) From which it is obvious that, since only three occurrences cause the abolition of the old, and the establishment of a new settled period, the first occurrence is not counted.

(21) Who ruled that even a change on two dates in arithmetical progression abolishes the old, and establishes a new settled period.

(22) As is the case in the Baraita cited.

(23) From that dealt with by Rab. In the former case, the first of the dates under discussion might well be added to the similar dates in the previous months and hence could not be counted as the first in the arithmetical progression. In the case dealt with by Rab, however, either the first of the dates under discussion was one on which the woman observed a discharge for the very first time, or the woman was one who had never before had a settled period or one whose settled period was on a day other than the first of those under discussion. The first day, therefore, may well be counted as one of the three days that establish a settled period.

(24) Sc. did he not know of the difference between a settled and an unsettled period?

(25) Though the same law applies to one who had no settled period.

(26) Sc. the first date is no longer regarded as a settled period.

(27) The change from the date mentioned.

(28) If a new settled period is to be established.

(29) Lit., 'this'.

(30) From the twenty-second.

(31) Instead of the twenty-third.

(32) Since the difference between the dates of the first and the second month was only one day while that between the second and the third was two days.

(33) The first case where three observations, including the first one, establish a settled period.

(34) Who maintains that no settled period in arithmetical progression can be established unless the discharge appeared on three dates exclusive of the first.

(35) The first discharge mentioned.

(36) So that the change actually occurred three times (on the twenty-first, twenty-second and twenty-third) on dates in arithmetical progression exclusive of the first date which was the twentieth.

(37) That we are here dealing with a case where the woman 'was accustomed to observe her discharge on the twentieth'.

(38) From the three dates given.

(39) Had not the woman had the habit of observing her discharge on the twentieth, that date (which is simpler than the twenty-first) would have been taken as an example of the first of the three dates, and the twenty-first and twenty-second would have been taken as examples of the subsequent dates.

- (40) That the occurrence must be repeated three times.
- (41) Sc. that the uncleanness should begin just at the time of the period and not earlier; and that the settled period should not be abolished unless a change occurred three times.
- (42) Sc. to treat the date on which a discharge appeared in one month as one on which intercourse is forbidden in the next month.
- (43) Lit., 'in one time she fears'. If, for instance, she observed a discharge on the fifteenth of one month intercourse is forbidden on the same date in the next month.
- (44) That we did not know before.
- (45) R. Papa.
- (46) A ruling which embodies that of R. Papa.
- (47) Our Mishnah.
- (48) As enumerated by R. Papa.
- (49) When the discharge appeared.
- (50) As is the case in our Mishnah where the discharge occurred on the fifteenth day after immersion, which is the fourth day (11 days of zibah + 4 days of the 7 of menstruation = 15) of a menstruation period. Hence the restriction when the next fifteenth day (also within the menstruation period) arrives.
- (51) But in the zibah period; where, for instance, her discharge appeared on the tenth day after immersion, which is still within the eleven days of a zibah period that follows that of the seven days of menstruation.
- (52) Since the zibah period is one during which a discharge is unusual.
- (53) And intercourse should, therefore, be permitted when the next similar date arrives.
- (54) By R. Papa.
- (55) That we did not know before.
- (56) R. Papa.
- (57) And since this is followed by NOR IS SHE RELEASED . . . UNLESS IT HAS VARIED THREE TIMES it is obvious that the three occurrences for the abolition of a settled period (the latter case) are necessary only where there were three occurrences for its establishment (the first case). What need then was there for R. Papa's ruling?
- (58) If only our Mishnah were available and not R. Papa's ruling.
- (59) A change of date
- (60) Discharge on a certain date.
- (61) Changes.
- (62) Discharges on similar dates.
- (63) By R. Papa.
- (64) Discharges on similar dates.
- (65) To release a woman from the restrictions of a settled period.
- (66) That one change of date suffices to release a woman from the restrictions of a settled period that had been established by two occurrences.
- (67) Of a month.
- (68) In the next month.
- (69) And must consequently abstain from intercourse.
- (70) Because, though in the course of two months a discharge appeared on it, there was none, in the third one, and one change suffices to release the woman from its restrictions (cf. prev. n. but three).

Talmud - Mas. Nidah 64b

and the twentieth¹ becomes a forbidden one, because the guest² comes in his usual time. MISHNAH. WOMEN IN REGARD TO THEIR VIRGINITY ARE LIKE VINES. ONE VINE MAY HAVE RED WINE³ WHILE ANOTHER HAS BLACK WINE, ONE VINE MAY YIELD MUCH WINE WHILE ANOTHER YIELDS LITTLE.⁴ R. JUDAH STATED: EVERY NORMAL VINE YIELDS⁵ WINE,⁶ AND ONE THAT YIELDS NO WINE IS BUT A DORKETAI.⁷

GEMARA. One taught:⁸ A generation cut off.⁹ R. Hiyya taught: As leaven is wholesome for the dough so is [menstrual] blood wholesome for a woman. One taught in the name of R. Meir: Every

woman who has an abundance of [menstrual] blood has many children.

CHAPTER X

MISHNAH. IF A YOUNG GIRL, WHOSE AGE OF MENSTRUATION¹⁰ HAS NOT ARRIVED, MARRIED, BETH SHAMMAI RULED: SHE IS ALLOWED¹¹ FOUR NIGHTS,¹² AND BETH HILLEL RULED: UNTIL THE WOUND IS HEALED.¹³ IF THE AGE OF HER MENSTRUATION HAS ARRIVED¹⁴ AND SHE MARRIED, BETH SHAMMAI RULED: SHE IS ALLOWED¹¹ THE FIRST NIGHT, AND BETH HILLEL RULED: FOUR NIGHTS, UNTIL THE EXIT OF THE SABBATH.¹⁵ IF SHE HAD OBSERVED A DISCHARGE WHILE SHE WAS STILL IN HER FATHER'S HOUSE,¹⁶ BETH SHAMMAI RULED: SHE IS ONLY ALLOWED THE OBLIGATORY MARITAL INTERCOURSE,¹⁷ AND BETH HILLEL RULED: ALL THAT¹⁸ NIGHT.

GEMARA. R. Nahman b. Isaac explained:¹⁹ Even if she already observed a discharge.²⁰ Whence is this inferred? — Since in the final clause²¹ a distinction is drawn between one who did and one who did not observe a discharge it follows that in the case in the first clause no distinction is made between the one and the other.²² So it was also taught: Beth Hillel ruled: Intercourse is allowed until the wound is healed irrespective of whether she already²³ did or did not observe a discharge.

UNTIL THE WOUND IS HEALED. For how long?²⁴ — Rab Judah replied: Rab said, 'So long as it discharges matter', but when I mentioned this in the presence of Samuel the latter said to me, 'I do not know what that "discharging" exactly means; rather explain.'²⁵ So long as spittle is engendered in the mouth²⁶ on account of intercourse'.²⁷ How is one to understand the 'discharging' of which Rab spoke? — R. Samuel son of R. Isaac replied. This was explained to me by Rab: If when standing she observes a discharge and when sitting she does not observe one, it may be known that the wound has not healed; if when lying on the ground she observes a discharge and when lying on cushions and bolsters she does not observe one, it may be known that the wound had not healed; and if when lying on any of these she either observes a discharge or does not observe one, it may be known that the wound is healed.

IF THE AGE OF HER MENSTRUATION HAS ARRIVED etc. It was stated: If she had intercourse in the day time,²⁸ Rab ruled, She has not lost thereby the right to intercourse during the nights. but Levi ruled, She has thereby lost the right to intercourse in the nights. Rab ruled, 'She has not lost thereby the right to intercourse during the nights', because we learnt, UNTIL THE EXIT OF THE SABBATH.²⁹ 'But Levi ruled, She has thereby lost the right to intercourse in the nights', for the meaning of³⁰ FOUR NIGHTS mentioned is four 'onahs'.³¹ But according to Rab³² what was the purpose of mentioning FOUR NIGHTS? — We were thereby informed of what is regarded as good manners, viz., that intercourse should take place at night.³³ But according to Levi³⁴ it should only have been stated FOUR NIGHTS, what was the purpose of saying, UNTIL THE EXIT OF THE SABBATH? — It is this that we were informed:³⁵ That it is permitted to perform the first marital intercourse³⁶ on the Sabbath,³⁷ in agreement with a ruling of Samuel; for Samuel ruled: It is permissible to enter through a narrow breach³⁸ on the Sabbath although one causes pebbles to fall.³⁹

It was stated: If a man had marital intercourse⁴⁰ and found no blood but, having repeated the act,⁴¹ he found blood, R. Hanina ruled: The woman is unclean;⁴² but R. Assi ruled: She is clean. 'R. Hanina ruled: The woman is unclean', for if it were the case that the blood was that of virginity it would have issued on the first occasion. 'But R. Assi ruled: She is clean', because it is possible that something unusual may have happened to her, in accordance with a statement of Samuel; for Samuel stated, 'I could perform a number of acts of intercourse without causing any bleeding'. And the other?⁴³ — Samuel is different from ordinary people since his capability⁴⁴ was great.

Rab stated: A woman who has reached her maturity⁴⁵ is⁴⁶ allowed⁴⁷ all the first night.⁴⁸ But this applies only to a woman who had never yet observed a discharge, but if she did observe one she is permitted the obligatory act of intercourse only and no more. An objection was raised: It once happened that Rabbi allowed a woman intercourse on four nights in twelve months.⁴⁹ Now how is one to understand his ruling? If it be suggested that he allowed her all these nights⁵⁰ during the period of her minority

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- (1) The established settled period which was changed to the thirtieth no more than twice. (The absence of a discharge on the twentieth in the month in which there was none on the thirtieth is not counted as a deviation from the established habit since there was no discharge whatever in that month.)
 - (2) The established period that re-appeared on the twentieth.
 - (3) Lit., 'there is a vine whose wine is red'.
 - (4) Similarly with the blood of virginity. It may be red or black, much or little.
 - (5) Lit., 'has'.
 - (6) Every normal woman has the blood of virginity.
 - (7) Cf. ** a grape that yields no wine and is used for eating only. Aliter: Dorketai dor katu'a. This is explained presently.
 - (8) In explanation of DORKETAI.
 - (9) Cf. prev. two notes. A woman who has no blood of virginity cannot have many children.
 - (10) Lit., 'her time to see'.
 - (11) For marital intercourse.
 - (12) Though blood appeared, it is assumed to be that of injured virginity which, unlike menstrual blood, is clean.
 - (13) This is explained in the Gemara infra.
 - (14) But she experienced no discharge.
 - (15) Saturday night. A virgin's marriage takes place usually on a Wednesday, v. Keth. 2a.
 - (16) Sc. before her marriage.
 - (17) But no more, since the blood may possibly be that of menstruation.
 - (18) The first.
 - (19) The ruling of Beth Hillel in the first clause of our Mishnah.
 - (20) Before marriage, when she was still in her father's house. Even in such a case, since the age of menstruation had not yet arrived, Beth Hillel allow intercourse UNTIL THE WOUND IS HEALED.
 - (21) Dealing with one whose age of menstruation had arrived.
 - (22) Lit., 'no difference whether thus and no difference (whether) thus', sc. whether she did or did not observe any menstrual discharge before her marriage.
 - (23) Before her marriage.
 - (24) Is the wound regarded as unhealed.
 - (25) The statement, UNTIL THE WOUND etc.
 - (26) Euphemism.
 - (27) Sc. when intercourse is accompanied by bleeding.
 - (28) Lit., 'in the days', the four days following marriage.
 - (29) Implying both the intervening days and the intervening nights.
 - (30) Lit., 'what'.
 - (31) An 'onah (period) being either a day or a night.
 - (32) Who allows intercourse during both the days and the nights.
 - (33) Lit., 'that the way of . . . in the nights'.
 - (34) Who allows no more than four 'onahs.
 - (35) By the statement mentioned, from which it follows that if intercourse had taken place on two weekday 'onahs only the night and the day of the Sabbath are also permitted 'onahs.
 - (36) Sc. the one before virginity is finally removed.
 - (37) Though virginity is injured in the process.
 - (38) Euphemism. After the two acts of intercourse the opening is still narrow.
 - (39) Injures virginity.
 - (40) With a virgin, for the first time.

- (41) Within the following four nights.
- (42) The blood being deemed to be menstrual.
- (43) R. Hanina. How in view of Samuel's statement can he maintain that the blood must be menstrual?
- (44) Lit., 'his strength'.
- (45) Bogereth, v. Glos.
- (46) Even according to Beth Hillel.
- (47) For intercourse despite the possibility of bleeding.
- (48) Of her married life.
- (49) The husband having departed for three months after each of the first three acts of intercourse every one of which has been accompanied by bleeding. Despite the length of time Rabbi regarded the bleeding to be due to virginity.
- (50) Lit., 'all of them'.

Talmud - Mas. Nidah 65a

the objection would arise: Have we not learnt, UNTIL THE WOUND IS HEALED?¹ If, however, it is suggested that he allowed her all the nights during the period of her na'aruth² the difficulty would arise: Does na'aruth ever extend over twelve months, seeing that Samuel had stated: The period intervening between the commencement of na'aruth and maturity is only six months? And should you suggest that the meaning is that the period is not shorter but may be longer³ it could be retorted: Did he not in fact state 'only'?⁴ If, however, it is suggested that he allowed her two nights during the days of her minority and two during her na'aruth, the difficulty would arise: Did not R. Hinena b. Shelemya once ask Rab, 'what is the ruling where her age of menstruation arrived when she was already under the authority of her husband?' and the other replied: All acts of intercourse which one performs⁵ are regarded as one act only and the other⁶ make up the four nights?⁷ Consequently this must be a case where he allowed her one night during her minority, two nights during her na'aruth period and one night during the days of her maturity. Now if you grant that a woman of mature age generally is allowed⁸ more than one night⁹ one can well see the justification for the ruling;¹⁰ for, as intercourse during minority has the effect of reducing one night¹¹ during her na'aruth period, so intercourse during the na'aruth period has the effect of reducing one night¹² during her maturity;¹³ but if you maintain¹⁴ that a woman of mature age generally⁸ is not allowed more than one night, should he¹⁵ not have allowed her¹⁶ but one act of the obligatory marital intercourse and no more?¹⁷ — The fact is that he¹⁵ allowed her one night during her minority and three nights during her na'aruth period,¹⁸ but¹⁹ it was not as you think²⁰ that every three months represented a period; every two months rather represented a period.

Menjamin of Saksanah was embarking on a journey²¹ to the locality of Samuel where he intended to act²² according to the ruling of Rab,²³ even where the woman had observed a discharge, assuming that Rab drew no distinction between one who did and one who did not observe a discharge, but he died while he was underway. Samuel accordingly applied to Rab²⁴ the Scriptural text, There shall no mischief befall the righteous.²⁵

R. Hinena b. Shelemya observed: As soon as a person's teeth fall out²⁶ his means²⁷ of a livelihood are reduced; for it is said: And I also have given you cleanness of teeth²⁶ in all your cities, and want of bread in all your places.²⁸

IF SHE OBSERVED A DISCHARGE WHILE SHE WAS STILL etc. Our Rabbis taught: If a girl observed a discharge while she was still in her father's house, Beth Hillel ruled: She is permitted marital intercourse all the night²⁹ and, moreover, she is allowed a full 'onah. And how long is a full 'onah?³⁰ — R. Simeon b. Gamaliel explained: A night and half a day. But do we require an 'onah to be so long?³¹ Is not [such a requirement] rather incongruous with the following: If a person's winepresses or oil-presses were unclean and he desired to prepare his wine and oil respectively³² in conditions of cleanness, how is he to proceed? He rinses the boards,³³ the twigs³⁴ and the troughs;

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- (1) Why then 'four nights'?
- (2) V. Glos.
- (3) Lit., 'less than this only there is not, but there is more'.
- (4) He did, thus implying that the period cannot be longer than six months.
- (5) During her minority.
- (6) Performed subsequently.
- (7) Why then did Rabbi allow only two (instead of three) nights during her na'aruth period?
- (8) If she married after attaining the age of maturity.
- (9) Sc. two nights at least.
- (10) Of Rabbi who allowed, as just explained, one night during the woman's maturity period.
- (11) Of the four.
- (12) Of the two (cf. prev. n. but two).
- (13) Hence Rabbi's ruling (cf. prev. n. but two).
- (14) As Rab did (supra 64b ad fin.).
- (15) Rabbi.
- (16) The woman who, as explained, had been allowed some nights during her minority and na'aruth periods.
- (17) How then could he ignore completely all previous intercourse and allow her a full night?
- (18) So that the question of maturity does not arise at all.
- (19) As to the objection, How is it possible for three three-monthly periods to be included in the one six-monthly period of na'aruth?
- (20) Lit., 'do you think?'
- (21) Lit., 'took and went'.
- (22) Lit., 'to do a deed'.
- (23) That one of mature age is allowed all the first night (supra 64b ad fin.).
- (24) Whose ruling was misinterpreted by Menjamin.
- (25) Prov. XII, 21. Rab was spared the mischief that would have ensued if Menjamin had acted in accordance with his erroneous interpretation (cf. prev. n.).
- (26) Metaph. for old age.
- (27) Lit., 'his foods'.
- (28) Amos IV, 6.
- (29) That follows her marriage. Lit., 'all the night is hers'.
- (30) A period,
- (31) Lit., all this'.
- (32) Lit., 'to do them'.
- (33) That are placed on the grapes or the olives.
- (34) Wherewith the presses are swept and cleaned.

