

Koren Talmud Bavli  
THE NOÉ EDITION

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NIDDA





# תלמוד בבלי

KOREN TALMUD BAVLI

— THE NOÉ EDITION —

נדה

NIDDA

COMMENTARY BY

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STEINSALTZ CENTER

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הַפָּה יְמִים בָּאִים, נָאֵם אֲדֹנֵי יְהוָה, וְהַשְׁלָחָתִי רָעַב בָּאָרֶץ,  
לְאַדְעַב לְלִכְמָן וְלֹא-צָמָא לְמִים, כִּי אִם-לְשָׁמָעַ אֶת דְּבָרֵי יְהוָה.

Behold, days are coming – says the L<sup>ORD</sup> God –  
I will send a hunger to the land, not a hunger for bread  
nor a thirst for water, but to hear the words of the L<sup>ORD</sup>.

(AMOS 8:11)

*The Noé edition of the Koren Talmud Bavli  
with the commentary of Rabbi Adin Even-Israel Steinsaltz  
is dedicated to all those who open its cover  
to quench their thirst for Jewish knowledge,  
in our generation of Torah renaissance.*

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the novice and the savant alike,  
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*Once upon a time, under pressure of censorship,  
printers would inscribe in the flyleaves  
of volumes of the Talmud:*

*Whatever may be written herein about gentiles  
does not refer to the gentiles of today,  
but to gentiles of times past.*

*Today, the flyleaves of our books bear a similar inscription,  
albeit an invisible one:*

*Whatever may be written herein about Jews  
does not refer to the Jews of today,  
but to Jews who lived in other times.*

*So we are able to sit down and study Torah, Talmud,  
books of ethics, or books of faith  
without considering their relevance to our lives.*

*Whatever is written there  
does not apply to us or to our generation,  
but only to other people, other times.*

*We must expunge from those invisible prologues  
the notion that the words are written about someone else,  
about others, about anyone but us.*

*Whether the book is a volume of Torah,  
a tractate of the Talmud, or a tract of faith,  
the opposite must be inscribed:*

*Whatever is written herein refers only to me;  
is written for me and obligates me.*

*First and foremost, the content is addressed to me.*

— From a public address by Rabbi Adin Even-Israel Steinsaltz  
as quoted in *מִלְויָנָה* (Talks on Parashat HaShavua)  
Maggid Books, 2011



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# Haskama **Rabbi Moshe Feinstein**

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...These new commentaries – which include a new interpretation of the Talmud, a halakhic summary of the debated issues, and various other sections – are a truly outstanding work; they can be of great benefit not only to those familiar with talmudic study who seek to deepen their understanding, but also to those who are just beginning to learn, guiding them through the pathways of the Torah and teaching them how to delve into the sea of the Talmud.

I would like to offer my blessing to this learned scholar. May the Holy One grant him success with these volumes and may he merit to write many more, to enhance the greatness of Torah, and bring glory to God and His word...

Rabbi Moshe Feinstein  
New York, 7 Adar 5743

**ר' משה פינשטיין שליט"א**  
הנ"ל רצויין אם ספקת אותה מוחשיים שונך אזהרת ומכה  
אייר עדותם ואפשרותם וכוחם בדרכם שאליך יוציא לפועל  
**אנטון פינשטיין ר' אשר פינשטיין** מושל

- וועוד האסיך שם כובלני הדרישות החרדיות וביניהם שאלת צבאות  
ויה וראיני ליעין בהן מיחזק ונמי השופטת שיש שיחתו להם  
לפניהם במל' כנפיות ובמכתב מודרניטות שיש שיחתו להם  
לעתידם. — עול והבאני שעתה בראן ואדר' ב' בישוף.

  
**רא' משה פינשטיין**  
הנ"ל רצויין יתדרשו יתדרשו, נמי יתדרשו, אדר' בישוף.

I have seen one tractate from the Talmud to which the great scholar Rabbi Adin Steinsaltz שְׁנַיְלָר has added *nikkud* (vowels) and illustrations to explain that which is unknown to many people; he has also added interpretations and innovations, and is evidently a *talmid hakham*. *Talmidei hakhamim* and yeshiva students ought to study these volumes, and synagogues and *batei midrash* would do well to purchase them, as they may find them useful.

Rabbi Moshe Feinstein  
New York, Adar 5730



# Haskama **Rabbi Menachem Mendel Schneerson**

... I have just had the pleasant surprise of receiving tractate *Shabbat* (part one), which has been published by [Rabbi Steinsaltz] along with his explanations, etc. Happy is the man who sees good fruits from his labors. May he continue in this path and increase light, for in the matters of holiness there is always room to add – and we have been commanded to add – for they are linked to the Holy One, Blessed be He, Who is infinite. And may the Holy One grant him success to improve and enhance this work, since the greater good strengthens his hand ...

Rabbi Menachem Mendel Schneerson  
The Lubavitcher Rebbe  
Brooklyn, 5 Marheshvan 5729

# Haskama

## Rabbi Moshe Zvi Neria

הנפקת הדרש על ידי ר' אביה זביה ניריה

ג"ג

"הנפקת הדרש על ידי ר' אביה זביה ניריה"

(ב' י"ז, י"ז)

בראש פ"ג קדושים לאמת דודות ורשותם – קייא צמחייה של אמת  
אמת לדוד. וביניהם אמתות "ויטנאמ" פונדק"ה אמר לא כל מלחין  
שחיה שחייה דבר נסחאה בבל ערך תילון.  
כל כור כר/בגדדינו אמר רבנן כי מהרבה פטראקן וויזלדים  
ומתקרים – לא כל אמן. כי רבנן בירום האושרים כי לא יתקין צים  
כאמ"ר טליתות, צמחייה הם פרוחות ופאלקדים,  
לאן אטן לא מעתה רצונם בחרוזם המבורך כל מצעיר השטלה,  
רבנן עדין עטרכץ, ליטען. שמי-המלחין במסורת טרומת-טנטורה  
בדור גוף עט פירומ חילזון וטבילה ואט מילן כי עט מהבירות כל  
הבדחים וטטראות אמת לטעמ-טטעמיה כל צי-דודהן.  
בכ"ג שאל רבנן אל איזה לוייד שבור חזון למכיר – הטעמיה  
טברון וטברון גוטניל – לא ידען טברון דבון מבראש לאטץ  
טברון מלבדיהם לאן. בדור צה, גלא ערד לאט פון קוזט כל הטעמיה  
הטעמיה טערילן צה כל גוט-טטעמיה לאן ד-הטערילן. טערילן צה  
טערילן אל מלבדם טערילן טערילן צה, גלא ערד לאט פון קוזט לאן  
טערילן צה, גלא ערד לאט פון קוזט לאן ד-הטערילן. טערילן צה  
טערילן צה, גלא ערד לאט פון קוזט לאן ד-הטערילן.

הנפקת הדרש על ידי ר' אביה זביה ניריה

(ב' י"ז)

The translation of the books of our past into the language of the present – this was the task of the sages of every generation. And in Israel, where the command to “teach them repeatedly to your children” applies to all parts of the nation, it was certainly the task of every era. This is true for every generation, and in our time – when many of those who have strayed far are once again drawing near – all the more so. For many today say, “Who will let us drink from the well” of Talmud, and few are those who offer up the waters to drink.

We must, therefore, particularly commend the blessed endeavor of Rabbi Adin Steinsaltz to explain the chapters of the Talmud in this extensive yet succinct commentary, which, in addition to its literal interpretation of the text, also explicates the latter's underlying logic and translates it into the language of our generation.

It appears that all those who seek to study Talmud – the diligent student and the learned adult – will have no difficulty understanding when using this commentary. Moreover, we may hope that the logical explanation will reveal to them the beauty of the talmudic page, and they will be drawn deeper and deeper into the intellectual pursuit which has engaged the best Jewish minds, and which serves as the cornerstone of our very lives...

Rabbi Moshe Zvi Neria

**מרדכי אליהו**  
וזאתו לעצנו והגב הואה ליישראלי שעבר

MORDECHAI ELIYAHU  
FORMER CHIEF RABBI OF ISRAEL & RICHON LEZION

ז' בוטשדי תשנ"ד  
נ"ד. 5-137

מכתב ברורה

הגמרא בעירובין כ"א: אומرتא: דרש רבא Mai דכתיב ויזהר שהיה קהלה חכם, עוד לימד דעת את העם – ואזון וחקר تكون משלים הרבה". לימד דעת את העם – קבוע כיצד לזרוא פסוק ולימינים בין תיבת המקרה ומשיכחה הגמara ואומרטא: מר עולא אמר ר' אליעזר בתחילה יתבה תורה דומה לפכיה שאיין לה איזנים עד שבא שלמה ועשה לה איזנים. וכדבריו רשי"י ש"ב: "ועדי לך ואחנן ישראל במצוות שנתרכזו מן העבריה כדרכך שנוח לאחוץ בכלי שיש לו בית יד וכו'" (עדוביון כ"א, י').

דברים מעין אלו אפשר לומר על האי גברא יקירה, על איש מורה מעם, שכמו ומעלה בתורה ובמידות. ויזהר מה שעשנה בתורה שב"פ נישא בתורה שבכתב – מלמד דעת את העם. ולא זו בלבד אלא גם עוזה איזנים לתורה, היא תורת תלמידו שוד שורר וסתום בפני רבים. ורק מעת מזער מבני עלייה שהם מוגעים וכי לומד בישיבתו יכול כיום לומד בש"ס ולהבין מה שלפנינו, ואך שיש לנו פירוש רשי"י, עדין לא הכל ממשיים גו. עד שקס הרב הגadol מעוז ומגדל הרה"ג עדין שטיינזלץ שליט"א זעשה איזנים נזורה, שאפשר לאחנן גמור באיד ולבמוד, ואפי' לפטוטי העם ועשה פרושים ושם איזנים בצד הארונו, פרושים נאים נשפה בדורות ועיניהם דבר דבר על עופפיו. ונס הסרורים וציפורים להבין ולהשכיל, כדי شيء שורצתי בקרבה אל מלאכתה כי למדוד יכול לעשות זאת.

ועיני ראו ולא זר שבשיעורי תורה בגמרא הרבה באים עם גמורות בידם ולאה שבאים עס פירוש הרב שטיינזלץ לתלמוד הבבלי"ה הם מוכנים ומכינים טוב יותר. כי כבר יש להם הקדמה מכוושיו ומכוררו. ואמיינא לפועלו ישר וממן שמייא זכו ליה ללמד דעת את העם.

והיה רצון שחפץ בידו יצליח, וכל אשר יפנה ישכיל ויצלח, ויזכה להגדיל תורה ולהאדירה, ויזטיף לנו עוד גמורות מבוארות בהנה ובחנה עד לטיסומו, "וישראל עשו חיל".

ובזכות לימוד תורה ואני זאת בריתי וכו', ובא לציוון גואל, בב"א.

מרדכי אליהו

ראשו לעצנו הרב הראשי ליישראלי שעבר

Haskama  
Rabbi Mordechai  
Eliyahu

The Talmud in *Eruvin* 21b states: Rava continued to interpret verses homiletically. What is the meaning of the verse: "And besides being wise, Kohelet also taught the people knowledge; and he weighed, and sought out, and set in order many proverbs" (Ecclesiastes 12:9)? He explains: He taught the people knowledge; he taught it with the accentuation marks in the Torah, and explained each matter by means of another matter similar to it. And he weighed [izen], and sought out, and set in order many proverbs; Ulla said that Rabbi Eliezer said: At first the Torah was like a basket without handles [*oznayim*] until Solomon came and made handles for it. And as Rashi there explains: And thus were Israel able to grasp the mitzvot and distance themselves from transgressions – just as a vessel with handles is easily held, etc.

Such things may be said of this beloved and eminent man, a great sage of Torah and of virtue. And far more than he has done with the Oral Torah, he does with the Written Torah – teaching the people knowledge. And beyond that, he also affixes handles to the Torah, i.e., to the Talmud, which is obscure and difficult for many. Only the intellectual elite, which are a precious few, and those who study in yeshiva, can today learn the Talmud and understand what it says – and even though we have Rashi, still not everyone uses him. But now the great scholar Rabbi Adin Steinsaltz has come and affixed handles to the Torah, allowing the Talmud to be held and studied, even by simple men. And he has composed a commentary alongside the text, a fine commentary in clear, comprehensible language, "a word fitly spoken" with explanations and illustrations, so that all those who seek to study the work of God can do so.

Rabbi Mordechai Eliyahu  
Former Chief Rabbi of Israel, 7 Tishrei 5754



# Message from Rabbi Adin Even-Israel Steinsaltz

The Talmud is the cornerstone of Jewish culture. True, our culture originated in the Bible and has branched out in directions besides the Talmud, yet the latter's influence on Jewish culture is fundamental. Perhaps because it was composed not by a single individual, but rather by hundreds and thousands of Sages in *batei midrash* in an ongoing, millennium-long process, the Talmud expresses the deepest themes and values not only of the Jewish people, but also of the Jewish spirit. As the basic study text for young and old, laymen and learned, the Talmud may be said to embody the historical trajectory of the Jewish soul. It is, therefore, best studied interactively, its subject matter coming together with the student's questions, perplexities, and innovations to form a single intricate weave. In the entire scope of Jewish culture, there is not one area that does not draw from or converse with the Talmud. The study of Talmud is thus the gate through which a Jew enters his life's path.

The *Koren Talmud Bavli* seeks to render the Talmud accessible to the millions of Jews whose mother tongue is English, allowing them to study it, approach it, and perhaps even become one with it.

This project has been carried out and assisted by several people, all of whom have worked tirelessly to turn this vision into an actual set of books to be studied. It is a joyful duty to thank the many partners in this enterprise for their various contributions. Thanks to Koren Publishers Jerusalem, both for the publication of this set and for the design of its very complex graphic layout. Thanks of a different sort are owed to the Steinsaltz Center and its director, Rabbi Menachem Even-Israel, for their determination and persistence in setting this goal and reaching it. Many thanks to the translators, editors, and proofreaders for their hard and meticulous work. Thanks to the individuals and organizations that supported this project, chief among them the Matanel Foundation and the Noé family of London. And thanks in advance to all those who will invest their time, hearts, and minds in studying these volumes – to learn, to teach, and to practice.

Rabbi Adin Even-Israel Steinsaltz  
Jerusalem 5773



# Acknowledgments

We are indeed privileged to dedicate this edition of the *Koren Talmud Bavli* in honor of the generous support of Leo and Sue Noé of London.

The name Noé is synonymous with philanthropy. The family's charitable endeavors span a vast range of educational projects, welfare institutions, and outreach organizations across the globe, with a particular emphasis on the "nurturing of each individual." Among so many other charitable activities, the Noés have been deeply involved with Kisharon, which provides the British Jewish community with vital support for hundreds of people with learning difficulties and their families; they provide steadfast support of SEED, which stands at the forefront of adult Jewish education in the UK, and Kemach, an organization in Israel that "helps Haredi students sustain themselves in dignity," providing both professional and vocational training for the Haredi community in Israel.

The Noés are not simply donors to institutions. They are partners. Donors think of a sum. Partners think of a cause, becoming rigorously and keenly involved, and giving of their time and energy. We are honored that they have chosen to partner with our two organizations, the Steinsaltz Center and Koren Publishers Jerusalem, enabling us to further and deepen learning among all Jews.

Leo and Sue are the proud parents and grandparents of five children and their families. The next generation has been taught by example that with life's gifts come the responsibilities to be active within and contribute to society – both Jewish and non-Jewish – as is consistent with the noblest of Jewish values.

Rabbi Adin Even-Israel Steinsaltz  
Matthew Miller, Publisher  
Jerusalem 5773



## Introduction by the Editor-in-Chief

The publication of tractate *Nidda* is another noteworthy achievement for the *Koren Talmud Bavli* project. With this, the first and only tractate of *Seder Taharot*, the Order of Ritual Purity, addressed by the Babylonian Talmud, we have reached a milestone: The completion of a new and unique translation of the Babylonian Talmud.

Presenting the English-speaking world with a translation that possesses all the merits of the original Hebrew work by Rabbi Steinsaltz, the *Koren Talmud Bavli* provides assistance for the beginner of any age who seeks to obtain the necessary skills to become an adept talmudist. Beginning with *Berakhot* and continuing through *Nidda*, the team has brought excellence to every aspect of the daunting task of translating Rabbi Adin Even-Israel Steinsaltz's masterful Hebrew translation of the Talmud into English. Rabbi Steinsaltz's work is much more than a mere translation. It includes a coherent interpretation of the Mishna and the Gemara, and an expansion of the text that provides an array of intriguing marginal notes. Rendering this masterpiece into English called for talents that include biblical and talmudic scholarship, literary skills, linguistic expertise, editorial acumen, graphic and visual creativity, and most of all, teamwork and diligence. Congratulations to every member of the team are in order, and celebration of our achievement is well deserved.

With the completion of this last volume, tractate *Nidda*, I thank the entire professional team for its dedication, diligence, and consummate skill. I express our gratitude to the Almighty for giving us the strength to persevere at this sacred task for the past several years. These years have been difficult ones for the Jewish people, and especially for those of us who dwell in Eretz Yisrael. But the difficulties have not diminished our ability to succeed in our goals. For that we thank the Master of the Universe. It has been a great privilege for all of us on the Talmud team to be involved in this enterprise. We hope these volumes will be a worthy tool for engagement with the Talmud, the most central text of our tradition.

Students of tractate *Nidda* will be both informed and inspired. They will be informed about the laws of marital intimacy, and will be inspired by our Sages' regard for the sanctity of the human birth process. As always, we consider our efforts successful if the reader comes away from the text a better person, and not just a better-informed person. For it is our contention that Talmud study fosters lifelong ethical development and a profound sensitivity to the needs and concerns of other human beings.

We have now had the opportunity to survey hundreds of responses submitted by our readers. Naturally, these include constructive criticism and reports of errors that are inevitable in such an undertaking. We have systematically preserved such responses so that we can correct them in future editions. Indeed, we have already begun to do so for the initial tractates in our series.

The most exciting result of our survey has been our discovery that "consumers" of the *Koren Talmud Bavli* are a remarkably diverse group. They range from beginners

who have never before been exposed to a *blatt gemara*, to accomplished scholars who have completed the study of the entire Talmud more than once. Beginners find our work not only a helpful introduction to Talmud study, but an impetus to the further study of rabbinic texts. Experienced scholars report that our work provides them with unexpected insights and fresh perspectives that enhance their appreciation of texts with which they have long been acquainted.

Like all the preceding volumes, the forty-second and final volume, tractate *Nidda*, includes the entire original text, in the traditional configuration and pagination of the famed Vilna edition of the Talmud. This enables the student to follow the core text with the commentaries of Rashi, *Tosafot*, and the customary marginalia. It also provides a clear English translation in contemporary idiom, faithfully based upon the modern Hebrew edition.

At least equal to the linguistic virtues of this edition are the qualities of its graphic design. Rather than intimidate students by confronting them with a page-size block of text, we have divided the page into smaller thematic units. Thus, readers can focus their attention and absorb each discrete discussion before proceeding to the next unit. The design of each page allows for sufficient white space to ease the visual task of reading. The illustrations, one of the most innovative features of the Hebrew edition, have been substantially enhanced and reproduced in color.

The end result is a literary and artistic masterpiece. This has been achieved through the dedicated work of a large team of translators, headed by Rabbi Joshua Schreier; the unparalleled creative efforts of the gifted staff at Koren; and the inspired and impressive administrative skills of Rabbi Jason Rapoport, managing editor of the *Koren Talmud Bavli* project.

It is an honor for me to acknowledge the role of Matthew Miller of Koren Publishers Jerusalem in this historic achievement. Without him this work would never have begun. Its success is attributable to his vision and supervision. I owe a great personal debt to him for selecting me as editor-in-chief, and I am continually astounded by his commitment to Jewish learning, the Jewish people, and the Jewish homeland.

The group of individuals who surround Rabbi Steinsaltz and support his work deserve our thanks as well. I have come to appreciate their energy, initiative, and persistence. And I thank the indefatigable Rabbi Menachem Even-Israel, whom I cannot praise highly enough. The quality of his guidance and good counsel is surpassed only by his commitment to the dissemination and perpetuation of his father's precious teachings.

Finally, in humility, awe, and great respect, I acknowledge Rabbi Adin Even-Israel Steinsaltz. I thank him for the inspirational opportunity he has granted me to work with one of the outstanding sages of our time.

Rabbi Tzvi Hersh Weinreb  
Jerusalem 5779

## Preface by the Executive Editor

The *Koren Talmud Bavli* concludes with its treatment of tractate *Nidda*, which delineates the laws of the menstruating woman, both in terms of ritual impurity and in terms of interaction with her husband. *Nidda* is the only tractate in the sixth and final order of the Talmud, *Seder Teharot*, the Order of Ritual Purity, addressed by the Babylonian Talmud. This order deals primarily with the sources of ritual impurity, the objects subject to ritual impurity, and the means of regaining ritual purity status.

The Talmud begins with tractate *Berakhot*, the only tractate in *Seder Zera'im* included in the Babylonian Talmud, and concludes with tractate *Nidda*, the only tractate in *Seder Teharot* included in the Babylonian Talmud. These bracket the four intervening orders, *Mo'ed*, *Nashim*, *Nezikin*, and *Kodashim*, which constitute the bulk of the Babylonian Talmud.

Well-known rabbinic sayings appear at the conclusion of both tractate *Berakhot* and tractate *Nidda*, sayings that are juxtaposed at the conclusion of the *Ein Keloheinu* prayer. At the conclusion of *Nidda*, the Gemara says: The school of Elijah taught: Anyone who studies *halakhot* every day is guaranteed that he is destined for the World-to-Come, as it is stated: “The ways of the world [*halikhot*] are his” (*Habakkuk* 3:6). Do not read the verse as *halikhot*; rather, read it as *halakhot*.

At the conclusion of *Berakhot*, the Gemara says: Rabbi Elazar said that Rabbi Hanina said: Torah scholars increase peace in the world, as it is said: “And all your children [*banayikh*] will be disciples of the Lord, and the peace of your children will be abundant” (*Isaiah* 54:13). Do not read: “Your children [*banayikh*],” but: Your builders [*bonayikh*] (*Berakhot* 63a).

The first tractate of the Babylonian Talmud and the final tractate of the Babylonian Talmud conclude with a common theme: Those who engage in Torah study, both those who study *halakhot* every day and those who are Torah scholars, have a constructive effect on the world. They positively affect their own lives, as they are guaranteed a place in the World-to-Come, and they positively affect their surroundings, as they increase peace in the world.

It is our hope and prayer that the *Koren Talmud Bavli* has contributed, and will continue to contribute, to bettering the lives of the individuals who regularly study *halakhot* from its pages, and that they, as Torah scholars, will in turn contribute to generating genuine peace in their immediate surroundings, among the entire Jewish people, and throughout the world.

My involvement in the production of the *Koren Talmud Bavli* has been both a privilege and a pleasure. The Steinsaltz Center, headed by Rabbi Menachem Even-Israel and devoted to the dissemination of the wide-ranging, monumental works of Rabbi Adin Even-Israel Steinsaltz, constitutes the Steinsaltz side of this partnership; while Koren Publishers Jerusalem constitutes the publishing side of this partnership. The combination of the inspiration, which is the hallmark of the Steinsaltz Center, with the creativity and professionalism for which Koren is renowned, is responsible for the exceptional quality of the *Koren Talmud Bavli* in terms of both content and form.

I would be remiss if I failed to mention the contribution of Raphaël Freeman, who guided this project from its inception and is largely responsible for transforming the content of the Steinsaltz Talmud into this aesthetic finished product, the *Koren Talmud Bavli*. He was succeeded by Dena Landowne Bailey, who facilitated a seamless transition and continued to ensure that the *Koren Talmud Bavli* lives up to the lofty standards that are the hallmark of Koren Publishers. Beginning with tractate *Menaḥot*, Tomi Mager assumed responsibility for the layout. She has proven herself a worthy successor to her predecessors in that role.

I would like to express my appreciation for Rabbi Dr. Tzvi Hersh Weinreb, the editor-in-chief, whose insight and guidance have been invaluable. Rabbi Jason Rapoport, the managing editor, has added a dose of professionalism to this project, systematizing the work of the large staff, and it is thanks to him that the project was completed with efficiency and excellence. Rabbi Dr. Joshua Amaru, the coordinating editor, oversees the work of the translators and editors, and is largely responsible for ensuring the consistently high quality of their work. The contribution of my friend and colleague, Rabbi Dr. Shalom Z. Berger, the senior content editor, cannot be overstated; his title does not begin to convey the excellent direction he has provided in all aspects of this project.

The staff of copy editors, headed by Aliza Israel, with Ita Olesker as production coordinator, pleasantly but firmly ensures that the finished product conforms to standards and is consistently excellent. The erudite and articulate men and women who serve as translators, editors, and copy editors generate the content that is ultimately the *raison d'être* of the *Koren Talmud Bavli*.

I would also like to express appreciation for the invaluable contribution of the technical staff. Without them, the jobs of the entire staff of translators and editors would be much more difficult. Thanks to Tani Bednarsh, Adena Frazer, Yaakov Shmidman, Shaltiel Shmidman, and Nava Wieder.

At the risk of being repetitious, I would like to thank Rabbi Dr. Berger for introducing me to the world of Steinsaltz. Finally, I would like to thank Rabbi Menachem Even-Israel, with whom it has been a pleasure working on this monumental project. I look forward to working together with him on additional projects dedicated to providing an ever-increasing audience greater access to the works of Rabbi Steinsaltz.

Rabbi Joshua Schreier  
Jerusalem 5779

# Introduction by the Publisher

The Talmud has sustained and inspired Jews for thousands of years. Throughout Jewish history, an elite cadre of scholars has absorbed its learning and passed it on to succeeding generations. The Talmud has been the fundamental text of our people.

Beginning in the 1960s, Rabbi Adin Even-Israel Steinsaltz שְׁיַזְנַצְלָץ created a revolution in the history of Talmud study. His translation of the Talmud, first into modern Hebrew and then into other languages, as well as the practical learning aids he added to the text, have enabled millions of people around the world to access and master the complexity and context of the world of Talmud.

It is thus a privilege to present the *Koren Talmud Bavli*, an English translation of the talmudic text with the brilliant elucidation of Rabbi Steinsaltz. The depth and breadth of his knowledge are unique in our time. His rootedness in the tradition and his reach into the world beyond it are inspirational.