Talmud - Mas. Nidah 65b

and as for the wickerwork, if it is made of willows and hemp it must be scoured, and if of bast or reeds it must remain unused;¹ and for how long must they remain unused? For twelve months. R. Simeon b. Gamaliel ruled: One must leave them from one period of wine-pressing to another² and from one period of oil-pressing to another.² (But is not this ruling³ identical with that of the first Tanna?⁴ — The practical difference between them arises in the case of early or late ripening fruit.)⁵ R. Jose stated: If a person desires to obtain cleanness forthwith he pours over them boiling water or scalds them with olive water. R. Simeon b. Gamaliel citing R. Jose ruled: He puts them under a pipe through which runs a continuous stream of water or in a fountain with flowing water. And for how long? For one 'onah. (As these provisions were applied to yen nesek so were they applied to matters of cleanness. But is not the order⁶ reversed, seeing that we are here dealing with the laws of cleanness? — Rather say: As these provisions were applied to matters of cleanness so were they applied to yen nesek.) And how long is an 'onah? R. Hiyya b. Abba citing R. Johanan replied: Either

a day or a night. R. Hana She'una or, as some say, R. Hana b. She'una citing Rabbah b. Bar Hana who had it from R. Johanan replied: Half a day and half a night. And in connection with this R. Samuel b. R. Isaac explained: There is no real difference between them,⁷ the former referring to the spring and autumn equinoxes⁸ and the latter to the summer and winter solstices?⁹ — Here also, in the case of the menstruant woman,¹⁰ read: Half a day and half a night. But did he not say 'a night and half a day'? — Rather say: Either 'a night' in the spring or autumn equinox or 'half a day and half a night' in the winter or summer solstice. And if you prefer I might reply: The case involving a kethubah¹¹ is different¹² since protracted negotiations take place¹³ before it is signed.¹⁴

Both Rab and Samuel laid down: The halachah is that¹⁵ one performs the obligatory marital act and withdraws forthwith. R. Hisda raised an objection: It once happened that Rabbi allowed a woman intercourse on four nights in twelve months!¹⁶ — Said Rabbah¹⁷ to him: What need have you¹⁸ for repeating the same objection? Rather raise one from our Mishnah?¹⁹ — But he was of the opinion that a practical decision²⁰ is weightier.²¹ At all events,²² does not a difficulty arise against Rab and Samuel?²³ They acted in agreement with our Masters; for it was taught: Our Masters decided by a second count of votes²⁴ that one only performs the obligatory marital act and withdraws forthwith.

'Ulla stated: When R. Johanan and Resh Lakish were engaged in the discussions of the chapter on the 'Young Girl'²⁵ they carried away from it only what a fox carries away from a ploughed field,²⁶ and concluded it²⁷ with this statement: One performs the obligatory marital act and withdraws forthwith. Said R. Abba to R. Ashi: Now then,²⁸ should a scrupulous man²⁹ not even finish his act? — The other replied: If that were to be the rule³⁰ one would be ill at ease³¹ and would withdraw altogether.

Our Rabbis taught: But all these women if they³² were continually discharging blood during³³ the four nights and after the four nights or³⁴ during the night and after it, must without exception³⁵ examine themselves;³⁶ and in the case of all these R. Meir imposes restrictions in agreement with the view of Beth Shammai.³⁷ In regard, however, to other observations of blood,³⁸ concerning which a difference of opinion exists between Beth Shammai³⁹ and Beth Hillel,⁴⁰ he is guided⁴¹ by the colour of the blood; for R. Meir ruled: The colours of the various kinds of blood are different from one another. In what manner? Menstrual blood is red, the blood of virginity is not so red; menstrual blood is turbid, the blood of virginity is not turbid; menstrual blood issues from the source, the blood of virginity issues from the sides. R. Isaac son of R. Jose citing R. Johanan stated: This is the ruling of R. Meir alone, but the Sages maintain: All the colours of the various kinds of blood are the same.

Our Rabbis taught: A woman who observes a discharge of blood⁴² as a result of marital intercourse may perform her marital duty the first, second and third time. Henceforward,⁴³ however, she may not perform it until she is divorced

(1) Lit., 'causes them to be old'.

(2) Presumably twelve months.

(3) Of R. Simeon b. Gamaliel.

(4) Apparently (cf. prev. n. but one) it is.

(5) Where the period intervening between the pressing seasons of two succeeding years is sometimes less, and sometimes more than twelve months.

(6) That compares the laws of cleanness to those of *yen nesek v. Glos*.

(7) R. Hiyya and Rabbah b. Bar Hana.

(8) Lit., 'in the cycle of Nisan and of Tishri'. When the days and the nights are equal an *onah* of twelve hours is either a day or a night.

(9) Lit., 'in the cycle of Tammuz and Tebeth'. Since the days and the nights are unequal an 'onah of twelve hours is half a day and half a night. Now in view of this definition and explanation, how could R. Simeon b. Gamaliel maintain (*supra*

65a ad fin.) that an 'onah is 'a night and half a day'?

(10) Sc. the case dealt with by R. Simeon b. Gamaliel which bears on the laws of menstruation.

(11) Cf. prev. n. mut. mut.

(12) From that of cleanness.

(13) On its terms.

(14) Hence it was necessary to extend the 'onah to a full night and half a day.

(15) Irrespective of whether the girl's age of menstruation has, or has not been reached.

(16) Supra 64b, ad fin.; q.v. notes.

(17) V. marg. gl. Cur. edd., 'Raba'.

(18) So MS.M. Cur. edd., 'I'.

(19) Which also allows more than one marital act.

(20) As was that of Rabbi.

(21) Than a mere theoretical ruling.

(22) Whether from Rabbi's decision or from our Mishnah.

(23) Who allow no more than one marital act. How could they differ from a Tannaitic ruling?

(24) Lit., 'they were counted again'.

(25) Sc. the present (the tenth) chapter of Niddah, which begins, IF A YOUNG GIRL.

(26) I.e., nothing. They completely disregarded its rulings.

(27) In agreement with 'our Masters'.

(28) Since one must withdraw immediately after the act, in order to avoid possible blood of menstruation.

(29) Lit., 'the master of a soul'.

(30) Lit., 'if so'.

(31) Lit., 'his heart beats him'.

(32) Being in the category of such as observed no discharge while still in their father's homes.

(33) Lit., 'from the midst of'.

(34) In the case of those who did observe a discharge in the homes of their fathers.

(35) Lit., 'all of them'.

(36) In order that it may be ascertained (from the colour of the blood) whether the bleeding was due to injured virginity or to menstruation.

(37) Thus, a minor is allowed four nights and she must, therefore, examine herself if the bleeding continued beyond the fourth night while a na'arah who is allowed one night must examine herself if the bleeding continued after the first night.

(38) Where bleeding did not continue after the four nights in the case of the minor or after the first night in that of the na'arah.

(39) Who hold the blood to be unclean irrespective of whether its colour did, or did not change.

(40) Who maintain that the blood is clean even if its colour had changed.

(41) In deciding whether the blood is clean or unclean. Lit., 'go'.

(42) Of menstruation.

(43) If she observed a discharge three times as a result of intercourse.

Talmud - Mas. Nidah 66a

and marries another man.¹ If she was married to another man and again observed a discharge of blood as a result of her marital intercourse, she may perform her marital duty the first, second and third time. Henceforward, however, she may not perform it until she is divorced and marries another man. If she was married to another man and again observed a discharge of blood as a result of her intercourse she may perform her marital duty the first, second and third time. Henceforward, however, she may not perform it unless she first examines herself. How does she examine herself? She inserts a tube within which rests a painting stick to the top of which is attached an absorbent. If blood is found on the top of the absorbent it may be known that it² emanated from the source³ and if no blood is found on the top, it may be known that it² emanated from the sides.⁴ If, however, she has a wound in that place she may attribute the blood to her wound.⁴ If she has a fixed period⁵ she may attribute it to her fixed period,⁶ but if the nature of the blood of her wound is different from that of

the blood of her observation she may not so attribute it. A woman, furthermore, is believed when she says, 'I have a wound in the source from which blood is discharged';⁴ so Rabbi.⁷ R. Simeon b. Gamaliel ruled: The blood of a wound that is discharged through the source is unclean. Our Masters, however, testified that the blood of a wound that is discharged through the source is clean. What is the point at issue between them?⁸ — 'Ulla replied: The point at issue between them is the question whether the interior of the uterus is unclean.⁹ Would not a tube¹⁰ bruise her?¹¹ — Samuel replied: The examination is performed with a leaden tube whose edge¹² is bent inwards. But, said Resh Lakish to R. Johanan, why should she not¹³ examine herself¹⁴ after the third intercourse with her first husband?¹⁵ — The other replied: Because not all fingers¹⁶ are alike.¹⁷ But, the former said, why should she not¹⁸ have to examine herself¹⁴ after the first intercourse with her third husband? — Because not all ejections¹⁹ are of equal force.²⁰

A certain woman once came to Rabbi [with such a complaint].²¹ Go, he said to Abdan, and frighten her. As the latter approached and frightened her a clot of blood dropped from her. This woman, Rabbi exclaimed, is now cured. A certain woman [with a similar complaint]²¹ once came to the Master Samuel. Go, he said to R. Dimi b. Joseph, and frighten her. The latter approached and frightened her but nothing dropped from her. This woman, Samuel pronounced, is one full of blood which she scatters,²² and any woman who is full of blood which she scatters²² has no cure. Once there came to R. Johanan a certain woman who, whenever she emerged from her ritual immersion, observed a discharge of blood. It is possible, he said to her, that the gossip of your townspeople²³ has caused the affliction;²⁴ arrange²⁵ for your intercourse with him to take place near the river side.²⁶ There is one who says: He²⁷ said to her, Reveal your affliction to your friends so that, as they were astounded in one way,²⁸ they may also be astounded in the other.²⁹ There is also one who says: He³⁰ said to her, Announce your trouble to your friends so that they may offer prayers for mercy to be vouchsafed to you. For it was taught: And shall cry, 'Unclean, unclean',³¹ he must announce his trouble to the public so that they may pray for mercy to be vouchsafed to him. R. Joseph stated: Such an incident once occurred at Pumbeditha and the woman was cured.

R. Joseph citing Rab Judah who had it from Rab stated: Rabbi ordained at Sadoth,³² If a woman observed a discharge on one day she³³ must wait³⁴ six days in addition to it.³⁵ If she observed discharges on two days she³³ must wait³⁴ six days in addition to these.³⁶ If she observed a discharge on three days she³³ must wait³⁴ seven clean days.³⁷ R. Zera stated: The daughters of Israel have imposed upon themselves the restriction that even if they observe a drop of blood of the size of a mustard seed they wait on account of it seven clean days.

Raba took R. Samuel out for a walk³⁸ when he discoursed as follows: If a woman³⁹ was in protracted labour⁴⁰ for two days and on the third she miscarried she must wait seven clean days; he being of the opinion that the law relating to protracted labour⁴¹ does not apply to miscarriages and that it is impossible for the uterus⁴² to open without bleeding. Said R. Papa to Raba: What is the point in speaking of one who was in protracted labour for two days seeing that the same applies even where there was the minutest discharge, since R. Zera stated, The daughters of Israel have imposed upon themselves the restriction that even where they observe only a drop of blood of the size of a mustard seed they wait on account of it seven clean days? — The other replied: I am speaking to you of a prohibition,⁴³ and you talk of a custom which applies only where the restriction has been adopted.⁴⁴

(Mnemonic. Had an offer, natron, In warm water, to perform immersion, folds upon a haven.)⁴⁵ Raba stated: If a woman had an offer of marriage and she accepted it she⁴⁶ must allow seven clean days to pass.⁴⁷

Rabina was engaged in preparations for the marriage of his son at R. Hanina's.⁴⁸ 'Does the Master', the latter said to him, 'intend writing the kethubah four days hence?' 'Yes', the other

replied; but when the fourth day arrived he waited for another four days and thus caused a delay of seven days after the day in question.⁴⁹ 'Why', the first asked, 'all this delay?'⁵⁰ 'Does not the Master', the other replied, 'hold the opinion of Raba, Raba having ruled: If a woman had an offer of marriage and she accepted she must allow seven clean days to pass?' 'It is possible', the first suggested, that Raba spoke only of one of mature age who is likely to discharge menstrual blood,⁵¹ but did he speak of a minor who is unlikely to discharge menstrual blood?' 'Raba', the other replied, 'has explicitly stated: There is no difference between one of mature age and a minor. For what is the reason why one of mature age is subject to the restriction? Because her passions are excited;⁵² well, those of a minor also are excited.

Raba ruled: A woman

- (1) The reason is explained infra.
- (2) The blood.
- (3) The uterus; and is unclean.
- (4) And it is clean.
- (5) During which intercourse causes her to bleed.
- (6) And is consequently permitted intercourse at other times without previous examination.
- (7) This refers to the last ruling only. All the previous rulings in the Baraita, however, represent the view of R. Simeon.
- (8) Rabbi and our Masters on the one hand and R. Simeon on the other.
- (9) Lit., 'the source, its place is unclean'.
- (10) Presumably a reed.
- (11) Why then is she expected to carry out her examination with it?
- (12) Lit., and its mouth'.
- (13) Instead of being divorced.
- (14) Before each subsequent intercourse.
- (15) And thus continue to live with him.
- (16) Euphemism.
- (17) Sc. the husband might have been the cause. It is preferable, therefore, that she marries another man with whom she can lead a normal life than continue to live with one in an abnormal condition.
- (18) Since a repetition of the occurrence with three husbands establishes presumption.
- (19) Lit., 'forces'.
- (20) Hence it is necessary for the occurrence to be repeated three times with the third husband before presumption is established.
- (21) Bleeding occasioned by intercourse.
- (22) As a result of intercourse.
- (23) Sc. their 'evil eye'; jealousy at the affection between her and her husband.
- (24) Lit., 'went up on thee'.
- (25) Lit., 'go'.
- (26) Thus avoiding the town's gossip.
- (27) R. Johanan.
- (28) Lit., 'side'; at her husband's affection (cf. prev. n. but four).
- (29) At her affliction. They would in consequence no longer envy her and the influence of their 'evil eye' would disappear.
- (30) R. Johanan.
- (31) Lev. XIII, 45.
- (32) A place that was inhabited by unlettered people who were incapable of calculating the dates of the menstrual, and the zibah periods.
- (33) Before she attains cleanness.
- (34) Lit., 'she shall sit'.
- (35) Sc. seven days, the number prescribed for a menstruant, since (cf. prev. n. but two) it is possible that the discharge occurred during a menstruation period.

- (36) Since it is possible that the first of the two days was the last of a zibah period while the second was the first of a menstruation one.
- (37) It being possible that the discharge occurred in a period of zibah.
- (38) אֲדַבְרִיהָ V. Ta'an., (Sonc. ed.), p. 60 n. 5.
- (39) In her zibah period.
- (40) Accompanied by bleeding.
- (41) Which regards accompanying bleeding as exempt from uncleanness.
- (42) Lit., 'the grave'.
- (43) Which is Pentateuchally applicable to all.
- (44) Lit., 'where it was restricted it was restricted; where it was not etc.'
- (45) Words or phrases occurring in the following rulings of Raba. 'Folds' should be inserted before 'to perform' to correspond with the order of the rulings in cur. edd.
- (46) Since the excitement of the proposal and its acceptance may have produced some menstrual discharge.
- (47) Before she may regard herself as clean.
- (48) Var. lec. Habiba (MS.M. and Bah.)
- (49) Lit., 'that day', on which the proposal was made to the girl.
- (50) Lit., 'what that'.
- (51) Lit., 'who sees blood'.
- (52) Lit., 'that she covets'.

Talmud - Mas. Nidah 66b

must not wash her head either with natron or with ohal.¹ 'With natron', because it plucks out the hair;² and 'with ohal' because it causes the hairs to cling to one another.³

Amemar also citing Raba ruled: A woman⁴ must wash her head in warm water only and she may do it even with such as was warmed by the sun⁵ but not with cold water. Why not with cold water? — Because cold water⁶ loosens⁷ the hair.⁸

Raba further ruled: A man should always give instructions to his household that a woman⁹ should wash the folds of her body¹⁰ with water. An objection was raised: It is not necessary for the water¹¹ to penetrate into the folds of the body¹² or to its concealed parts!¹³ — Granted that it is not necessary for the water to penetrate,¹⁴ it is necessary nevertheless that it be capable of penetration to every part;¹⁵ in agreement with a ruling of R. Zera. For R. Zera ruled: Wherever proper mingling¹⁶ is possible actual mingling is not essential,¹⁷ but where proper mingling is not possible¹⁸ the actual mingling is indispensable.¹⁹

Rabin son of R. Adda citing R. Isaac stated: It once happened that a bondmaid of Rabbi performed immersion and when she ascended [from the water] a bone constituting an interposition was found between her teeth, and²⁰ Rabbi required her to perform a second immersion.²¹

Raba further ruled: If a woman performed immersion, and when she ascended [from the water] an object that caused an interposition was found upon her, she need not wash her head or perform immersion again if her immersion was performed immediately after the washing of her head;²² otherwise, she must wash her head and perform immersion again. There are others who say: If she performed her immersion on the same day on which she washed her head, she need not wash her head or perform immersion again, otherwise she must wash her head and perform immersion again. What is the practical difference between them?²³ — The practical difference between them is the question whether immersion must follow immediately upon the washing of the head,²⁴ and whether a woman may wash her head during the day and perform her immersion at night.