Working with Rabbi Steinsaltz on this remarkable project has been not only an honor, but a great pleasure. Never shy to express an opinion, with wisdom and humor, Rabbi Steinsaltz sparkles in conversation, demonstrating his knowledge (both sacred and worldly), sharing his wide-ranging interests, and, above all, radiating his passion. I am grateful for the unique opportunity to work closely with him, and I wish him many more years of writing and teaching.

Our intentions in publishing this new edition of the Talmud are threefold. First, we seek to fully clarify the talmudic page to the reader – textually, intellectually, and graphically. Second, we seek to utilize today's most sophisticated technologies, both in print and electronic formats, to provide the reader with a comprehensive set of study tools. And third, we seek to help readers advance in their process of Talmud study.

To achieve these goals, the *Koren Talmud Bavli* is unique in a number of ways:

- The classic *tzurat hadaf* of Vilna, used by scholars since the 1800s, has been reset for greater clarity, and opens from the Hebrew “front” of the book. Full *nikkud* has been added to both the talmudic text and Rashi’s commentary, allowing for a more fluent reading with the correct pronunciation; the commentaries of *Tosafot* have been punctuated. Upon the advice of many English-speaking teachers of Talmud, we have separated these core pages from the translation, thereby enabling the advanced student to approach the text without the distraction of the translation. This also reduces the number of volumes in the set. At the bottom of each *daf*, there is a reference to the corresponding English pages. In addition, the Vilna edition was read against other manuscripts and older print editions, so that texts which had been removed by non-Jewish censors have been restored to their rightful place.

- The English translation, which starts on the English “front” of the book, reproduces the *menukad* Talmud text alongside the English translation (in bold) and commentary and explanation (in a lighter font). The Hebrew and Aramaic text is presented in logical paragraphs. This allows for a fluent reading of the text for the non-Hebrew or non-Aramaic reader. It also allows for the Hebrew reader to refer easily to the text alongside. Where the original text features dialogue or poetry, the English text is laid out in a manner appropriate to the genre. Each page refers to the relevant *daf*.
- Critical contextual tools surround the text and translation: personality notes, providing short biographies of the Sages; language notes, explaining foreign terms borrowed from Greek, Latin, Persian, or Arabic; and background notes, giving information essential to the understanding of the text, including history, geography, botany, archaeology, zoology, astronomy, and aspects of daily life in the talmudic era.
- Halakhic summaries provide references to the authoritative legal decisions made over the centuries by the rabbis. They explain the reasons behind each halakhic decision as well as the ruling’s close connection to the Talmud and its various interpreters.
- Photographs, drawings, and other illustrations have been added throughout the text – in full color in the Standard and Electronic editions, and in black and white in the Daf Yomi edition – to visually elucidate the text.

This is not an exhaustive list of features of this edition; it merely presents an overview for the English-speaking reader who may not be familiar with the “total approach” to Talmud pioneered by Rabbi Steinsaltz.

Several professionals have helped bring this vast collaborative project to fruition. My many colleagues are noted on the Acknowledgments page, and the leadership of this project has been exceptional.

RABBI MENACHEM EVEN-ISRAEL, DIRECTOR OF THE STEINSALTZ CENTER, was the driving force behind this enterprise. With enthusiasm and energy, he formed the happy alliance with Koren and established close relationships among all involved in the work.

RABBI DR. TZVI HERSH WEINREB ט'ו"א, EDITOR-IN-CHIEF, brought to this project his profound knowledge of Torah, intellectual literacy of Talmud, and erudition of Western literature. It is to him that the text owes its very high standard, both in form and content, and the logical manner in which the beauty of the Talmud is presented.

RABBI JOSHUA SCHREIER, EXECUTIVE EDITOR, assembled an outstanding group of scholars, translators, editors, and copy editors, whose standards and discipline enabled this project to proceed in a timely and highly professional manner.

RABBI MEIR HANEGBI, EDITOR OF THE HEBREW EDITION OF THE STEINSALTZ TALMUD, lent his invaluable assistance throughout the work process, supervising the reproduction of the Vilna pages.

RAPHAËL FREEMAN created this Talmud’s unique typographic design which, true to the Koren approach, is both elegant and user friendly.

It has been an enriching experience for all of us at Koren Publishers Jerusalem to work with the Steinsaltz Center to develop and produce the *Koren Talmud Bavli*. We pray that this publication will be a source of great learning and, ultimately, greater *avodat Hashem* for all Jews.

Matthew Miller, Publisher  
Koren Publishers Jerusalem  
Jerusalem 5773

# Introduction to **Nidda**

*Nidda* is the only tractate in *Seder Teharot*, the Order of Ritual Purity, for which there is a tractate of Gemara, in addition to its *mishnayot*, both in the Babylonian Talmud and a slim volume in the Jerusalem Talmud. The rest of the many and large tractates in this order have no Gemara written on them at all. The reason for this is that when the Temple was destroyed, the *halakhot* of ritual purity discussed in *Seder Teharot* became largely inapplicable. As the connection to the Temple and its concepts became increasingly distant, the necessity of studying *Teharot* correspondingly diminished. An exception to this trend is the study of the tractates in *Seder Kodashim*, which discusses the Temple and its offerings; the study of *Kodashim* can be understood as an expression of the eternal hope in the rebuilding of the Temple and of the redemption. The study of *Teharot*, which deals with the *halakhot* of ritual purity that are merely affiliated with the Temple, does not represent the same hope and indefatigable yearning.

The exception within *Seder Teharot* is tractate *Nidda*, as the status of a menstruating woman includes two aspects: One is that such a woman assumes ritual impurity status and transmits impurity. Her touch disqualifies consecrated items and renders ritually pure items impure. This aspect is similar to the other *halakhot* of impurity discussed throughout *Seder Teharot*. The second aspect is the status of a menstruating woman as one with whom intercourse is strictly forbidden, to the point that a man and woman who transgress this prohibition are liable to receive the grave punishment of *karet*. Although the first aspect of ritual impurity is just as impractical as the rest of *Teharot*, this second aspect of forbidden intercourse remains as applicable as ever. It is therefore necessary to delve into these *halakhot* and clarify them in every respect, in order to establish the *halakha* in practice.

This tractate deals not only with the *halakhot* of a menstruating woman, but also with a series of other related *halakhot* that have some connection to a menstruating woman. Many of these topics have no other corpus where they are elucidated in full. The *halakhot* concerning a menstruating woman are derived, in the main, from the verse: "And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening." (Leviticus 15:19). The subject closest to the case of a menstruating woman is a *zava* (see Leviticus 15:25–30). The discharge of *ziva* that applies to women has no medical similarity to that of a male *zav*. Whereas the *ziva* of a man is a specific, known condition with its own specifications, the *ziva* found in women is defined as the discharge of uterine blood not at the time of her menstruation. The status of a *zava* is generally even more stringent than that of a menstruating woman, as a greater *zava* requires a longer period of time to attain a status of purity: Seven days during which absolutely no blood is found. In addition, she must bring offerings upon the completion of her purification period.

A different type of ritual impurity is caused by the flow of blood of a woman after childbirth. The Torah states (see Leviticus 12:1–8) that there is a specific period of time after childbirth when any blood that the mother discharges has the same status as menstrual blood. Following that period of impurity there is a period of blood of purity, during which any blood that she emits does not transmit impurity. Different periods of impurity and purity are prescribed in accordance with the sex of the baby. A woman after childbirth is also required by Torah law to bring offerings after that period of purity, and only after their sacrifice is she permitted to partake of consecrated food and enter the Temple.

In addition to these categories of blood that transmit impurity by Torah law, there are other types of blood that exit via the vagina that do not transmit impurity by Torah law. They are blood from a torn hymen and blood from a wound along the vaginal canal. These types of blood are free of impurity, but one is not always able to distinguish between different types of blood to determine if blood that is found in that area is impure, pure, or a mixture of the two.

The Torah teaches what kinds of blood transmit impurity and which *halakhot* govern each particular type of blood. The discharges of these various types of blood are tangible, physical occurrences, and the ability to clarify and investigate physical phenomena is accessible to the experts of each generation.

Nevertheless, due to the grave nature of these prohibitions, the transgression of which can entail the punishment of *karet*, the Sages throughout the generations have cautioned and safeguarded not only against clear prohibitions, but also against any cases of uncertainty. One result of such concerns is that even the examinations recommended by the Talmud were not always relied upon in practice if they led to lenient rulings. Some of these examinations entail fine distinctions between shades of blood, and at times even differences in form or smell, and these distinctions cannot easily be expressed in words. Therefore, there is always a concern that our expertise in these areas might be lacking, and the tendency is to err on the side of caution when rendering practical rulings.

Tractate *Nidda* also analyzes the length of a woman's menstrual cycle. There are seven days of ritual impurity status caused by any discharge of menstrual blood, whether it flows throughout the seven days or only on some of them. This is followed by a period of purity that spans eleven days in between each period of menstruation. During that time, blood that a woman emits is not considered menstrual blood. If she does experience bleeding, it is defined as *ziva* blood, to which a different set of *halakhot* apply. Although there may be differences in practice, this cycle of seven days followed by eleven days is a set system with regard to the various *halakhot* of a menstruating woman and a *zava* that is accepted as a *halakha* transmitted to Moses from Sinai.

These fixed halakhic definitions and established principles often become confusing when applied to real-life scenarios. Menstrual cycles are complex and irregular. This is true not only of women in general, but even with regard to each woman's individual cycle. Whereas some women have fixed, immutable menstrual cycles, both with regard to the dates on which menstruation occurs and its duration, others have more sporadic, variable cycles that are unpredictable both with regard to duration as well as the dates on which menstruation occurs or does not occur. Time is of utmost importance in this regard, as it is imperative to know in advance exactly when a woman may assume ritual impurity status and when she will have the presumptive status of ritual purity. As stated, there are no natural or fixed principles that can be followed in

all cases, and the issue of how to deal with differences between one woman and the next, as well as the variations within each individual woman, occupies a significant portion of this tractate.

Another halakhic topic that has significant practical ramifications is with regard to blood stains. Many of the cases discussed in the tractate do not involve isolated blood, but rather blood that has been absorbed into clothing or found somewhere else. In most instances it is easy to verify the facts with regard to the source of a discovered blood stain and when it appeared. Yet, in many situations when blood is found absorbed in clothing or somewhere on the body, the time of its appearance and its origin are unclear. In such cases it might even be unknown whether the blood came from the body of a woman or from another source, such as an animal. Furthermore, even if it came from a woman, it may be uncertain whether it is uterine blood or blood from a wound found in the vaginal canal or from some other wound.

Tractate *Nidda* discusses the halakhic implications of all these aforementioned types of blood. It largely discusses an aspect that is still applicable nowadays, the prohibition of intercourse, and for that matter, all forms of physical intimacy with a menstruating woman. Apropos of this topic, it also discusses matters that are not relevant nowadays, specifically the study of ritual purity as it relates to the status of a menstruating woman.

There is one *halakha* that renders virtually obsolete a large proportion of the most basic halakhic concepts contained in this tractate. The Talmud refers to this *halakha* as the stringency that Jewish women accepted upon themselves, and it is considered by the authorities as the basic *halakha*.

This stringency is that every woman who sees even the most minuscule amount of possible menstrual blood automatically assumes the ritual impurity status of a *zava*. In many cases there is no perceivable basis for this concern, but nevertheless it determines all the relevant *halakhot*. Due to this accepted custom, there is no longer any practical significance to many of the details and discussions contained in this tractate.

The tractate also includes lengthy discussions of the *halakhot* of childbirth. The *halakhot* that apply to a normal childbirth are stated explicitly in the Torah. Yet, there are many questions with regard to irregular occurrences, such as caesarean births and various types of miscarriages, including instances where the fetus is deformed to the point where it does not have a human form. Another matter that requires clarification is the stage of pregnancy when a miscarriage is considered a full-fledged birth. The analysis of these issues is important both with regard to establishing whether any ensuing blood is considered menstrual blood, and for determining the purity status of the mother.

Another detailed discussion in this tractate is the various stages that a child passes through on his or her way to adulthood. What are the external physical signs that indicate the stages of a developed youth, and which subsequent signs are indicative of adulthood? These definitions are important with regard to both the *halakhot* of menstruation as well as the obligation to observe mitzvot and the liability for punishment that come with adulthood.

*Nidda* is considered one of the more difficult tractates of the Talmud. There are several reasons for this. One is that a significant portion of its discussions is either connected to, or entirely focused on, the *halakhot* of ritual impurity. As far back as talmudic times, the *halakhot* of ritual impurity have been considered one of the most complex systems of Torah law. The Rambam writes in his introduction to *Teharot*

that even if one were to review them many times, he would still be lacking in his clear understanding of these matters. This is partly because their basic principles cannot be logically deduced, which results in many discrete *halakhot*, each of which is apparently dictated by its own logic or internal rationale.

Another difficulty in studying this tractate that obfuscates the basic reading of the text is that the Talmud often speaks in euphemistic terms, designed to mask material of a sexual or graphic nature. Metaphors, symbols, and analogies are often used for this purpose. Since the basic meaning of the words and the concepts in question is ambiguous, this can lead to difficulties in analyzing the text, both in terms of general ideas and with regard to the halakhic ramifications.

The vast majority of the tractate deals with the clarification of halakhic principles and how they may be applied. In addition, it also contains a certain amount of aggadic literature. In most cases the aggadic passages are closely related to the main topics of the tractate. Some are cited in order to help clarify ideas or situations, while others teach proper ethical behavior or delve into spiritual matters connected to the main discussion.

Tractate *Nidda* contains ten chapters. A single chapter might deal entirely with one topic, or a topic might span across more than one chapter. Likewise, there are chapters that focus on varied topics.

Chapter One discusses the point at which a menstruating woman transmits ritual impurity due to uncertainty. It also addresses the issue of which women are considered either temporarily or permanently pure due to their suspended menstruation.

Chapter Two deals with the ways in which a menstruating woman performs her self-examinations, as well as the various shades of blood that cause a woman to have the status of a menstruating woman.

The main topic of Chapter Three is miscarriages. The chapter defines what is considered to be a fully formed fetus and what is only an incomplete sac.

Chapter Four addresses two central topics: One is the *halakhot* of menstruation as they apply to Cuthean, Sadducee, and gentile women. The other is the menstruation or *ziva* status of a woman who is having difficulty giving birth and discharges blood for a substantial period of time.

Chapter Five continues with the previous topics, but its main focus is the stages at which girls and boys pass into adulthood.

Chapter Six further analyzes these topics, although it mostly contains a collection of varied *halakhot* and topics gathered together not due to their content, but due to their similar structure and style.

Chapter Seven deals with categories of ritual impurity for which wetness or dryness makes a difference. It also discusses the *halakhot* of impurity with regard to Cutheans.

Chapter Eight focuses on the *halakhot* of blood stains found on a woman's clothing or skin. It defines which stains cause impurity and which are treated leniently.

Chapter Nine discusses what to do when the origin of found blood is unknown. When is it assumed that the blood came from a certain woman and when can it be presumed that it came from other sources? In addition, the chapter explains how stains can be analyzed to determine if they are in fact blood or some other substance. This chapter also contains a discussion of the establishment of fixed menstrual cycles, whether they are based upon specific dates or upon particular physical phenomena.

Finally, Chapter Ten deals with a variety of topics, including bleeding from the torn hymen, examinations of various forms of ritual impurity where there is uncertainty as to the accuracy of the examination, blood of purity following childbirth, and the *halakha* of one who passes away in a state of ritual impurity. In addition, there is a discussion concerning a woman who engages in intercourse with her husband before she completes the full process required to attain ritual purity.



*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

## Introduction to Perek I

The Sages derived from the above verse that any woman who emits blood from her uterus becomes ritually impure, even if the blood never completely exits her body. Not only does she assume ritual impurity status from when she had the discharge of blood, but the Sages are concerned that she might have emitted blood earlier unawares. In this chapter, the Gemara discusses the length of time with regard to which she is retroactively considered impure due to this concern. Is it from the last time she performed a self-examination, or is it for a twenty-four-hour period?

This issue of retroactive impurity is analyzed and applied to several categories of women who have different types of menstrual cycles. Some have fixed menstrual cycles while others do not. There are older women whose menstrual cycles have ceased, and young girls who have not yet started menstruating. There are also pregnant and nursing women, whose cycles are suspended due to their current physical condition. The *halakha* of each of these classes of women requires clarification.

With regard to the determination of the time for which a woman assumes retroactive ritual impurity, various external factors must be addressed as well. One of these is the requirement to perform internal examinations before and after intercourse. Another is the significance of a contraceptive absorbent cloth a woman placed in her vaginal canal prior to her finding blood, or if she was awake and aware to the extent that she would have felt the discharge at its onset.

This chapter also includes a discussion of the ritually pure items that a menstruating woman had touched during the period of her retroactive impurity. Is there a difference between sacred items and non-sacred items in this regard? Furthermore, it considers whether the location of the pure items at the time she touched them makes any difference, as the issue of whether an item is in the public domain or private domain is generally of great importance in cases of uncertainty involving ritual purity.



Perek I

Daf 2 Amud a

**מתני'** שמאו אומר: כל הנשים דין  
שעתן הלו אומרים: מפקידה לפקידה,  
ונפילה לימים הבאה.

חכמים אומרים: לא כדברי זה ולא  
כברבי זה, אלא מעת לשעת – ממעט  
על יד מפקידה לפקידה, ומפקידה  
לפקידה – ממעט על יד מעת לשעת.

כל אשה שיש לה וסת – ריה שעתה.  
והמשמשת בעדרים – הרוי זו כפקידה,  
וממעט על יד מעת לשעת ועל יד  
ספקידה לפקידה.

**MISHNA** Shammai<sup>a</sup> says: For all women who do not have a fixed menstrual cycle, **their time is sufficient**. Women who discern that menstrual blood emerged do not need to be concerned that perhaps the flow of blood began before they noticed it. Rather, they assume their ritual impurity status begins at that moment, in terms of rendering impure *teruma* and ritually pure items with which they come in contact. Hillel says: From examination [mipekida]<sup>b</sup> to examination, i.e., she assumes ritual impurity status retroactive to the last time she examined herself and determined that she was ritually pure, and this is the halakha even if her examination took place several days earlier. Any ritually pure item with which she came in contact in the interim becomes ritually impure.

**And the Rabbis say:** The halakha is neither in accordance with the statement of this tanna nor in accordance with the statement of that tanna; rather, the principle is: A twenty-four-hour period<sup>c</sup> reduces the time from examination to examination.<sup>d</sup> In other words, if her final self-examination took place more than twenty-four hours earlier, she need only concern herself with ritual impurity for the twenty-four-hour period prior to discerning the blood. And from examination to examination reduces the time from a twenty-four-hour period. In other words, if she examined herself in the course of the previous day and discovered no blood, she was certainly ritually pure prior to the examination.

For any woman who has a fixed menstrual cycle [veset]<sup>e</sup>, and she examined herself at that time and discovered blood, **her time is sufficient**, and it is only from that time that she transmits ritual impurity. And with regard to a woman who engages in intercourse while using examination cloths [be'edim]<sup>f</sup> before and after intercourse, with which she ascertains whether her menstrual flow began, the halakhic status of such an action is like that of an examination, and therefore it reduces the time from a twenty-four-hour period, and reduces the time from examination to examination.

### PERSONALITIES

**Shammai – שמאי:** Shammai, occasionally referred to as Shammai the Elder, was the counterpart of Hillel the Elder; they constituted the last of the pairs of Sages of the early tannaitic period, approximately one hundred years prior to the destruction of the Temple, at the beginning of Herod's reign. Hillel was the *Nasi* and Shammai served as president of the court. Despite the fact that they founded two schools, Beit Hillel and Beit Shammai, whose disputes continued for many years after their passing, they themselves disagreed with regard to only three or four issues. The difference between Hillel and Shammai themselves was mainly a difference in character. Hillel related to himself and to others in an easygoing manner, avoiding conflict whenever possible. Shammai, by contrast, took a more exacting approach, closely scrutinizing people's motivation and conduct. Nevertheless, it was Shammai who was known for teaching: And greet every person with a pleasant countenance (Avot 1:15). Little is known about his personal life. He was apparently an architect or builder by trade, as he is described on several occasions standing with a builder's cubit, which was a common measuring stick, in his hand.

### BACKGROUND

**Examination [pekida] – פקידה:** Some explain that in the context of the mishna, this word simply means: Examination. Others maintain that here *pekida* has the connotation of remembering (see Genesis 21:1), as women must constantly remember to perform their rabbinically obligated self-examinations twice daily. Another connotation of the word *pekida* is that of counting (see Numbers 1:3), as a woman relies on these self-examinations in the course of counting seven clean days.

### NOTES

**A twenty-four-hour period – מעת לשעת:** This expression, which literally means: From time to time, is understood by some commentaries as referring to the same time of day yesterday, i.e., a full twenty-four-hour period (Rashi; Rambam). By contrast, some *ge'onim* maintain that it means a twelve-hour period, which is the amount of time a couple is required to separate from each other close to the woman's menstrual cycle (Responsa of the *Ge'onim*).

**A woman who engages in intercourse while using examination cloths – נהמת משמשת בטעמי:** The Gemara's final explanation (sa) is that the mishna is referring to the examination cloths used by both husband and wife. There is a variant reading of the text here: And she engages in intercourse while using examination cloths, i.e., every woman is required to examine herself with an examination cloth before and after intercourse.

### HALAKHA

A twenty-four-hour period reduces the time from examination to examination – נעת לשעת ממעט על יד מפקידה לפקידה. A menstruating woman, a *zava*, a lesser *zava* who observes a clean day for a day she experiences a discharge, and a woman who recently gave birth, all assume ritual impurity status retroactive to the last time they examined themselves, or for the last twenty-four hours. For example, if a woman of ritually pure status who has no fixed menstrual cycle examines herself in the morning and finds herself clean of menstrual blood, and half a day later she examines herself again and finds menstrual blood, all the ritually pure items that she touched in between those two examinations are retroactively deemed ritually impure. Some note that this is only when she finds definite menstrual blood in her second examination and not in a case of uncertainty (*Mishne LaMelekh*). If the last time she examined herself was two or three days previously, then only the ritually pure items that she touched in the last twenty-four hours are retroactively deemed ritually impure. This is in accordance with the opinion of the Rabbis in the mishna (Rambam *Sefer Tahara, Hilhot Metamei Mishkav UMoshav* 3:4).

**Any woman who has a fixed menstrual cycle – כל אשה שיש לה וסת:** A woman who has a fixed menstrual cycle who experiences a flow of menstrual blood at her fixed time assumes ritual impurity status beginning at that moment. She does not assume impurity status retroactively (Rambam *Sefer Kedusha, Hilhot Issurei Bia* 9:4).

### LANGUAGE

**Fixed menstrual cycle [veset] – וסת:** The etymology of this word is unclear. Some maintain that it comes from the Greek *ἔθος*, *ethos*, which means routine or custom. Indeed, in the mishna and for many subsequent generations, the word was used in this sense. Over the course of time the word has become associated with a woman's regular menstrual cycle.

**Examination cloths [edim] – עדים:** There are two different ways in which this word can be vowelized. According to the way this word is vowelized here, *edim*, it is connected to the word for witness, *ed*, or the word for an adornment, *adi* (see Isaiah 49:18). Others vowelize it as *idim*, in which case it refers to a worn piece of cloth (see Isaiah 64:5).

### HALAKHA

A woman with a fixed cycle counts her menstrual days only from the moment that she saw blood – **אִיןָה מַשְׁעָה שׁוֹאָתָה**: Although the Rabbis said that a woman who experiences a flow of menstrual blood not at the time of her fixed menstrual cycle transmits ritual impurity retroactively for a twenty-four-hour period; she counts her menstrual days only from the moment that she experiences a flow of blood or a stain (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:3).

בַּיּוֹד דֵּין שְׁעֻנְתָּה? הַיְתָה יוֹשְׁבָת בַּמֶּתֶה  
וּשְׁסָקָה בְּטָהֳרוֹת, וּפְרָשָׂה וּרְאָתָה – הִיא  
טְמָאָה וְהַן טְהָרוֹת.

אִף עַל פִּי שָׁאֲמָרוּ: מַטְמָאָה מִיעָת לְעֵית  
אִיןָה מַזְנָה אֶלָּא מַשְׁעָה שׁוֹאָתָה.

**גַּם'** מַאי טְעַמְּיהָ דְּשָׁמָאי? קָسְבָּו:  
הַעֲמָד אֲשָׁה עַל חִזְקָתָה, וְאֲשָׁה בְּחִזְקָתָה  
טְהָרוֹת עַזְמָה. וְהִלֵּל, בַּי אָמַר הַעֲמָד  
דְּבָר עַל חִזְקָתוֹ הִיכָּא דְּלִית לִיהְיָה רַעַיָּתָא  
מְגֻפָּיה, אֶבֶל אִיתָּתָא

Her time is sufficient, how so? If the woman was sitting in the bed<sup>8</sup> and engaged in handling ritually pure items, and she left the bed and saw blood, she is ritually impure and those items are ritually pure.

Although the Rabbis said that a woman without a fixed menstrual cycle transmits ritual impurity retroactively for a twenty-four-hour period, a woman with a fixed cycle **counts** her menstrual days **only from the moment that she saw blood**.<sup>9</sup>

### GEMARA

The mishna teaches that when a woman discerns that her menstrual blood emerged, Shammai holds that her impurity status starts from that moment, while Hillel maintains that it begins from the time of her most recent self-examination. The Gemara asks: **What is the reason for the opinion of Shammai?** The Gemara answers: Shammai holds that as there is a principle that when the status of an item is uncertain it retains its presumptive status, here too: **Establish the woman in her presumptive status, and a woman remains with the presumptive status of being ritually pure. And what is the reasoning of Hillel?** He claims that **when one states the principle: Establish an item in its presumptive status, that applies only where there is no weakening in the presumptive status that is a result of the item itself. But in the case of a woman,**

### BACKGROUND

**Bed – מֶתֶה:** In talmudic times, the bed was used for other purposes besides sleeping, consequently it was an important piece of furniture in the house. A typical bed was rectangular and stood on legs. Some had four additional bed-frame posts, and others had two bed poles, which were used to create a structure for a tent-like covering over the bed.



Terracotta bed, third century BCE

Perek I  
Daf 2 Amud b

כִּיּוֹן דְּמַנוּפָה קְהִיָּא – לֹא אָמְרִים  
אָזְקָמָה אֲחִזָּקָתָה.

since it is her nature to see blood flow from her body<sup>N</sup> at regular intervals, we do not say: Establish her in her presumptive status of ritual purity.<sup>N</sup> Her body is constantly changing, and therefore she has no such presumptive status.

### NOTES

Since it is her nature to see blood flow from her body – **כִּיּוֹן דְּמַנוּפָה קְהִיָּא**: Various explanations are given for this statement. Some say that it means that a woman is prone to experience menstruation (Rashi) or that she regularly experiences menstruation (*Tosefot Rid*) and therefore she has no presumptive status of purity. Later authorities note that this reasoning applies even to a woman who has no fixed menstrual cycle (*Noda BiYehuda*). Others maintain that she has no presumptive status of ritual purity, as the menstrual blood is always lying dormant within her body (*Tosefot HaRosh*). Yet others explain the phrase more literally: Since her impurity comes from her body rather than from an external source, she has no presumptive status of purity (*Beit HaLevi*).

We do not say: Establish her in her presumptive status of ritual purity – **לֹא אָמְרִים אָזְקָמָה אֲחִזָּקָתָה**: Some question why this halakha is determined by the woman's status of impurity and not the presumed status of purity of the items that she touched? They answer that since the variable in question is the point in time that the woman's menstruation started, therefore the ritual status of the woman must first be determined, as the status of the items is dependent upon her (*Tosefot HaRosh*; *Tosefot Rid*; *Mayim Amukim*, *Yosef Da'at*).

ומאי שנא מפקודה? דתנן: מקוה שנמדד וنمצא חסר – כל טהרות שגעשו על גבוי למperf, בין ברשות הרבים בין ברשות היחיד, טמאות.

לשפאי – קשייא למperf.

להלך קשייא ודאי, דאיilo מעת לעת שבנדה תולין, לא אוכלון ולא שורפיין, ואילו הכא – טומאה ודאי!

With regard to the opinions of both Shammai and Hillel, the Gemara asks: **And in what way is this case different from that of a ritual bath?** As we learned in a mishna (*Mikvaot* 2:2): In the case of a ritual bath that was known to have contained the requisite forty *se'a*, which was then measured and found lacking<sup>HB</sup> in its quantity of water, all pure items that had been rendered pure in it, i.e., any impure items that had been purified through immersion in this ritual bath, retroactive to when the ritual bath was last measured, whether this ritual bath is found in the private domain or in the public domain, are impure.

The Gemara explains: According to the opinion of Shammai, the mishna poses a difficulty from its statement that the change in the ritual bath's status is assumed retroactive to the time when it was last measured, as he maintains that a menstruating woman's status changes only at the present moment, not retroactive to the last time she examined herself.

According to the opinion of Hillel, the mishna also poses a difficulty with regard to its ruling that the items purified in the ritual bath are deemed impure with certainty, whereas a menstruating women does not assume retroactive impurity with certainty. In other words, although according to the Rabbis there is a twenty-four-hour period of retroactive ritual impurity in the case of a menstruating woman,<sup>N</sup> and according to Hillel the retroactive impurity extends back to her most recent examination, nevertheless any *teruma* that she touched during that period is not deemed definitely impure to the extent that it must be burned. Rather, the impure status of the items she touched is uncertain and the status of the *teruma* is suspended, i.e., one may neither eat it nor burn it. Whereas here, in the case of the ritual bath, any item purified in it is retroactively deemed definitely impure.

הtram משומם דאייכא למperf. העמד טמא על חזקתו, ואימא לא טבל. אידובה, העמד מקווה על חזקתו ואימא לא חסוי. הרי חסר לפניך!

The Gemara answers: There, in the case of a ritual bath, it is different, since it can be said: Establish the impure item in its presumptive status and say that it was not properly immersed. In other words, the presumptive status of the item as ritually impure is in keeping with the current deficient state of the ritual bath. The Gemara raises a difficulty: On the contrary, one should establish the ritual bath in its presumptive state of validity<sup>N</sup> and say that the ritual bath was not previously lacking the requisite measure of water. The Gemara responds: There is no presumptive state of validity, as the ritual bath is lacking before you, i.e., at present, and this offsets the presumptive status that it was full.

## HALAKHA

A ritual bath which was measured and found lacking – **מקוה שנמדד ונמצא חסר:** If a ritual bath was measured and found to be lacking in the requisite amount of water for a ritual bath, anything immersed in it, going back to the time when it was last inspected and found full, is considered to be impure. It makes no difference whether the ritual bath was in the public domain or the private domain. This halakha applies only to severe categories of impurity; but with regard to lenient forms of ritual impurity, such as one who ate impure food, the individual remains pure despite the uncertainty, since this type of impurity is rabbinic in origin. The Ra'avad maintains that even by rabbinic law an individual who immersed in it to purify himself of a primary category of impurity remains impure (Rambam *Sefer Tahara, Hilkhot Mikvaot* 10:6; *Shulhan Arukh, Yoreh De'a* 201:71).

## BACKGROUND

A ritual bath which was measured and found lacking – **מקוה שנמדד ונמצא חסר:** A valid ritual bath must have forty *se'a* of water in it. A *se'a* is one-thirtieth of a *kor*, or the equivalent of 144 egg-bulks. Forty *se'a* are the equivalent of eighty *hin* or 5,760 egg-bulks. The Talmud tells us that the dimensions of a ritual bath must be three cubits by one cubit by one cubit, and that its volume must be forty *se'a*. Consequently, according to the calculations of Rabbi Hayyim Na'e in *Shiurim Torah*, a ritual bath must contain at least slightly less than 332 liters of water, while according to the calculation of the *Hazon Ish*, it must contain at least 573 liters.



Ancient ritual bath in the western Negev

## NOTES

There is a twenty-four-hour period of retroactive ritual impurity in the case of a menstruating woman – **בשעת לשעת שבנדה:** Some question why the Gemara refers to the opinion of the Rabbis that a menstruating woman assumes impurity for a retroactive twenty-four-hour period when it explains its challenge to the opinion of Hillel, who disagrees with them. Rashi explains that the Gemara means to broadly refer both to the Rabbis' twenty-four-hour period of retroactive impurity as well as Hillel's period of retroactive impurity that extends back to the time of her last self-examination.

**Establish the ritual bath in its presumptive state of validity – **העמד מקווה על חזקתו:**** Based upon the Gemara's suggestion to affix the ritual bath's status based upon its presumptive status of validity, some authorities maintain that once a ritual bath has

been properly filled with its requisite measure of water, going forward it always has a presumptive status of validity and it does not need to be checked on a regular basis (*Magen Avraham; Arukh LaNer*). Others disagree and maintain that no halakhic presumptive status may be affixed through human intervention. Therefore the human measurement that determines that a ritual bath contains its requisite measure may not be relied upon to create a presumptive status of validity and purity, and therefore the ritual bath must be regularly checked (*Bath*). Similarly they maintain that ritual fringes must constantly be checked to ensure their validity. Furthermore, there is an authority among those who are lenient with regard to the necessity to constantly check a ritual bath who agrees that in the case of ritual fringes, they must be constantly checked. Since this brief examination is easily performed one may not rely on a presumed status (*Magen Avraham*).

**HALAKHA**

If someone would inspect the contents of a barrel – **בזק את החבית**: If a person inspects the contents of a barrel and determines that it contains enough wine to separate *teruma* from it to exempt other untithed wine, and later he finds that the wine turned to vinegar, it is assumed that it was good wine for three days after it was initially inspected, and all the *teruma* separated during that period is valid. Any *teruma* separated afterward is in doubt and must be separated again (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 5:24; see Radbaz and *Kesef Mishne* there).

**LANGUAGE**

A bit [*hagas*] – **הָגָס**: Some say *hagas* is related to the word *gis*, meaning a close relationship, i.e., the blood came out close to the present time, or it came out gently. Alternatively, it can sometimes mean large, which may be the case in this context as well, i.e., the blood accumulated (Rashi).

**BACKGROUND**

**Barrel – חַבֵּת**: Generally barrels were made of clay and used for storing food items. Sometimes they were used to hold liquids like oil and honey, or solids such as grains, olives, and figs, but their main purpose was for wine storage. After they were filled, they were sealed with a plug. Often an inappropriate or ill-fitted plug would lead to the wine oxidizing and turning to vinegar.



Earthenware barrel with a plug

**Teruma – תְּרוּמָה**: Whenever the term *teruma* appears without qualification, it refers to *teruma gedola*. The Torah commands that “the first fruit of your grain, of your wine, and of your oil” be given to the priest (Deuteronomy 18:4; Numbers 18:12), but the Sages extended the scope of this mitzva, which applies only in Eretz Yisrael, to include all produce. After the first fruits have been separated, a certain portion of the produce must be separated for priests as *teruma*.

Although the Torah does not specify the amount of *teruma* that must be separated, and one may theoretically fulfill his obligation by giving even a single kernel of grain from an entire crop, the Sages established a measure: One-fortieth for a generous gift, one-fiftieth for an average gift, and one-sixtieth for a miserly gift. One first separates *teruma* and then separates the other tithes.

*Teruma* is considered sacred and may be eaten only by a priest and his household while they are in a state of ritual purity (see Leviticus 22:9–15). To emphasize the importance of this requirement, the Sages obligated the priests to wash their hands before partaking of *teruma*. This is the source for the practice of washing the hands before eating. A ritually impure priest or a non-priest who eats *teruma* is subject to death at the hand of Heaven. If *teruma* becomes ritually impure, it may no longer be eaten and must be burned. Nevertheless, it remains the property of the priest, and he may benefit from its burning.

Today, *teruma* is not given to priests because they have no definite proof of their priestly lineage and because everyone today is ritually impure. Nevertheless, the obligation to separate *teruma* remains, and a minuscule portion of the produce is separated.

הֲכָא נִבְנֵי הַרְיִ דֶם לִפְנֵיכֶן! הַשְׁתָּא הוּא דְחוֹזֵא. הֲכָא נִבְנֵי הַשְׁתָּא הוּא דְחַסְרֵן!

The Gemara raises a difficulty: **Here too**, in the case of a menstruating woman, she is one who has experienced a discharge of **blood before you**, i.e., at present. Just as the ritual bath’s presumptive status of validity is offset by its present lack of the requisite measure of water, so too the woman’s previous presumptive status of ritual purity is offset by her present state of impurity due to menstruation. The Gemara answers: In the case of the menstruating woman, it is possible that **it is only now that she saw** the first emission of her menstrual blood. The Gemara retorts: One can say the same with regard to the ritual bath: **Here too, it is only now that it became lacking** in the requisite measure of water.

הֲכִי הַשְׁתָּא? הַתָּם – אִיכְא לִמְימָר חַסְרֵן אַתָּא חַסְרֵן וְאַתָּא, הֲכָא – מֵאִיכְא לִמְימָר חַזְאִי וְאַתָּא חַזְאִי וְאַתָּא? וּמְאִי קוֹשְׁטָא? דְלַמְאָה הַגָּס חַיִתְהָ?

The Gemara answers: **How can these cases be compared?** There, in the case of the ritual bath, **it can be said** that the water slowly trickled out and consequently the amount of water was **continuously diminishing**.<sup>N</sup> Therefore, it is possible that the ritual bath lost its valid status long ago without anyone realizing. By contrast, **here**, with regard to a menstruating woman, **can it be said** that she was **continuously seeing** menstrual blood? The Gemara responds: **And what is the difficulty?** The same possibility does in fact exist in the case of a menstruating woman, as **perhaps she saw** the blood depart bit [*hagas*]<sup>L</sup> by bit.

הַתָּם – אִיכְא תַּרְתִּי לִיעוּתָא, הֲכָא – אִיכְא חַדָּא לִיעוּתָא.

The Gemara states a different answer: **There**, in the case of the ritual bath, **there are two factors that weaken**<sup>N</sup> the suggestion that the items are ritually pure: First, the ritual bath is lacking at present; second, the item has a presumptive status of impurity. **Here**, by contrast, **there is only one factor that weakens** the possibility that the items touched by the currently menstruating woman were rendered ritually impure, i.e., that she is currently experiencing a menstrual flow. Therefore, according to Shammai she assumes impurity status only from that moment onward, and according to Hillel her retroactive impurity status applies only as an uncertainty.

וּמְאִי שָׁנָא מְחֻבֵּית? דְתַנָּן: הַיְה בַזְקָה אֶת הַחַבֵּית לְהִזְמִין מִפְרִישׁ עַלְיהָ תְּרוּמָה וְהַזְּלָקָה, וְאַחֲרֵי כֵן נִמְצָא חַזְמָא, בֶּל שְׁלֹשָׁה יָמִים (הַרְאָשׁוֹנִים) – וְדָא!

¶ The Gemara asks: **And according to Shammai**, who holds that her time is sufficient and there is no retroactive impurity, **what is different in the case of a barrel?**<sup>B</sup> As it is taught in a *baraita* (*Tosefta, Terumot* 2:8): If someone **would inspect** the contents of a **barrel**<sup>IN</sup> to see if it still contained enough wine to **continually mentally separate** *teruma*<sup>B</sup> from it, i.e., to exempt other untithed wine of his until all the wine in this barrel will be *teruma*, **and afterward** the contents of the barrel **were found** to have turned to **vinegar**, which cannot be set aside as *teruma* for untithed wine, then for **all of the first three days** following his most recent inspection, it is definitely considered to have been wine. Therefore, any of the untithed wine for which *teruma* was separated during those days is tithed.

**NOTES**

There it can be said that the water slowly trickled out and the amount was continuously diminishing – **הַתָּם אִיכְא לִמְימָר חַסְרֵן**: The commentaries explain that it is normal for water to slowly seep out of a ritual bath and therefore one must assume ritual impurity retroactively. By contrast, in the case of a menstruating woman there is no reason to think that the blood emerged earlier (Ritva, citing Rashi).

**There are two factors that weaken, etc.** – **אִיכְא תַּרְתִּי לִיעוּתָא כ' :** Some explain that the ritual bath’s original presumptive status of validity is negated by the impure status of the item being immersed. The only status that remains is the ritual bath’s current status of invalidity, which is then presumed to have been in effect since the bath was last measured (Responsa of Rabbi Akiva Eiger; *Penei Yehoshua* on *Kiddushin*; *Shev Shemata*; *Yosef Da'at*). Others explain that it is not that the ritual bath’s current

status negates its original presumptive status of validity. Rather, the ritual bath’s presumptive status is weakened by its current definite invalid state, and therefore we follow the presumptive impure status of the immersed item (*Hazon Ish*).

**If someone would inspect the contents of a barrel – הַיְה בַזְקָה אֶת הַחַבֵּית:** Some commentaries explain that it is sufficient to smell the contents of the barrel to ascertain whether it is wine or vinegar. According to this opinion, it is prohibited to taste it, as the liquid is currently untithed (Ritva on *Kiddushin* 7b; Rashbam and *Tosafot* on *Bava Batra* 96b). By contrast, Rashi maintains that the inspection is performed by tasting the contents. Some state that according to Rashi the mere tasting of untithed foods is prohibited by rabbinic law only, and since he is planning to separate tithes from the rest of the barrel, the Sages were lenient in this case (Responsa of the Rivash; *Pithei Teshuva*).

**מִבְּאָנוֹתָא לְסֶפֶק - סֶפֶק קַשְׁיא לְשֵׁמָאי!**

הַתָּם, מִשּׁוּם דָּאִיכָּא לְמִימָר: הַעֲמָד  
טֶבֶל עַל חִזְקָתוֹ, וְאִيمָר לֹא נָתַקְנָה.  
אֲזֹרְבָּה, הַעֲמָד יָין עַל חִזְקָתוֹ וְאִימָר  
לֹא הַחֲמִיאָן!

הַרְיָה הַחֲמִיאָן לְפִנֵּיכְנָה! הַכָּא נָמֵי, הַרְיָה  
לְפִנֵּיכְנָה! הַשְׁתָּא הַוָּא דְחַמְּמִיאָן. הַתָּם נָמֵי,  
הַשְׁתָּא הַוָּא דְחַמְּמִיאָן!

הַכְּיָה שְׂתָא? הַתָּם – אִיכָּא לְמִימָר:  
הַחֲמִיאָן וְאַתָּא הַחֲמִיאָן וְאַתָּא, הַכָּא –  
מִי אִיכָּא לְמִימָר: חַזְאי וְאַתָּא חַזְאי  
אַתָּא? וּמְאֵי קַשְׁיאָה, דְלֹמְדָא חַגָּס חַסְטָס  
חַיִתָּה?

הַתָּם אִיכָּא תַּרְתִּי לְרַיעָוָתָא, הַכָּא  
אִיכָּא חַדָּא לְרַיעָוָתָא.

וּרְמִי חַבִּית אַמְּקוֹנָה: מַאי שְׁנָא הַכָּא  
וְדָאי, וּמְאֵי שְׁנָא הַכָּא – סֶפֶק?

אָמָר רַבִּי חַנִּינָא מִסּוּרָא: מְאן תַּגְאָ  
חַבִּית – וּבִי שְׁמֻעוֹן הִיא, דְלֹגְבִּי מִקְוָה  
נְבִי סֶפֶק אֲמַשְׁיָה לְיהָה.

The *baraita* continues: **From that point forward**, i.e., more than three days after the most recent inspection, it is **uncertain** whether it had already turned to vinegar, and consequently any untithed wine for which *teruma* was separated during those days remains uncertainly tithed. This poses a **difficulty** for **Shammai**, who maintains that there is no such retroactive consideration in the case of a menstruating woman.

The Gemara answers: **There**, in the case of the barrel, it is different, since **it can be said**: Establish the untithed produce in its **presumptive status**, as when it first grew it was definitely untithed, and **say it was not amended**, i.e., exempted, and its status continues to be untithed produce. The Gemara asks: **On the contrary**, one should establish the wine in its **presumptive status**, and **say that it had not turned to vinegar**.

The Gemara rejects this suggestion: This is impossible, as **it is turned to vinegar before you**, i.e., at present. The Gemara replies: **Here too**, in the case of a menstruating woman, one who has experienced a **discharge of blood** is **before you**, at present, so what is the difference? The Gemara explains: With regard to the woman, it is possible that **it is only now that she saw the beginning of her menstrual blood**. The Gemara responds: **There too**, it is possible that **it is only now that it turned to vinegar**, but not earlier.

The Gemara again answers: **How can these cases be compared?** **There**, in the case of the wine, **it can be said** that it was **continuously turning to vinegar**. Therefore, it is possible that the wine turned to vinegar much earlier without anyone realizing. By contrast, in the case of the menstruating woman, **can it be said** that she was **continuously seeing menstrual blood**? Once again, the Gemara responds: **And what is the difficulty?** The same possibility does in fact exist in the case of a menstruating woman, as perhaps she saw the blood depart bit by bit.

The Gemara provides a different answer: **There**, in the case of the barrel, there are **two factors that weaken** the suggestion that the wine is tithed: First, it is vinegar at present; second, the wine has a **presumptive status** that it is untithed. **Here**, by contrast, **there is only one factor that weakens** the possibility that the items touched by the menstruating woman were rendered ritually impure, i.e., that she is currently experiencing a menstrual flow.

**§ And the Gemara raises a contradiction between the halakha of the barrel and that of the ritual bath: What is different here, in the case of the ritual bath, where the items are definitely impure, and what is different there, with regard to the barrel, where it is only uncertain that the produce remains untithed? In both cases the current situation, that the ritual bath is deficient and the contents of the barrel have turned to vinegar, should lead to a definite status.**

The Gemara answers: **Rabbi Hanina of Sura**<sup>9</sup> says: Who is the *tanna* who taught the *halakha* of the barrel? It is **Rabbi Shimon**, who, with regard to a ritual bath also considers it as a matter of **uncertainty**, rather than as definitely impure. Therefore, there is no contradiction between the two *halakhot*.

#### PERSONALITIES

Rabbi Hanina of Sura – רַבִּי חַנִּינָא מִסּוּרָא: Also known as Rabbi Hinna, Rabbi Hanina was a sixth-generation Babylonian amora. A colleague of Mar Zutra and Rav Ashi, he was a well-known scholar in his own right and is mentioned many times throughout the Talmud.

**דעתן: מקוּה שְׁנִמְדֵּד וּנְמַצֵּא חָסֶר. כֹּל הַטְּהוֹרוֹת שְׁנִעְשָׂו עַל גְּבוּיוֹ לְמַפְרָעָה, בֵּין ברשות הרבים בין ברשות היחיד – טמאות.**

**רב שמעון אומר: ברשות הרבים – טהורות, ברשות היחיד – חולין.**

As we learned in a mishna (*Mikvaot* 2:2): In the case of a ritual bath that was known to have contained the requisite forty *se'a*, which was then measured and found lacking in its quantity of water, all pure items that had been rendered pure in it, i.e., any impure items that had been purified through immersion in this ritual bath, retroactive to when the ritual bath was last measured, whether this ritual bath is located in the private domain or in the public domain, are impure.

The mishna continues: **Rabbi Shimon says:** If the impure items were immersed in a ritual bath that was in the public domain, they are deemed pure. But if they were immersed in a ritual bath that was in a private domain, the status of any *teruma* that touched them is suspended, i.e., it is neither consumed nor burned. Rabbi Shimon holds that even in the case of a ritual bath, the items are not retroactively deemed definitely impure. Rather the status is uncertain, just as in the case of the barrel.

## Perek I Daf 3 Amud a

### BACKGROUND

**Sota** – סוטה: The Torah describes the procedure governing a wife who secludes herself with a man about whom her husband had previously become suspicious and had warned her in the presence of witnesses to not be alone with him (see Numbers 5:11–31). Since she disobeyed this warning and is observed in seclusion with that man, she and her husband can no longer engage in marital relations until she has undergone a rite to determine whether she has committed adultery. The woman is taken to the Temple in Jerusalem and forced by the priests to stand in a public place while holding the unique meal offering that she is required to bring. There, she is again questioned about her behavior. If she continues to insist upon her fidelity and takes an oath to that effect, a scroll is brought and the curses of the *sota* in the Torah are written on it. If she does not then admit that she has committed adultery, the scroll is submerged in a clay vessel filled with water taken from the Temple basin and some earth from the Temple floor, and the scroll's writing is dissolved in the water. She is then forced to drink that water. If she did commit adultery, then, in the words of the Torah: "Her belly shall swell, and her thigh shall fall away" (Numbers 5:27), until ultimately she dies from the water's curse. If she is innocent, she is permitted to resume normal marital relations with her husband and the water will bring her blessing.

שניהם לא למדוה אלא מפסטה.

**ובן סבורי: כי סוטה, מה סוטה – ספק היא ועשאה כבודאי,anca bni – ספק עשאה כבודאי.**

**או מפסטה, איך מא כי סוטה, מה סוטה – ברשות הרבים טהור,anca bni ברשות הרבים טהור!**

**הכי השטא! חתם – ממשום סתירה הווא, סתירה ברשות הרבים לכא,anca ברשות הרבים חסר הווא, מה לחרב ברשות הרבים, מה לחרב ברשות היחיד?**

**וכי תימא: הא כל ספק טומאה ברשות הרבים טהור! בין דאי בא תרתי רוויותא – כבודאי טומאה זמי.**

The Gemara explains their reasoning: **And both tanna'im derived their respective opinions only from the case of a woman suspected by her husband of having been unfaithful [sota],**<sup>8</sup> who is forbidden to engage in intercourse with her husband just like a definite adulteress.

**The Rabbis hold:** This case of a ritual bath is like the case of a *sota*. Just as in the case of a *sota* it is uncertain whether she was actually unfaithful, and nevertheless the Torah rendered her like one who definitely committed adultery in that she is forbidden to her husband until she drinks the water of a *sota*; here too, in the case of a ritual bath, it is uncertain whether it was lacking the requisite measure of water and yet the Torah rendered it as though it was definitely lacking water, to the extent that *teruma* that touched an item that had been immersed in it must be burned.

The Gemara raises a difficulty: If the *halakhot* of the ritual bath are derived from those of a *sota*, then one can say that it should be like the *halakha* of a *sota* in another respect: Just as a *sota* who is suspected of having been unfaithful in a public domain is considered pure, i.e., she does not undergo to rite of a *sota*, here too, any impure item that was immersed in a currently deficient ritual bath that is situated in a public domain should be considered pure.

The Gemara answers: **How can these cases be compared?** One cannot apply the *halakha* of a *sota* in a public domain to any other case. There, the reason why a *sota* is treated as having definitely been unfaithful is due to her seclusion with another man. **And as a proper seclusion in the public domain is not possible**, she does not assume the status of a *sota*. By contrast, here, in the case of the ritual bath, the uncertainty is due to the lack of the requisite measure of water in the ritual bath. If so, what difference is it to me if the ritual bath is lacking in a public domain or if it is lacking in a private domain?

The Gemara comments: **And if you would say that the guiding principle in any case of uncertainty involving impurity in a public domain is that it is ritually pure, and therefore all items immersed in a ritual bath situated in the public domain should be pure even if there is uncertainty about its status of purity, that suggestion can be rejected, as follows:** Since there are two factors that weaken the possibility that the items are ritually pure: First, the ritual bath is currently lacking, and second, the item has a presumptive status of impurity, it is therefore considered as an item of definite impurity.

- וְרַבִּי שְׁמֻעוֹן סָבָר: בַּי סֹטָה, מֵה סֹטָה  
**בְּרִשות הַרְבִּים טָהוֹר, הַכָּא נָמִי - בְּרִשות**  
**הַרְבִּים טָהוֹר.**

- אֵי מְפֻטָּה, אִימָא בַּי סֹטָה, מֵה סֹטָה  
**בְּרִשות הַיחִיד טָמָא וְדָאי, הַכָּא נָמִי -**  
**בְּרִשות הַיחִיד טָמָא וְדָאי!**

הֲכִי הַשְׂתָא! הַתָּם - יְשׁוּגֶלִם לְדָבָר, שָׁהִר  
 קִנְאָה לְהַנִּסְתָּרָה. הַכָּא - מַאֲיָגֶלִם לְדָבָר  
**אִיבָא?**

וְאֵי בָּעֵית אִימָא, הַיְנוּ טָמָא דָרְבֵי שְׁמֻעוֹן:  
**גַּמְרָסָר טָמָא מִתְחַלֵּת טָמָא.**

מַה תְּחַלֵּת טָמָא, סְפָק נָגָע סְפָק לֹא נָגָע -  
**בְּרִשות הַרְבִּים טָהוֹר, אָף סָרְסָר טָמָא, סְפָק**  
**שְׁבָל סְפָק לֹא שְׁבָל - בְּרִשות הַרְבִּים טָהוֹר.**

וּרְבָּן - הֲכִי הַשְׂתָא! הַתָּם - גִּבְרָא בְּחוּקוֹת  
 טְהִירָה קָאִי, מְסֻפְקָא לֹא מְחַתִּין לְיהָ  
 לְטָמָא. הַכָּא - גִּבְרָא בְּחוּקוֹת טָמָא  
 קָאִי, מְסֻפְקָא לֹא מְפַקֵּין לְיהָ מְטָמָאתוֹ.