Raba ruled: A woman may not stand upon an earthenware when she is to perform ritual

immersion. R. Kahana intended to say, 'What is the reason? Because a preventive measure has been enacted against the possibility of using²⁵ bath-houses,²⁶ but that it is quite proper to stand upon a block of wood'. Said R. Hanan of Nehardea to him, 'What is the reason²⁷ there?²⁸ Because she is frightened;²⁹ on a chip of wood she is also frightened'.²⁹

R. Samuel b. R. Isaac ruled: A woman shall not perform immersion

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- (1) An alcalic plant. So Aruk, Alfasi and Asheri. Cur. edd. 'sand'.
 - (2) Which, remaining on the head, form an interception between the water of the ritual bath and the body.
 - (3) Cf. prev. n. mut. mut.
 - (4) Before ritual immersion.
 - (5) For the sequence of the rulings cf. MS.M., Bah and Asheri.
 - (6) Cf. Bah.
 - (7) Aliter: hardens.
 - (8) Cf. prev. n. but five mut. mut.
 - (9) Before performing ritual immersion.
 - (10) Her armpits for instance.
 - (11) Of a ritual bath.
 - (12) Lit., 'the house of folds'.
 - (13) How then could Raba maintain that the folds must be washed?
 - (14) Into the folds.
 - (15) Lit., 'a place that is suitable for the entry of the water we require'.
 - (16) Of the flour and the oil of a meal-offering. Perfect mingling is effected with one log of oil to sixty 'esronim of flour in one pan; v. Men. 103b.
 - (17) The meal-offering being acceptable even if no mingling took place.
 - (18) If, for instance, the proportions were less than a log of oil to sixty 'esronim of flour.
 - (19) Similarly in the case of ritual immersion, though the water need not penetrate to all parts of the body, the immersion is invalid if owing to dirt or some other interception the water cannot penetrate everywhere.
 - (20) Though it is not necessary for the water to come in contact with the teeth.
 - (21) In agreement with R. Zera's rule.
 - (22) It being assumed in such a case that the interposition became attached to the body after the immersion.
 - (23) The two readings.
 - (24) According to the first reading it must.
 - (25) For ritual immersion.
 - (26) Where the benches on which people stand when bathing are made of earth and are thus similar to earthenware. Were a woman to be allowed to stand on earthenware when performing ritual immersion in a ritually valid bath she might assume that ritual immersion is also valid when she stands on an earthen bench in a bath-house.
 - (27) Why a woman must not stand on earthenware.
 - (28) Where immersion is performed in a ritual bath.
 - (29) That she might fall; and in consequence might not perform the immersion in a proper manner.

Talmud - Mas. Nidah 67a

in a harbour;¹ although there may be no [mud]² now³ it may well be assumed that it had fallen off with the drippings.⁴ Samuel's father made ritual baths for his daughters in the days of Nisan⁵ and mats⁶ in the days of Tishri.⁷

R. Giddal citing Rab ruled: If a woman gave to her child some cooked food and then performed her ritual immersion and ascended from the water,⁸ her immersion has no validity,⁹ because, though there may be no food¹⁰ now,¹¹ it may well be assumed that it had fallen off with the drippings.¹²

Rami b. Abba¹³ ruled: Scars¹⁴ constitute no interposition¹⁵ during the first¹⁶ three days;¹⁷

henceforth they constitute an interposition.

Mar Ukba ruled: Pus within the eye constitutes no interposition when it is moist, but when it is dry it constitutes one. When is it called 'dry'? — From the time it begins to turn yellow.

Samuel ruled: Stibium within the eye constitutes no interposition but on the outside of the eye it constitutes one. If a woman's eyes were twitching it constitutes no interposition even if it is on the outside of the eye.¹⁸

R. Johanan ruled: If a woman¹⁹ opened her eyes too wide²⁰ or shut them too closely,²¹ her immersion has no validity.

Resh Lakish ruled: A woman must perform immersion only when standing in her natural position;²² as we have learnt:²³ A man²⁴ is inspected²⁵ in the same position as when he hoes²⁶ or²⁷ gathers olives;²⁸ and a woman²⁴ is inspected²⁵ in the same position as when she weaves²⁹ or²⁷ suckles her child.²⁸

Rabbah b. R. Huna³⁰ stated, 'One knotted hair constitutes an interposition,³¹

(1) Where mud, stirred up by the incoming and outgoing ships, might cling to her body and constitute an interposition between it and the water.

(2) On the woman's body.

(3) After she has emerged from the water.

(4) Beridyoni. Aliter: Into the stream.

(5) When the flowing river, swollen by rainwater, could not be used for the purpose since no ritual immersion may be performed in rainwater that is not collected and stationary.

(6) To spread under the feet of the bathers so as to protect them from the river mud which might cling to their feet and constitute an interposition. Aliter: He hung up mats on the river shore, to serve as screens for the bathers. Aliter: He put up reed tents; v. Ned., (Sonc. ed.), p. 129 notes.

(7) When the river contained its normal flow (cf. prev. n. but one mut. mut.).

(8) With nothing of the food clinging to it.

(9) Lit., 'did not go up for her', since it is possible that some of the food clung to her body during the immersion when it constitutes an interposition.

(10) On the woman's body.

(11) After she has emerged from the water.

(12) Beridyoni. Aliter: Into the stream.

(13) MS.M. Hama.

(14) Lit., 'the patches of the lancet', 'the marks of the punctures'.

(15) In ritual immersion.

(16) Lit., 'until'

(17) Following the bleeding. Being tender they are regarded as a part of the body.

(18) Because the frequent movement of the eye-lids prevents the accumulation of the matter and no interposition can be formed.

(19) When performing immersion.

(20) Thus forming above the eye a fold that prevents the water from penetrating to every part of that region.

(21) Forming a fold below the eye (cf. prev. n.).

(22) Sc. she must neither press her arms to her body nor her legs or feet to each other, since thereby she prevents the water from reaching parts that are normally exposed; nor need she stretch any natural fold or expose any concealed part to enable the water to reach every part of it, since these regions are normally concealed.

(23) Neg. II, 4.

(24) Afflicted with leprosy.

(25) By the examining priest.

- (26) Sc. if the eruption is high in his arm-pit there is no need for the man to raise his arm higher than he does when hoeing. If, as a result, the priest cannot see it the man must be declared clean.
- (27) In the case of an eruption in the concealed region of the genitals.
- (28) When one does not bend too low (cf. prev. n. but one mut. mut.).
- (29) In the case of an eruption in her arm-pit (cf. prev. n. but five mut. mut.).
- (30) The reading in the parallel passage in Suk. 6a is 'b. Bar Hana'.
- (31) Since it is possible to tie it so closely that no water could penetrate to all its parts.

Talmud - Mas. Nidah 67b

three hairs¹ constitute no interposition;² but I do not know the ruling in the case of two'. R. Johanan, however, stated, 'We have only this one principle: R. Isaac said, According to traditional law³ an interposition on its⁴ major part⁵ to which a man objects constitutes an interposition but one which he does not mind constitutes no interposition; but the Rabbis ruled that an interposition on its⁴ greater part shall constitute an interposition, even when the man does not mind it, as a preventive measure against the possibility of allowing an interposition on its major part to which the man does object; and they also ruled that an interposition on its minor part to which a man objects shall constitute an interposition as a preventive measure against the possibility of allowing an interposition on its major part to which a man objects.⁶ But why should no prohibition be enacted also against an interposition on its lesser part, to which one does not object, as a preventive measure against the possibility of allowing an interposition over the lesser part to which one does object?⁷ — This ruling itself⁸ is but a preventive measure, shall we go so far⁹ as to institute a preventive measure against the possibility of infringing a preventive measure?¹⁰

Rab ruled: If a menstruant performs immersion at 'the proper time'¹¹ she may do it only at night¹² but if she performs it after the proper time¹³ she may do it either in the day time or at night.¹⁴ R. Johanan ruled: Whether at the proper time or after the proper time a menstruant may perform immersion only at night, on account of the possibility of her daughter's following her lead.¹⁵ Rab, moreover, also withdrew his ruling; for R. Hiyya b. Ashi citing Rab laid down: Whether at the proper time or after the proper time¹³ a menstruant may perform immersion only at night on account of the possibility of her daughter's following her lead.¹⁵ R. Idi ordained at Narash that immersion shall be performed on the eighth day¹⁶ on account of lions.¹⁷ R. Aha b. Jacob issued a similar ordinance at Papunia on account of thieves.¹⁷ Rab Judah did the same at Pumbeditha on account of the cold. Rabbah¹⁸ acted similarly at Mahoza on account of the guards of the city gates.¹⁹ Said R. Papa²⁰ to Raba,²¹ Consider: At the present time the Rabbis have put all menstruants on the same level as zabahs,²² why then should they not allow them²³ to perform immersion in the daytime of the seventh day?²⁴ — This cannot be allowed on account of the following ruling of R. Simeon. For it was taught: After that she shall be clean,²⁵ 'after' means after all of them, implying that no uncleanness may intervene between them; but R. Simeon stated: After that she shall be clean²⁴ implies that after the act²⁶ she shall²⁷ be clean, but the Sages have ruled that it was forbidden to do so in case she might thereby land in a doubtful situation.²⁸

R. Huna ruled: A woman²⁹ may wash her head on a Sunday³⁰ and perform immersion on the following Tuesday,³¹ since similarly she³² is allowed to wash her head³³ on a Friday³⁴ and undergo immersion on the following Saturday night.³⁵ A woman may wash her head on a Sunday and undergo immersion on the following Wednesday, since similarly she³⁶ is allowed to wash her head³⁷ on a Friday³⁴ and undergo immersion in the night following a festival that occurred on a Sunday. A woman may wash her head on a Sunday and undergo immersion on the following Thursday, since similarly she may wash her head on a Friday and undergo immersion in the night following the two festival days of the New Year that happened to fall immediately after a Saturday. R. Hisda, however, stated: In all these cases³⁸ we rule as mentioned³⁹ but we do not draw the inference of 'since similarly'; for where [the avoidance of an interval] is possible an interval must be avoided,⁴⁰ and

only where this is impossible⁴¹ may an interval be allowed.⁴² R. Yemar, however, stated: We may even draw the inferences of 'since similarly'⁴³ except in the case where a woman is permitted to wash her head on a Sunday and undergo immersion on the following Thursday, for the parallel of the night following the two festival days of the New Year that happened to fall immediately after a Saturday does not hold, since it is possible for the woman to wash her head and undergo immersion in the same night.⁴⁴ Meremar in his discourse laid down: The law is in agreement with R. Hisda⁴⁵ but⁴⁶ in accordance with the interpretation of R. Yemar.⁴⁷

The question was raised: May a woman wash her head at night⁴⁸ and perform immersion the same night?⁴⁹ — Mar Zutra forbids this, but R. Hinena of Sura permits it. Said R. Adda to R. Hinena of Sura:⁵⁰ Did not the following incident⁵¹ actually occur⁵² to the wife of the exilarch Abba Mari? She having had some quarrel⁵³ R. Nahman b. Isaac proceeded to pacify her, and when she said to him, 'What is the hurry now?'⁵⁴

- (1) Which cannot be tied very closely.
- (2) Though they were knotted.
- (3) Debar Torah, lit., 'the word of the (oral) law'.
- (4) One's hair.
- (5) When each single hair is knotted.
- (6) Sc. while traditional law restricts a disqualifying interposition to (a) its extension over the major part of one's hair and (b) the man's objection to it, the Rabbis regard (a) without (b) or (b) without (a) also as a disqualifying interposition.
- (7) Both cases involving a lesser part.
- (8) The one forbidding an interposition over the lesser part to which one objects.
- (9) Lit., 'we shall arise
- (10) Certainly not.
- (11) On the seventh day.
- (12) Before nightfall the seven prescribed unclean days have not been completed.
- (13) On the eighth day.
- (14) Cf. prev. n. but one mut. mut.
- (15) Not knowing the difference between an immersion on the seventh and one on the eighth she, following the example of her mother on an eighth day, would perform immersion in the day time on a seventh also.
- (16) Instead of the night following the seventh day.
- (17) That the woman might encounter at night.
- (18) So with old edd. and Maharsha. Cur. edd., Raba.
- (19) Who were men of doubtful morality. Aliter: Dangerous caverns on the road to the ritual bath.
- (20) MS.M., Papi.
- (21) So with Alfasi and Bomb, ed. Cur. edd. insert 'and to Abaye'.
- (22) Who must allow seven clean days to pass before they can attain cleanness,
- (23) As in the case of a zabah
- (24) And should one happen to be no zabah but a menstruant her uncleanness had in fact terminated seven days earlier.
- (25) Lev. XV, 28.
- (26) Of counting the seventh day, even before the day had ended.
- (27) On performing immersion.
- (28) Of cleanness. She might have intercourse on that day and experience a discharge subsequently before its termination, in which case her counting as well as her immersion must be deemed invalid, and her intercourse has thus taken place during a period of doubtful cleanness.
- (29) About to undergo immersion.
- (30) Lit., 'on the first day of the week'.
- (31) Sc. an interval of a day may be allowed between the washing of her head and her immersion.
- (32) Whose immersion is due on a Saturday night.
- (33) An act forbidden on a Saturday which is the Sabbath day. This question is asked on the view that the washing of the head may not be performed on the same night as the immersion, v. infra.

- (34) Lit., 'Sabbath eve'.
- (35) Lit., at the goings out of the Sabbath'. As an interval of one day must inevitably be allowed in this case (cf. prev. mn.) it is also allowed where the interval is merely a matter of the woman's convenience.
- (36) Whose immersion is due on the termination of a festival day that fell on a Sunday.
- (37) An act forbidden on a festival day.
- (38) Where immersion is due on a night that followed a Sabbath or a festival day on which the washing of one's head is forbidden.
- (39) That an interval of a day or more is permitted between the time of the washing of the head and immersion.
- (40) Lit., 'possible'.
- (41) As in the cases where the days preceding the nights of immersion are ones on which the washing of the head is forbidden.
- (42) Lit., 'it is not possible'.
- (43) Sc. an interval may be allowed even on account of a woman's personal convenience, since she is allowed a similar interval when the day preceding the night of her immersion is one on which it is forbidden to wash one's head.
- (44) The one following the second festival day of the New Year. Had she been allowed to wash her head on the preceding Friday the interval between the washing and the immersion would have been too long; hence it is preferable that the washing be done in the same night as the immersion. As a long interval of three day is not allowed even in such a case, where the washing of the head on the day preceding the night of the immersion is impossible, it cannot be allowed, with much more reason, where the interval is no necessity but a matter of convenience.
- (45) That 'we do not draw the inference of since similarly' and that, consequently, no interval for the sake of a woman's personal convenience may be allowed between the washing of her head and her immersion.
- (46) Though R. Hisda allows an interval where the day preceding the immersion is one on which labour is forbidden.
- (47) Who allows the interval only in the first two cases but not in the third case where the immersion is due on the termination of the New Year festival that happened to fall on a Sunday and a Monday.
- (48) The night in which her immersion is due.
- (49) Is she, it is asked, likely to pay scant attention to the former on account of her hurry to get through with her immersion?
- (50) Var. lec., R. Adda of Sura to Mar Zutra (Bah).
- (51) Which proves that washing the head and immersion may take place the same night.
- (52) Lit., 'was not thus the incident'.
- (53) With her husband, as a result of which she refused to perform immersion.
- (54) At night.

Talmud - Mas. Nidah 68a

There will be time enough to-morrow', he understood what she meant¹ and retorted, 'Are you short of kettles? Are you short of buckets?² Are you short of servants?''³

Raba delivered the following discourse: A woman may wash her head on the Sabbath eve⁴ and perform immersion at the termination of the Sabbath.⁵ Said R. Papa to Raba: But did not Rabin send in his letter the message that 'a woman must not wash her head on the Sabbath eve and perform immersion at the termination of the Sabbath'? And, furthermore, is it not surprising to yourself that a woman should be allowed to⁶ wash her head in the day time and perform immersion at night seeing that it is required that immersion should follow immediately after the washing of the head, which is not the case here? Raba subsequently appointed an amora⁷ in connection with this matter and delivered the following discourse: The statement I made to you is an erroneous one,⁸ but in fact it was this that was reported in the name of R. Johanan, 'A woman may not wash her head on the Sabbath eve and perform immersion at the termination of the Sabbath'; and, furthermore, it would be surprising that a woman should be allowed to⁶ wash her head in the day time and perform immersion at night seeing that it is required that immersion should closely follow the washing of the head, which would not be the case here. But the law is that a woman may wash her head in the day time and perform immersion at night. And the law is that a woman may wash her head at night only.⁹ But

does not a contradiction arise between the one law and the other? — There is no contradiction: The former refers to a case where washing in the day time is possible while the latter refers to one where this is impossible.¹⁰

MISHNAH. IF A MENSTRUANT EXAMINED HERSELF ON THE SEVENTH DAY¹¹ IN THE MORNING AND FOUND HERSELF TO BE CLEAN, AND AT TWILIGHT¹² SHE DID NOT ASCERTAIN HER SEPARATION,¹³ AND AFTER SOME DAYS SHE EXAMINED HERSELF AND FOUND THAT SHE WAS UNCLEAN, BEHOLD SHE IS¹⁴ IN A PRESUMPTIVE STATE OF CLEANNESS.¹⁵ IF SHE EXAMINED HERSELF ON THE SEVENTH DAY¹⁶ IN THE MORNING AND FOUND THAT SHE WAS UNCLEAN, AND AT TWILIGHT¹⁷ SHE DID NOT ASCERTAIN HER SEPARATION,¹³ AND AFTER A TIME SHE EXAMINED HERSELF AND FOUND THAT SHE WAS CLEAN, BEHOLD SHE IS¹⁴ IN A PRESUMPTIVE STATE OF UNCLEANNESS.¹⁸ SHE¹⁹ CONVEYS, HOWEVER, UNCLEANNESS FOR TWENTY-FOUR HOURS RETROSPECTIVELY OR DURING THE TIME BETWEEN THE LAST AND THE PREVIOUS EXAMINATION, BUT IF SHE HAD A SETTLED PERIOD, IT SUFFICES FOR HER TO BE DEEMED UNCLEAN FROM THE TIME OF HER DISCHARGE. R.²⁰ JUDAH RULED: ANY WOMAN WHO DID NOT,²¹ FOLLOWING THE AFTERNOON, ASCERTAIN HER SEPARATION TO A STATE OF CLEANNESS IS REGARDED AS BEING IN A PRESUMPTIVE STATE OF UNCLEANNESS.²² BUT THE SAGES RULED: EVEN IF SHE EXAMINED HERSELF ON THE SECOND DAY OF HER MENSTRUATION AND FOUND THAT SHE WAS CLEAN, AND AT TWILIGHT SHE DID NOT ASCERTAIN HER SEPARATION, AND AFTER A TIME SHE EXAMINED HERSELF AND FOUND THAT SHE WAS UNCLEAN, SHE IS REGARDED AS BEING IN A PRESUMPTIVE STATE OF CLEANNESS.²³

GEMARA. It was stated: Rab ruled: She²⁴ is a certain zabah, but Levi ruled: She is a doubtful zabah. What do they refer to? If it be suggested: To the first clause [it could be objected]: Was it not stated, BEHOLD SHE IS IN A PRESUMPTIVE STATE OF CLEANNESS? If, on the other hand, they refer²⁵ to the final clause,²⁶ one can well see the logic of regarding the woman²⁷ as a doubtful zabah,²⁸ but why also²⁹ a certain zabah seeing that she has examined herself and found that she was clean?³⁰ The fact is that when the statements of Rab and Levi were made they were given as independent rulings:³¹ If a menstruant examined herself on the seventh day in the morning and found that she was unclean, and at twilight she did not ascertain her separation, and after some days she examined herself and found that she was unclean, Rab ruled: She is a certain zabah, but Levi ruled: She is a doubtful zabah. ‘Rab ruled: she is a certain zabah’, since she was previously found to be unclean and now also she was found to be unclean, she must be definitely unclean. ‘But Levi ruled: She is a doubtful zabah’, because it might be assumed that the discharge may have been discontinued in the intervening time.

(1) Viz., that she had not washed her head before nightfall.

(2) Tashteke. Aliter: Bath chairs. Aliter: Combs.

(3) To bring, and warm up the water. This proves that the washing of the head may take place the same night.

(4) Friday.

(5) Saturday night.

(6) Lit., ‘and wonder at yourself how’.

(7) To expound and clarify his discourse to the public.

(8) Lit., ‘they ate an error in my hand’.

(9) Sc. immediately before immersion.

(10) Where, for instance, immersion is due on a night that follows a Sabbath or a festival day.

(11) After her first discharge, sc. on the last day of her seven days period of menstruation.

(12) When the prescribed menstruation period terminates.

(13) Lit., ‘she did not separate’, sc. did not examine herself to make sure of the separation of her clean, from her unclean

days.

(14) In regard to the days intervening between the seventh and the one on which she found herself unclean.

(15) It being assumed that the discharge did not occur before the moment she had discovered it. All clean things which she handled between the time of her immersion (on the night following the seventh day) and the time of her last examination are consequently regarded as clean.

(16) After her first discharge, sc. on the last day of her seven days' period of menstruation.

(17) When the prescribed menstruation period terminates.

(18) Since she was known to be unclean on the seventh day and at its twilight she did not ascertain that the discharge had ceased.

(19) In the case dealt with in the first clause.

(20) V. margl. gl. Cur. edd., 'and R.'

(21) On the seventh day.

(22) Even though she examined herself earlier in the day and found that she was clean.

(23) The examination on the second day being sufficient to establish a presumptive cleanness.

(24) This is explained presently.

(25) Lit., 'but'.

(26) SHE EXAMINED HERSELF . . . IN THE MORNING AND FOUND THAT SHE WAS UNCLEAN AND AT TWILIGHT SHE DID NOT ASCERTAIN HER SEPARATION.

(27) According to Levi.

(28) Since on the seventh day in the morning she was still unclean and since at twilight of that day it was not ascertained that she was clean, it may well be suspected that there was a discharge on the eighth, ninth and tenth in consequence of which she would become a zabah.

(29) According to Rab.

(30) In consequence of which it might justifiably be assumed that as she was now found clean she was also clean previously.

(31) Not in connection with our Mishnah.

Talmud - Mas. Nidah 68b

Levi also taught the same ruling in a Baraita: After these days¹ irrespective of whether she examined herself and found that she was clean or whether she examined herself and found that she was unclean, behold she is to be regarded as a doubtful zabah.

SHE CONVEYS, HOWEVER, UNCLEANNESS FOR TWENTY-FOUR HOURS RETROSPECTIVELY. Must it be conceded that this² represents an objection against a view of Raba, since Raba stated: This³ tells that⁴ a woman during the days of her zibah does not⁵ cause twenty-four hours retrospective uncleanness? — But was not an objection against Raba raised once before?⁶ - It is this that we meant: Must it be conceded that an objection may be raised against Raba from this Mishnah also? — Raba can answer you: When it was stated, SHE CONVEYS, HOWEVER, UNCLEANNESS FOR TWENTY-FOUR HOURS RETROSPECTIVELY, the reference was to the beginning of this chapter, viz., to a girl who observed a discharge while she was still in her father's house.⁷ As it might have been presumed that, since clean days intervened, the discharge should be regarded as one at the beginning of her menstruation and she⁸ should in consequence convey no retrospective uncleanness for twenty-four hours, hence we were informed [that she does].

BUT IF SHE HAS A SETTLED PERIOD. Must it be conceded that this⁹ presents an objection against the view of R. Huna b. Hiyya cited in the name of Samuel, since R. Huna b. Hiyya citing Samuel stated: This¹⁰ tells that a woman cannot establish for herself a regular period¹¹ during the days of her zibah? — R. Huna b. Hiyya can answer you: When we ruled that 'a woman cannot establish for herself a regular period during the days of her zibah' we meant that it is not necessary for her¹² to have a change of period three times for the purpose of abolishing a settled period because

we maintain that her blood is suspended; and, since her blood is suspended, IT SUFFICES FOR HER TO BE DEEMED UNCLEAN FROM THE TIME OF HER DISCHARGE.

R. JUDAH RULED. It was taught: They said to R. Judah, Had her hands been lying in her eyes¹³ throughout twilight you would have spoken well, but now, since it might be assumed that she experienced a discharge as soon as she removed her hands, what practical difference is there between the case where she ascertained her separation to a state of cleanness on the seventh day following the afternoon and that where she has ascertained her separation to a state of cleanness on the first day? 'On the first day'? Is there any authority who holds such a view?¹⁴ — Yes; and so it was taught: Rabbi stated, 'I once asked R. Jose and R. Simeon when they were underway: What is the law where a menstruant examined herself on the seventh day in the morning and found that she was clean, and at twilight she did not ascertain her separation,¹⁵ and after some days she examined herself and found that she was unclean? And they replied:¹⁶ Behold such a woman is in a presumptive state of cleanness. What, I asked, is the law where she examined herself on the sixth, fifth, fourth, third or second? And they replied: There is no difference. As regards an examination on the first day I did not ask, but it was a mistake on my part that I did not ask. For is she not on all these days in a state of presumptive uncleanness and yet as soon as the discharge ceased it is deemed to have completely ceased, so also in regard to the first day as soon as the discharge ceased it may be deemed to have ceased completely'.¹⁷ What view, however, did he¹⁸ hold at first?¹⁹ — [That the woman is unclean] since there is²⁰ the presumption of an open source.

MISHNAH. IF A ZAB AND A ZABAH²¹ EXAMINED THEMSELVES ON THE FIRST DAY²² AND FOUND THEMSELVES CLEAN AND ON THE SEVENTH DAY²² ALSO AND FOUND THEMSELVES CLEAN, BUT DID NOT EXAMINE THEMSELVES DURING THE OTHER, INTERVENING, DAYS, R. ELIEZER RULED: BEHOLD THESE ARE IN A PRESUMPTIVE CONDITION OF CLEANNES. R. JOSHUA RULED: THEY ARE ENTITLED [TO RECKON AS CLEAN] ONLY THE FIRST DAY AND THE SEVENTH DAY. R. AKIBA RULED: THEY ARE ENTITLED TO RECKON AS CLEAN THE SEVENTH DAY ALONE.²³

GEMARA. It was taught: Said R. Eliezer to R. Joshua, According to your view²⁴ you would be counting with interruptions; but did not the Torah state, After that she shall be clean,²⁵ 'after' meaning 'after all of them', implying that no uncleanness may intervene between them?²⁶ — Said R. Joshua to him: But do you not agree that a zab who²⁷ observed an emission of semen²⁸ or a nazirite who²⁹ walked under overshadowing branches or mural projections³⁰ counts with interruptions though the Torah said,³¹ But the former days shall be void?³² And R. Eliezer?³³ — All is well there³⁴ since the All Merciful has said,³⁵ So that he is unclean thereby,³⁶ implying that it renders void one day only.³⁷ And if the imposition of a restriction³⁸ be suggested, on account of the possibility of mistaking one uncleanness for another,³⁹ it could be retorted: A zab would not be mistaken for one who emitted semen. All is also well⁴⁰ with a nazirite who walked under overshadowing branches or mural projections, since Pentateuchally it is necessary⁴¹ that the [overshadowing] tent shall be a proper one and it is only the Rabbis who enacted the ruling⁴² as a preventive measure, and no one would mistake a Rabbinic law for a Pentateuchal one; but here,⁴³ if we were to take into consideration the possibility of a doubtful observation,⁴⁴ one might mistake this case for one of a certain observation.⁴⁵

It was taught: R. Jose and R. Simeon stated, The view of R. Eliezer is more feasible than that of R. Joshua, and the view of R. Akiba is more acceptable than those of all of them, but the halachah is in agreement with R. Eliezer.

The question was raised: If a zab or a zabah examined themselves on the first day⁴⁶ and on the eighth day⁴⁷ and found that they were clean while on the other days they did not examine themselves,

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- (1) Referred to in the second clause of our Mishnah (cf. prev. n. but five).
 - (2) The ruling that if after the passing of her menstruation period a woman found that she was unclean (the first clause in our' Mishnah) her uncleanness is retrospective for twenty-four hours (the third clause of our Mishnah which, as explained supra, is an interpretation of the first).
 - (3) The first clause of the second Mishnah supra 38b: Throughout all the eleven days a woman is in a presumptive state of cleanness.
 - (4) Since during the zibah period the menstrual flow is suspended.
 - (5) After the first discharge.
 - (6) Of course it was, supra 39a where the objection remained unsolved.
 - (7) Supra 64b. In such a case Beth Hillel ruled that intercourse is permitted all night, and to this our Mishnah adds that if the woman found subsequently that she was unclean, her uncleanness is retrospective for twenty-four hours.
 - (8) As a virgin who experienced a discharge for the first time.
 - (9) That IF SHE HAS A SETTLED PERIOD and she observed a discharge at that period in the days of her zibah, IT SUFFICES FOR HER TO BE DEEMED UNCLEAN FROM THE TIME OF HER DISCHARGE, It is now assumed that this ruling of our Mishnah referred to the case where AFTER SOME DAYS (viz., after the termination of the menstruation period and during one of zibah) SHE EXAMINED HERSELF AND FOUND THAT SHE WAS UNCLEAN.
 - (10) The first clause of the second Mishnah supra 38b: Throughout all the eleven days a woman is in a presumptive state of cleanness.
 - (11) Though menstruation began on the same date in three consecutive months.
 - (12) In the days of her zibah.
 - (13) Euphemism.
 - (14) That an examination whereby uncleanness was established on the first day has the same validity as one on the seventh day.
 - (15) From her state of uncleanness to that of cleanness.
 - (16) Lit., 'they said to me' (Emden). Cur. edd. 'they said to him'.
 - (17) A question as to the first day might consequently have elicited the same reply as the one concerning the other days mentioned.
 - (18) Rabbi.
 - (19) When he was reluctant to put the question to them.
 - (20) On the first day.
 - (21) Whose discharge has ceased.
 - (22) Of the prescribed seven days.
 - (23) Since it is possible that during the intervening days they have experienced a discharge which caused the counting of the previous days to be null and void.
 - (24) That the first and the seventh days are counted,
 - (25) Lev, XV, 28.
 - (26) How then could the five days that are presumably unclean be allowed to intervene?
 - (27) While he was counting, after the termination of his zibah, the prescribed number of seven days.
 - (28) Which renders him unclean for one day while on the following day he resumes his counting from the interrupted number.
 - (29) While counting the thirty days prescribed for him.
 - (30) Under which lay parts of a corpse. As the branches and the projections have the character of a doubtful 'tent' the nazirite is subject to uncleanness for one day only, and on the following one he continues his interrupted counting.
 - (31) Where a longer uncleanness interrupted the counting.
 - (32) Num, VI, 12.
 - (33) How in view of this argument of R. Joshua can he maintain his ruling?
 - (34) The case of a zab who emitted semen where an interrupted counting is allowed.
 - (35) About such an uncleanness.
 - (36) Lev. XV, 32, emphasis on the last word.
 - (37) Lit., 'its day'.

- (38) That interrupted counting should not be allowed,
 (39) And, as a result, such interrupted counting would also be allowed in the case of a discharge of zibah.
 (40) With the permission for interrupted counting.
 (41) If corpse uncleanness is to be conveyed by overshadowing.
 (42) That even an imperfect 'tent' conveyed uncleanness for one day.
 (43) The case discussed by R. Eliezer and R. Joshua.
 (44) On the days on which no examination took place; and, in consequence, those days would not be counted,
 (45) And, assuming that on the uncounted days the woman was definitely unclean, one would also allow interrupted counting in the case of the intervention of a certain uncleanness.
 (46) Of the seven that must be counted after a zibah before cleanness is attained.
 (47) Cf. prev. n. The eighth day is the one that follows the period of the seven prescribed days in which obviously it is not included.

Talmud - Mas. Nidah 69a

what is the law according to R. Eliezer.¹ Is it necessary² that an examination should take place both at the beginning and at the end of the prescribed days³ [hence this case is excluded]⁴ since there was one at the beginning only⁵ but not at the end,⁶ or is it possible that an examination at the beginning⁵ suffices although there was none at the end?⁶ — Rab replied: The law is the same in either case,⁷ an examination at the beginning sufficing although there was none at the end. R. Hanina, however, replied: It is necessary² that there be an examination both at the beginning and at the end⁸ [hence this case is excluded] since there was one at the beginning only but not at the end.