וְמַא שָׁנָא מִמְּבֹזֵי? דָתָן: הַשְׁרֵץ שְׁנִמְצָא  
**בְּמַבּוֹז - מַטְפָּא לְמַפְרָע, עַד שְׁיָאמָר**  
**בְּדַקְתִּי אֶת הַמַּבּוֹז הַוָּה, וְלֹא הָיָה בּוֹ שְׁרֵץ,**  
**או עַד שִׁיעַת הַכְּבָדוֹ!**

After analyzing the reasoning of the Rabbis, the Gemara turns to the opinion of Rabbi Shimon. **And Rabbi Shimon holds:** This case of a ritual bath is just like the case of a *sota*. Just as a *sota* who is suspected of having been unfaithful in a public domain is considered **pure**, here too, any impure item that was immersed in a currently deficient ritual bath situated in a public domain is considered **pure**.

The Gemara asks: If the *halakhot* of the ritual bath are derived from those of a *sota*, then one can say that it should be like the *halakha* of a *sota* in another respect: Just as a *sota* who secluded herself with the man in a private domain is deemed **definitely impure**, i.e., she is forbidden to her husband until she undergoes the rite of the *sota*, here too, any ritually impure item that was immersed in a currently deficient ritual bath situated in a private domain should be considered **definitely impure**. If so, any *teruma* that comes in contact with the immersed vessel should be burned. Why, then, does Rabbi Shimon rule that its status is suspended and it is neither consumed nor burned?

The Gemara answers: **How can these cases be compared?** There, in the case of a *sota*, there is a basis for the matter. She is considered definitely impure, as her husband issued a warning to her about this particular man and she then secluded herself with him. By contrast, here, in the case of a ritual bath, **what basis for the matter is there?** Why should one assume impurity with certainty?

And if you wish, say instead that this is the reason for the opinion of Rabbi Shimon: He does not base his ruling on the case of a *sota*; rather, he derives the end of impurity from the beginning of impurity, i.e., he derives the *halakha* of the immersion of an impure item into a ritual bath from the *halakha* of the initial contraction of ritual impurity.

The Gemara explains: Just as with regard to the beginning of impurity, if there is **uncertainty whether or not** a pure item came into contact with a source of impurity, if this occurred in the public domain it is considered ritually **pure**; so too in the case of the end of impurity, if there is **uncertainty whether or not** the impure item was **immersed** in a ritual bath with the requisite amount of water, the *halakha* is that if the ritual bath is located in the public domain, the item is considered **pure**.

The Gemara asks: And how would the Rabbis respond to this claim? They would respond: **How can these cases be compared?** There, with regard to the beginning of impurity, the man who might have touched an impure item remains with the presumptive status of ritual purity. Consequently, we do not lower his status to one who has contracted ritual impurity merely due to uncertainty. Here, in the case of the ritual bath, the man who immerses in that ritual bath has the presumptive status of ritual impurity. Therefore, we do not remove him from his status of ritual impurity due to uncertainty.

**§** The Gemara returns to its analysis of the mishna. Shammai said: For all women, their time is sufficient, i.e., women who discern that menstrual blood emerged do not need to be concerned that perhaps the flow of blood began before they noticed it. The Gemara asks: In what way is this case **different from that of an alleyway?**<sup>8</sup> As we learned in a mishna (66a): With regard to the carcass of a creeping animal that is found in an alleyway,<sup>9</sup> it renders any item in the alleyway ritually impure retroactively to the time that a person can say: I examined this alleyway and there was no carcass of a creeping animal in it, or until the time of the last sweeping of the alleyway.

## BACKGROUND

**Alleyway – מַבָּי:** The alleyway mentioned in the Talmud is one that is open to the public domain and its walls are composed of the walls of courtyards or of houses that open into the alleyway. An open alleyway is one that leads to a public domain at both ends. Although it is widely used as a passageway between main streets, it itself is too narrow to be a public thoroughfare and is therefore not considered a public domain. An enclosed alleyway is one that at one end leads to the public domain and on the other side is closed with a wall.



Open alleyway



Enclosed alleyway

## HALAKHA

The carcass of a creeping animal that is found in an alleyway – **הַשְׁרֵץ שְׁנִמְצָא בְּמַבָּי:** If one finds the carcass of a creeping animal in an alleyway, any item that was found there is considered ritually impure retroactively. This extends back to the last time that one can

say he checked the alleyway and found it clean of creeping animals. Even if he had swept the alleyway in the interim, if he did not check it as well, the retroactive impurity still applies (Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot 18:4).

הַתָּם נִמְיָן, בֵּין דָאִיכָא שְׁרָצִים דְגֹפִיהָ,  
וּשְׁרָצִים דָאָתוּ מִעַלְמָא – כְּתָרָתִי לְיִעָוָתָא  
דָמֵי.

וְאֵי בְּעֵית אִימָא, הַיְינוּ טֻמְאָה דְשָׁמָאי:  
חוֹאֵיל וְאֲשָׁה מִרְגַּשֶּׁת בְּעֵצֶמֶת. וְהַלְלָה –  
כְּסֻבּוֹרָה הַרְגַּשָּׁת מֵרַגְּלִים הִיא.

וְלִשְׁמָאי, הַאִיכָא יִשְׁנָה? יִשְׁנָה נִמְיָן, אֲגַב  
צְעִירָה מִיְתְּעִירָא מִידֵי דְהֹוָה אַהֲרֹגֶשֶׁת מֵ  
רַגְּלִים.

וְהַאִיכָא שׂוֹצָה? מִזְרָה שָׁמָאי בְּשׂוֹטָה. הָא  
”כָל הַנְּשִׁים” קָתַנִּי? כָל הַנְּשִׁים פְּקַחּוֹת.

וְלִתְנִי ”נְשִׁים”? לְאָפָוקִי מִזְרָבִי אַלְיעָזָר,  
דָאָמָר רַבִּי אַלְיעָזָר: אַרְבָּע נְשִׁים, וְתוּ לָא.  
קְא מִשְׁמָעַ לֹן בְּלִי הַנְּשִׁים.

וְהַאִיכָא בְּתַמִּים, לִימָא תִּנְעַמֵּן בְּתַמִּים דָלָא  
בְּשָׁמָאי! אָמָר אָבִי: מִזְרָה שָׁמָאי בְּבַתִּים,  
מַאי טֻמָּא – בְּצָפָר לֹא נִתְעַסְּקָה, בְּשָׁוֹק  
שָׁל טְבָחִים לֹא עֲבָרָה, הָאִי דָם מִהִיכָּא  
אתָתִי?

אֵי בְּעֵית אִימָא, הַיְינוּ טֻמְאָה דְשָׁמָאי:  
דָאָם אִיתָא דְהֹוָה דָם – מַעֲקִירָה הֹוָה  
אָתִי. וְהַלְלָה – כּוֹתֵל בֵּית הַרְחָם הַעֲמִידָה  
וּשְׁפָמָאי – כּוֹתֵל בֵּית הַרְחָם לֹא מַזְקִמִּי  
דָם.

The Gemara answers: **There too**, one can explain: Since there are two types of carcasses of creeping animals that are likely to be found in the alleyway, **creeping animals from the alleyway itself and creeping animals that came from the world at large**, it is compared to a case where there are two factors that weaken the possibility that the items are ritually pure. Therefore, even Shammai agrees that in such a case the impurity extends retroactively back in time.

And if you wish, say instead that **this is the reason for the opinion of Shammai**: Since a woman senses within herself if she is experiencing a flow of blood, if she felt the flow only at present, it is certain that she did not experience a flow previously. **And Hillel** holds that she might have experienced a flow earlier while she was urinating and **she thought it was all the sensation of her flow of urine**.

The Gemara asks: **And according to Shammai, isn't there the case of a sleeping woman**, who would not sense her flow of menstrual blood? The Gemara answers: **A sleeping woman would also sense her flow, and due to her discomfort she would awaken, just as it is with the sensation of the need to urinate**.

The Gemara raises another difficulty with regard to the opinion of Shammai: **But there is the case of a mentally incompetent woman**, who does not properly understand what she is sensing. She might have previously experienced a flow of menstrual blood that she did not notice. The Gemara answers: **Shammai concedes in the case of a mentally incompetent woman** that she is impure retroactively. The Gemara asks: **But the mishna explicitly teaches that Shammai mentioned all women**, which apparently includes even the mentally incompetent. The Gemara answers: When the mishna teaches: **All women**, it is referring to all **mentally competent women**.

The Gemara raises a difficulty: **But if so, let the mishna teach that Shammai's opinion applies to: Women**, rather than referring to all women. The Gemara answers: The inclusive statement: All women, serves to exclude the opinion of Rabbi Eliezer. As Rabbi Eliezer said in a mishna (7a): There are **four women** with regard to whom the halakha is that their time is sufficient. This indicates that there are only four, **and no more**. Therefore, the mishna **teaches us: All women**, to include all mentally competent women, not only the four mentioned by Rabbi Eliezer.

The Gemara raises yet another difficulty against the opinion of Shammai: **But there is the case of blood stains**. The mishna teaches (66a) that a woman who finds a blood stain is impure retroactive to the last time she examined her clothing and found them clean. Shall we say that we learned the mishna with regard to stains not in accordance with the opinion of Shammai? Abaye said: Shammai concedes in the case of stains. The Gemara asks: **What is the reason?** The reason is that she neither engaged in handling a slaughtered bird nor did she pass through a marketplace of butchers. If so, **from where could this blood stain on her clothing have come?** Since it must be from her last menstrual flow, Shammai agrees that she is impure retroactively.

The Gemara suggests another analysis: Or if you wish, say that **this is the reason for the opinion of Shammai**: She is impure only from that point onward, as, if it is so that there was any menstrual blood previously, **it would have come out at the outset**, i.e., at the earlier time. The Gemara explains why Hillel maintains that there is ritual impurity retroactively, in light of this analysis: **And as for Hillel**, he holds that the **walls of the womb**, i.e., the walls of the vaginal canal, **held back** the menstrual blood from leaving the body entirely, and therefore there might have been a previous emission from the uterus into the vaginal canal that was not visible on the outside. The Gemara asks: **And how does Shammai respond to this claim?** The Gemara answers: Shammai maintains that the **walls of the womb do not hold back blood**.

**מִשְׁמֶשֶת בָּמוֹן מַיִ אִיכָּא לְמִימָרוֹ? אָמָר  
אֲבֵי: מוֹדָה שְׁפָאִי בְּמִשְׁמֶשֶת בָּמוֹן.**

The Gemara asks: **With regard to a woman who engages in intercourse while using a contraceptive absorbent cloth in the form of a wad that she inserts in her vagina at the opening of her womb so as not to become pregnant, what is there to say?** In other words, how does Shammai explain why there is no retroactive impurity status in such a case, as it cannot be claimed that any previous menstrual blood would have flowed out earlier. **Abaye says:** Shammai concedes with regard to a woman who engages in intercourse while using a contraceptive cloth that she is impure retroactively.

**רַبָּא אָמָר: מוֹנָק נָמֵי, אָגֵב וַעֲהַ מְכֻזֵּץ בּוֹיזַּץ.  
וּמוֹדָה רַבָּא בָּמוֹן דְּחִיק.**

**Rava says:** Here as well, in a case where a woman engages in intercourse while using a contraceptive absorbent cloth, any previous menstrual blood would have flowed out, as the absorbent cloth does not hermetically seal the womb. The reason is that the cloth **wrinkles due to perspiration**, leaving space for blood to pass through. The Gemara adds: **And nevertheless Rava concedes to Abaye that Shammai agrees that she is retroactively impure in a case where a woman engages in intercourse while using a tightly packed absorbent cloth.**

**מַمְאִי אִיכָּא בֵּין הַנִּי לִישְׁנִי לְהָאִיךְ לִישְׁנָא?**

§ The Gemara suggested that the reasoning for Shammai's opinion is that the woman would have felt any previous menstrual flow, or that any prior menstrual blood would have flowed out previously. Yet, earlier the Gemara suggested that his reason was that the woman retains her presumptive status of ritual purity. With regard to the explanations given for the opinion of Shammai, the Gemara asks: **What difference is there between these versions and that version suggested earlier?**

## Perek I

### Daf 3 Amud b

**אִיכָּא בְּנִיחָה לְמִרְמֵי חַבִּית וּמְקֻווֹת וּמְבָיו.  
לְהָאִיךְ לִישְׁנָא - אִיכָּא לְמִרְמֵינָה, לְהָנִי  
לִשְׁנִי - לִיכָּא לְמִרְמֵי.**

The Gemara answers: The difference **between them** is with regard to the possibility of **raising a contradiction<sup>n</sup>** between Shammai's ruling here and the cases of **a barrel, a ritual bath, and an alleyway**. **According to that version**, that Shammai's reasoning is based upon the principle that an item retains its presumptive status, **there is room to raise these contradictions**, as the Gemara explained. By contrast, **according to these other versions**, that the woman would have felt any previous menstrual flow or that any prior menstrual blood would have flowed out previously, **there is no room to raise such contradictions**, as those rulings do not contradict the *halakha* here, where a unique factor is relevant.

**וּמַמְאִי אִיכָּא בֵּין הַאִי לִישְׁנָא לְהָאִיךְ  
לִשְׁנָא? לְאַבְּיִי - אִיכָּא מוֹנָק.**

The Gemara further asks: **And what difference is there between this version**, that any prior menstrual blood would have flowed out, **and that version**, that she would have felt any previous menstrual flow? The Gemara answers: **According to Abaye**, who maintains that Shammai agrees that a woman who engages in intercourse while using a contraceptive cloth is impure retroactively, **there is a difference** in a case where the woman engages in intercourse while using a contraceptive cloth. If Shammai's reasoning is that a woman senses the emission of blood, in this case too it is assumed that she did not emit blood earlier. By contrast, if his reasoning is that any prior menstrual blood would have come out at the outset, it is possible that the cloth blocked the emission of blood, and she already emitted blood. Consequently, she is impure retroactively.

**לְרַבָּא - אִיכָּא מוֹנָק דְּחִיק.**

**According to Rava**, who maintains that blood can emerge even if the woman engages in intercourse while using a contraceptive absorbent cloth, **there is a difference** between the two interpretations in a case where she engages in intercourse while using a tightly packed absorbent cloth, as such a cloth will prevent the blood from flowing out, but it does not affect her ability to sense an emission.

## NOTES

The difference between them is with regard to raising a contradiction – **אִיכָּא בְּנִיחָה לְמִרְמֵי**: Some point out other differences could have been identified, such as the case of a mentally incompetent woman or a woman who engages in intercourse while using a contraceptive absorbent cloth. According to the first explanation that she should be kept in her presumptive status of purity, in both those cases Shammai would maintain that rendering her impure from the time of her menstruation is sufficient, whereas according to the other explanations Shammai would concede to render her impure retroactively.

### NOTES

**אי אתה – מודה בקופה:** Seemingly, this case of a basket would present a question on Hillel's opinion as well, as although Hillel maintains that she assumes retroactive impurity status, that is only out of uncertainty and not a definite status, as the Gemara explains later. The Ramban answers utilizing the Gemara's forthcoming distinction: Since a basket has a base, the previously pure items are therefore deemed retroactively impure with certainty, while a woman has no base and therefore she is not deemed retroactively impure with certainty, as it is reasonable to assume that had there been a previous flow of menstrual blood she would have seen it. Nevertheless, Hillel's question to Shammai is that although the woman has no base, she does have an anatomical shape that forms something like the rim mentioned later in the Gemara, which could impede a flow of blood; therefore if one agrees to render the pure items in the basket retroactively impure, one should agree that there is a chance that the woman had previously menstruated and render her impure due to the uncertainty.

**You will have caused the Jewish women to be derelict in the mitzva to be fruitful and multiply – בטלת בנות ישראל מפירה ורביה:** The commentaries note that if the imposition of a rabbinic safeguard would certainly lead to the suspension of procreation, Hillel would agree that the Sages would not enact such a safeguard, but in this case, such an outcome is not certain. Nevertheless, Shammai is concerned for this possibility (Maharik; *Beit Yosef*).

### HALAKHA

**The case of a basket – בקופה:** If a basket has a base or even just a curved rim with no base, and in one corner one stored ritually pure items and found the carcass of a creeping animal there after he moved the items to another corner, those items are deemed ritually impure. If the ritually pure item was *teruma* it is not burned. This is in accordance with the Rambam's interpretation of the opinion of Rabbi Yohanan later in the Gemara (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 17:2).

תניא כי הא לישנאadam איתא דזהה זם  
מעיקרא זהה אתי אמר לו היל לשפטא:  
אי אתה מודה בקופה שנטהטמו בפה  
טהרות בויות זו, נמצא שמן בותית אחרת –  
שׁהרות הראשות טמאות? אמר לו:  
אבל!

It is taught in a mishna (*Teharot* 4:4) in accordance with this version, i.e., that Shammai's reasoning is that if it is so, that there was menstrual blood previously, it would have come out at the outset: Hillel said to Shammai: Don't you concede to the following halakha: In the case of a basket<sup>NH</sup> that was used as a container for ritually pure items, and those items were placed in one corner, and subsequently the carcass of a creeping animal was found in a different corner of the basket, the halakha is that the items initially considered ritually pure are now retroactively considered impure? Shammai said to him: Indeed, that is correct.

ומה הפרש בין זו לזו? לזו – יש לה שלדים,  
לו – אין לה שלדים.

רבה אמר: טעמא דשמעאי – משום בטול  
פריה ורביה. תניא נמי הבי, אמר לו שמעאי  
להיל: אם כן, בטלת בנות ישראל מפירה  
רביה.

ומאן דתני הא לישנא, הא תניא כי האין  
ליישנא adam איתא דזהה זם – מעיקרא  
זהה אתי התרם, היל הוא דקיטני, הו  
סביר: טעמא דשמעאי adam איתא דזהה  
זם – מעיקרא זהה אתי, וא מקשי ליה  
קופה.

ואמר ליה שמעאי: טעמאידי – משום  
בטול פריה ורביה, ולמאי דקיטנית נמי  
דקיטנית קופה – לו יש לה שלדים, ולא  
אין לה שלדים.

ולמאן דתני הא לישנא, הא תניא כי  
האין ליישנא משום בטול פריה ורביה!

הכי קאמור ליה היל לשמעאי: אין, טעמא  
קארות adam איתא דזהה זם – מעיקרא  
זהה אתי, ומיהו – עשה סיג לדבריך, דמאי  
שנא מבל התורה כולה דעבדין סיג?

Hillel continues: And if so, what difference is there between this case of the pure items stored in the basket, which are now considered retroactively impure, and that case of the ritually pure woman who experiences a menstrual flow, who is impure only from that point onward? Shammai answers: This one, the basket, has a base on which it rests, and therefore the creeping animal might have been there earlier unseen. That one, the menstruating woman, has no base, i.e., there is nothing to impede her menstrual blood from flowing out. Shammai's response indicates that she is not retroactively impure because if she had experienced a previous menstruation it would have flowed at that stage.

**Rava says:** The reason for the opinion of Shammai that a woman who experiences menstruation is not deemed ritually impure retroactively is due to the dereliction of the mitzva to be fruitful and multiply. If a woman is always deemed retroactively impure, she and her husband might abstain from engaging in sexual intercourse out of fear that she is already impure even if she has not yet experienced bleeding. The Gemara adds that this explanation is also taught in a baraita: Shammai said to Hillel: If it is so, that a woman is rendered retroactively impure as you claim, you will have caused the Jewish women to be derelict in the mitzva to be fruitful and multiply.<sup>N</sup>

The Gemara asks: But according to the one who taught this version, i.e., Rava, there is a difficulty: Isn't it taught in the aforementioned mishna in accordance with that other version, that Shammai's reasoning is that if it is so, that there was any menstrual blood previously, it would have come out at the outset? The Gemara answers: There, in that mishna, it is Hillel who erred. He thought the reason of Shammai is that if it is so, that there was any menstrual blood previously, it would have come out at the outset. And therefore, he raises a difficulty against Shammai's opinion from the case of the basket.

And Shammai said to Hillel: You are mistaken. My reasoning is actually due to the dereliction of the mitzva to be fruitful and multiply. But even according to your erroneous reasoning that led you to raise a difficulty from the case of the basket, I have an answer for that as well: This basket has a base, and therefore the creeping animal could have been there earlier, unseen; but that menstruating woman has no base.

The Gemara asks the reverse question: And according to the one who teaches this other version, that Shammai's reasoning is that if there was previous menstrual blood it would have come out at the outset, isn't it taught in a baraita in accordance with that other version, that Shammai's reasoning is due to the dereliction of the mitzva to be fruitful and multiply?

The Gemara answers: That baraita was recorded at a later point in their discussion, as this is what Hillel is saying to Shammai: Yes, the reason that you say for your opinion has merit, that if it is so, that there was any menstrual blood previously, it would have come out at the outset. Nevertheless, you should enact a safeguard for your statement and render her retroactively impure, as in what way is this case different from the rest of the entire Torah, where the Sages enact safeguards?

אמר ליה: אם בן בטלה בנות ישראל מפירה  
ובביה! והילל – מפירה ורבייה מי קאאמינא?  
לטהרות הוא דקאאמינא!

ושמא – לטהרות נמי לא, ואם כן – לבו  
ונקוף ופוזש.

שולים, בדוקין, מכוסין, בזווית, סימן). איטמר:  
בקופה שנשפטמש בה טהרות בזווית זו, ונמצאה  
שרץ בזווית אחרת. חזקה אמר: טהרות  
הראשונות טהורות. רבי יוחנן אמר: טהרות  
הראשונות טמאות. וזה (בית) שמא והילל  
מודו בקופה רטהרות הראשונות טמאות!

כפי מודו שמא והילל – בקופה שיש לה  
שולים, כי פלגי חזקה ורבי יוחנן – בקופה  
שאין לה שלולים.

אין לה שלולים –מאי טעמא רבי יוחנן? אין  
לה שלולים יש לה אונגים.

ותרגניה. המדרשה עשרה דליים מים בזו אחר  
זה ונמצאה שרץ באחד מהם – הוא טמא וככל  
טהוריין. ואמר ריש לקיש משום רבי ינאי:  
לא טנו אלא שאין לה אונגים, אבל יש לה  
אונגים – כולן טמאין.

**Shammai said to Hillel:** If so, i.e., if she is considered impure retroactively as a safeguard, you will have caused the Jewish women to be derelict in the mitzva to be fruitful and multiply. The Gemara asks: And how does Hillel respond to Shammai's reasoning with regard to the mitzva to be fruitful and multiply? The Gemara explains that Hillel would answer: Although I rule that she is retroactively impure, did I say that she is forbidden to her husband and must therefore abstain from the mitzva to be fruitful and multiply? I said only that she renders impure any ritually pure items that she touched.

The Gemara asks: And how would Shammai reply to this? The Gemara answers: Shammai maintains that even a safeguard that renders ritually pure items impure should not be imposed. The reason is that if it were so, the heart of a scrupulous husband might strike him with pangs of conscience over sins that he could transgress and he would separate from his wife, out of fear that she is impure.

The Gemara provides a mnemonic<sup>b</sup> for the ensuing discussions: A base; examined; covered; in a corner. It was stated: If one has a basket that was used as a container for holding ritually pure produce, and those items were placed in one corner of the basket, and subsequently the carcass of a creeping animal was found in a different corner of the basket, Hizkiyya says: That produce initially considered ritually pure is still pure. Rabbi Yohanan says: The produce initially considered ritually pure is now retroactively deemed impure. The Gemara asks: But how can Hizkiyya rule that it is pure? After all, don't Shammai and Hillel agree in the case of the basket that the produce initially considered pure is now retroactively impure?

The Gemara answers: When do Shammai and Hillel agree that all the produce is retroactively impure? With regard to a basket that has a base. In such a case, the carcass of the creeping animal might have previously been in the basket and it went unnoticed when one removed the pure produce items. When Hizkiyya and Rabbi Yohanan disagree, it is with regard to a basket that has no base, i.e., both ends were open and the basket was used while it was lying on its side. In that situation, the contents of the basket are emptied by raising one end, which causes all items inside to fall out. Consequently, any creeping animal that was found subsequently must have entered the basket only after that produce was removed, which is why Hizkiyya rules that the produce remains pure.

The Gemara asks: If this is referring to a case where the basket has no base, what is the reasoning of Rabbi Yohanan for ruling that the produce is ritually impure? The Gemara answers: The basket has no base but it does have an inward-curved rim. Therefore, it is possible that the carcass of a small creeping animal might have been held back by the rim and remained inside the basket even after it was turned over. Rabbi Yohanan rules that the produce is retroactively impure, due to the possibility that the creeping animal might have been in the basket previously together with the initially pure produce.

The Gemara raises a difficulty: But isn't it taught in a baraita: With regard to one who draws<sup>c</sup> ten pails of water<sup>d</sup> one after another, i.e., he draws out water in one pail and from it he fills another ten pails with water, and the carcass of a creeping animal is found in one of them, that pail of water is ritually impure but all the rest of them are pure. And Reish Lakish says in the name of Rabbi Yannai: This halakha was taught only in a case where the pail has no inward-curved rim. Consequently, its contents are entirely emptied each time it is overturned, which means that the creeping animal must have entered only this pail. But if the pail has a rim, all of the water that had been drawn is impure, as the creeping animal might have entered the pail earlier and the rim held it back each time the pail was overturned.

## BACKGROUND

Mnemonic – סיכון: Because the Talmud was studied orally for many generations, mnemonic devices, or memory aids, were necessary to facilitate memorizing a series of halakhot and the order in which they were taught.

## NOTES

Isn't it taught in a baraita [vehatanya]: One who draws – הדרתא הבדלה: Some point out that since this source is a mishna and not a baraita, the Gemara should read: Isn't it taught in a mishna [vehatenan], and not: Isn't it taught in a baraita [vehatanya] (Bah). From the early commentaries (Rosh; Rabbi Shimshon of Saens) who ask why the Gemara chose to raise its question from a baraita as opposed to a mishna, the later authorities deduce that the correct reading is, in fact: Isn't it taught in a baraita [vehatanya] (Arukha LaNer; Kehillot Yaakov; Yad Eliyahu).

## HALAKHA

המדרשה עשרה. In a case where one draws out water in one pail and from it he fills another ten pails with water, if subsequently he finds the carcass of a creeping animal in one of them, that pail of water is deemed ritually impure while the rest remain ritually pure. This is the halakha only when the first pail does not have an inward-curved rim. If it did have a rim, all the pails of water are deemed ritually impure (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 17:1).