An objection was raised: But both hold the same opinion,⁹ where a zab and a zabah examined themselves on the first day and on the eighth day and found themselves clean, that they may count the eighth day only as clean.¹⁰ Now who are referred to in the expression 'both hold the same opinion'? Is it not R. Eliezer and R. Joshua?¹¹ — No; R. Joshua and R. Akiba.¹²

R. Shesheth citing R. Jeremiah b. Abba who had it from Rab stated: If a menstruant has ascertained her separation to a state of cleanness on her third day,¹³ she may count it in the number of the seven clean days.¹⁴ 'A menstruant'! What need has she for counting?¹⁵ — Rather read: If a zabah has ascertained her separation to a state of cleanness on her third day,¹³ she may count it in the number of the seven clean days.¹⁴ Said R. Shesheth to R. Jeremiah b. Abba: Did then Rab pronounce his ruling in agreement with the view of the Samaritans who ruled that the day on which a woman ceases to have her discharge may be counted by her in the number of the prescribed seven days?¹⁶ — When Rab spoke he meant: Exclusive of the third day.¹⁷ But if 'exclusive of the third day' is not the ruling obvious? — The ruling was necessary only in a case, for instance, where the woman¹⁸ did not examine herself until the seventh day,¹⁹ so that²⁰ we were informed there²¹ that an examination at the beginning²² suffices although there was none at the end,²³ while here²⁴ we were informed that an examination at the end²³ suffices²⁵ even though there was none at the beginning.²² As it might have been presumed that only where there was an examination at the beginning,²² though there was none at the end,²³ do we assume [the days to be clean], because we regard them as remaining in their presumptive state,²⁶ but not where the examination was held at their conclusion²³ and²⁷ not at their beginning,²² hence we were informed [that in either case the days are regarded as clean]. But can this²⁸ be correct seeing that²⁹ when Rabin came³⁰ he stated, 'R. Jose b. Hanina raised an objection [from a Baraitha dealing with] a forgetful³¹ woman but I do not know what his objection was', and³² we have an established rule that during the first week of her appearance before us we require her to undergo immersion in the nights³³ but we do not require her to undergo immersion in the day time. Now if it could be entertained that it is not necessary that the days³⁴ be counted in our presence, she³⁵ should have been made to undergo immersion in the day time also, since it is possible that she gave birth during a zibah period and had completed the counting on that day. Must it not consequently be inferred from the ruling that it is necessary for the counting to take place in our

presence?³⁶ — But have we not explained this ruling to be in agreement with the view of R. Akiba who ruled that it was necessary for the counting to take place in our presence?³⁷ — And whence do you infer that according to the Rabbis it is not necessary for the counting to take place in our presence? — From what was taught:³⁸ ‘If a forgetful³⁹ woman stated, "I observed some uncleanness on a certain day",⁴⁰ she⁴¹ is expected to undergo nine immersions, seven⁴² in respect of menstruation⁴³ and two⁴⁴ in respect of zibah.⁴⁵ If she states, "I observed some uncleanness at twilight", she is to undergo eleven immersions’. ‘Eleven’! For what purpose?⁴⁶ — R. Jeremiah of Difti replied: This is a case, for instance, where the woman⁴⁷ actually appeared before us at twilight,⁴⁸ so that provision has to be made for⁴⁹ eight immersions in respect of menstruation⁵⁰ and for three in respect of zibah.⁵¹ ‘If she states, "I observed no discharge whatsoever", she is to undergo fifteen immersions’.⁵² Raba observed: ‘This kind of law that is a negation of all reason⁵³ is in vogue at Galhi where there is a law that one who owns a bull must feed the town's cattle one day while one who owns no bull must feed them on two days. Once they had occasion to deal with⁵⁴ an orphan the son of a widow. Having been entrusted with the bulls [to feed] he proceeded to kill them, saying to the people, "He who owned a bull shall receive one hide and he who owned no bull shall receive two hides". "What", they said to him, "is this that you say?" "The conclusion of this process", he answered them, "follows the same principle as the beginning of the process. Was it not the case with the beginning of this process that one who owned nothing was better off? Well, at the conclusion of the process too, one who owned nothing is better off". Here also: If where a woman states, "I observed a discharge", it suffices for her to undergo either nine immersions or eleven immersions,⁵⁵ should it be necessary for her, where she states, "I observed no discharge whatsoever", to undergo fifteen immersions?’ — Rather read thus: If she states, ‘I observed a discharge and I do not know how long it continued⁵⁶ and whether I observed it during a menstruation period or a zibah one’, she is to undergo fifteen immersions. For if she appeared before us in the day-time we allow her seven days in respect of menstruation⁵⁵

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- (1) Who, in the case of an examination on the first and the seventh, regards all the seven days as clean.
 - (2) If the seven days are to be regarded as clean.
 - (3) Lit., ‘their beginning and their end’.
 - (4) And the days are regarded as unclean,
 - (5) On the first of the seven days.
 - (6) On the seventh day, the examination having taken place on the eighth.
 - (7) Lit., ‘it it’, the seven days are regarded as clean in both cases.
 - (8) Lit., ‘their beginning and their end’.
 - (9) Lit., ‘and equal’.
 - (10) Lit., ‘that they have only the eighth day’.
 - (11) Who agree in this case with R. Akiba though they differ from him where the examination took place on the first and the seventh. How then could Rab maintain his view on the ruling of R. Eliezer?
 - (12) But R. Eliezer maintains, as Rab stated, that since the examination on the first day proved the person to be clean all the seven days also are regarded as clean.
 - (13) Since her discharge first appeared.
 - (14) Sc. the clean days may begin to be counted from that day.
 - (15) None, since a menstruant becomes clean after seven days irrespective of whether these were clean or not.
 - (16) Supra 33a.
 - (17) The counting beginning from the following day.
 - (18) Though her discharge ceased on the third day.
 - (19) So that the beginning of the counting was not in a condition of ascertained cleanness.
 - (20) Rab adopting two relaxations of the law.
 - (21) Where Rab stated that R. Eliezer holds the woman clean if she examined herself on the first and the eighth.
 - (22) On the first day.
 - (23) On the seventh.
 - (24) In the last cited ruling of Rab.

- (25) To justify the assumption that all the six preceding days were also clean,
- (26) Which, owing to the examination, was known to be one of cleanness.
- (27) Lit., 'although'.
- (28) Rab's ruling that it is not necessary to make sure that each of the seven days individually has been a clean one,
- (29) Lit., 'I am not, for surely'.
- (30) From Palestine to Babylon,
- (31) Lit., 'erring'.
- (32) So with Bah. Cur. edd. 'for'.
- (33) Since of each night it might be said that it is the one following the seventh day of the period of uncleanness prescribed after the birth of a male child.
- (34) Following zibah.
- (35) Since a zabah undergoes immersion on her seventh clean day.
- (36) Apparently it must; and thus an objection arises against Rab.
- (37) And, since the Rabbis differ from R. Akiba, Rab may follow their view.
- (38) V. marg. glos. Cur. edd., 'for we learnt'.
- (39) Lit., 'erring'.
- (40) But she is unable to say whether it happened on the same, or on any other day, or whether that day was one of the days of her menstruation or of her zibah.
- (41) In order to perform the precept of immersion at the proper time and at the earliest possible moment.
- (42) On the following seven nights, if she arrived in the day time.
- (43) V. supra p. 482, n. 12.
- (44) In the day time.
- (45) On the first day of her arrival she must undergo immersion since it is possible that the previous day was one of her zibah period and her discharge appeared that day (a woman who experienced a discharge on one of the days of her zibah period awaits one day, viz., the following one, and on that day she undergoes immersion in the day time). On the second day of her arrival she again undergoes immersion for a similar reason, since it is possible that the day on which her discharge had appeared was not the previous one but the day of her arrival. On the third day no immersion is necessary since it is certain that on the second there was no discharge.
- (46) Sc. why should more immersions be required in this case, where she states that her discharge took place at twilight, than in the former where she does not specify the time of day.
- (47) Who did not merely state during the day that her discharge took place at twilight.
- (48) And stated that her discharge occurred either earlier or possibly at that very moment when it is doubtful whether it was day or night.
- (49) Lit., 'and they are'.
- (50) In addition to the seven immersions as in the former case (beginning on the night that followed the twilight at which she arrived) there must be one on the eighth night because it is possible that her discharge took place actually at the twilight of her arrival which was part of the following night, so that the menstruation period did not terminate until the seven following days have passed and her cleanness is attained by her immersion on the last, which is the eighth night after her arrival.
- (51) She performs the first two immersions for the same reason as in the former case, since it is possible that her discharge in zibah took place on the day prior to her arrival (so that immersion must be performed immediately at the twilight when she arrived) or on that day (so that immersion has to be performed on the following day). She must also undergo immersion on the third day since it is possible that the discharge occurred at the twilight at which she arrived and that that time was a part of the night, so that she was unclean on the day following, and having waited the second day she becomes clean on the third when the immersion is performed.
- (52) This is discussed presently.
- (53) Lit., 'this law that is no law'.
- (54) Lit., 'it happened to them'.
- (55) As explained supra.
- (56) Sc. whether it appeared on one day only or on three days.

Talmud - Mas. Nidah 69b

and eight in respect of zibah;¹ and if she appeared before us at night we allow her eight in respect of menstruation² and seven in respect of zibah.³ But does not menstruation require eight days?⁴ — Rather say: In either case⁵ seven in respect of menstruation and eight in respect of zibah. But if she appeared at night, does she not require⁴ eight in respect of menstruation?⁶ — In respect of zibah where the number of immersions is fixed, since it does not vary whether she appeared before us in the day time or at night, [the eighth immersion] was counted, but in respect of menstruation where the number is not fixed, for only where she appeared before us at night does she require eight immersions while if she appeared before us in the day time she does not require eight [the eighth immersion] was not counted. Now, if it could be entertained that it is necessary for all the counting to take place in our presence, what need is there⁷ for all these immersions?⁸ Should she not rather count the seven days and then undergo immersion?⁹ Consequently it may be inferred from here that¹⁰ it is the Rabbis¹¹ who hold that it is not necessary for the counting to take place in our presence.¹² Said R. Aha son of R. Joseph to R. Ashi, Have we not had recourse to explanations of this ruling?¹³ Explain it then in the following manner and read thus: If a woman states, ‘I counted¹⁴ and know not how many days I counted and whether I counted them during the period of menstruation or during that of zibah’, she is to undergo fifteen immersions.¹⁵ But if she stated, ‘I counted and know not how many days I counted’, it is at any rate impossible that she should not have counted one day, at least, is she then not short of one immersion?¹⁶ Rather read: If she states, ‘I know not whether I did or did not count’.¹⁷

MISHNAH. IF A ZAB, A ZABAH, A MENSTRUANT, A WOMAN AFTER CHILDBIRTH OR A LEPPER HAVE DIED [THEIR CORPSES] CONVEY UNCLEANNES BY CARRIAGE¹⁸ UNTIL THE FLESH HAS DECAYED. IF AN IDOLATER HAS DIED HE CONVEYS NO UNCLEANNES.¹⁹ BETH SHAMMAI RULED: ALL WOMEN DIE AS MENSTRUANTS;¹⁸ BUT BETH HILLEL RULED: A WOMAN²⁰ CANNOT BE REGARDED AS A MENSTRUANT UNLESS SHE DIED WHILE SHE WAS IN MENSTRUATION.

GEMARA. What is the meaning of BY CARRIAGE? If it be suggested: By actual carriage, [the objection would arise:] Does not in fact every corpse convey uncleanness by carriage?²¹ — Rather say that BY CARRIAGE means²² through a heavy²³ stone,²⁴ for²⁵ it is written, And a stone was brought, and laid²⁶ upon the mouth of the den.²⁷ What is the reason?²⁸ — Rab replied: This²⁹ is a preventive measure against the case where they³⁰ swoon.³¹ One taught: In the name of R. Eliezer it was stated, This possibility must be taken into consideration until his stomach bursts.

IF AN IDOLATER HAS DIED etc. It was taught: Rabbi stated, On what ground did they rule that if an idolater has died he conveys no uncleanness by carriage? Because his uncleanness when alive³² is not Pentateuchal, but Rabbinical.

Our Rabbis taught: Twelve questions did the Alexandrians address to R. Joshua b. Hananiah.³³ Three were of a scientific nature,³⁴ three were matters of aggada, three were mere nonsense and three were matters of conduct.³⁵

‘Three were of a scientific nature’: If a zab, a zabah, a menstruant, a woman after childbirth or a leper have died, how long do their corpses convey uncleanness by carriage? He replied: Until the flesh has decayed. Is the daughter of a woman that was divorced and remarried by her first husband³⁶ allowed to marry a priest? Do we say that this might be inferred a minori ad majus: If the son of a widow who was married to a High priest, who is not forbidden to all,³⁷ is nevertheless tainted,³⁸ how much more so the offspring of her³⁹ who is forbidden to all;⁴⁰ or is it possible to refute the argument, thus: The case of a widow married to a High Priest is different because she herself is profaned?⁴¹ He replied:

- (1) Because each of the eight days might be the last of the seven clean days that followed a zibah discharge that had extended over three days. No immersion is necessary on the ninth day because even if the very day of the woman's arrival had been the last of the three days on which her zibah discharge had been making its appearance seven clean days have elapsed since that day.
- (2) On the first night of her arrival and on the following six nights immersion is necessary because each might be the night following the seventh day, while on the eighth immersion is required on account of the possibility of the discharge having appeared on the very night of her arrival which caused the day following to be regarded as the first of the prescribed seven days of menstruation.
- (3) This is discussed presently.
- (4) As explained supra.
- (5) Whether the woman arrived at night or in the day time.
- (6) Of course she does.
- (7) In respect of zibah,
- (8) That the woman is expected to perform in the day time.
- (9) But not before; since even if her seven clean days have terminated she, owing to her neglect of examining herself, is not fit for immersion,
- (10) As submitted supra 69a.
- (11) Who differ from R. Akiba.
- (12) And Rab in his ruling supra follows their view.
- (13) We had; since in the absence of explanations it bristles with difficulties,
- (14) Sc. she examined herself on certain days and ascertained that she was then clean.
- (15) As explained supra.
- (16) Obviously she is; why then was the number given fifteen and not fourteen?
- (17) So that it is possible that she did not count even one clean day.
- (18) This is discussed in the Gemara infra.
- (19) Lit., 'clean from causing uncleanness'.
- (20) Who died.
- (21) Of course it does; why then did our Mishnah restrict it to the classes specified?
- (22) Lit., 'but what by carriage'.
- (23) Mesamma, lit., 'closing' (cf. foll. n.).
- (24) One used for closing up a pit. If the corpse lay on such a heavy stone, and certain objects rested under it, the latter contract the uncleanness though the weight of the corpse can hardly be perceptible.
- (25) The following explains the etymology of mesamma ('heavy').
- (26) Wesumath, a word of a sound similar to mesamma (v. prev. n. but two).
- (27) Dan. VI, 18.
- (28) Why the corpses enumerated in our Mishnah convey uncleanness through the stone mentioned while others do not.
- (29) The enactment that the corpses enumerated in our Mishnah shall convey uncleanness even through a heavy stone.
- (30) The persons mentioned.
- (31) As such persons when alive, if they sit on such a stone, convey uncleanness to objects under it, in accordance with Pentateuchal law, a Rabbinic enactment has imposed a similar restriction when they are dead in case they might be merely in a swoon and mistaken for a corpse. Were the objects to be deemed clean in 'the case of a corpse they might erroneously be deemed clean even when the person is alive.
- (32) Through zibah, for instance.
- (33) V. marg. glos. and Bomb. ed. Cur. edd., 'Hinena'.
- (34) Halachah,
- (35) Lit., 'the way of the earth', worldly affairs.
- (36) After she had been married and divorced by a second husband. Such a marriage is forbidden according to Deut. XXIV, 1-4.
- (37) A widow being forbidden to a High Priest only (v. Lev. XXI, 14).
- (38) Though not actually a bastard he would be, if of priestly stock, disqualified from the priesthood.
- (39) A remarried divorcee after she had been married and divorced by another man.
- (40) Non-priests as well as priests.

(41) If the High Priest to whom she was unlawfully married dies she may not marry even a common priest, and if she was a priest's daughter she is henceforth forbidden to eat terumah. No such restrictions are imposed on the woman who was remarried after her divorcement.

Talmud - Mas. Nidah 70a

She is an abomination,¹ but her children are no abomination. If the sacrifices of two lepers were mixed up and after the sacrifice of one of them was offered² one of them died, what is to be done about the other?³ He replied: He assigns⁴ his possessions to others so that he becomes a poor man and then⁵ brings a bird sin-offering which may be brought⁶ even in a case of doubt. But is there not also a guilt-offering?⁷ — Samuel replied: This⁸ applies only where his guilt-offering had been duly offered.⁹ R. Shesheth observed: A great man like Samuel should say such a thing! In agreement with whose view [could his answer¹⁰ have been given]? If in agreement with that of R. Judah¹¹ [the difficulty arises:] Did he not state that¹² the guilt-offering¹³ determines a person's status,¹⁴ so that since the guilt-offering determined for him¹⁵ a status of wealth he could no longer bring a sin-offering in the state of poverty? For we have learnt, 'If a leper brought the sacrifice of a poor man¹⁶ and then¹⁷ became rich or if he brought that of a rich man¹⁸ and became poor, all depends¹⁹ on²⁰ the sin-offering;²¹ so R. Simeon. R.²² Judah ruled: All depends on the guilt-offering.²³ R. Eliezer b. Jacob ruled: All depends on the birds'.²⁴ And if [Samuel has given his answer] in agreement with the view of R. Simeon who ruled that the sin-offering²⁵ determines the man's status,²⁶ why should he not bring another sacrifice²⁷ even where the guilt-offering had not been offered,²⁸ for, surely, we have heard R. Simeon say, 'Let him bring one and make his stipulation'; for it was taught: R. Simeon ruled,²⁹ On the morrow³⁰ he brings his guilt-offering and its log³¹ with it, places it at the Nikanor gate³² and pronounces over it the following stipulation: If he is a leper, behold his guilt-offering and its log³¹ with it, and if he is not, let this guilt-offering be a freewill peace-offering. Now this guilt-offering³³ is

(1) Deut. XXIV, 4, dealing with a remarried divorcee. Emphasis on 'she'

(2) It being unknown whose sacrifice it was.