לִימָא חֹזֶקְה לַתֵּה לִיהּ וְרַבִּי יַנְנָא מֵאָ –  
שְׁרָקִי, פִּירִי – לֹא שְׁרָקִי.

The Gemara explains the difficulty: Shall we say that Hizkiyya, who is not concerned that the rim of the basket might have held back the creeping animal, does not agree with the opinion of Rabbi Yannai? The Gemara answers that there is a difference between the two cases: Water is slippery, whereas produce is not slippery. In order to pour water out of the pail it is not necessary to turn it over completely. Therefore, the rim might hold back a creeping animal. By contrast, a basket must have one end fully raised in order to empty out all the produce it contains. In such a case Rabbi Yannai would agree that nothing could have been held back, and therefore the emptied produce remains pure.

אֵי נָמָא: מֵאָ – לֹא קָפֵד עַלְיָהוּ, פִּירִי –  
קָפֵד עַלְיָהוּ.

Alternatively, there is a different reason why one does not overturn a pail of water entirely: In the case of water, one is not particular about it, i.e., he does not mind if some is left over. Therefore he does not overturn the pail completely. By contrast, in the case of produce one is particular about it, so he raises one end of the basket entirely to ensure that every last piece of produce is emptied. Consequently, in the case of produce Rabbi Yannai would agree that even if the basket has a rim, all the produce remains pure.

אֵי בְּשִׁית אִימָא: כִּי מָדוֹ שְׁמָאי וְהַלְלָ –  
בְּקוֹפֶה שְׁאִינָה בְּדִיקָה,

As an alternative to its previous resolution that Hizkiyya is discussing the case of a rimmed receptacle, the Gemara suggests another resolution of the apparent contradiction between Hizkiyya's ruling and the opinions of Hillel and Shammai. And if you wish, say: When do Shammai and Hillel agree? In the case of a basket that was not examined. Since he did not examine the basket when he placed the pure produce there, a creeping animal might have already been inside. Consequently, they agree that the produce does not retain its presumptive state of purity but is considered retroactively impure.

Perek I  
Daf 4 Amud a

כִּי פְּלִיעִי חֹזֶקְה וְרַבִּי יוֹחָנָן – בְּקוֹפֶה  
בְּדִיקָה. מַר סָבָר: הָא בְּדִיקָה. וַיַּרְסָבָר:  
אִימָוּ, עַם סִילּוֹק יַדוּ גַּפְלָ.

When Hizkiyya and Rabbi Yoḥanan disagree, it is with regard to a basket that was examined.<sup>n</sup> One Sage, Hizkiyya, holds that since it was examined before the produce was placed inside and was found to be clean of creeping animals, it is reasonable to assume that the creeping animal entered only after the ritually pure produce was removed. And one Sage, Rabbi Yoḥanan, holds that one can say that it is possible that when he removed his hand after feeling around to examine the basket, the creeping animal fell in.

וְהָא דּוֹמֵא דְאֲשָׁה קַתְנִי. וְאֲשָׁה בְּדִיקָה  
הִיא! בַּין דְשִׁבְחִי בָּה דְמִים כְשְׁאִינָה  
בְּדִיקָה דְמִאָ.

The Gemara asks: But isn't the case of a basket taught as being similar to the case of a menstruating woman? Hillel had cited the case of the basket as a difficulty with regard to Shammai's opinion in the case of a menstruating woman. And since a woman is considered fully examined, since she examines herself with examination cloths twice a day, the other case must also be referring to a basket that had been examined. The Gemara answers: Since blood is commonly found flowing from her, as women regularly experience menstrual flows, it is considered as though she were not examined.

NOTES

When Hizkiyya and Rabbi Yoḥanan disagree it is with regard to a basket that was examined – כִּי פְּלִיעִי חֹזֶקְה וְרַבִּי יוֹחָנָן בְּקוֹפֶה בְּדִיקָה: Tosafot point out that Hizkiyya and Rabbi Yoḥanan disagreed only about a basket found in a private domain. By contrast,

in the case of basket found in a public domain, all agree that the produce is pure, as the principle is that in a case of uncertainty with regard to impurity in a public domain, it is ruled to be ritually pure.

-  
אַיִבְעֵשׁ אִמְמָא: כִּי מָזְדוֹ שְׁמָאי וְהַלְלֶ –  
בְּקֻפָּה שְׁאַנְנָה מִכּוֹסָה, כִּי פָלִיעִי חֲקִיקָה  
רַבִּי יוֹחָנָן – בְּקֻפָּה מִכּוֹסָה, מִכּוֹסָה, הִיכִּי  
כָּפֶל? בָּגָן שְׂתַּתְשְׁמִישָׁה עַל יְדֵי בְּסּוּ.

וְהִיא דּוֹמִינָה דְּאַשָּׁה קְתֻנִי, וְאַשָּׁה מִכּוֹסָה  
הִיא! בֵּין דְּשִׁכְיָה בָּה דְּמִים – כְּשַׁאֲנֵי  
מִכּוֹסָה דְּמִים.

-  
אַיִבְעֵשׁ אִמְמָא: כִּי מָזְדוֹ שְׁמָאי וְהַלְלֶ –  
בְּזִוִּית קֻפָּה, כִּי פָלִיעִי חֲקִיקָה רַבִּי יוֹחָנָן –  
בְּזִוִּית בֵּית. וְהִיא קֻפָּה קָאָמֶר!

הַכִּי קָאָמֶר: קֻפָּה שְׁנַשְׁתְּמַשׁו בָּה טְהָרוֹת  
בְּזִוִּית בֵּית זֶה, וְטַלְטוֹתָה בְּזִוִּית אַחֶת,  
גַּנְמַצֵּא שָׁרֵץ בְּזִוִּית אַחֶת. חֲקִיקָה סְבָר:  
אֲמַחְקִין טוֹמַא מִפְּקוּדָה לְמִקּוּם, וַיְהִי  
יוֹחָנָן סְבָר: מַחְקִין!

מַיִם מַחְקִין? וְהַתְּנוּ: גַּע בְּאַחֲרֵ בְּלִילָה,  
אֵינוֹ יָדַע אָם חַי אָם מַת, וּלְמַחר הַשְׁבִּים  
גַּמְצָא מַת – רַבִּי מֵאִיר מַטָּה,

The Gemara suggests another resolution of the apparent contradiction between the ruling of Hizkiyya and the opinions of Hillel and Shammai. **And if you wish, say: When Shammai and Hillel agree, it is with regard to a basket that is not covered. When do Hizkiyya and Rabbi Yoḥanan disagree? With regard to a basket that is covered.** The Gemara asks: If the basket is covered, how did the creeping animal fall inside? The Gemara answers: **For example, if the basket is used by removing its lid.** Hizkiyya holds that the creeping animal must have fallen in after the produce was removed, because as long as the produce was inside one would be careful not to allow anything else inside. Rabbi Yoḥanan is concerned that perhaps while the basket was uncovered a creeping animal could have fallen inside without one noticing.

The Gemara raises a difficulty: But isn't the case of a basket taught as being similar to the case of a menstruating woman? And just as a woman is considered covered, since no outside blood can enter her, so too in the case of a basket, it must be one where it is constantly covered. The Gemara explains: **Since blood is commonly found flowing from her**, as women regularly experience menstrual flows, it is considered as though she is not always covered.

The Gemara suggests another resolution. **And if you wish, say: When do Shammai and Hillel agree?** In a case where the produce was stored in the corner of a basket. By contrast, **when Hizkiyya and Rabbi Yoḥanan disagree**, it is in a case where the produce was stored in the corner of a house. The Gemara expresses puzzlement at this suggestion: **But the Gemara on 3b explicitly states** that they are referring to a case of a basket.

The Gemara explains that this is what the Gemara on 3b is saying: If one has a basket that was used as a container for ritually pure produce in this corner<sup>h</sup> of the house, and after the produce was removed it was subsequently carried to another corner, and the carcass of a creeping animal was found in the basket while it was in that other corner, Hizkiyya holds: The produce remains ritually pure, as we do not presume that ritual impurity moved from place to place.<sup>n</sup> In other words, the impure creeping animal is not assumed to have moved from the first corner where the produce was kept. Instead, it fell inside while the basket was in the second corner, and therefore the produce that it previously contained remains pure. And Rabbi Yoḥanan holds: The produce is retroactively considered impure, as we do presume that ritual impurity, i.e., the carcass of the creeping animal in the basket, moved from place to place.

The Gemara asks a question with regard to the opinion of Rabbi Yoḥanan: **And do we presume that ritual impurity moved from place to place? But didn't we learn in a mishna (Teharot 5:7): If someone touched one other person at night, and he does not know whether the person he touched was alive or dead, and on the following day he arose and found him dead,<sup>h</sup> and he is uncertain whether or not he contracted ritual impurity from contact with a corpse, Rabbi Meir deems him ritually pure.** It is assumed that the deceased was still alive until the point that it is known with certainty that he was dead.

## HALAKHA

A basket that was used for ritually pure produce in this corner, etc. – כְּפָה שְׁנַשְׁתְּמַשׁו בָּה טְהָרוֹת בָּזֶה... וְכִי: When a basket was emptied of its ritually pure produce and subsequently the carcass of a creeping animal was found in it, if it has a base or if it has a rim, all the produce that was stored therein is deemed ritually impure. This is the halakha even if the basket was thoroughly examined and covered with a lid, as the animal could have fallen in just as one was finishing his examination. Furthermore, even in a case where the basket was used to store produce in one corner and after it was emptied, it was placed in a different corner and there the carcass of a creeping animal was found inside, the produce is deemed impure, although teruma in that case would not be burned but rather held in suspension (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 17:2).

If someone touched one other person at night... and on the following day he arose and found him dead – גַּע בְּאַחֲרֵ בְּלִילָה... וּלְמַחר הַשְׁבִּים וּמַצָּא מַת: If one touched another person at night in a public domain, and he does not know whether the person he touched was alive or dead, and the following day he arose and found him dead, he is deemed ritually impure. This is in accordance with the principle that all ritually impure items are presumed to have been in the same state as they were at the time they were discovered (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 18:14).

## NOTES

Hizkiyya holds: We do not presume that ritual impurity moved from place to place – חֲקִיקָה סְבָר לֹא מַחְקִין טוֹמַא מִפְּקוּדָה לְמִקּוּם: This dispute with regard to ritual impurity that moves from place to place does not apply in the case in the mishna of a menstruating woman. The commentaries explain that the place in which the

impure menstrual blood of a woman is discovered is considered its original location, because anywhere she walks her impurity goes with her. Consequently, she herself is the designated place of the impurity, and the particular locale in which she is found is irrelevant (Tosafot on 2a).

### HALAKHA

**בשעת מציאתן:**  
At the time they were discovered –  
The guiding principle is that in all cases of impurity, the items in question are presumed to have been in the same state as they were at the time they were discovered. For example, if one finds the carcass of a burned creeping animal, or a needle that was known to be impure but is now rusted or broken, touching ritually pure items, one should not assume that it had touched the ritually pure items while it was impure. Rather, it is assumed that it had only touched them while in its current state of ritual purity (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 15:6, 10).

**וחכמים מטמאין, שבל הטמאות בשעת מציאתן:**

**ותני עליה: בשעת מציאתן, ובמקום מציאתן:**

**ובו תימא: הע מיili – לשורף, אבל לתרומות – תלין. וכי תלין?**

**והתנו: מהות שנמצאות מלאה חלודה או שבורה – טהור, שבל הטמאות בשעת מציאתן. ואפאי? למאי: האי מעינך – מהות מעיליתא היא, והשתא הוא דהעלת תלמידה!**

**ועוד, תנו: מצא שרץ שרוף על גבי הייתם, בגין מטלית המהוותם – טהור, שבל הטמאות בשעת מציאתן!**

**And the Rabbis deem him ritually impure, as it is presumed that all ritually impure items had already been in the same state as they were at the time they were discovered.**<sup>HN</sup> Just as the deceased was found dead in the morning, so too, it is presumed that he was dead when he was touched in the middle of the night.

The Gemara concludes its question: **And it is taught with regard to this mishna:** It is presumed that ritually impure items had been in the same state as they were at the time they were discovered, but only in the place in which they were discovered. In other words, if the corpse had been found in a different spot than he was at night, it is not presumed that he was already dead in the first spot, and the man who touched him remains ritually pure. If so, how can Rabbi Yohanan maintain that we presume impurity moved from place to place?

**And if you would say in response:** This statement, that impurity is presumed only in the place in which it was discovered, applies specifically with regard to definite impure status, i.e., to burn teruma, but with regard to uncertain impurity, i.e., to suspend the status of teruma, we do in fact suspend its status and it may be neither burned nor eaten; is this distinction correct? Do we in fact suspend the status of ritually pure items in such a case, due to the concern that the dead man whom this individual touched might have already been dead in the first location?

**But didn't we learn in a mishna (Teharot 3:5):** With regard to a previously impure needle that is found on top of teruma and it is full of rust or broken, and therefore no longer contracts or transmits ritual impurity, the teruma remains pure,<sup>N</sup> as it is presumed that in all cases of impurity, the items in question had already been in the same state as they were at the time they were discovered? But why should that be the case? Let us say that initially, when it had fallen onto the teruma, this needle was a proper, non-rusty and unbroken, needle, capable of contracting and transmitting ritual impurity, and it is only now that rust had formed on it. The status of the teruma should at least be held in suspension. Rather, it is evident that the teruma is considered definitely pure and is not held in suspension due to the possibility that it might have become impure from the nail at a previous time or, presumably, in a previous place.

**And furthermore, we learned in a mishna (Teharot 9:9):** If one found the carcass of a burned creeping animal on top of a pile of olives, and that animal no longer transmits impurity as it is burned, and similarly if one finds a tattered rag of a zav, which likewise no longer transmits impurity, on top of a pile of olives, the olives are pure. The reason is that it is presumed in all cases of impurity, the items in question had already been in the same state as they were at the time they were discovered. Once again, this demonstrates that when this presumption is applied, the item is considered definitely pure, and is not held in suspension due to uncertainty.

### NOTES

All ritually impure items had already been in the same state as they were at the time they were discovered – **בל הטמאות בשעת מציאתן:** Some ask: Why doesn't Shammai apply this principle to the case of a menstruating woman and say that the woman who discovers that she is ritually impure should presume that she was already in that state when she discovered her impurity? They answer that Shammai does not apply this principle here out of concern for the dereliction of the mitzva of procreation (Tosefot HaRosh; Gilyon Tosafot 2a). Apparently, they maintain that this principle is a presumption set by rabbinic law, as if it were by Torah law such an exception could not be made.

A needle that is found full of rust or broken, the teruma remains pure – **מהות שנמצאות מלאה חלודה או שבורה טהורה:** Some explain that the case is where it is known that the needle had been ritually impure, but it is not known if it had fallen on the teruma while it was still unbroken and still impure or only after it was already broken,

and therefore pure (Rashi). Others explain that it is unknown if the needle was at all ritually impure when it was in its proper, unbroken, state (Rambam's Commentary on the Mishna; Rabbi Ovadya Bartenura).



Ancient Roman needles

כִּי תַּיְמָא: בְּשַׁעַת מֵצִיאָתָן – בֵּין  
לְקֹלְאָה בֵּין לְחוֹמְרָא וּבְמִקּוּם מֵצִיאָתָן.  
אֲבָל שֶׁלֶא בְּמִקּוּם מֵצִיאָתָן – מִשְׁרָךְ  
לֹא שְׂרֵפִין, מִתְלָא תְּלִין.

**And if you would say that there is a difference between these last cases, where the items did not move, and the case of the basket that moved, this distinction is not correct. The suggestion is that in the last cases the items are treated entirely as if they had always been as they were at the time they were discovered, whether this leads to a leniency, as in the cases of the needle and the rag, and whether it leads to a stringency, in the case of one who touched someone at night, when he is considered to be definitely impure, but this is the halakha only with regard to the place where they were discovered, i.e., if they did not move. But with regard to a location that is not the place where they were discovered, we do suspect that ritual impurity moved from place to place, and therefore although we do not burn the teruma in question, we hold it in suspension.**

והתנו: כִּפּוּ עַל גַּבְיוֹ הַדָּר, וּמִזְרָךְ טָמֵא  
מוֹנֵחַ תְּחִזְקִיוֹן, אֲךְ עַל פִּי שָׁאָם נְפָלָה  
אֵי אָפְשָׁר אַלְאָ אִם בֵּן גִּנְעָה – טָהוֹר,  
שָׁאַנְיָ אָוּמָר: אֲדָם טָהוֹר נְכַנֵּס לְשָׁם  
וְנִטְלָה.

The Gemara refutes this suggestion: **But didn't we learn in a baraita (Tosefta, Teharot 4:3): There was a loaf resting on top of a shelf, and there was an item of light impurity, e.g., a garment of a zav, which transmits impurity to food but not to people or vessels, lying underneath it, and the loaf was later found on the ground. Even though the situation was such that if the loaf fell to the ground it would be impossible for it to have done anything other than touch the impure garment on its way down, nevertheless the loaf is pure. The reason is that I say that a ritually pure man entered there and took it off the shelf and placed it onto the ground without it touching the impure garment.**

עד שָׁיָאמָר: "בָּרוּ לִי שֶׁלֶא נְכַנֵּס אֲדָם  
שָׁם", וְאָמָר רַבִּי אֶלְעָזָר: לֹא נִגְרַח  
אַלְאָ לְמִקּוּם מִדְרוֹן!

The baraita concludes: This ruling applies unless someone says: It is clear to me that no person entered there. And Rabbi Elazar says: This principle is necessary only when the top shelf is an inclined surface. In other words, even if it is very likely that the loaf rolled off the shelf and touched the garment on its way down to the ground, nevertheless it is assumed to be pure. This indicates that one does not presume that the loaf contracted impurity and then fell to the ground where it was found. Since such a possibility is not even entertained to the extent that the teruma is held in suspension, this demonstrates that in a case involving a movement from one place to another there is no presumption of ritual impurity at all.

הַתָּם בְּדַקְתַּעַנְיָ טָעָמָא,

The Gemara explains that no proof can be cited from there, as that baraita explicitly teaches the reason for its ruling:

**HALAKHA**  
There was a loaf resting on top of a shelf, etc. – **כַּפּר עַל גַּבְיוֹ הַדָּר וּבְיַד הַדָּר וּבְיַד**: In the case of a loaf that was resting on top of a shelf and a garment that was impure with the impurity imparted by treading was lying underneath it, if the loaf is found lying on the ground, it is ritually pure, even if the situation was such that if the loaf had fallen it would certainly have touched the impure garment on its way down; nevertheless, since it is found in a pure spot, it is pure. The reason is that one can say that a ritually pure person entered there and took it off the shelf and placed it on that spot without it touching the impure garment (Rambam Sefer Tahara, Hilkhhot She'ar Avot HaTumot 16:7).

#### NOTES

That I say that a ritually pure man entered there and took it – **שָׁאַנְיָ אָוּמָר אֲדָם טָהוֹר נְכַנֵּס לְשָׁם וְנִטְלָה**: Some commentaries cite other cases where, if vessels are found somewhere other than the places they were left, the halakha is that the vessels are deemed ritually impure, as it is assumed that a ritually impure person moved them. Why is it that in this case it is assumed that a ritually pure person moved the loaf? Some answer by differentiating between those cases involving vessels and this case about a food item. In the case of vessels, which are able to be purified by immersing them in a ritual bath, the Sages applied a stringent ruling to assume that they were touched by a ritually impure person. But in the case of food items, which have no possibility of being purified, they were lenient and assumed that a ritually pure person had moved them (Sefer HaYashar; Tosafot; Ritva). According to this explanation, in a case with an earthenware vessel, which also has no possibility of being purified in a ritual bath, it would share the same ruling and one would assume that it was moved only by a ritually pure person (Maharam).

#### Perek I Daf 4 Amud b

שָׁאַנְיָ אָוּמָר: "אֲדָם טָהוֹר נְכַנֵּס לְשָׁם  
וְנִטְלָה".

The reason is not that one does not presume that ritual impurity moved from place to place, but because I say that a ritually pure man entered there and took it off the shelf and placed it onto the ground, avoiding the impure garment it would have hit had it fallen. When there is no such explanation, the principle that one presumes impurity moved from place to place does apply, e.g., in the case of the basket where the carcass of a creeping animal was found inside.

הַכָּא נִמְיָ – נִמְיָ: "עֲרָב אַתָּא,  
וְשְׂדָא!" אֲדָם דְּבֻכוֹנָה – אַמְרִין, עֲרָב  
דְּשֶׁלֶא בְּכֻונָה – לֹא אַמְרִין.

The Gemara raises a difficulty: Here, too, let us say that a raven, which often touches creeping animals, came and threw the creeping animal into the basket when it was in the second corner, after the produce had been emptied from it. The Gemara rejects this claim: In the case of a person, who acts with intent, we can say that perhaps a person moved the loaf from the shelf onto the ground. By contrast, with regard to a raven, which does not act with intent, we do not say that perhaps it committed such a purposeful act.

**HALAKHA**

**ספק** Uncertain impurity found in a private domain – **טומאה ברשות היחיד**: If one is uncertain as to whether or not he came into contact with an impure substance in the private domain, he is ritually impure (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 15:8).

Any entity that lacks consciousness in order for it to be asked – **בר' שׁאַי בּוֹ דָעַת לִישְׁאָל** – An inanimate object, which lacks consciousness in order for it to be asked about a specific situation, or a person who lacks that knowledge, such as a deaf-mute, an imbecile, or a minor, is presumed ritually pure in cases of uncertain impurity (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 16:2).

A twenty-four-hour period reduces the time, etc. – **מֵעֵת** **לִיעַת מִמְעַטָּה וּכְיָ**: A menstruating woman and a zava both assume ritual impurity status retroactively for twenty-four hours or extending back to their previous examination. For example, a ritually pure woman with no fixed menstrual cycle examines herself in the morning and finds that she is ritually pure. If she then examines herself later in the day and finds blood, all the ritually pure items that she handled from the time of her most recent examination that morning are rendered impure retroactively. If her second examination was not for another three days, all the ritually pure items that she had handled for the twenty-four-hour period preceding her second examination are rendered impure retroactively (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 3:4).

**LANGUAGE**

Went beyond [hifriz] – **הִפְרִזָּה**: The root of this word is similar to the root *peh*, *reish*, *tzadi*, meaning to break through. It is also similar to the word *perazot*, which refers to unwalled cities that are open and accessible. The expression: Went beyond his bounds, is used in contrast to the phrase: Enacted a safeguard for his words. This phraseology lends itself to the imagery that while one person constructs layers of protection, the other person is busy breaking them down.

**מִכְדֵּי, הָאִי כְּפֶר – סְפָק טוֹמָא בְּרִשׁוֹת הַיְחִיד הָוא, וְכֹל סְפָק טוֹמָא בְּרִשׁוֹת הַיְחִיד – סְפָקָה טְמֵא! מִשּׁוּם דָּהֵי דָבָר שָׁאַי בּוֹ דָעַת לִישְׁאָל, וְכֹל דָבָר שָׁאַי בּוֹ דָעַת לִישְׁאָל, בֵּין בְּרִשׁוֹת הַרְבִּים בּין בְּרִשׁוֹת הַיְחִיד – סְפָקָן טְהֹוֹן.**

**וְאֵי בְּעֵית אִימָא: הַכָּא בְּטוֹמָא דְּרֻבָּנָן.**  
**דִּיקְנָא נְמִי, דִּיקְנָנִי מַדָּף, בְּדִיקְתִּיב עַלְלָה נְמִרָּה.**

**וְחוֹכְמִים אֹמְרִים: לֹא בְּדָבְרֵי זה כָּרוֹן.**  
**תָּנוּ רְבָנָן, וְחוֹכְמִים אֹמְרִים: לֹא בְּדָבְרֵי זה וְאֵלֶּא בְּדָבְרֵי זה, לֹא בְּדָבְרֵי שְׁמָאי – שְׁלָא עַשְׂה קַיְגַּל דָבְרֵי זה, וְלֹא בְּדָבְרֵי הַלְלָא שְׁהַפְּרוּי עַל מִדּוֹתָיו.**

**אַלְאָ: מֵעֵת לִיעַת מִמְעַטָּה עַל יָד מַפְקִידָה לְפַקִּידָה, וּמַפְקִידָה לְפַקִּידָה – מִמְעַטָּה עַל יָד מֵעֵת לִיעַת.**

**מֵעֵת לִיעַת מִמְעַטָּה עַל יָד מַפְקִידָה לְפַקִּידָה, בַּיּוֹצֵא? בְּרִקָּה עֲצָמָה בְּאַחֲרַב שְׁבַת וּמִצְאַת טְהוֹרָה, וּשְׁבַבָּה שְׁנִי וּשְׁלִישִׁי, וְלֹא בְּדָקָה, וּלְרַבִּישִׁי בְּדָקָה וּמִצְאָה טְמֵאָה – אֵין אֹמְרִים: תְּטִמְאָה מַפְקִידָה לְפַקִּידָה, אַלְאָ מֵעֵת לִיעַת.**

The Gemara raises a difficulty with regard to the ruling of the *Tosefta*: Now the status of **this loaf** found on the ground is one of **uncertain impurity found in a private domain**,<sup>h</sup> and the guiding principle in any case of **uncertainty involving impurity in a private domain** is that the item with **uncertain status** is deemed **impure**. If so, shouldn't the loaf be deemed impure? The Gemara answers: No, as this is an entity that lacks consciousness in order for it to be asked, and the guiding principle is that with regard to any entity that lacks consciousness in order for it to be asked,<sup>h</sup> whether it is found in a public domain or in a private domain, the item with **uncertain status** is deemed **pure**.

And if you wish, say instead: That principle, that in any case of uncertainty involving impurity in a private domain the item with uncertain status is deemed impure, applies to a case of impurity by Torah law, whereas here we are dealing with **ritual impurity by rabbinic law**. The Gemara adds: The language of the *Tosefta* is also precise, as it teaches: There was a loaf resting on top of a shelf, and there was an item of light impurity [*madaf*] lying underneath it. The term *madaf*<sup>i</sup> is similar to that which is written: "A driven leaf [*niddaf*]" (Leviticus 26:36), i.e., a light item. Likewise, the *Tosefta* is referring to a light, or rabbinic, impurity.

**§** The mishna teaches: **And the Rabbis say:** The halakha is neither in accordance with the statement of this tanna nor in accordance with the statement of that tanna. The Sages taught in a baraita: **And the Rabbis say:** The halakha is neither in accordance with the statement of this tanna nor in accordance with the statement of that tanna. It is not accordance with the statement of Shammai, who rules that her time is sufficient and she does not need to be concerned that her menstrual flow started earlier, as he did not enact any safeguard for his statement. And is it not in accordance with the statement of Hillel, who rules that she assumes ritual impurity status retroactive to the time of her most recent examination, as he went beyond [hifriz]<sup>j</sup> his bounds with his safeguard.

The Rabbis continue: Rather, a twenty-four-hour period reduces the time from examination to examination, i.e., if her most recent self-examination took place more than twenty-four hours earlier, she need concern herself with ritual impurity only for the twenty-four-hour period prior to discerning the blood. **And from examination to examination reduces the time from a twenty-four-hour period**, i.e., if she examined herself in the course of the previous day and discovered no blood, she was definitely pure prior to the examination.

The baraita elaborates: A twenty-four-hour period reduces the time<sup>h</sup> from examination to examination, how so? A woman examined herself on Sunday and found that she was ritually pure, and then she sat through Monday and Tuesday and did not examine herself. And then on Wednesday she examined herself and found that she was impure. In such a case we do not say that she should be impure retroactively from the time of this examination extending back until the time of her most recent examination. Rather, she is impure retroactively for a twenty-four-hour period.

**NOTES**

The language of the *Tosefta* is also precise as it teaches *madaf*, etc. – **דִּיקְנָא נְמִי דִּיקְנָנִי מַדָּף וּכְיָ**: The Rambam writes that this section of the Gemara is not in the original Talmud. Rather, it was added by the *savora'im*, sixth-century Sages in Babylonia. It was originally added as a marginal note and was eventually incorporated into the text of the Gemara. With regard to the

meaning of the word *madaf*, the Rambam writes that it is similar to the phrase: His odor spreads [*nodef*] (*Berakhot* 51a) (Rambam's Commentary on the Mishna). In this context of the ritually impure garment, this word is used to connote that the impure person's ritual impurity wafts through any layers above him and renders impure all garments that are on top of him (Maharatz Hayyut).

ומפקידה לפקידה ממעט על יד מעת לעת,  
ביעז בדקה עצמה בשעה ראשונה ומצתה  
טהורה, ושבה לה שנייה ושלישית ולא בדקה,  
ולכנית בדקה ומצעאה טמאה – אין אומרים:  
טמא מעת לעת, אלא מפקידה לפקידה.

פישטא, פון בדקה עצמה בשעה ראשונה  
ומצעאת טהורה – לא מטעין לה מעת לעת  
אייר דתנא "מעית לעת ממעט על יד  
מפקידה לפקידה", תנא נמי "ספקידה לפקידה  
מעט על יד מעת לעת".

אמר רבבה: מאי טעמי יהו דרבנן – אששה מרגשת  
בעצמה. אמר ליה אביי: אם כן, תהא דינה  
שעתה; ורבבה – לחדרוי לאביי הו דבב. אלא  
מאי טעמי יהו דרבנן?

כיה דאמר רב יהודה, אמר שמואל: חכמים  
תקנו לנו לבנות ישראל שיחו בזקנות עצמן  
שחרית וערבית. שחרית – להכשיר טהרות  
שללילה, וערבית – להכשיר טהרות של יום.

וזו חזail ולא בדקה – הפסידה עוננה. מאי  
עוננה? עוננה יתרה.

אמר ליה רב פפא לרבא: וזה ימנינו משבחת  
לה שלוש עונות במעת לעת השוו חכמים  
מדותיהם, שלא תחלק במעת לעת.

The *baraita* continues: And from examination to examination reduces the time from a twenty-four-hour period, how so? A woman examined herself in the first hour of a day and found that she was ritually pure, and then she sat through the second and third hours of the day and did not examine herself. And then at the fourth hour she examined herself and found that she was impure. In such a case we do not say that she should be impure retroactively for a twenty-four-hour period. Rather, she is impure retroactively from the time of this examination extending back until the time of her most recent examination, three hours earlier.

The Gemara raises a difficulty: This *halakha* is obvious. Since she examined herself at the first hour and found that she was pure, there is no reason to render her impure retroactively for a twenty-four-hour period. Why does the *baraita* state such an obvious *halakha*? The Gemara answers: Since the *baraita* taught that according to the Rabbis a twenty-four-hour period reduces the time from examination to examination, it also taught the parallel case, that from examination to examination reduces the time from a twenty-four-hour period, despite the fact that this *halakha* is obvious.

**Rabba says:** What is the reason for the opinion of the Rabbis? A woman can sense within herself if she is experiencing a flow of blood. Abaye<sup>9</sup> said to Rabba: If so, her time should be sufficient, as there should be no concern that her flow began earlier. The Gemara explains: And Rabba did not in fact mean this explanation seriously; rather, he wanted to hone<sup>10</sup> the mind of Abaye. The Gemara asks: But if so, what is the real reason for the opinion of the Rabbis?

The Gemara answers: It is in accordance with that which Rav Yehuda said that Shmuel says: The Sages instituted that the Jewish women should examine themselves twice each day, morning and evening.<sup>11</sup> The morning examination is in order to render fit the ritually pure items of the night,<sup>12</sup> i.e., any items that she touched the night before. And the evening examination is in order to render fit the pure items that she touched during the day.

The Gemara continues its explanation: And this woman, since she did not examine herself in accordance with the rabbinic enactment, she loses the status of the ritually pure items she touched over the period [ona]<sup>13</sup> of a day or a night. The Gemara asks: What is meant by: Period of a day or a night? Doesn't her retroactive impurity status extend back for a twenty-four-hour period? The Gemara answers: It means an additional period of a day or a night, i.e., twenty-four hours in total.

**Rav Pappa says to Rava:** But occasionally you find three periods of day or night within a twenty-four-hour period. For example, if she examined herself on Monday afternoon and finds blood, then the twenty-four-hour period extending back to Sunday afternoon includes three periods of day or night: Monday day, Sunday night and Sunday day from the time of her most recent examination, as these twenty-four hours do not fit precisely into two such periods. The Gemara answers: The Sages rendered their measures equal, so that one should not differentiate between cases. In other words, they wanted to issue a uniform ruling that applies universally and therefore they established a set twenty-four-hour period of retroactive impurity, regardless of the circumstances.

## PERSONALITIES

**Abaye – אבאי:** One of the outstanding Sages of the Talmud, Abaye was a fourth-generation Babylonian *amora*. He lost both of his parents at an early age and was raised in the home of his uncle, Rabba bar Nahmani. Some say that his real name was Nahmani or Killi, and Abaye was just a nickname. The woman who assisted Rabba in raising him left a profound impression upon him, and he cites many life lessons in her name in the Gemara. The Gemara relates several stories that illustrate his intelligence even as a child, including several where Rabba tests him with questions.

## NOTES

To hone – חדרוי: The practice of a Sage intentionally making an incorrect statement, acting improperly, or even praising an opinion that is directly contradicted by an established *halakha*, is an educational technique that is mentioned several times in the Gemara. The aim was not simply to test the students, but to require them to pay close attention and think independently (Rashi on *Eiruvin* 13a), or to remind them of matters that they had previously studied (Ritva on *Yoma* 43a).

The morning examination is in order to render fit the ritually pure items of the night – שחרית.

להכשר טהרות שללילה: Some commentaries maintain that according to Shammai, who holds that a woman's time of examination is sufficient and she does not become impure retroactively, there is no such rabbinic institution of daily examinations (*Hazon Ish; Arukh LaNer*). By contrast, Rashi on 4a indicates that this institution is in effect even according to Shammai. Consequently, it has been suggested that according to Shammai the purpose of this examination was not to establish retroactive purity, but to provide current evidence of purity rather than relying on a presumptive status (*Hazon Ish*).

## HALAKHA

The Sages instituted...morning and evening – רחמים ותקנ...שחרית וערבית: The Sages instituted that all Jewish women should examine themselves twice each day, morning and evening. The morning examination is in order to render fit the ritually pure items that she touched the night before. The evening examination is in order to render fit the ritually pure items that she touched during the day (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 4:7).

## LANGUAGE

Period [ona] – עוננה: The literal meaning of this word is a fluctuating period of time. It is used in reference to the rainy season, for example, which can be long or short, depending on the year. In this case, it is

referring to a half-day period of either day or night. At an equinox, each period is exactly twelve hours. During the rest of the year each fluctuates based upon the sun's rising and setting.

**PERSONALITIES**

**Rabbi Dosa – רבי דוסא:** When the name Rabbi Dosa is mentioned without any qualifiers in the Mishna, the reference is to Rabbi Dosa ben Harkinas. Rabbi Dosa ben Harkinas was one of the earliest *tannaim*. He was already considered a Sage of great stature in the period of the Second Temple. He engaged in disputes with Akavya ben Mahalalel and Hananya the deputy High Priest, and he was apparently from the same generation as Rabban Yohanan ben Zakkai, whom he outlived. As a result of his longevity, he is described as participating in various deliberations during the time of Rabban Gamliel in Yavne, although he would not come to the study hall due to his old age. If this is the case, he lived well over a hundred years. See the Rambam's introduction to the Mishna, where his wondrously long life span is discussed.

Rabbi Dosa ben Harkinas was universally respected due to his old age and wisdom, and Rabbi Yehoshua asked his advice on several issues. He was apparently an expert in the history of the Jewish people, and he could recall even small details of events. He possibly preserved for himself relics from earlier eras, such as the mortar of the prophet Haggai. The story recounted here indicates that he was also extremely wealthy, but there are no records of his profession or family, besides the younger brother he himself mentions. His statements, which are also cited in the Mishna, deal with both *aggada* and *halakha*.

אִבְשָׁעַת אִימָּא: שֶׁלֹּא יֵהָא חֹוטָא נְשָׁבָר.

**And if you wish, say instead that they established the set twenty-four-hour period so that the sinner should not profit from his transgression.** If the extent of retroactive impurity would be fixed at one additional period of day or night, a woman who remembers and examines herself in the early morning would be impure retroactively for a full twenty-four hours, back to early morning the previous day, whereas one who waits until noon would be impure only for the period of the morning and the previous night.

מַיּוֹ בֵּיןְיוֹ אִפְּכָא בֵּיןְיוֹ: דָאַתְנִיסָּה  
וְלֹא בְּדָקָה.

The Gemara asks: **What is the difference between these two answers?** The Gemara answers: **The difference between them is in a case where she was prevented by outside circumstances and did not perform an examination.** According to the second answer she would not be considered a sinner and therefore she would be impure only for an additional period of a day or night. By contrast, according to the first answer her impure status would span twenty-four hours regardless of the circumstances.

כָּל אֲשָׁה שִׁישׁ לְהַסְטָתָן [וכו]. לִימָא  
מַתְנִינִין רַבִּי דָוָסָא הִיא וְלֹא וּבָנָן, דְתָנִיא,  
רַבִּי אַלְיעָזָר אָמָר: אַרְבָּע נְשִׁים דִין  
שְׁעַתָּן, בְּתוֹלָה, מַעֲבָרָת, מַニְקָה, וּקְנָה.  
רַבִּי דָוָסָא אָמָר: כָּל אֲשָׁה שִׁישׁ לְהַסְטָתָן  
דִּיה שְׁעַתָּה!

**§ The mishna teaches: For any woman who has a fixed menstrual cycle, and she examined herself at that time and discovered blood, her time is sufficient, and she transmits impurity only from that time onward.** The Gemara asks: **Shall we say that the mishna is in accordance with the opinion of Rabbi Dosa,<sup>9</sup> and not in accordance with the opinion of the Rabbis?** As it is taught in a *baraita* that **Rabbi Eliezer says: There are four categories of women for whom the halakha is that their time is sufficient: A virgin, i.e., a girl who has never experienced menstruation, a pregnant woman, a nursing mother, and an elderly woman.** **Rabbi Dosa says: For every woman who has a fixed menstrual cycle, and she examined herself at that time and discovered blood, her time is sufficient, and it is only from that stage that she transmits ritual impurity.**

אַפִּילוֹ תִּימָא וּבָנָן, עַד כָּאן לֹא פְּלִיּוֹ וּבָנָן  
עֲלֵיהֶה רַבִּי דָוָסָא – אַלְאָ שֶׁלֹּא בְשֻׁעַת  
וּסְתָתָה, אַבָּל בְּשֻׁעַת וּסְתָתָה – מַזְדוֹ לְהָ  
וּמְתִינִיתָן בְּשֻׁעַת וּסְתָתָה – וְדָבָרִי הַכָּל.

The Gemara answers: **You may even say that the mishna is in accordance with the opinion of the Rabbis. The Rabbis disagree with Rabbi Dosa only in the case of a woman who discovers blood at an irregular time, not at the fixed time of her menstrual cycle. But if she discovers blood at the fixed time of her menstrual cycle, they agree with him that her time is sufficient and there is no retroactive impurity. And the mishna is referring to a woman who discovers blood at the fixed time of her menstrual cycle, and therefore everyone agrees that her time is sufficient.**

מַכְלֵל דָרְבִּי דָוָסָא – אַפִּילוֹ שֶׁלֹּא בְשֻׁעַת  
וּסְתָתָה אָמָר. מַאֲן תִּנְאָ לְהָא דְתָנוּ וּבָנָן:  
אֲשָׁה שִׁישׁ לְהַסְטָתָן כִּתְמָה טָמָא לְמַפְרָעָה,  
שָׁאָם תְּזָאָה שֶׁלֹּא בְשֻׁעַת וּסְתָתָה –  
כְּטֻמָּה מִיעָתָ לְעָתָ,

The Gemara raises a difficulty: **By inference, one can conclude that Rabbi Dosa says that her time is sufficient even if she discovers blood not at the fixed time of her menstrual cycle.<sup>10</sup> If so, who is the tanna who taught the following baraita? As the Sages taught in a baraita: With regard to a woman who has a fixed menstrual cycle who finds a blood stain, her blood stain is impure retroactively<sup>11</sup> from when the garment in question was laundered. The reason is that if she sees a flow of menstrual blood not at the fixed time of her menstrual cycle, it renders her impure retroactively for a twenty-four-hour period.** Therefore, the blood stain likewise renders her retroactively impure.

**NOTES**

Even if she discovers blood not at the fixed time of her menstrual cycle – **אַפִּילוֹ שֶׁלֹּא בְשֻׁעַת וּסְתָתָה:** The early commentaries explain that Rabbi Dosa's reasoning is that in between a woman's fixed menstruation times she is considered as temporarily having ceased to experience menstruation. Therefore she is not expected to find any blood until her fixed time of menstruation, and any blood that she does discover is an anomaly that causes her to assume impurity status only from then onward (*Bedek HaBayit*). In a case where she discovers blood after her fixed time of menstruation has passed, some maintain that she assumes impurity status only from then onward only if she performed a clean self-examination at her fixed time of menstruation. But if she neglected to perform a self-examination at that time, then she assumes

retroactive impurity status extending back to her fixed time of menstruation, even according to Rabbi Dosa (*Heshek Shlomo*).

**Her blood stain is impure retroactively – כִּתְמָה טָמָא לְמַפְרָעָה:** Rashi explains that she assumes impurity status retroactively extending back to the time that this stained garment was last laundered. The source for this explanation is the mishna (66a) that states that a blood stain causes her to assume ritual impurity status until the time that she can declare that she had examined the garment and found it free of stains, or extending back to the time that she last examined it, as the Gemara (66b) explains that it is presumed that every Jewish woman examines her garments upon laundering them.

נימא רבען והיא ולא רבוי דוסא? אפיו  
הימא רבוי דוסא, עד באן לא פליג רבוי  
dosha עליהו דרבנן - אלא בשעת  
וסתת, אבל שלא בשעת וסתת - מורי  
להו, ומיתניתין - בשעת וסתת, רבוי  
dosha היא.

The Gemara concludes its question: Shall we say that this *baraita* is in accordance with the opinion of the Rabbis and not in accordance with the opinion of Rabbi Dosa? The Gemara answers: You may even say that it is in accordance with the opinion of Rabbi Dosa, as one can claim that Rabbi Dosa disagrees with the Rabbis only in a case where a woman sees menstrual blood at the fixed time of her menstrual cycle. But if she sees blood not at the fixed time of her menstrual cycle, he agrees with them that she is impure retroactively. And according to this answer the *mishna*, which deals with a woman who discovers blood at the fixed time of her menstrual cycle, is only in accordance with the opinion of Rabbi Dosa, in contrast to the earlier claim.

## Perek I

## Daf 5 Amud a

**ברייתא – דברי הכל.**

And as for the ruling of the *baraita*, that a woman who discovers menstrual blood not at her fixed time for menstruation is impure retroactively, this is a *halakha* with which everyone agrees.

**ולקמָא אִיפְכָא!**

The Gemara raises a difficulty: But let us interpret the mishna in the opposite manner. Why interpret the mishna in accordance with the opinion of Rabbi Dosa and the *baraita* in accordance with everyone, when we can give precedence to the mishna, which is more authoritative, by interpreting it in accordance with all opinions, as was first explained, and the *baraita* only in accordance with the opinion of the Rabbis.

**בין דאייבא לאזוקמי לקובלא  
ולחוונרא – לחומרא מוקמן.**

The Gemara answers: Since there is a way to interpret it as a leniency,<sup>N</sup> i.e., that all agree that blood discovered at the fixed time of menstruation renders items impure only from that point onward, and it can also be interpreted in a manner that leads to a stringency, i.e., everyone agrees that blood discovered not at her fixed time for menstruation causes retroactive impurity, and furthermore the Rabbis hold that this is the *halakha* even when blood is discovered at her fixed time of menstruation, we interpret it the way that leads to a stringency.

**קחני: "שָׁם הַרְאָה שֶׁלֹּא בָשֻׁעַת  
וָסְתָת – מִטְפָּמָה מֵעַת לְעַת," טעמא –  
דאשה שיש לה וסתת הוא, דפליג רבען  
בין כתרמה לראייתה,**

§ It is taught in the *baraita*: If a woman who has a fixed menstrual cycle finds a blood stain, her blood stain is retroactively impure. The reason is that if she sees a flow of menstrual blood not at the fixed time of her menstrual cycle, it renders her ritually impure retroactively for a twenty-four-hour period. The Gemara analyzes this statement: The reason for this ruling is that she is a woman who has a fixed menstrual cycle; therefore, the Rabbis distinguish between her blood stain, which causes retroactive impurity like a sighting not at her fixed time, and her sighting of her menstrual flow at its fixed time, which does not cause retroactive impurity.

**הָא שָׁאַר נְשִׁים שָׁאָמוּר חֲכָמִים דִין  
שְׁעִתָן – בְּתִכְנָן בְּרָאִיתָן.**

It can be inferred from here that in the case of those other women, e.g., a pregnant or elderly woman, with regard to whom the Sages stated: Their time is sufficient and their menstrual flow never causes retroactive impurity, the same *halakha* applies to their blood stains as to their sighting of their menstrual flow, i.e., the stains do not cause retroactive impurity.

**NOTES**

Since there is a way to interpret it as a leniency, etc. – **כִּי** – **אִיךָ לְאַקְדּוּמִי לְקוּלָא וּכְ**: The early commentaries ask: Since the idea of imposing retroactive impurity is a rabbinic safeguard to begin with, why it is preferable to interpret the mishna in a more stringent fashion? They answer that, nevertheless, a higher standard is warranted in the case of matters of ritual purity (Ritva).

**PERSONALITIES**

**רבי חנינא בן אנטיגנוס –** The *tanna* Rabbi Hanina ben Antigonus, referred to in the Jerusalem Talmud as Rabbi Ḥananya ben Antigonus, lived through the period of the destruction of the Second Temple. Some of the early commentaries maintain that he was a priest. He was notably scrupulous in matters of ritual impurity and was very discerning with regard to whom he trusted to handle ritually pure items. He testifies that he personally saw the Levites performing their service in the Temple. Rabbi Hanina ben Antigonus discussed matters of Torah with the famous *tanna'im* Rabbi Yishmael and Rabbi Akiva.

**HALAKHA**

The *halakha* with regard to all women is that their blood stains are impure retroactively – **כל הדם שמא לפרטע**: A woman who discovers a blood stain assumes impurity status retroactively for twenty-four hours, or extending back to the last time she examined her garment and found it clean within the last twenty-four hours. Even if she laundered the garment, one may not assume that the stain came after it was laundered. If she discovers a wet, seemingly fresh blood stain, nevertheless she assumes the same retroactive impurity status, as the blood stain may have been there for days with water recently falling upon it, thereby moistening it and giving it a fresh appearance (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:3 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshev 3:7).

The *halakha* of women with regard to whom the Sages stated: Their time is sufficient, etc. – **שים שאמרו חכמים דין שעטן וכו'**: The Sages ruled that with regard to these four women, i.e., a woman who never experienced menstrual bleeding, a pregnant woman, a nursing mother, and an elderly woman, their time is sufficient. This means that neither their menstrual flow of blood nor a discovered blood stain causes them retroactive impurity, but only impurity going forward. This holds true until they experience three separate flows of menstrual blood (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:5 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshev 3:8).

**When the days of her young womanhood have arrived –** **משהgiush bi ha'ye'rotim**: The Sages instituted that only the blood stains found on the body or clothing of an adult woman cause ritual impurity. The blood stain of a young girl, who has not yet reached the normal time for menstruation, does not cause any ritual impurity. The normal time for menstruation is when she reaches the age of young womanhood, which is marked by her reaching the age of twelve plus the growth of two hairs in her pubic area. If she has only one of the two conditions, i.e., age or pubic hairs, her blood stain causes no impurity, even if she is a non-virgin and even if she discovered blood stains twice. If she discovers blood stains three times, her blood stains will then start to cause ritual impurity (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:5 and Sefer Nashim, Hilkhot Ishut 2:1; Shulhan Arukh, Yoreh De'a 190:2).

**מי? רבי חנינא בן אנטיגנוס היה. דאמר רב הדרה, אמר שמואל משום רבי חנינא בן אנטיגנוס כל הנשים – כתמן טמא למפרע. ונשים שאמרו חכמים דין שעטן – כתמן בראייתן, חוץ מתוינוקת של אל הגוע ממנה לראות – שאפילו סדרין שללה מלובכלין בדם, אין חוששין לה.**

The Gemara asks: In accordance with whose opinion is this *baraita* taught? The Gemara answers: It is in accordance with the opinion of Rabbi Hanina ben Antigonus,<sup>p</sup> as Rav Yehuda said that Shmuel says in the name of Rabbi Hanina ben Antigonus: The *halakha* with regard to all women is that their blood stains are impure retroactively. But any women with regard to whom the Sages stated: Their time is sufficient, their blood stains share the same ruling as their sighting of their menstrual flow, i.e., they do not cause retroactive impurity. This is the *halakha* except for the case of a young girl whose time to see the flow of menstrual blood has not arrived. With regard to her, even if her sheets are soiled with blood one need not be concerned for it,<sup>n</sup> i.e., her blood stains do not cause any impurity at all, even from that point onward.

**ומי אית לה לובי חנינא כתם כללה? והדרה: כל הנשים כתמן טמא, ונשים שאמרו חכמים דין שעטן – כתמן טמא. רבי חנינא בן אנטיגנוס אומר: נשים שאמרו חכמים דין שעטן – אין להן כתם. מי למא: אין להן כתם כללה, אין להן כתם למפרע, אבל יש להן כתם מפאתן ולרבא.**

The Gemara asks: And does Rabbi Hanina ben Antigonus hold that a blood stain causes ritual impurity at all? But isn't it taught in a *baraita*: The *halakha* with regard to all women is that their blood stains are impure. And similarly, women with regard to whom the Sages stated: Their time is sufficient, their blood stains are also impure. Rabbi Hanina ben Antigonus says: The *halakha* of women with regard to whom the Sages stated: Their time is sufficient, is that they do not have the ritual impurity of a blood stain. What, is it not correct to say that this means they have no impurity caused by a blood stain at all? The Gemara answers: No, it means that they do not have impurity caused by a blood stain retroactively, but they do have the impurity caused by a blood stain from here onward.

**מכל דתנא קמא סבר: אפילו למפרע? אין, רבי מאיר היה, דמחייב גבי כתמים. דתנא: כל הנשים – כתמן טמא למפרע. ונשים שאמרו חכמים דין שעטן – כתמן טמא למפרע, דברי רבי מאיר.**

The Gemara asks: From the fact that Rabbi Hanina ben Antigonus holds that a blood stain imparts ritual impurity from that point onward, does this not indicate that the first *tanna* holds that it causes ritual impurity even retroactively? The Gemara answers: Yes, the ruling of the first *tanna* is in accordance with the opinion of Rabbi Meir, who is stringent with regard to blood stains. As it is taught in a *baraita*: The *halakha* with regard to all women is that their blood stains are impure retroactively.<sup>h</sup> And similarly, women with regard to whom the Sages stated: Their time is sufficient, their blood stains are also impure retroactively. This is the statement of Rabbi Meir.

**רבי חנינא בן אנטיגנוס אומר: נשים שאמרו חכמים דין שעטן – כתמן טמא. ותוינוקת שהגיע זמנה לראות – יש לה כתם, ושלאל הגע זמנה לראות – אין לה כתם. ואימתי הגע זמנה לראות? משהgiush. ימי הנערות.**

The *baraita* continues: Rabbi Hanina ben Antigonus says: The *halakha* of women with regard to whom the Sages stated: Their time is sufficient,<sup>h</sup> is that their blood stains share the same ruling as their sighting of their menstrual flow, i.e., they cause ritual impurity from that point onward. And in the case of a young girl, if her time to see the flow of menstrual blood has arrived,<sup>n</sup> then she has impurity status when she finds a blood stain. But if her time to see the flow of menstrual blood has not yet arrived, she does not have impurity status when she finds a blood stain. The Gemara asks: And when does a young girl arrive at her time to see the flow of menstrual blood? The Gemara answers: When the days of her young womanhood have arrived.<sup>hn</sup>

**NOTES**

Even if her sheets are soiled with blood one need not be concerned for it – **שאפילו סדרין שללה מלובכלין בדם אין חוששין לה**: One of the later authorities interprets this precisely, that it is only for blood stains on her sheets or garment that one need not be concerned; blood stains found on her body would cause ritual impurity (*Bah*). Others disagree and understand that with regard to young girls who are the under the age of menstruation, the Sages did not institute any ritual impurity (*Shakh*, citing *Tur* and *Shulhan Arukh*).

And in the case of a young girl if her time to see the flow of menstrual blood has arrived – **תוינוקת שהגעה זמנה לראות**: Some commentaries state that a young girl's time of menstruation has

arrived only if she has experienced two or three flows of menstrual blood (Rashba; Meiri). Most commentaries maintain that if she is old enough she is designated as one whose time to begin menstruating has arrived even if she has not yet emitted blood (Rashi; Rashba; Ritva).