(3) The survivor. Sc. how is he to attain cleanness? He cannot bring the second sacrifice, since it may possibly be the one that belonged to the dead man and a sin-offering whose owner is dead may not be offered upon the altar; and he cannot bring a new sacrifice, since it is possible that the one that was already offered was his so that he is now exempt from bringing any other sacrifice and the new one he would bring would have no sanctity and, as an unconsecrated animal, is forbidden to be brought into the Temple court.

(4) Lit., 'writes'.

(5) Exercising the privilege of the poor.

(6) Into the Temple.

(7) Which a leper whether rich or poor, must bring. Of course there is. Now since the sacrifice (presumably both the sin- and the guilt-offerings) were mixed up, how can he bring an animal as a guilt-offering in a case of doubt?

(8) R. Joshua's ruling.

(9) Before the other leper died.

(10) 'Where his guilt-offering had been duly offered'

(11) Who, holding that a guilt-offering may not be brought conditionally, could find no remedy for the leper if his guilt-offering had not been offered up before.

(12) Cf. marg. n., Rashi and Bomb. ed. Cur. edd., 'for he said'.

(13) The first of the three sacrifices which a leper must bring at the termination of his uncleanness.

(14) Sc. if at that time he was rich or poor his other two sacrifices must be those prescribed for a rich or poor man respectively, irrespective of whether at the time he brings the latter his condition has changed from wealth to poverty or from poverty to wealth.

(15) Lit., 'for itself', dative of advantage.

(16) A bird.

(17) Before bringing his burnt-offering, the last of the prescribed sacrifices.

- (18) A ewe-lamb.
- (19) As regards the burnt-offering.
- (20) Lit., 'follows'.
- (21) Cf. p. 488, n. 15 mut. mut.
- (22) V. marg. n. Cur. edd. 'and R.'
- (23) Cf. p. 488, n. 15.
- (24) Which the leper brings seven days before the ritual cutting of his hair. His financial condition at that time determines whether the sacrifices he is to bring later are to be those of a rich man or of a poor man.
- (25) And not the guilt-offering.
- (26) So that even though the guilt-offering was brought when the man was rich he may still bring a poor man's sin-offering if he subsequently became poor.
- (27) As a conditional guilt-offering (v. infra).
- (28) And the adoption of this procedure would remove the necessity for Samuel to limit the case supra to one who had already brought his guilt-offering.
- (29) In the case of a doubtful leprosy.
- (30) The day following immersion on which the sacrifices have to be brought.
- (31) Of oil,
- (32) Of the Temple court. A leper is not permitted to enter into the court.
- (33) Being subject to the requirements of both guilt-offerings and peace-offerings.

Talmud - Mas. Nidah 70b

to be slain¹ in the north² and is subject to the requirements of application¹ in the thumbs,³ leaning,⁴ drink-offerings, waving⁵ and the presentation of the breast and shoulder to the priest.⁵ It may also be eaten by the priestly males on the same day and the following night;¹ but the Sages did not agree with R. Simeon because⁶ one might⁷ cause holy things⁸ to be brought into the place of disqualified sacrifices.⁹ — Samuel may hold the same view as R. Simeon in one respect¹⁰ while differing from him in another.¹¹

'Three were matters of aggada'; One verse says, For I have no pleasure in the death of him that dieth,¹² but another verse says, Because the Lord would slay them?¹³ — The former refers to those who are penitents while the latter refers to those who are not penitent. One verse says, who regardeth not persons,¹⁴ nor taketh reward,¹⁵ but another verse says, The Lord lift up his countenance upon thee?¹⁶ — The former refers to the time before sentence is passed while the latter refers to the time after the sentence has been passed. One verse says, For the Lord hath chosen Zion,¹⁷ but another verse says, For this city¹⁸ hath been to me a provocation of Mine anger and of My fury from the day that they built it even unto this day?¹⁹ The former applied to the time before Solomon married the daughter of Pharaoh while the latter applied to the time after Solomon married the daughter of Pharaoh.

'Three were mere nonsense': Does the wife of Lot²⁰ convey uncleanness? He replied: A corpse conveys uncleanness but no pillar of salt conveys uncleanness. Does the son of the Shunamite²¹ convey uncleanness?²² He replied: A corpse conveys uncleanness but no live person conveys uncleanness. Will the dead in the hereafter²³ require to be sprinkled upon²⁴ on the third and the seventh²⁵ or will they not require it? He replied: When they will be resurrected we shall go into the matter.²⁶ Others say: When our Master Moses will come with them.

'Three were concerned with matters of conduct': What must a man do that he may become wise? He replied: Let him engage much in study²⁷ and a little in business. Did not many, they said, do so and it was of no avail to them? — Rather, let them pray for mercy from Him to whom is the wisdom, for it is said, For the Lord giveth wisdom, out of His mouth cometh knowledge and discernment.²⁸ R. Hiyya taught: This²⁹ may be compared to the action of a mortal king who prepared for his

servants a banquet but to his friends he sent from that which he had before himself. What then³⁰ does he³¹ teach us?³² That one without the other³³ does not suffice. What must a man do that he may become rich? He replied: Let him engage much in business³⁴ and deal honestly. Did not many, they said to him, do so but it was of no avail to them? — Rather, let him pray for mercy from Him to whom are the riches, for it is said, Mine is the silver, and Mine the gold.³⁵ What then³⁶ does he³⁷ teach us?³⁸ — That one without the other³⁹ does not suffice. What must a man do that he may have male children? He replied: He shall marry a wife that is worthy of him

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- (1) As a guilt-offering.
 - (2) Of the altar.
 - (3) Cf. Lev, XIV, 17.
 - (4) As a peace-offering (cf. Lev. III, 2).
 - (5) As peace-offerings.
 - (6) By restricting the time of consumption to a day and a night.
 - (7) If some of the sacrificial meat remained after the day and the night (cf. prev. n.) have passed.
 - (8) Sc. this sacrifice which, in case the man was no leper, is a peace-offering that may be eaten on two days.
 - (9) Lit., 'the house of disqualification', the enclosure where disqualified sacrificial meat was burnt. Now since Samuel follows R. Simeon and the latter allows a conditional sacrifice why was it necessary for the former to explain (supra 70a) that the guilt-offering had been offered while the man was rich?
 - (10) That the guilt-offering of a leper does not determine his financial condition in regard to his other two sacrifices,
 - (11) Maintaining, contrary to R. Simeon's view, that a guilt-offering may not be offered up conditionally.
 - (12) Ezek. XVIII, 32.
 - (13) I Sam, II, 25.
 - (14) Heb. lo yissa panim, lit., 'shall not lift up the countenance',
 - (15) Deut. X, 17.
 - (16) Num. VI, 26.
 - (17) Ps. CXXXII, 13.
 - (18) Zion.
 - (19) Jer. XXXII, 31.
 - (20) Who became a pillar of salt (Gen. XIX, 26.).
 - (21) "Whom Elisha restored to life (II Kings IV, 35).
 - (22) As if he were still dead.
 - (23) At the resurrection.
 - (24) As is the case with one who was in contact with a corpse.
 - (25) Of the seven days that are to be counted after one had contracted corpse uncleanness.
 - (26) Lit., 'we shall be wise about them'.
 - (27) Lit., 'in sitting (in the schoolhouse)'.
 - (28) Prov. II, 6.
 - (29) The knowledge that is given 'out of His mouth'.
 - (30) Seeing that one has in any case to pray for mercy.
 - (31) Samuel who stated, 'Let him engage much' etc.
 - (32) Sc. what is the use of study if mercy from heaven must in any case be sought?
 - (33) Study without prayer and vice-versa.
 - (34) 'Engage . . . business' is deleted by Elijah Wilna.
 - (35) Hag. II, 8.
 - (36) Seeing that one has in any case to pray for mercy.
 - (37) Samuel who stated, 'Let him engage much' etc.
 - (38) Cf. prev. n. but five mut. mut.
 - (39) Honest dealing without prayer and vice versa.

and conduct himself in modesty¹ at the time of marital intercourse. Did not many, they said to him, act in this manner but it did not avail them? — Rather, let him pray for mercy from Him to whom are the children, for it is said, Lo, children are a heritage of the Lord; the fruit of the womb is a reward.² What then³ does he teach us? That one without the other does not suffice. What is exactly meant by ‘the fruit of the womb is a reward’? — R. Hama son of R. Hanina replied: As a reward for containing oneself during intercourse in the womb, in order that one's wife may emit the semen first, the Holy One, blessed be He, gives one the reward of the fruit of the womb.

BETH SHAMMAI RULED etc. What is Beth Shammai's reason? If it be suggested: Because it is written, And the queen was exceedingly pained,⁴ and Rab explained, ‘This teaches that she had experienced a menstrual discharge’, so that here also,⁵ owing to the fright of the angel of death, she experiences a discharge [it could be retorted]: Have we not in fact learnt that fear causes blood to disappear?⁶ — This is no difficulty since fear⁶ detains it while sudden fright⁷ loosens it. But [then what of] that which was taught,⁸ ‘Beth Shammai stated: All men die as zabs and Beth Hillel stated: No dying man is deemed to be a zab unless he died when he was actually one’, why⁹ should not one apply here¹⁰ the text, Out of his flesh¹¹ but not on account of a mishap?¹² — Beth Shammai's reason is rather as it was taught: Formerly they were wont to subject to ritual immersion all utensils that had been used by dying menstruants,¹³ but as living menstruants felt ashamed in consequence¹⁴ it was enacted that utensils used by all dying women should be subject to immersion,¹⁵ out of a deference to the living menstruants. Formerly they were wont to subject to ritual immersion utensils used by dying zabs,¹⁶ but as living zabs felt ashamed in consequence it was enacted that utensils used by all dying men¹⁷ should be subject to ritual immersion, out of deference to the living zabs.¹⁸

MISHNAH. IF A WOMAN DIED AND A QUARTER OF A LOG OF BLOOD ISSUED FROM HER, IT¹⁹ CONVEYS UNCLEANNESS AS A BLOODSTAIN²⁰ AND IT²¹ ALSO CONVEYS UNCLEANNESS BY OVERSHADOWING.²² R. JUDAH RULED: IT DOES NOT CONVEY UNCLEANNESS AS A STAIN, SINCE IT WAS DETACHED AFTER SHE HAD DIED.²³ R. JUDAH, HOWEVER, AGREES THAT WHERE A WOMAN SITTING ON THE TRAVAILING STOOL DIED AND A QUARTER OF A LOG OF BLOOD ISSUED FROM HER, IT²⁴ CONVEYS UNCLEANNESS AS A BLOODSTAIN.²⁰ R. JOSE RULED: HENCE²⁴ IT CONVEYS NO UNCLEANNESS BY OVERSHADOWING.²⁵

GEMARA. Does it then follow²⁶ that the first Tanna²⁷ holds that even though blood was detached after she died²⁸ it conveys uncleanness as a bloodstain?²⁹ — Ze'iri³⁰ replied: The difference between them³¹ is³² the question whether the interior of the uterus is unclean.³³ R. JUDAH, HOWEVER, AGREES. Does it then follow that the first Tanna³⁴ holds that it conveys uncleanness by overshadowing also?³⁵ — Rab Judah replied: The difference between them³⁶ is³⁷ the question of mingled blood,³⁸ for it was taught: What is meant by ‘mingled blood’?³⁹ R. Eleazar son of R. Judah explained: If blood issued from a slain man both while he was still alive and when he was dead and it is doubtful whether [a full quarter of a log] issued while he was still alive or when he was already dead or whether it partly issued while he was alive and partly while he was dead, such is mingled blood.³⁹ But the Sages⁴⁰ ruled: In a private domain such a case of doubt is unclean while in a public domain such a case of doubt is clean. What then is meant by ‘mingled blood’?³⁹ If a quarter of a log of blood issued from a slain man both while he was still alive and when he was dead and the flow had not yet ceased⁴¹ and⁴² it is doubtful whether the greater part⁴³ issued while he was alive and the lesser part when he was dead or whether the lesser part issued while he was alive and the greater part when he was dead, such is mingled blood.⁴⁴ R. Judah ruled: The blood of a slain man, from whom a quarter of a log of blood issued while he was lying in a bed with his blood dripping into a hole, is unclean, because the drop of death is mingled with it, but the Sages hold it to be clean⁴⁵ because⁴⁶

(1) Cf. Rashi. Lit., ‘and sanctify himself’.

(2) Ps. CXXVII, 3.

- (3) Seeing that one has in any case to pray for mercy.
- (4) Est. IV, 4,
- (5) The case of dying women spoken of in our Mishnah.
- (6) Supra 39a, Sot. 20b.
- (7) As was the case with Esther or with a dying woman who sees the angel of death.
- (8) So MS.M. Cur. edd., 'we have learnt'.
- (9) According to Beth Shammai, if in their opinion the discharge is due to the fright of the angel of death.
- (10) The discharge of a dying man.
- (11) Lev. XV, 2; only in that case is the man unclean.
- (12) In which case he is clean; and since a discharge that is due to the fright of the angel of death is evidently a mishap, why should the man be unclean?
- (13) Since uncleanness is conveyed from the person to the utensils.
- (14) For being differentiated from all other women even when dying.
- (15) Even though they did not come in contact with them after death.
- (16) V. p. 492, n. 12.
- (17) V. p. 492, n. 14.
- (18) Tosef. Nid. IX, M.K. 27b; from which it follows that the reason for the uncleanness of the utensils any dying person had used is a Rabbinical enactment instituted in deference to the feeling of living menstruants and zabs. This reason is also that of Beth Shammai in our Mishnah.
- (19) Sc. the minutest drop of the blood.
- (20) Of a menstrual discharge. As the blood of a corpse it could convey no uncleanness unless it consisted of no less a quantity than a quarter of a log.
- (21) If all the quarter-log is accumulated.
- (22) As the blood of a corpse.
- (23) When menstrual uncleanness does not apply.
- (24) Since it was detached while the woman was still alive.
- (25) Only a corpse or the prescribed minimum of a part of it conveys uncleanness in this manner.
- (26) From R. Judah's ruling.
- (27) From whom R. Judah obviously differs.
- (28) When menstrual uncleanness does not apply.
- (29) But on what ground could such a view be justified?.
- (30) So MS.M. Cur. edd. in parenthesis add, 'R.'
- (31) R. Judah and the first Tanna.
- (32) Not the point whether the blood is menstrual or not.
- (33) According to the first Tanna it is unclean, hence the uncleanness of the blood that was within it when the woman was alive though when it emerged the woman was dead and no longer subject to the uncleanness of menstruation. According to R. Judah it is clean.
- (34) With whom R. Judah agrees only on the one point mentioned. Rashi and Meharsha read 'R. Jose' for 'the first Tanna'.
- (35) But how could uncleanness be conveyed in this manner, seeing that the blood issued when the woman was still alive?
- (36) R. Judah and the first Tanna.
- (37) Not, as has been assumed, the question whether the blood is subject to corpse uncleanness.
- (38) Sc. the blood of a corpse mingled with that of a living person. According to R. Judah, since it is doubtful whether all the blood was detached while the woman was still alive or whether part of it was detached after she died, it is regarded as mingled blood which Rabbinically conveys uncleanness by overshadowing (though Pentateuchally it cannot do so unless the prescribed minimum had been detached after death), while the first Tanna (or R. Jose according to Rashi and Meharsha) maintains that, since the woman was in travail, all the blood that issued may be presumed to have been detached while she was alive so that the question of mingled blood does not arise.
- (39) The corpse uncleanness of which is Rabbinic, and is conveyed by overshadowing.
- (40) Maintaining that in such a case, since one must take into account the possibility that all the quarter of a log may have issued after death, a possible Pentateuchal uncleanness is involved.

(41) So that it is yet possible for the quantity of blood to increase to the prescribed minimum of a quarter of a log. Where the flow ceased, so that it is certain that the blood issuing after death will never make up the prescribed minimum, not even a Rabbinical prohibition is imposed (cf. Tosaf. Asheri).

(42) Though it is certain that a full quarter of a log of blood did not issue after death.

(43) Of the quarter.

(44) V. p. 494, n. 6.

(45) Even if the greater part issued after his death.

(46) Since the blood did not emerge in a continuous flow but in single drops.

Talmud - Mas. Nidah 71b

each single drop¹ is detached from the other.² But did not the Rabbis speak well to R. Judah?³ — R. Judah follows his own principle, for he laid down that no blood can neutralize other blood.⁴ R. Simeon ruled: If the blood of a man crucified upon the beam was flowing slowly⁵ to the ground, and a quarter of a log of blood was found under him, it is unclean.⁶ R. Judah declared it clean, since it might be held⁷ that the drop of death remained on the beam. But why should not R. Judah say to himself⁸ ‘Since it might be held⁷ that the drop of death remained on the bed’? — [The case of blood] in a bed is different⁹ since it percolates.¹⁰

MISHNAH. FORMERLY IT WAS RULED: A WOMAN WHO ABIDES IN CLEAN BLOOD¹¹ MAY POUR OUT¹² WATER¹³ FOR [WASHING OF] THE PASCHAL LAMB.¹⁴ SUBSEQUENTLY THEY CHANGED THEIR VIEW: IN RESPECT OF CONSECRATED FOOD SHE IS LIKE ONE WHO CAME IN CONTACT WITH A PERSON THAT WAS SUBJECT TO CORPSE UNCLEANNES.¹⁵ THIS ACCORDING TO THE VIEW OF BETH HILLEL. BETH SHAMMAI RULED: EVEN AS ONE WHO IS SUBJECT TO CORPSE UNCLEANNES.¹⁶

GEMARA. ‘SHE MAY POUR OUT’ only, but may not touch it.¹⁷ It is thus evident¹⁸ that unconsecrated foodstuffs prepared in conditions of holiness¹⁹ are treated as holy. But then read the final clause: SUBSEQUENTLY THEY CHANGED THEIR VIEW: IN RESPECT OF CONSECRATED FOOD SHE IS LIKE ONE WHO CAME IN CONTACT WITH A PERSON THAT WAS SUBJECT TO CORPSE UNCLEANNES. Thus only²⁰ IN RESPECT OF CONSECRATED FOOD but not in respect of unconsecrated food.²¹ It is thus evident, is it not, that unconsecrated foodstuffs prepared in conditions of holiness¹⁹ are not treated as holy? — Who is the author of our Mishnah?²² It is Abba Saul; for it was taught: Abba Saul ruled, A tebul yom is unclean in the first grade in respect of consecrated food to cause two further grades of uncleanness²³ and one grade of disqualification.²⁴

MISHNAH. BUT THEY²⁵ AGREE THAT SHE²⁶ MAY EAT²⁷ SECOND TITHE; SHE MAY SET ASIDE HER²⁸ DOUGH-OFFERING,²⁹ BRING IT NEAR³⁰ TO THE DOUGH³¹ AND DESIGNATE IT AS SUCH;³² AND THAT IF ANY OF HER SPITTLE OR OF THE BLOOD OF HER PURIFICATION³³ FELL ON A LOAF OF TERUMAH THE LATTER REMAINS CLEAN. BETH SHAMMAI RULED: SHE REQUIRES IMMERSION AT THE END [OF HER DAYS OF PURIFICATION],³⁴ AND BETH HILLEL RULED: SHE REQUIRES NO IMMERSION AT THE END.

GEMARA. Because³⁵ a Master ruled: If a person performed immersion and came up [from his bathing] he may³⁶ eat of second tithe.

SHE MAY SET ASIDE HER DOUGH-OFFERING. For unconsecrated dough that is tebel³⁷ in respect of the dough-offering³⁸ is not treated like the dough-offering.³⁹

BRING IT NEAR. Because a Master stated: It is a religious duty to set aside the offering from

dough that is in close proximity to that for which it is set aside.

AND DESIGNATE IT AS SUCH. Since it might have been presumed that this should be forbidden as a preventive measure against the possibility of her touching the dough⁴⁰ from the outside,⁴¹ we were informed [that this is permitted].

AND IF ANY OF HER SPITTLE . . . FELL. For we have learnt: The liquid [issues] of a tebul yom⁴² are like the liquids that he touches, neither of them conveying uncleanness. The exception is the liquid issue of a zab⁴³ which is a father of uncleanness.

BETH SHAMMAI. What is the point at issue between them?⁴⁴ — R. Kattina replied: The point at issue between them is the necessity for immersion⁴⁵ at the end of a long day.⁴⁶

MISHNAH. IF A WOMAN OBSERVED A DISCHARGE ON THE ELEVENTH DAY⁴⁷ AND PERFORMED IMMERSION IN THE EVENING AND THEN HAD MARITAL INTERCOURSE, BETH SHAMMAI RULED: THEY⁴⁸ CONVEY UNCLEANNESS⁴⁹ TO COUCH AND SEAT⁵⁰ AND THEY ARE LIABLE TO A SACRIFICE,⁵¹

(1) Lit., 'first first'.

(2) And so soon as it drops into the hole it becomes neutralized in the clean blood that issued while the man was still alive. Only where the flow of the blood is continuous and the man lies on the ground, so that there is no mingling of the two kinds of blood, is corpse uncleanness imposed by the Rabbis where the greater part issued after death.

(3) They did. How then (cf. prev. n.) can R. Judah maintain his view?

(4) V. Zeb. 78a.

(5) In a continuous stream. Had it been falling in drops each drop would have been neutralized as it fell into the clean blood that issued earlier while the man was still alive.

(6) Since the blood that issued after death and that could not be neutralized (cf. prev. n.) is subject to corpse uncleanness.

(7) Lit., 'because I say'.

(8) In the case of his previous ruling about a slain man lying in a bed (supra 71a ad fin.) where R. Judah ruled that the blood is unclean.

(9) From that on the beam.

(10) Through the bed to the ground.

(11) Sc. from the eighth to the fortieth, and from the fifteenth to the eightieth day after the birth of a male and female child respectively (cf. Lev. XII, 2ff).

(12) Lit., 'was pouring out'.

(13) From one vessel into another, the water itself not being touched by her (v. next n. final clause).

(14) Sc. she is subject to the second grade of uncleanness like a tebul yom (v. Glos.), since her immersion was performed at the end of the seven, and the fourteen days respectively, and the sunset prior to the first day of her complete cleanness will not occur before the fortieth and eightieth day respectively. One who is subject to second grade of uncleanness conveys a third grade of uncleanness to foodstuffs only but not to vessels.

(15) Sc. her uncleanness in this respect is of the first grade. In regard to unconsecrated things, however, she is still subject to the second grade of uncleanness only.

(16) Who is a 'father of uncleanness' and conveys an uncleanness of the first grade to vessels also.

(17) The water.

(18) Since she may not touch the water itself.

(19) As in the case of the water under discussion which was being prepared for the washing of the paschal lamb.

(20) Lit., 'yes'.

(21) So that the woman may touch the water itself.

(22) Sc. of the final clause.

(23) The consecrated food that comes in contact with him is unclean in the second grade and that which comes in contact with this food is unclean in the third grade.

(24) If terumah, for instance, came in contact with the food that is unclean in the third grade (cf. prev. n.) it becomes

disqualified but cannot convey any uncleanness to other foodstuffs.

(25) Beth Shammai and Beth Hillel.

(26) Cf. prev. Mishnah.

(27) Like a tebul yom.

(28) Lit., 'for herself'.

(29) Before she designates it as such.

(30) In the vessel in which she has put it.

(31) Since the dough-offering must be close to the dough for which it is taken when it is named as the offering for it.

(32) After which, of course, she must not touch it (cf. prev. n. but one).

(33) Cf. supra p. 496, n. 1.

(34) After the fortieth and eightieth day respectively.

(35) A reason for the first ruling in our Mishnah.

(36) Even before sunset.

(37) V. Glos.

(38) Sc. from which the dough-offering had not been taken.

(39) A tebul yom (as one subject to the second grade of uncleanness) cannot, therefore, impart any uncleanness to it.

(40) Lit., 'it', after it had been designated as dough offering.

(41) Sc. she might put her hand across the sides of the vessel in which the dough-offering is kept, and so impart uncleanness to the offering.

(42) 'The liquids that issue from him' is added in cur. edd., in parenthesis.

(43) The passage from here to the end of the sentence is deleted by Elijah Wilna.

(44) Beth Shammai and Beth Hillel.

(45) If earlier in that day immersion had already been performed.

(46) That terminated a period of uncleanness. The forty as well as the eighty days (cf. supra p. 496, n. 1) are regarded as one long day in the course of which (on the seventh and the fourteenth day respectively) immersion had already been performed.

(47) Sc. the last day of a zibah period which is followed by the first day of the next menstruation period.

(48) The woman and her husband.

(49) As a woman under the obligation of allowing a clean day to pass after a day of uncleanness and as the man who had intercourse with such a woman respectively.

(50) I.e., to any object on which they lie or sit, which in turn conveys uncleanness to foodstuffs and drinks.

(51) Prescribed for a woman and a man who had intercourse in such circumstances (cf. prev. n. but one).

Talmud - Mas. Nidah 72a

BUT BETH Hillel¹ RULED: THEY ARE EXEMPT FROM THE SACRIFICE.² IF SHE PERFORMED IMMERSION ON THE NEXT DAY³ AND THEN HAD MARITAL INTERCOURSE AND AFTER THAT OBSERVED A DISCHARGE, BETH SHAMMAI RULED: THEY⁴ CONVEY UNCLEANNESS⁵ TO COUCH AND SEAT⁶ AND ARE EXEMPT FROM THE SACRIFICE,⁷ BUT BETH HILLEL RULED: SUCH A PERSON⁸ IS A GLUTTON,⁹ THEY¹⁰ AGREE, HOWEVER, THAT, WHERE A WOMAN OBSERVED A DISCHARGE DURING THE ELEVEN DAYS¹¹ AND PERFORMED IMMERSION IN THE EVENING AND THEN HAD INTERCOURSE, BOTH¹² CONVEY UNCLEANNESS TO COUCH AND SEAT¹³ AND ARE LIABLE TO A SACRIFICE.¹⁴ IF SHE PERFORMED IMMERSION ON THE NEXT DAY¹⁵ AND THEN HAD INTERCOURSE, SUCH AN ACT IS IMPROPER¹⁶ CONDUCT,¹⁷ BUT THE UNCLEANNESS OF THEIR TOUCH AND THEIR LIABILITY TO A SACRIFICE ON ACCOUNT OF THEIR INTERCOURSE ARE IN SUSPENSE.¹⁸ GEMARA. Our Rabbis taught: And both¹⁹ agree²⁰ that if a woman performs immersion at night after a zibah²¹ the immersion is invalid, for both agree that if a woman who observed a discharge during the eleven days²¹ and performed immersion in the evening and then had intercourse she conveys uncleanness to couch and seat and both are liable to a sacrifice. They¹⁹ only differ where a discharge occurred on the eleventh day in which case Beth Shammai ruled: They²² convey uncleanness to couch and seat and are liable

to a sacrifice, and Beth Hillel exempt them from the sacrifice. Said Beth Shammai to Beth Hillel: Why should in this respect the eleventh day differ from one of the intermediate of the eleven days; seeing that the former is like the latter in regard to uncleanness, why should it not also be like it in regard to the sacrifice? Beth Hillel answered Beth Shammai: No; if you ruled that a sacrifice is due after a discharge in the intermediate of the eleven days because the following day²³ combines with it in regard to zibah, would you also maintain the same ruling in regard to the eleventh day which²⁴ is not followed by one that we could combine with it in regard to zibah? Said Beth Shammai to them: You must be consistent;²⁵ if the one is like the other in regard to uncleanness it should also be like it in regard to the sacrifice, and if it is not like it in regard to the sacrifice it should not be like it in regard to uncleanness either. Said Beth Hillel to them: If we impose upon a man²⁶ uncleanness in order to restrict the law²⁷ we cannot on that ground impose upon him the obligation of a sacrifice which might²⁸ lead to a relaxation of the law.²⁹ And, furthermore, you stand refuted³⁰ Out of your own rulings. For, since you rule that if she performed immersion on the next day and having had intercourse she observed a discharge, uncleanness is conveyed to couch and seat and she is exempt from a sacrifice, you also must be consistent.³¹ If the one is like the other in regard to uncleanness it should also be like it in regard to the sacrifice and if it is not like it in regard to the sacrifice it should not be like it in regard to uncleanness either. The fact, however, is that they are like one another only where the law is thereby restricted but not where it would thereby be relaxed; well, here also, they are like one another where the law is thereby restricted but not where it is thereby relaxed.

R. Huna stated: Couches and seats³² which she occupies on the second day³³ are held to be unclean³⁴ by Beth Shammai even though she performed immersion³⁵ and even though she observed no discharge.³⁵ What is the reason? — Because if she had observed a discharge she would have been unclean,³⁶ she is therefore now³⁷ also unclean.³⁴ Said R. Joseph: What new law does he³⁸ teach us,³⁹ seeing that we have learnt, IF SHE PERFORMED IMMERSION ON THE NEXT DAY⁴⁰ AND THEN HAD MARITAL INTERCOURSE AND AFTER THAT OBSERVED A DISCHARGE, BETH SHAMMAI RULED: THEY⁴¹ CONVEY UNCLEANNESS TO COUCH AND SEAT⁴² AND ARE⁴¹ EXEMPT FROM THE SACRIFICE?⁴³ R. Kahana objected:⁴⁴ Where she observed a discharge⁴⁵ the case is different.⁴⁶ Said R. Joseph: But what matters it that she observed a discharge⁴⁷ seeing that it is one of menstruation?⁴⁸ — Abaye answered R. Joseph: R. Kahana⁴⁹ had this difficulty: Where the woman did observe a discharge one can well see the reason why uncleanness has been imposed since⁵⁰ an observation of menstruation had to be declared unclean as a preventive measure against the possibility of an observation of a discharge of zibah, but where one observed no discharge⁵¹ what possibility was there to be provided against? And, furthermore, we have learnt:⁵² If a man observed one discharge of zibah, Beth Shammai ruled: He is like a woman who waits a day for a day⁵³ and Beth Hillel ruled: Like a man who emitted semen,⁵⁴

(1) Maintaining that a woman who observed a discharge on the eleventh day of her zibah period need not allow a clean day to pass before cleanness can be established.

(2) But, in accordance with a Rabbinical enactment, are subject to uncleanness, as a preventive measure against a discharge during the eleven days (other than the last) in which case the uncleanness is Pentateuchal unless a portion at least of the following day had passed in cleanness.

(3) The day following the zibah period (which is the first day of that of menstruation), a portion of that day having passed in cleanness.

(4) The woman and her husband.

(5) Rabbinically as a preventive measure (cf. p. 498, n. 14).

(6) V. p. 498, n. 11.

(7) Since a portion of the day at least, has passed in cleanness. The discharge observed later in the day has no bearing on zibah since that day belonged to the menstruation period.

(8) Lit., 'behold this', the person who is in such a hurry as not to allow even one clean day to pass after a zibah discharge.

(9) Sexually. Such hurry is indecent, since it might lead one to act similarly in the case of a discharge in the intermediate

days of the zibah period when a Pentateuchal prohibition might be infringed. The uncleanness of zibah, however, does not apply.

(10) Beth Shammai and Beth Hillel.

(11) Other than the last.

(12) Husband and wife.

(13) Though no discharge appeared on the following day.

(14) Since, as a minor zabah (one who experienced a discharge on one of the days of a zibah period) she must allow one clean day to pass before she can regard herself as clean.

(15) So that a part of the day at least had passed in cleanness.

(16) Lit., 'bad'.

(17) Because a discharge that might possibly occur later in the day would continue and extend the uncleanness of the previous day and render the immersion invalid.

(18) Until the evening. If later in the day she experienced a discharge their touch conveys the uncleanness of zibah and they are liable to bring the prescribed sacrifice; but if no discharge appeared the touch conveys no uncleanness and no liability to a sacrifice is incurred.

(19) Beth Shammai and Beth Hillel.

(20) Though Beth Hillel hold that, where a discharge appeared on the eleventh day and immersion was performed in the evening, intercourse in that night does not involve the bringing of a sacrifice.

(21) Sc. on any day other than the eleventh.

(22) Husband and wife.

(23) Which is also one of the days of the zibah period.

(24) Being the last of the zibah days and followed by the first of those of menstruation.

(25) Lit., 'make your measures equal'.

(26) Lit., 'we brought him'.

(27) Rabbinically.

(28) In case the sacrifice is not obligatory.

(29) Offering on the altar an unconsecrated beast.

(30) Noshekin, lit., 'you bite'. Golds. suggests the reading *mushabin*, 'you are answered'.

(31) Lit., 'make your measures equal'.

(32) So MS.M. and Rashi. Cur. edd. 'her couch and seat'.

(33) Sc. the day following one of the intermediate days of the zibah period on which she experienced a discharge.

(34) Rabbinically.

(35) On the second day.

(36) Retrospectively, in accordance with Pentateuchal law, since the discharge on the second day is joined to that on the first to constitute a continuous zibah.

(37) As a preventive measure.

(38) R. Huna.

(39) By his statement.

(40) The day following the eleventh of a zibah period, which is the first of the following menstruation period, and a discharge on which cannot be treated as a continuation of the zibah discharge of the previous day.

(41) Cur. edd. use here the fem. sing.

(42) In cur. edd., the plural is here used.