**משהgiush bi ha'ye'rotim**: The Gemara mentions two indicators that signify the transition from childhood to adulthood: The physical sign of at least two hairs in the pubic area, and the time factor of the age of twelve years. The early commentaries disagree whether one indicator is sufficient (Rashi) or if both indicators are necessary to signify her entrance into young womanhood.

"וְרָמֶשֶׁת בִּעֵדִים" כו. אמר רב יְהוּדָה, אמר שְׁמוּאֵל: עד שלפנִי תְּשַׁמֵּישׁ - אֵינוֹ מִמְעֵט בְּפִקְרָה.

מאי טעם מא? אמר רב קיטינה: מכיון שמהומה לבייה, וכי מהומה לבייה, מי הוי מכיון שמהומה לבייה? איננה מוכנסת לחורין ולקרין.

תנן: רמשת בעדים - הרי זו בפקידה, מי לאו: חרד לפני תשמיש, וחד לאחר תשמיש לא, אידי ואידי - לאחר תשמיש, ואחד לו ואחד לה. בדורות: דרך בנות ישראלי מושבות בשני ערים אחד לו ואחד לה.

האי Mai? Ai Amra Baslma Chad - לפני תשמיש וחד לאחר תשמיש איזורי, קלוא דעתך אמרנו: מכיון שמהומה לבייה - לא בדקה שפיה, קא משמע לו: هي זו בפקידה. אלא אי אמרת: אידי ואידי לאחר תשמיש - פשיטא!

מהו דתימא: שמاء תורה טפת דם בחודל, ותחפנה שכבת זרע - קא משמע לו.

**§** The mishna teaches: And with regard to a woman who engages in intercourse while using examination cloths, with which she ascertains whether the menstrual flow began, since the halakhic status of that act is like that of an examination, it reduces the time from a twenty-four-hour period and reduces the time from examination to examination. Rav Yehuda says that Shmuel says: The examination cloth with which she examined herself before intercourse<sup>4</sup> does not reduce the time from a twenty-four-hour period like a regular examination.

The Gemara asks: What is the reason for the opinion of Shmuel? Rav Ketina says: Since she is excited [shemeahuma]<sup>1</sup> and hurried for intercourse with her husband, it is not considered a proper examination. The Gemara asks: And even if she is excited for intercourse with her husband, what of it? Why does that invalidate her examination? The Gemara answers: Since she is excited and hurried for intercourse with her husband,<sup>2</sup> she does not insert the examination cloth into her recesses and folds.

The Gemara raises a difficulty: We learned in the mishna: And a woman who engages in intercourse while using examination cloths, the halakhic status of that act is like that of an examination. The mishna refers to examination cloths in the plural. What, is it not speaking of one cloth used before intercourse and one cloth used after intercourse? The Gemara answers: No, this cloth and that cloth are both used after intercourse; and the reason why the mishna uses the plural is that one cloth is for his use and one is for her use. As we learned in a mishna (14a): It is the custom of Jewish women to engage in intercourse with their husbands with two examination cloths, one for his use and one for her use.

The Gemara asks: What is this? Granted, if you say that the mishna is referring to one cloth used before intercourse and one used after intercourse, it was necessary for the mishna to mention both examinations, as it might enter your mind to say that since she is excited and hurried for intercourse with her husband, she did not examine herself properly. Therefore, the mishna teaches us that her examination with a cloth before intercourse is considered as a halakhically valid examination. But if you say that this cloth and that cloth are his and her cloths used after intercourse, isn't it obvious that they are treated as halakhic examinations? Why is this ruling necessary?

The Gemara answers: The halakha that the examinations performed after intercourse count as valid examinations is necessary, lest you say that perhaps she might see a drop of blood corresponding to the size of a mustard seed<sup>3</sup> and a drop of semen covered it. In other words, it is possible that she discharged a tiny amount of menstrual blood that went undetected, as it was covered by a drop of semen. Therefore, the mishna teaches us that one does not need to be concerned for this possibility.

## HALAKHA

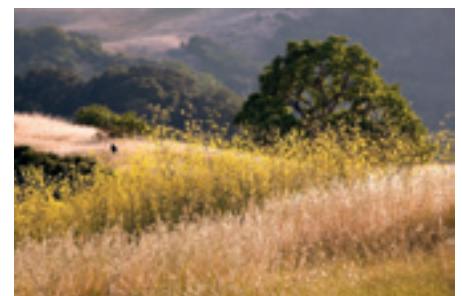
The examination cloth with which she examined herself before intercourse – עד שלפנִי תְּשַׁמֵּישׁ: A woman must examine herself with a cloth before and after intercourse. The examination following intercourse has the halakhic status of a regular examination. The examination prior to intercourse does not, as it is likely to be a substandard inspection performed in haste (Rambam Sefer Tahara, Hil-khot Metamei Mishkav UMoshav 3:4).

## LANGUAGE

Excited [mehuma] – מהומה: The root of this word is heh, mem, heh, which means vocalizing a sound or making a noise. If there is a ruckus or if a person is performing an action in haste, there is often a resulting sound. Here the word is used to refer to an action that a person performs with haste spurred by passion or desire.

## BACKGROUND

Corresponding to the size of a mustard seed – בחרדל: Edible mustard is derived from various plants, such as the white mustard plant, *Sinapis alba*, the black mustard plant, *Brassica nigra*, or some combination of them. These plants are members of the wild Brassicaceae family of plants. The black mustard plant is a very large strain that grows in Eretz Yisrael. Its height usually ranges between 0.5 and 2 m, although in some rare cases it can reach a height of 5 m. Mustard seeds are small, ranging between 1.5 and 2 mm in diameter, which is why they are chosen by the Gemara as a symbol of a minute entity.



Mustard flowers in a field



Black and white mustard seeds

## NOTES

Since she is excited and hurried for intercourse with her husband, etc. – מכיון שמהומה לבייה וכו': Some authorities prove from here that the examination required before intercourse does not obligate the woman to insert the cloth into the recesses and folds of her vagina. They explain that the reason is that the requirement for this examination in the first place is a stringency enacted for the protection of ritually pure items, which,

according to the Rambam, remained in force after the Temple period when standards of ritual purity were no longer practiced. Therefore what is required is not an inspection of recesses and folds, which was necessary when dealing with ritually pure items, but rather a general sweep of the vaginal area as far as the finger can reach (Ra'avad in *Ba'alei HaNefesh*; *Beit Yosef*; *Havot Da'at*).

וְאִבְעֵית אִימָא: שְׁתַי בְּדִיקוֹת אֲצַבּוֹת  
רֶבֶן, חֶד – לְפָנִים תְּשִׁמְישׁ, וַחֲד – לְאַחֲרֵי  
תְּשִׁמְישׁ, וְכִי קָתַנִי "הָרִי זֶה כְּפִקְדָּה" –  
אַלְאַחֲרֵי תְּשִׁמְישׁ. וְהָא "הַמְשֻׁמְשָׁת" קָתַנִי!  
תָּנִינִי: "וְמִשְׁמַשְׁת".

**And if you wish, say instead:** The mishna is referring only to her examinations, but the reason the mishna mentions two examinations is not to give them the status of valid examinations, but to teach that they are both obligatory. As the Sages required her to perform two examinations:<sup>h</sup> One before intercourse and one after intercourse. And when the mishna teaches: The halakhic status of that act is like that of an examination, it is referring specifically to the examination performed after intercourse. The Gemara raises a difficulty: **But the mishna teaches:** A woman who engages in intercourse while using examination cloths. This formulation indicates that the examination is voluntary and is not mandated by the Sages. The Gemara explains that one should emend the text of the mishna so that it teaches: **And a woman must engage** in intercourse while using examination cloths.

מִמְעֵת עַל יָד מִיעֵת לְעֵת. הַשְׁתָּא מִיעֵת  
לְעֵת מִמְעֵת,

§ The mishna teaches: And with regard to a woman who engages in intercourse while using examination cloths, as the halakhic status of that act is like that of an examination, **it reduces the time from a twenty-four-hour period**, and reduces the time from examination to examination. The Gemara asks: Now that the mishna teaches that this examination **reduces time from a twenty-four-hour period**,

#### HALAKHA

The Sages required her to perform two examinations, etc. –  
**שְׁתַי בְּדִיקוֹת אֲצַבּוֹת רֶבֶן וְכִי**: According to some early authorities, a woman who has a fixed menstrual cycle should not perform self-examinations before or after intercourse. Not only is it not required, but she is advised not to examine herself, as this might cause her husband to become nervous that she may be menstruating and he may refrain from intercourse. The Rambam maintains that both the husband and wife should examine themselves after intercourse to determine if she discharged any menstrual blood during intercourse. The *halakha* follows the first opinion (*Roke'ah; Haggahot Maimoniyot*).

In the case of a woman who does not have a fixed menstrual cycle, she and her husband are required to perform self-examinations before and after intercourse for the first three times that they engage in intercourse. If there is no blood found during those three sessions, she no longer requires any further examinations

before or after intercourse. According to the Rambam and the Rosh, a woman with no fixed menstrual cycle always requires an examination before and after intercourse, and according to the Rambam the husband must examine himself after intercourse as well. Later authorities add that there is no need to perform an examination after each act of intercourse performed during the night; rather, one examination after everything is sufficient. The *Shakh* maintains that the examinations surrounding intercourse were instituted only to protect ritually pure items. Now that this is no longer relevant, there is no reason to perform those examinations. Moreover, even if a husband wants to impose a stringency upon himself to perform an examination, it may be done only after intercourse and not before (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 4:16; *Shulhan Arukh, Yoreh De'a* 184:1 and 186:1–2 and in the comment of Rema).

Perek I  
Daf 5 Amud b

כְּפִקְדָּה לְפִקְדָּה מִבְּעֵא!

מַהוּ דְתִימָא: מִיעֵת לְעֵת – חֶשׁוּ בָה  
רֶבֶן לְפִקְדָּא דְטַהֲרוֹת, אֲבָל מִפִּקְדָּה  
לְפִקְדָּה – לֹא, קָא מִשְׁבָּעַ לָן.

is it necessary to teach that an examination reduces the time from examination to examination, which is less than twenty-four hours?

The Gemara answers: This ruling is necessary, **lest you say** that with regard to the significant passage of a twenty-four-hour period the Sages are concerned for the possible loss of ritually pure items, but with regard to the smaller period from examination to examination, the Sages are **not** concerned for the loss of pure items, and therefore the use of an examination cloth should not reduce the time of possible impurity between that and her next examination. Therefore, the mishna **teaches us** that it does reduce this time.

בִּזְעֵד רִיחָה שְׁעַתָּה" וְכוּ. לְפָה לִלְמִידָנִי  
הַיְתָה יוֹשַׁבְתָ בְמִטָּה, וְעַסְקָה בְטַהֲרוֹת?/  
לִתְהִנֵּה הַיְתָה עֲסָקָה בְטַהֲרוֹת וְפָרְשָׁה  
רְוָאָתָה!?

§ The mishna teaches with regard to a woman who has a fixed menstrual cycle: **Her time is sufficient, how so?** If the woman was sitting in a bed and engaged in handling ritually pure items, and she left the bed and saw blood, she is impure and those items are pure. The Gemara asks: **Why do I need the mishna to teach:** If the woman was sitting in a bed and engaged in handling pure items? Let the mishna teach the same ruling without mentioning the bed: If she was engaged in handling pure items and she left and saw blood. The detail that she was sitting in a bed is apparently superfluous.

**הִא קָא מְשֻׁמּוֹ לֵן: טַעֲמָא – דָּרְדָּה שְׁעַתָּה, הִא מַעַת לְעֵת – מַטָּה בְּנֵי מַטְמִיאָ. מַסְיִעַ לַיה לְזַעַרְיִ, דָּא מַרְמַר עִירִ, מַעַת לְעֵת שְׁבָנָה – עֹזֶה בְּשָׁבָב וּמוֹשֵׁב לְטַמֵּא אָדָם לְטַמֵּא בָּגְדִים.**

The Gemara answers: This detail teaches us that the reason why the bed is not rendered impure is that her time is sufficient and there is no retroactive impurity. It can be inferred that in a case where she is impure retroactively for a twenty-four-hour period, her bed is also rendered impure. This supports the opinion of Ze'eiri, as Ze'eiri said: The level of impurity of the retroactive twenty-four-hour period of a menstruating woman renders impure a bed<sup>h</sup> upon which she lies and a chair upon which she sits,<sup>n</sup> to the extent that they transmit impurity to a person who comes in contact with them, to the extent that he transmits impurity to the garments he is wearing.

**מַפְרִידֵי הָאֵי מַטָּה דָּבָר שָׁאַיְן בּוֹ דָעַת לִישָׁאַל הָוּא, וְכָל דָּבָר שָׁאַיְן בּוֹ דָעַת לִישָׁאַל – סְפָקָו טְהָרוּ קְגָמָה וּשְׂרִירָה בְּשַׁחְבּוֹתָה נְשָׁאָות אַוְתָה בְּמַטָּה. רְהִיאָ לַיה יְד תְּבָרּוֹתָה.**

This Gemara raises a difficulty: Now, this bed upon which she sat is an entity that lacks consciousness in order for it to be asked, and the principle with regard to any entity that lacks consciousness in order for it to be asked is that the item with uncertain status is deemed pure. The Gemara explains: Ze'eiri interpreted his ruling as applying specifically to a case where her friends are carrying her in the bed, where the bed is considered as the extended hand of her friends. In other words, it is part of an entity that has consciousness in order for it to be asked, and therefore the item with uncertain status is deemed impure.

**וְהַשְׁתָּא דָאַמֵּר רְבִי יוֹחָנָן: סְפָק טַוְמָא הַבָּאָה בִּידֵי אָדָם – נְשָׁאָלָי עַלְיהָ, אֲפִילוֹ בְּכָלִי מְנוּחָה עַל גְּבֵי קְרָקָע – כְּמַי שִׁישָׁ בּוֹ דָעַת לִישָׁאַל – אַךְ עַל פָּי שָׁאַיְן תְּבָרּוֹתָה נְשָׁאָות אַוְתָה בְּמַטָּה.**

The Gemara provides another answer: And now that Rabbi Yoḥanan said: In a case of uncertain ritual impurity that comes about by the hand of a person, i.e., through his involvement, the owner of the vessel must consult a Sage about it, i.e., it is considered an entity that has consciousness in order for it to be asked, as in such a case even with regard to a vessel that is placed upon the ground, which is certainly incapable of providing an answer if asked, its halakhic status is like that of an item that has consciousness in order for it to be asked. With this statement in mind, one can explain that according to Ze'eiri a menstruating woman transmits impurity to a bed even though her friends are not carrying her in the bed. Rather, as the bed's ritual impurity was caused by the hand of a person, it has the halakhic status of an item that has consciousness in order for it to be asked.

**גּוֹפָא, אַמְرֵי רְבִי יוֹחָנָן: סְפָק טַוְמָא הַבָּאָה בִּידֵי אָדָם – נְשָׁאָלָי עַלְיהָ, אֲפִילוֹ בְּכָלִי הַמְנוּחָה עַל גְּבֵי קְרָקָע – כְּמַי שִׁישָׁ בּוֹ דָעַת לִישָׁאַל.**

¶ The Gemara discusses the matter of Rabbi Yoḥanan's statement itself. Rabbi Yoḥanan says: In a case of uncertain ritual impurity that comes about by the hand of man, its owner must consult a Sage about it, i.e., it is ritually impure, as in such a case even with regard to a vessel that is placed upon the ground, its halakhic status is like that of an item that has consciousness in order for it to be asked.

### HALAKHA

The impurity of the retroactive period of a menstruating woman renders impure a bed, etc. **מַעַת לְעֵת שְׁבָנָה עֹזֶה בְּשָׁבָב וּמוֹשֵׁב וּכְיִ:** Whether a woman assumes retroactive impurity status due to a menstrual flow or whether it was due to a blood stain, she renders a bed upon which she lay and a chair upon

which she sat impure to the extent that they transmit impurity to a person who comes in contact with them, and he, in turn, transmits impurity to the garments he is wearing (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 3:8).

### NOTES

Renders impure a bed upon which she lies and a chair upon which she sits, etc. – **עֹזֶה בְּשָׁבָב וּמוֹשֵׁב וּכְיִ:** Proof for this principle comes from the extraneous detail in the mishna that the menstruating woman was sitting in a bed. From this it is derived that she transmits impurity to the bed to the extent that it then transmits impurity to a person and he, in turn,

transmits impurity to the garments that he is wearing. The mishna is written this way to include this principle, a principle unique to beds. Otherwise, the mishna could have simply depicted a case where ritual impurity was imparted to vessels through contact and not though lying in a bed (Ramban; Yosef *Da'at*; see *Tosafot*).

מִינְתַּבֵּי, הַיְהָ מִתְעַטֵּף בְּטַלְיוֹן וְטַהֲרוֹת  
וְטוֹמָאֹת בְּאֶזְרָו, וְטַהֲרוֹת וְטוֹמָאֹת  
לְמַעַלָּה מִרְאשׁוֹ, סְפָק נָגָע סְפָק לֹא  
נָגָע – טָהוֹר. וְאֵם אֵין אָפָּשָׁר אֶלְאָם  
בְּנָגָע – טָמֵא.

רַבָּן שְׁמֻעוֹן בֶּן גַּמְלַיאֵל אָמַר: אָמְרִים  
לֹא "שְׁנָה", וְשָׁוֹנָה. אָמְרוּ לוּ: אֵין שְׁנָים  
בְּטַהֲרוֹת?

אֲפָאי? הָא סְפָק טוֹמָאָה הַבָּאָה בִּידֵי  
אָדָם הוּא!

בָּר מִינְיָה דְּהָיָא, דְּתַעַי רַב הַוְשָׁעִיא:  
בְּרִשות הַיחִיד – סְפִיקָוּ טָמֵא, בְּרִשות  
חֲרָבִים – טָהוֹר.

גּוֹפָא, אָמַר זְעִירִי: מִיעָתָ לְעֵת שְׁבָנָה –  
עֹשֶׂה מִשְׁכָּב וּמוֹשֵׁב לְטָמָא אָדָם לְטָמָא  
בְּגִידִים.

The Gemara raises an objection from a *baraita* (*Tosefta, Teharot* 4:1): If a man who contracted ritual impurity was wrapping himself in his cloak<sup>NH</sup> and there were pure items beside him; or if he was pure and there were impure items beside him as he was wrapping his cloak; or if there were pure items and impure items above his head at the time and there is uncertainty whether he touched the impure items with his cloak and then touched the pure items with his cloak, and uncertainty whether it did not touch them, the *halakha* is that the pure items remain pure. But if it is impossible for him to have wrapped himself unless his cloak had touched the impure items in the process, then those previously pure items become impure.

The *baraita* continues: Rabban Shimon ben Gamliel says that we say to him: Repeat your action. And he repeats the action of wrapping himself with his cloak, and it can then be determined whether or not the cloak and the other items came in contact with each other. The Rabbis said to him: We do not rely on repeated actions with regard to the determination of ritually pure items. Since the second action may not exactly mimic the first, it cannot be relied upon to determine ritual purity status.

The Gemara explains the objection: But according to the Rabbis, why is the *halakha* that the items in question remain pure? Isn't this a case of uncertain ritual impurity that comes about by the hand of man, which, according to Rabbi Yoḥanan, is considered as having consciousness in order for it to be asked? If so, these items should be ritually impure.

The Gemara answers: Except for that one, i.e., do not raise a difficulty from that *baraita*, since it is referring to a specific case. As Rav Hoshaya teaches with regard to an item whose purity status is uncertain: When it is in the private domain, the item with uncertain status is deemed impure; when it is in the public domain, it is deemed pure. The *baraita* is referring to an item located in the public domain. Consequently, even if it is considered as having consciousness in order to be asked, nevertheless it is pure, as its uncertainty occurred in the public domain.

§ The Gemara analyzes the matter of Ze'eiri's ruling itself. Ze'eiri says: The level of impurity assumed during the retroactive twenty-four-hour period of a menstruating woman renders a bed upon which she lies and a chair upon which she sits impure to the extent that they transmit impurity to a person who comes in contact with them to the extent that he transmits impurity to the garments he is wearing.

#### NOTES

A man who contracted ritual impurity was wrapping himself in his cloak, etc. – **הַיְהָ מִתְעַטֵּף בְּטַלְיוֹן וּכְיָ:** The wording of the *Tosefta* is interpreted by the early commentaries as referring to three separate cases of uncertainty involving a man who was wrapping himself with his cloak: First, an impure cloak with pure items beside him; second, a pure cloak while there are impure items, such as carcasses of creeping animals, beside him; third, a pure cloak and pure and impure items above his head. In the first two cases the uncertainty is whether his cloak touched the

other items. In the third case, the uncertainty is whether the cloak first touched the impure items and then touched the pure items, rendering them impure. The novelty of this third case is that it is not considered as a compound uncertainty, i.e., involving one uncertainty as to whether the cloak touched the impure items and another uncertainty as to whether it then touched the pure items. Rather, it is assumed that if it touched the impure items, it certainly touched the pure items as well (*Tosafot*).

#### HALAKHA

A man who contracted ritual impurity was wrapping himself in his cloak, etc. – **הַיְהָ מִתְעַטֵּף בְּטַלְיוֹן וּכְיָ:** This is a case in which a person had ritually pure and impure items beside him when he wrapped himself in his cloak and there is doubt if he first touched the impure items with his cloak and then the pure items. If the case took place in the private domain, the pure items are deemed impure. This is due to the principle that when uncertain ritual impurity comes about by the hand of man, even an inanimate

object is considered as if it has consciousness in order for it to be asked about its purity. It is therefore rendered impure, as is the ruling in all cases of uncertain impurity in a private domain. If the case took place in the public domain, the items remain ritually pure. If it is impossible for the person to enwrap himself in his cloak without having touched the pure items, they are rendered impure even in the public domain (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 16:6).

איני, והא כי אתה אביכם מבוי חוזאי,  
אתה ואיתך מותניתא ביריה: מעת לעת  
שׁבנדה – משכבה ומושבָה בְּמִגְעָה. מאי  
לאו: מה מגענה לא מטמא אדם – אף  
משכבה לא מטמא אדם!

אמר רבא: ותסברוא? כל וחומר הו.  
ומה כל חרס המוקף צמיד פטיל, הפטול  
באוחל המת – אין יוצל במעט לעת  
שׁבנדה. משכבות ומושבות, שאין  
יצולין באוחל המת – אין דין שאין  
יצולין במעט לעת שׁבנדה?

והא אביכי מבוי חוזאי מותניתא קאמר!  
אימא: משכבה ומושבָה

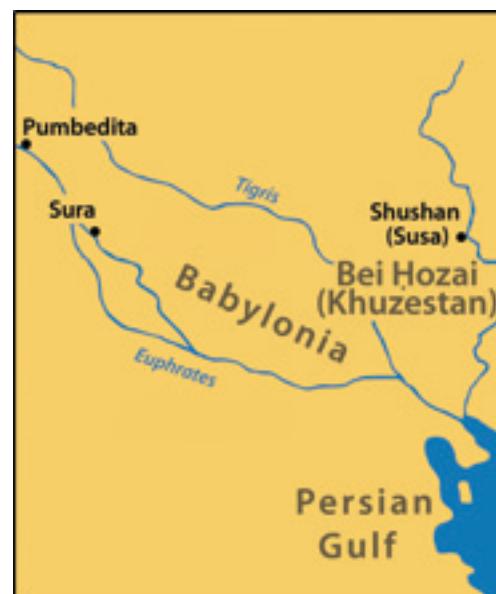
The Gemara asks: **Is that so? But when Avimi<sup>LP</sup> came from Bei Hozai,<sup>B</sup> he came and brought the following *baraita* with him:** The level of impurity during the retroactive twenty-four-hour period of a menstruating woman renders her bed upon which she lies and her chair upon which she sits impure like the impurity level caused by her touch. The Gemara explains the difficulty: **What, is it not correct to say that this means that just as an item rendered impure by her touch does not render another person impure, so too, her bed does not render another person impure?**

**Rava says:** And how can you understand it in that manner? There is an *a fortiori* inference here: **And if an earthenware vessel sealed with a tightly bound cover [tzamid patil],<sup>LN</sup> which is spared from impurity when it is in a tent that has a corpse in it,<sup>H</sup> is nevertheless not spared from impurity if the woman moved it during the twenty-four-hour period of retroactive impurity of a menstruating woman and is impure as though she moved it after she experienced bleeding; so too, with regard to beds and chairs, which are not spared from impurity in a tent that has a corpse in it, is it not logical that they are also not spared from impurity when used during the twenty-four-hour period of retroactive impurity of a menstruating woman and are impure as though she used them after she experienced bleeding?**

The Gemara asks: **But Avimi from Bei Hozai cited a *baraita* that apparently does not accept Rava's *a fortiori* inference.** The Gemara answers: One can say that the *baraita* does not mean that her bed and chair are rendered impure with the light level of impurity caused by her touch, but rather: **Her bed upon which she lies and her chair upon which she sits**

**Bei Hozai – בֵּי חֹזָאי:** This is the Aramaic name for the portion of the Persian kingdom near Shatt al Arab, the river formed by the confluence of the Euphrates and the Tigris. Bei Hozai is known today as Khuzestan, which is derived from the original name Hozai. This region was known for its agricultural development and fertile ground near reliable sources of water, and as a result many large Jewish communities took root there. The area was distant from the centers of Jewish life in Babylonia, however, due to the strong business relations between Bei Hozai and the other Jewish communities in Babylonia, there was constant contact between these places. Many Torah scholars traveled to Bei Hozai for business and returned home laden with Torah traditions, in addition to economic gains.

#### BACKGROUND



Location of Bei Hozai

#### LANGUAGE

**Avimi – אַבִיכִי:** This name is shared by several Sages. It is a combined form of the words *avi imi*, my mother's father. It is meant to refer to the fact that he is named after his maternal grandfather.

**Tightly bound cover [tzamid patil] – צָמִיד פְּטִיל –** This expression is found in the Torah in the passage that deals with ritual impurity caused by a corpse, as it is written: "And every open vessel, which has no tightly bound cover upon it, is unclean" (Numbers 19:15). *Tzamid* refers to the cover that is connected [*tzamud*] to the vessel and *patil* refers to the seal that binds it.

#### PERSONALITIES

**Avimi – אַבִיכִי:** Some suggest that this is Avimi the son of Rabbi Abahu, a scholar of Eretz Yisrael during the fourth generation of *amora'im* there. He appears only occasionally in the Talmud, usually quoting early tannaitic sources. He was punctilious regarding the commandment of honoring his father and appears to have been a master of *aggada*.