(43) Now, since a discharge on the twelfth day cannot be treated as a continuation of that on the eleventh (cf. prev. n. but two) and since it does not invalidate the immersion on that day, that discharge, as far as zibah is concerned, might well be regarded as if it had never occurred. The case is consequently similar to that of R. Huna where a discharge on an intermediate day in the zibah period was followed by a day on which none had occurred. As in the Mishnah, where the second discharge occurred on the twelfth, uncleanness has been imposed Rabbinically as a preventive measure against the possibility of a second discharge occurring on the eleventh so also in the case of R. Huna uncleanness must be imposed where no discharge occurred on the second day as a preventive measure against the possibility of a discharge occurring on the second day. What need then was there for R. Huna to make a statement which is implicit in the ruling of our Mishnah?

(44) Against R. Huna.

- (45) The case dealt with in our Mishnah though that discharge could not be attributed to zibah.
- (46) From one where there was no discharge at all. How then could R. Huna maintain his statement?
- (47) The case in our Mishnah.
- (48) Which cannot be attributed to zibah; and consequently (cf. p. 501, n. 13) might be regarded (as in the case of R. Huna) as if no discharge had taken place. What then is the basis of R. Kahana's objection?
- (49) Who advanced the opinion that 'where she observed a discharge the case is different'.
- (50) The ruling concerning one discharge being likely to be misunderstood for that of another discharge.
- (51) And since the absence of a discharge is not likely to be misunderstood for a discharge.
- (52) Contrary to the view of R. Huna.
- (53) Sc. who must allow one clean day to pass for every day on which she experienced a discharge before she may be regarded as clean. As the uncleanness of the touch of such a woman on the second day after she performed immersion is left in suspense to provide against the possibility of a discharge appearing later in the day, so must also be the uncleanness of such a person if after experiencing the discharge he performed immersion. If, e.g., he touches the tithe its uncleanness must remain in suspense in case he observes a second discharge which would continue his former zibah.
- (54) Sc. he is clean in regard to tithe immediately after his immersion. At all events it was here stated that, according to Beth Shammai, a woman who waits a day for a day is on a par with a man who experienced a first discharge of zibah.

Talmud - Mas. Nidah 72b

and it was taught:¹ If a man² caused the shaking of the [first] observed discharge, Beth Shammai ruled: The man must be held in suspense,³ and Beth Hillel declared him clean.⁴ As to couches and seats occupied between a first and a second discharge, Beth Shammai hold them in suspense and Beth Hillel declare them clean. Now in the first clause it was stated, 'If a man observed one discharge of zibah, Beth Shammai ruled: He is like a woman who waits a day for a day', from which it is evident, is it not, that in the case of a woman who waits a day for a day the uncleanness is held in suspense?⁵ — Do not read, 'A woman who waits a day for a day' but read: Like a man who had intercourse with one who waits a day for a day.⁶ But why is it that he⁷ does not convey uncleanness to couch and seat,⁸ while she does convey uncleanness to them?⁹ — About him, since he does not usually bleed, the Rabbis enacted no preventive measure,¹⁰ but in her case, since she does usually bleed, the Rabbis enacted a preventive measure. But¹¹ why is it that she conveys uncleanness to couch and seat and does not convey uncleanness to the man who had intercourse with her? — To couch and seat which are in common use she conveys uncleanness but to the man who had intercourse, which in such circumstances is an unusual occurrence, no uncleanness is conveyed.

We learnt, IF SHE PERFORMED IMMERSION ON THE NEXT DAY AND THEN HAD INTERCOURSE, SUCH AN ACT IS IMPROPER CONDUCT, BUT THE UNCLEANNESS OF THEIR TOUCH AND THEIR LIABILITY TO A SACRIFICE ON ACCOUNT OF THEIR INTERCOURSE ARE IN SUSPENSE. Does not this represent the general view?¹² — No, it is only the view of Beth Hillel. For it was taught: Said R. Judah to Beth Hillel: Do you then call such an act improper conduct, seeing that this man only intended to have intercourse with a menstruant? — 'A menstruant'! How could such an idea be entertained? — Rather read: To have intercourse with a zabah. 'A zabah'! How could this idea be entertained? — Rather read: To have intercourse with one who waits a day for a day.

It was stated: As to the tenth day,¹³ R. Johanan ruled, The tenth is on a par with the ninth; as the ninth¹⁴ must be followed¹⁵ by observation¹⁶ so must the tenth¹⁷ be followed by observation.¹⁸ Resh Lakish ruled: The tenth is on a par with the eleventh; as the eleventh¹⁹ need not be followed by observation²⁰ so the tenth need not be followed by observation.

Some there are who teach this²¹ in connection with the following. R. Eleazar b. 'Azariah said to R. Akiba, Even if you were all day to draw inferences from²² the repetition of 'with oil'²³ I would not listen to you, the fact being that the prescribed quantities of half a log of oil for a

thanksgiving-offering, and a quarter of a log of wine for a nazirite, and the eleven days that intervene between one menstruation period and the next are the halachah of Moses handed down from Sinai. What is the 'halachah' referred to? — R. Johanan replied: The one halachah applicable to the eleventh day.²⁴ Resh Lakish replied: The halachahs²⁵ applicable to the eleventh day. 'R. Johanan replied: The one halachah applicable to the eleventh day' i.e., the eleventh day²⁶ only need not be followed²⁷ by a day of observation²⁸ but for the other days²⁹ it³⁰ does serve as a day of observation. But 'Resh Lakish replied: The halachahs applicable to the eleventh day', i.e., neither need the eleventh be followed by one of observation nor does it serve as one of observation for the tenth.³¹ But are these³² halachahs? Are they not in fact derived from Scriptural texts? For it was taught: As it might have been presumed that if a woman observes a discharge on three consecutive days at the beginning of a menstruation period she shall be a zabah,³³ and that the text³⁴ 'If a woman have an issue and her issue in her flesh be blood'³⁵ applies³⁶ to one who observed a discharge on one day only³⁷ it was, therefore, explicitly stated,

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- (1) Regarding a zab who experienced one discharge.
 - (2) Who was clean.
 - (3) Until evening. If the zab experienced a second discharge on that day he becomes a confirmed zab retrospectively and the man who shook the discharge becomes unclean.
 - (4) As is the case with one who caused the shaking of semen who remains clean.
 - (5) And if she experiences no second discharge she is clean.
 - (6) Because R. Huna agrees in the case of the man that, if the intercourse took place on the second day after the woman's immersion, the question of his uncleanness must be held in suspense and that before a second discharge appears he is even Rabbinically free from certain uncleanness.
 - (7) The man who had the intercourse.
 - (8) Which he alone occupied.
 - (9) To couch and seat that have been occupied by her.
 - (10) That, even where the woman observed no discharge after their intercourse, he shall convey uncleanness to couch and seat.
 - (11) Since a preventive measure was enacted in her case on account of her tendency to bleed.
 - (12) Even that of Beth Shammai who accordingly hold that on the day following a discharge during the intermediate days of the zibah period the woman's touch causes only a suspended uncleanness. An objection thus arises against R. Huna who maintained that according to Beth Shammai couch and seat in such circumstances are held to be unclean.
 - (13) Sc. a first discharge on the tenth day of the zibah period. Such a discharge can never develop into a major zibah (by being repeated on three consecutive days) since the tenth day is followed by one day only of the zibah period (the eleventh) the twelfth being the first of the next menstruation period.
 - (14) Since a discharge on it may develop (if it is repeated on the tenth and the eleventh) into a major zibah.
 - (15) Lit., 'requires'.
 - (16) On the next day.
 - (17) If it was the first day in the zibah period on which a discharge appeared.
 - (18) On the eleventh; though a repeated discharge on the latter day would not constitute a major zibah.
 - (19) Which is the last day of the zibah period.
 - (20) According to Beth Hillel the day following being one of menstruation.
 - (21) The dispute between R. Johanan and Resh Lakish.
 - (22) Lit., increase, i.e., to regard every Scriptural mention of 'with oil', in connection with the thanksgiving-offering, as implying an addition to the quantity specified. Any two additions imply a reduction (cf. Zeb. 82a, 89a).
 - (23) Lit., 'with oil, with oil,' (cf. Rashal and Bah).
 - (24) Of a zibah period.
 - (25) Two.
 - (26) If a discharge was observed on it.
 - (27) As any other of the eleven days must.
 - (28) Since the next day is the first of the menstruation period.
 - (29) The tenth.

(30) The eleventh.

(31) This is the Pentateuchal law. Rabbinically, however, even the eleventh day must be followed by one of observation before the woman may be regarded as clean.

(32) The rules regarding the eleventh day.

(33) Requiring a count of seven days after the third, and a sacrifice at the end of the counting.

(34) Lit., and what do I establish', sc, what is derived from.

(35) Lev. XV, 19, which implies that neither the counting of seven days nor any sacrifice is required.

(36) Cf. prev. n. but one.

(37) Cf. Rashal. Cur. edd. in parenthesis, 'but she who observes on three days at the beginning shall be a zabah'.

Talmud - Mas. Nidah 73a

Not in the time of her menstruation,¹ implying,² close to the time of her menstruation.³ Thus I only know about⁴ the three days that immediately follow⁵ the period of her menstruation, whence is it deduced that the same restrictions apply where the three days are separated from the period of her menstruation by one day? It was explicitly stated, Or if she have an issue.⁶ Thus I only know about an interval of one day, whence is it deduced that the restrictions extend [where the day or the days on which the discharge appeared were] separated [from the menstruation period] by two, three, four, five, six, seven, eight, nine or ten days? You may reason thus: As we find in the case of the fourth day⁷ that⁸ it is suitable for the counting⁹ and¹⁰ is also appropriate as one for zibah¹¹ so may I also introduce¹² the tenth day¹³ since it is both suitable for the prescribed counting¹⁴ and appropriate as one for zibah.¹⁵ But whence is it deduced that the eleventh day¹⁶ is also included?¹⁷ It was explicitly stated, Not in the time of her menstruation.¹⁸ Might I also¹⁹ include¹⁷ the twelfth day?⁷ You must admit that this cannot be done.²⁰ But what reason do you see for including¹⁷ the eleventh and for excluding the twelfth? I include the eleventh since it is suitable for being counted [as one of the seven clean days following the one²¹ that is deduced²² from] 'or if she have an issue'²³ and I exclude the twelfth since it is not suitable for being counted as one of the seven clean days following the one that is deduced from 'or if she have an issue'.²⁴ But so far I only know that zibah²⁵ is established after a discharge on²⁶ three days, whence is it deduced that the restrictions apply to a discharge on two days? It was explicitly stated, Days.²⁷ Whence the deduction that the same applies also to a discharge on one day? It was explicitly stated, All the days.²⁷ 'Unclean',²⁷ implies that she conveys uncleanness to the man who had intercourse with her like a menstruant. 'She',²⁷ implies that only she conveys uncleanness to the man who had intercourse with her but that the zab conveys no uncleanness to the woman with whom he had intercourse. But is there not an argument [a minori ad majus]: If she, who does not contract uncleanness on account of observation²⁸ as on account of days,²⁹ does convey uncleanness to the man who had intercourse with her, is there not more reason that the man who does contract uncleanness on account of observation as on account of days³⁰ should convey uncleanness to the woman with whom he had intercourse? It was expressly stated, 'she',²⁷ implying that only she conveys uncleanness to the man who had intercourse with her but that a zab does not convey uncleanness to the woman with whom he had intercourse. But whence is it deduced that he conveys uncleanness to couch and seat? It was expressly stated, As the bed of her menstruation.³¹ From this,³¹ however, I would only know the case of a man who experienced a discharge on three days, whence the deduction that the restrictions apply to a discharge on two days? It was explicitly stated, 'Days'. But whence the deduction that the same applies to a discharge on one day? It was stated, 'All the days' — And whence do we infer that the woman must count one day to correspond to one day?³² It was stated, She shall be.³³ As it might have been presumed that she should count seven days after a discharge has appeared on two days only, this being arrived at by the following argument, 'If the man who does not count one day to correspond to one day³⁴ counts seven days after a discharge on two days, how much more reason is there that she who does count one day to correspond to one day³² should count seven days after a discharge on two days', it was explicitly stated, She shall be,³³ implying that she counts one day only. It is thus evident,³⁵ is it not, that these³⁶ are derived from Scriptural texts?³⁷ — According to R. Akiba they are derived from

Scriptural texts, but according to R. Eleazar b. 'Azariah they are traditional halachahs.

Said R. Shemaiah³⁸ to R. Abba:³⁹ Might it be suggested that on account of a discharge in the day time⁴⁰ a woman is a zabah, and that on account of one in the night⁴¹ she is a menstruant? — For your sake,⁴² the other replied, Scripture stated, By⁴³ the time of her menstruation,⁴⁴ implying⁴⁵ a discharge close to the time of her menstruation. Now which is a discharge that is close to the time of her menstruation? One that occurred in the night;⁴⁶ and yet Scripture called her a zabah.⁴⁷

The Tanna debe Eliyahu⁴⁸ [teaches]: Whoever repeats⁴⁹ halachahs every day may rest assured that he will be a denizen of the world to come, for it is said, Halikoth — the world is his;⁵⁰ read not halikoth⁵¹ but halakoth.⁵²

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(1) Lev. XV, 25. E.V., 'of her impurity'.

(2) Cur. edd. in parenthesis, 'beyond the time of her menstruation'.

(3) Sc. the three consecutive days on which a discharge appears and which subject the woman to the restrictions of a major zabah must be close to (not within) the seven days of the menstruation period, viz., the first three days of the period of zibah.

(4) Lit., 'and I have not but'.

(5) Lit., 'near to'.

(6) Lev. XV, 25.

(7) After the menstruation period.

(8) Where the discharge appeared on the first three days following menstruation and then ceased.

(9) Of the prescribed seven days beginning with it.

(10) As has just been deduced from Lev. XV, 25: Or if she have an issue.

(11) If the discharge first appeared on the second day following menstruation and was repeated on the third and fourth.

(12) Under the zibah restrictions.

(13) And, much more so, the other days enumerated.

(14) Where the discharge appeared on the first three days after menstruation.

(15) If the discharge occurred on it as well as on the preceding two days.

(16) Which, if the discharge appeared on the first three days, cannot be counted among the seven days prescribed.

(17) In the restrictions, so that if a discharge appeared on it and on the preceding two days zibah is established.

(18) Lev. XV, 25. E.V. 'of her impurity'.

(19) As a deduction from the text just cited.

(20) A discharge on the twelfth being regarded as one of menstruation that cannot be added to the zibah.

(21) The fourth day.

(22) Supra.

(23) The seven days following a discharge on the fourth terminating on the eleventh.

(24) It being the first day of menstruation.

(25) That conveys uncleanness to couch and seat.

(26) Lit., 'and I have not but'.

(27) Lev. XV, 25.

(28) If, e.g., she experienced three discharges on one day she is not regarded as a major zabah (v. foll. n.) to incur the obligation of a sacrifice.

(29) A discharge that appeared on three consecutive days confirms a woman as a major zabah (cf. prev. n.).

(30) A man is confirmed as a zab irrespective of whether he observed three discharges on three consecutive days respectively or all the three discharges on the same day (cf. B.K. 24a).

- (31) Lev. XV, 16.
- (32) Sc. if she experienced a discharge on one day she must allow one clean day to pass before she may be regarded as clean.
- (33) Lit., 'shall be to her', Lev. XV, 25.
- (34) After one discharge on one day he performs immersion in the evening and resumes his cleanness.
- (35) The argument begun on 72b ad fin. is now resumed and concluded.
- (36) The laws regarding the intervals between the menstruation periods, viz., that each interval extends over eleven days; that a discharge on three consecutive days of these eleven subjects the woman to the restrictions of a major zabah; that after a discharge on only one or two of these days no more than one clean day need be allowed to pass; that after the eleven days' period the menstruation period begins, and that a discharge on the first of these causes the woman to be unclean on that day and on the following six days.
- (37) How then could it be stated supra that these laws were halachahs?
- (38) Var. lec., Isaiah (Yalkut).
- (39) Var. lec., Raba (MS.M.).
- (40) Since the text from which the laws of zibah are derived (Lev. XV, 25) speaks of days.
- (41) When (cf. prev. n.) she cannot be regarded a zabah.
- (42) Sc. in order to avert the possibility of his deduction.
- (43) 'Al, E.V. 'beyond'.
- (44) Lev. XV, 25. E.V. 'her impurity'.
- (45) By the use of 'al ('by').
- (46) Since the menstruation period comes to an end at the sunset of the seventh day.
- (47) The verb rendered by 'have an issue' (Lev. XV, 25) being derived from the same root as zabah.
- (48) A treatise bearing this name is mentioned in Keth., (Sonc. ed.,) p. 680, n. 2
- (49) Or 'learns'.
- (50) Hab. III, 6. E.V. 'his goings are of old'.
- (51) 'Goings out'.
- (52) Or 'halachahs' (the Mishnah, Baraitha, and the oral laws that were handed down through Moses from Sinai). If a man studies these 'halachahs, the world (to come) is his'.