Since Avimi is described as having business interactions in Bei Hozai, it appears that he was a wealthy merchant who brought back important traditions of Jewish law when he returned from his travels there.

#### HALAKHA

**Which is spared from impurity in a tent that has a corpse in it, etc. – הַמִּצְלָה בְּאָוחֶל הַמֵּת וּכְיַ**: Even an earthenware vessel sealed with a tightly bound cover, which is spared from impurity when it is in a tent that has a corpse in it, is nevertheless rendered impure retroactively if it was moved by a woman who assumed impurity status retroactively from a newly discovered menstrual flow or even a blood stain (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshev* 3:8).

#### NOTES

**مִקְרָב צָמִיד פְּטִיל –** Sealed with a tightly bound cover – The Torah states that any person, vessel, or food under the same roof as a corpse becomes ritually impure. The Torah adds: "And every open vessel, which has no covering close-bound upon it, is impure" (Numbers 19:15). The Sages explain that the vessel referred to here is specifically an earthenware vessel, which does not contract ritual impurity when its exterior is exposed to impurity, but becomes impure only from its interior. Therefore, only such a vessel is spared from ritual impurity by being tightly sealed, whereas other vessels are rendered impure in any circumstance. The seal prevents the earthenware vessel and its contents from contracting impurity even if it is inserted within an impure earthenware vessel. But if the inner vessel contains an impure item, e.g., the carcass of a creeping animal, the outer vessel is rendered impure, as the seal prevents impurity from entering it, but it does not prevent it from spreading outward.

Perek I

Daf 6 Amud a

כְּמִגְעָה עֲצָמָה, מַה מִגְעָה עֲצָמָה – מַטְמָא  
אָדָם לְטַמָּא בְּגָדִים, אָף משכבה  
מושבָה – מַטְמָא אָדָם לְטַמָּא בְּגָדִים.

are like her touch itself. Just as her touch transmits impurity to a person who comes in contact with them to the extent that he transmits impurity to the garments he is wearing, so too her bed and her chair transmit impurity to a person who comes in contact with them to the extent that he transmits impurity to the garments he is wearing.

**HALAKHA**

If a woman sees menstrual blood...And what does she render impure, etc. – **הַרְוֹאָה דֶם...וּמָה הִיא מְטֻמָּה וּכְיֵ:** A woman who experiences a discharge of menstrual blood assumes impurity status retroactive to her most recent examination or twenty-four-hour period, which retroactively renders impure any bed that she sat on. That bed, in turn, transmits retroactive impurity to anyone who touched it to the extent that he then renders his garments impure. Her saliva and urine are also given the same level of retroactive impurity. She even renders impure an item inside an earthenware vessel sealed with a tightly bound cover (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 3:8).

And she does not render impure retroactively a man who engaged in intercourse with her – **וְאִינָה מְטֻמָּה אֶת בָּוּלָה לְמִפְרָעָה:** Although a woman who experiences a menstrual flow assumes impurity status retroactively, nevertheless one who engaged in intercourse with her does not have the more severe impurity status of one who engaged in intercourse with a menstruating woman. Rather he assumes the lighter impurity status of one touched by a menstruating woman (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:3).

A woman who sees a blood stain...And what does she render impure – **הַרְוֹאָה בְּתִים...וּמָה הִיא מְטֻמָּה וּכְיֵ:** A woman who finds a blood stain on her body or clothing and therefore assumes impurity status retroactive to her most recent examination, renders impure any bed that she sat on. That bed, in turn, transmits retroactive impurity to anyone who touched it to the extent that he then renders his garments impure. Her saliva and urine are also given the same level of retroactive impurity. She even renders impure something inside an earthenware vessel sealed with a tightly bound cover (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 3:8).

**וּמְקוּלָלָת לְמִנְגָּה:** And it also disrupts her count – **וּמְקוּלָלָת לְמִנְגָּה**: A blood stain that causes a woman to assume impurity status retroactively also disrupts her count of the periods of menstruation and ziva (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:3).

A woman who sees a blood stain...and she renders ritually impure a man who engaged in intercourse with her – **הַרְוֹאָה בְּתִים...וְמְטֻמָּה אֶת בָּוּלָה:** A woman who discovers a blood stain that causes her to assume impurity status retroactively does not retroactively render impure a man who engaged in intercourse with her (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:3).

**Both this and that, if they had touched teruma its status is suspended – הַהֲ וְהַ תּוֹלֵן:** Although a menstruating woman may assume impurity status retroactively for twenty-four hours or until her last self-examination, nevertheless since her impurity status is only out of doubt, if she had touched teruma or sacrificial foods during that retroactive period, they are held in suspension; they are neither eaten nor burned (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:3).

**הַנְּאָבָוֹתָה דְרָכָא: הַרְוֹאָה דֶם – מְטֻמָּה בְּעֵת לְעֵת. וּמָה הִיא מְטֻמָּה? מְשֻׁבּוֹת וּמוֹשֻׁבּוֹת, אֲוֹכְלִין וּמִשְׁקִין, וְכָל חֶרֶס הַמּוֹקֵר צְמִיד פְּתִיל, וְאִינָה מְקוּלָלָת לְמִנְגָּה, וְאִינָה מְטֻמָּה אֶת בָּוּלָה לְמִפְרָעָה. רַבִּי עֲקִיבָא אָוָרָם: מְטֻמָּה אֶת בָּוּלָה. וְאִינָה מוֹנָה אֶלָּא מְשֻׁעָה שְׁרָאָתָה.**

**הַרְוֹאָה בְּתִים מְטֻמָּה לְמִפְרָעָה, וּמָה הִיא מְטֻמָּה? אֲוֹכְלִין וּמִשְׁקִין, מְשֻׁבּוֹת וּמוֹשֻׁבּוֹת, וְכָל חֶרֶס הַמּוֹקֵר צְמִיד פְּתִיל, וְמְקוּלָלָת לְמִנְגָּה, וְמְטֻמָּה אֶת בָּוּלָה, וְאִינָה מוֹנָה אֶלָּא מְשֻׁעָה שְׁרָאָתָה.**

**וְהַהֲ וְהַ תּוֹלֵן, לֹא אֲoֹכְלִין וְלֹא שׂוֹרְפִין.**

**וְרַبָּא, אִי שְׁמַיעַ לִיה מִתְנִיתָא – לִימָא מִתְנִיתָא! וְאִי לֹא שְׁמַיעַ לִיה מִתְנִיתָא – קָלְחוּ מִנָּא לִיה?**

**§ It is taught in a baraita in accordance with the opinion of Rava: If a woman sees menstrual blood, it renders her impure retroactively for a twenty-four-hour period. And what does she render impure<sup>H</sup> during that period? Beds and chairs, food and drink, and an earthenware vessel sealed with a tightly bound cover [tzamid patil], if she moves it. But she does not disrupt her count of the periods of menstruation and ziva, i.e., she starts her cycle only from that day when she saw the blood, and she does not render impure retroactively a man who engaged in intercourse with her.<sup>HN</sup> Rabbi Akiva says: She does render impure a man who engaged in intercourse with her. And she counts her seven days of impurity only from the time that she saw her menstrual blood, not retroactively.**

The baraita continues: With regard to a woman who sees a blood stain, it renders her impure retroactive to when the garment was last checked. And what does she render impure during that period?<sup>H</sup> Food and drink, beds and chairs, and an earthenware vessel sealed with a tightly bound cover, if she moves it. And it also disrupts her count<sup>H</sup> of eleven days during which emission of blood renders the woman a zava, as the time of the stain is unknown, and she renders ritually impure a man who engaged in intercourse with her.<sup>H</sup> And she counts her seven days of impurity only from the time that she saw her menstrual blood, not retroactively.

The baraita further teaches: With regard to both this, one who sees menstrual blood, and that, one who sees a blood stain, if they had touched teruma, its status is suspended.<sup>HN</sup> It is not eaten, as impure teruma is prohibited in consumption, but it is not burned either, since it is prohibited to burn pure teruma.

The Gemara raises a difficulty: And as for Rava, why is the halakha of an earthenware vessel more obvious to him than the halakha of a bed and a chair? If he had heard this baraita, which states the halakha of an earthenware vessel, then let him say that the baraita itself is proof for his opinion with regard to a bed and a chair as well, as the baraita states both halakhot. And if he had not heard this baraita, from where did he learn his *a fortiori* inference, which is based on the halakha that an earthenware vessel sealed with a tightly bound cover is not spared from impurity if a menstruating woman moved it during her twenty-four-hour period of retroactive impurity?

**NOTES**

And she does not render impure retroactively a man who engaged in intercourse with her – **וְאִינָה מְטֻמָּה אֶת בָּוּלָה לְמִפְרָעָה**:

: Different explanations are given as why a menstruating woman does not transmit retroactive impurity to a man who engaged in intercourse with her. Some say that the Sages omitted this case when they instituted retroactive impurity, as it is an uncommon occurrence (*Tosefot HaRosh*). Others explain that they refrained from including a man who engaged in intercourse with her due to the concern that her husband might have misgivings when he

engages in intercourse, for fear that he could later be rendered retroactively impure (*Tosafot* on 2a).

**Both this and that, if they had touched teruma its status is suspended – הַהֲ וְהַ תּוֹלֵן:** The reason why the purity status of the teruma is suspended and the teruma is not burned due to retroactive impurity is because the woman had a presumptive status of ritual purity at the time that she touched the teruma (*Tosafot* 2a).

לעומם שמע ליה מותניתא, ואילו מותניתא הוה אמינה: און אדם או בוגדים, אבל אדם ובוגדים – לא, ממשום לכך אמר קל וחומר.

אמר רב הונא: מיעת לעת שבנודה – לקדש, אבל לא לתרומה. אי היכא ליתני גבי מעלהות! כי קתני – היכא דעתית ליה דר' ר' דטומאה, אבל היכא דעתית ליה דר' ר' דטומאה – לא קתני.

מייחבי מה היא מטמאה – אוכלי ומשקין. מייא לאו: בין דקדש בין דתרומה! לא, דקדש.

תא שמע, רב יهודה אומר: אף בשעת עברותן מלאכול בתרומה, והוין בה: מי דתונה הוה!

אמר רב חסדא: לא נזרקה אלא לתקון  
שירים שבנודה!

וב הונא מותני: לישוף שירום שבנודה.  
שברכה עצמה בשיעור וסת.

The Gemara answers: Actually, he did hear the *baraita*. But if his proof had been merely from the *baraita*, I would say that a different *halakha* applies to a bed and chair than to the earthenware vessels, as the *baraita* means that the bed and chair render impure a person or garments that they touch, but they do not render a person impure to the extent that he then transmits impurity to his garments. It is due to that reason that Rava says the *a fortiori* inference.

**§ Rav Huna says:** The twenty-four-hour period of retroactive impurity of a menstruating woman applies only to sacrificial food but not to *teruma*. The Gemara asks: If so, let the mishna in *Hagiga* 20b teach this among the other higher levels of purity that apply to sacrificial foods but not to *teruma*. That mishna lists stringencies of ritual purity that are in effect with regard to sacrificial foods and not *teruma*. The Gemara answers: When that mishna teaches those higher levels of purity, it is referring only to types of impurity that have a connection [derara]<sup>1</sup> to impurity as defined by Torah law.<sup>2</sup> But it does not teach a case where there is no connection to impurity as defined by Torah law, and the retroactive impurity of a menstruating woman is by rabbinic law.

The Gemara raises an objection from the aforementioned *baraita* that deals with the retroactive impurity of a menstruating woman: What does she render impure during that period? Food and drink. The Gemara asks: What, is it not correct to say that this is referring both to sacrificial food and to *teruma*? The Gemara answers: No, it is referring only to sacrificial food, not to *teruma*.

The Gemara suggests: Come and hear a proof from a mishna (11a): With regard to women of priestly families who must examine themselves before partaking of *teruma*, Rabbi Yehuda says: Even when they conclude partaking of *teruma*, they still need to examine themselves. And we discussed this statement of Rabbi Yehuda and asked: Why do they need to examine themselves after they finish eating *teruma*? What was, was; i.e., if a woman was impure when she ate the *teruma*, what is achieved by an examination now?

And Rav Hisda says in explanation: It was necessary only in order to amend the situation of the remaining *teruma* that is left before her, i.e., to prevent it from being rendered ritually impure. In other words, if she later experiences a flow of menstrual blood, her retroactive impurity status will not render the remaining *teruma* impure. This ruling apparently contradicts the opinion of Rav Huna, who said that the retroactive impurity of a menstruating woman affects only sacrificial foods, not *teruma*.

The Gemara answers: According to Rav Huna, Rabbi Yehuda teaches that since impure *teruma* must be burned, she must examine herself in order to determine whether it is correct to burn the remaining *teruma* that was in her hands. If she examined herself immediately after eating the *teruma*, in the period of time needed for the onset of menstruation (see 14b), and she found that she was impure, it is assumed as a certainty that she was impure when she ate the *teruma*. Consequently, the remaining *teruma* must be burned, in accordance with the *halakha* of *teruma* that was definitely rendered impure. But in fact, Rav Huna maintains that she does not render that remaining *teruma* impure retroactively, in a case where she did not examine herself.

## LANGUAGE

Connection [derara] – דררא: Different explanations are given for this word. Some define it as referring to a connection or bond. Some say it means a loss or a lack. Others define it as referring to the root of something. Still others explain it as referring to a general topic or point of discussion.

## NOTES

When it teaches those higher levels of purity that have a connection to impurity as defined by Torah law – כי קתני היכא דעתית ליה דר' ר' דטומאה: Rashi explains that the mishna lists only those cases that involve possible ritual impurity by Torah law. By contrast, impurities instituted by the Sages as mere stringencies, such as the retroactive impurity status of a menstruating woman who did not experience bleeding earlier, are not listed.

#### LANGUAGE

Worthy [kedai] – קדי: The root of this word is *dai*, which means: Enough. *Kedai* in this context means it is enough, he is sufficient or worthy enough.

תא שמע, מעשה ועשה רבבי אליעזר,

לאחר שנזכר אמר: ברוי הוא רבבי אליעזר  
קסמוץ עליו

The Gemara further suggests: Come and hear another difficulty with regard to the opinion of Rav Huna from a *baraita*: There was an incident in which Rabbi Yehuda HaNasi performed an action by ruling that the *halakha* is in accordance with the opinion of Rabbi Eliezer. Rabbi Eliezer maintains that a woman who passed three expected menstrual cycles without experiencing bleeding is presumed not to be menstruating any longer, and therefore any menstrual blood that she emits later renders her ritually impure only from then onward, but not retroactively. By contrast, the Rabbis contend that this *halakha* applies only to an older woman, for whom it is natural to stop menstruating, but not to a young woman, even if three typical periods have passed without bleeding.

The *baraita* continues: After Rabbi Yehuda HaNasi remembered that Rabbi Eliezer's colleagues disagree with Rabbi Eliezer on this matter and that he had apparently ruled incorrectly, he nevertheless said: Rabbi Eliezer is worthy [kedai]<sup>1</sup> to rely upon

#### Perek I

#### Daf 6 Amud b

#### NOTES

In exigent circumstances – בשות הדחק: The early commentaries suggest different explanations of the exigent circumstances referred to here. Rashi explains that it was a time of famine and Rabbi Yehuda HaNasi did not want to issue a ruling that would cause the loss of sacrificial food or *teruma*.

*Tosafot* reject this explanation, as the Gemara on 9b states that the Rabbis concede to Rabbi Eliezer that one may be lenient in times of famine. Instead, they explain that the case involved a man who had touched a woman who later found a discharge of menstrual blood that rendered her impure retroactively. Since he had also handled some ritually pure items, he went to ask Rabbi Yehuda HaNasi about their status. Rabbi Yehuda HaNasi mistakenly decided leniently in accordance with Rabbi Eliezer, and it was only after the man went and handled many more ritually pure items that Rabbi Yehuda HaNasi realized his mistake. Nevertheless, he chose to remain with his initial ruling, due to the exigent circumstances of causing impurity to the large quantity of pure items. *Tosafot* similarly suggest that perhaps the questioner who had been given the mistaken ruling had already left the vicinity and it would take too much effort to track him down.

#### LANGUAGE

Exigent circumstances [*she'at hadehak*] – שעת הדחק: This expression refers to a time when various circumstances cause a pressing or distressful situation. Examples of this include famine, danger, and monetary loss.

בשות הדחק. והוין בה: מאי "לאחר  
שנזכר"? אילימא לאחר שנזכר דאי  
הלהבה ברוי אליעזר אלא פרובן, בשות  
הדלק כי כי עבד כותיה?

אליא – (לאו) דלא איתתר הלבטה  
לא במר ולא בבור, וכיוון שנזכר – דלאו  
יחיד פליג עליה אליא ריבים פליגי עליה,  
אמור ברוי הוא רבבי אליעזר קסמו עליו  
בשות הדחק.

אי אמרת בשלמא לתרומה – ה'ינו  
דהוא תרומה במירבי, אליא אי אמרת  
קדש – קדש בימי רבבי מי הוא?

in exigent circumstances [bishe'at hadehak].<sup>1</sup> And we discussed it and asked: What is the meaning of: After he remembered? If we say that this means after he remembered that the *halakha* is not in accordance with the opinion of Rabbi Eliezer but in accordance with the opinion of the Rabbis, if so, how could Rabbi Yehuda HaNasi act in accordance with Rabbi Eliezer even in exigent circumstances, since the *halakha* has been decided against him?

Rather, is it not correct that the *halakha* had not been stated on this matter, neither in accordance with the opinion of this Sage, Rabbi Eliezer, nor in accordance with the opinion of that Sage, i.e., the Rabbis. And once Rabbi Yehuda HaNasi remembered that it was not a single authority who disagrees with Rabbi Eliezer, but it was several Sages who disagreed with him, and there is a principle that the *halakha* follows the opinion of the many over that of an individual, he nevertheless said: Rabbi Eliezer is worthy to rely upon in exigent circumstances.

The Gemara explains the proof from the *baraita*: Granted, if you say that it was a case of a menstruating woman who had touched *teruma* during the previous twenty-four hours, this is fine, as *teruma* still existed in the days of Rabbi Yehuda HaNasi. But if you say that it was a case of a woman who touched sacrificial food, was there still sacrificial food in days of Rabbi Yehuda HaNasi, after the destruction of the Temple? Clearly, the case involved *teruma*, and according to the Rabbis, whose opinion is accepted as *halakha*, this woman who had skipped three menstrual cycles nevertheless renders *teruma* impure retroactively. This ruling apparently contradicts the opinion of Rav Huna.

**בדועליא, דאמר עלא: חביריא מוקן  
בגיליא, הכא נמי בימי רבי.**

תא שמע: מעשה בשפחתו של רבנן גמליאל טהרה אורה בפירות של תרומה, ובין כל אחת ואחת מדינה היה בפירים ובזקנות. באחרונה בדקה ומוצא טמאה, ובאות ושאללה את רבנן גמליאל, ואמר לה: פולן טמאות. אמרה לו: רבי, והלא בדיקה התחילה בין כל אחת ואחת? אמר לה: אם כן, היא טמאה וכולן טהורתו.

קחני מיהת "בפירות של תרומה"? מאי "תרומה"? תרומת לחמי תודה? תרומת לחמי תודה באפיה מאוי בעין?

דאפרשינוה בלישיהו. כי ה' דאמר רב טבי בר רב קטינה: לחמי תודה שאפאן ארבע חלות – יצא. והוין בפה: וזה בעין ארבעים? למצוות.

וה' בא בעין אפרושי תרומה מייניהו? כי הימא דמפריש פרוסה מכל חד וחד – אחד אמר רחמנא – שלאיטול פרוסחה! ואמרין: דאפרשינוה בלישיהו, הכא נמי – דאפרשינוה בלישיהו.

The Gemara answers: This can be answered in accordance with the testimony of Ulla, as Ulla said: *Haverim*<sup>8</sup> purify their wine and oil in the Galilee,<sup>9</sup> i.e., they produce their wine and oil by the standards of purity used for sacrificial food, in the hope that the Temple will be rebuilt in their lifetime. **Here, too, in the days of Rabbi Yehuda HaNasi** there were those who kept the standards of purity observed for sacrificial food.

The Gemara suggests: **Come and hear a baraita:** There was an incident involving the maid servant of Rabban Gamliel, who was baking loaves of *teruma* bread. And in between each and every one she would wash her hand in water and examine herself. After the last one she examined herself and found that she was impure due to menstrual blood, and she came and asked Rabban Gamliel about the status of the loaves. And he said to her: They are all impure, due to her retroactive impurity for the previous twenty-four hours. She said to him: My teacher, didn't I perform an examination in between each and every one? Rabban Gamliel said to her: If so, then this last one is impure and the rest are all pure, as your retroactive impurity is reduced until the time of the most recent examination.

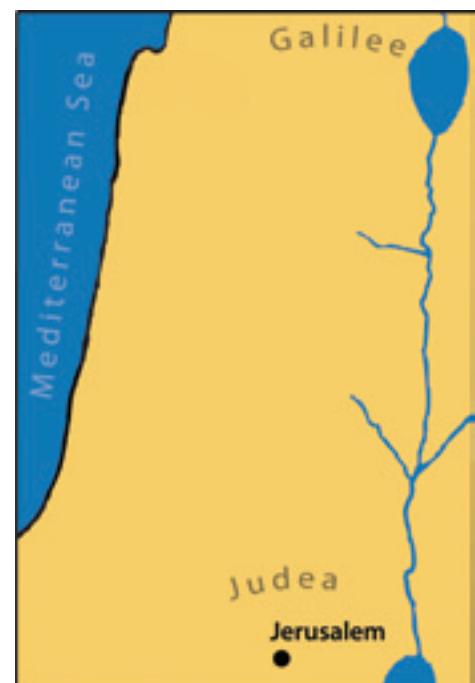
The Gemara explains the difficulty: **In any event, the baraita teaches** that the case involved **loaves of *teruma* bread**. This apparently contradicts the opinion of Rav Huna, as Rabban Gamliel applied retroactive impurity in a case of *teruma*. The Gemara answers: What is meant by: *Teruma*? It means **teruma of the loaves of the thanks offering**, i.e., the four loaves of the thanks offering that were separated from the total of forty and eaten by the priests. These are sacrificial foods, not *teruma*. The Gemara raises a difficulty with regard to this interpretation: **What was she doing baking the *teruma* of the loaves of the thanks offering alone?** All forty loaves of the thanks offering are baked together, and only afterward are four set aside as *teruma* to be eaten by priests.

The Gemara answers: This is referring to a case where dough for the *teruma* loaves was separated and designated for the priests during its kneading. And this *halakha* is in accordance with that which Rav Tovi bar Rav Ketina said: If one baked the loaves of the thanks offering as four loaves,<sup>10</sup> rather than the requisite forty loaves, he has fulfilled his obligation. And we discussed it and asked: Isn't one required to bring forty loaves with the thanks offering, ten loaves of each of the four different types? The Gemara answers: One must bake forty loaves in order to fulfill the **mitzva** in the optimal fashion, but he has nevertheless fulfilled his obligation with four loaves, one of each type.

The Gemara continues its answer by further elucidating the statement of Rav Tovi bar Rav Ketina. And we asked with regard to this opinion: **But he is required to separate *teruma* from it**, i.e., to designate one loaf from each type that is given to the priests. **And if you would say that he separates a slice from each one** of the four loaves and gives them to the priest, this cannot be the case, as the Merciful One states in the Torah: "And of it he shall present one out of each offering for a gift to the Lord; it shall be the priest's" (Leviticus 7:14). The word "one" indicates that he may not take a slice, but rather he takes a complete loaf. The Gemara answers: Rather, we must say that he separated dough for the *teruma* loaves during its kneading. **Here too, in the incident involving Rabban Gamliel's maid servant, she separated the dough during its kneading.**

## BACKGROUND

**Haverim – חביריא:** Although this group lived many years after the destruction of the Temple, and in the Galilee, far from Jerusalem where the Temple was situated, they nevertheless scrupulously produced their wine and oil by the standards of ritual purity used for sacrificial food. They did so even though there was no way to transport these items to Jerusalem and keep them free from ritual impurity because they believed that when Elijah the prophet comes to herald the coming of the Messiah, he will also reveal a ritually secure method of transportation.



Location of the Galilee in relation to Jerusalem

## NOTES

**Haverim** purify their wine and oil in the Galilee – **מדוכ גיליא**: Some suggest that these *haverim* had the ashes of the red heifer, which they used for purifying themselves of ritual impurity (*Mishne LaMelekh*). Rabbeinu Hananel explains that the reason they would purify their food was because many Galileans would eat non-sacred food while following the *halakhot* of ritual purity for sacrificial food.

## HALAKHA

If one baked the loaves of the thanks offering as four loaves, etc. – **לעומת תרומה שאפאן ארבע חלות וכו'**. If one baked four loaves rather than the forty loaves that should ideally be baked, he has fulfilled his obligation, because forty loaves are required only for the optimal performance of the mitzva. In this case one has to be sure that during the kneading process he separated

dough for the *teruma* loaves given to the priests because after they are baked this is no longer possible, as one is required to give a complete loaf as *teruma* and not a slice of a baked loaf (Rambam *Sefer Avoda, Hilkhot Ma'aseh HaKorbanot* 9:22).

**BACKGROUND**

**Sealing barrels – גְּפָה חַבִּיאָת:** Barrels of wine were sealed with a seal made of soft clay. Gasses often formed in the barrel after it was closed, and therefore a small hole was left in the seal to allow them to escape.

**HALAKHA**

Non-sacred food that was prepared according to the standards of purity of sacrificial food, etc. – חַוְלֵין שְׁנָעֹשׂ עַל טָהָרָת קָדְשׁ וּכְרָתָה: If, during the twenty-four-hour period of retroactive impurity of a menstruating woman, she touched non-sacred food that was prepared according to the standards of purity of sacrificial food, the food's ritual purity status is left uncertain. It is held in a suspended state; it is neither burned nor eaten. This is not the halakha with regard to non-sacred food that was prepared according to the standards of purity of teruma, where the food remains pure. This is in accordance with the statement of Rav Shmuel bar Rav Yitzhak that he received from Rav Nahman (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 3:9).

Uncertainty developed as to whether it was ritually impure – נַיְלָה לְהָ: In a case of dough with regard to which uncertainty developed as to whether it was ritually impure, if the uncertainty occurred before the dough was kneaded, the dough may be prepared in conditions of definite impurity, and its halla should be burned. This is because it has the status of non-sacred food and it is permitted to cause impurity to non-sacred food in Eretz Yisrael. But if the uncertainty with regard to ritual impurity occurred after it had already been kneaded, it must be completed in conditions of purity, as the Sages issued a decree prohibiting rendering dough from which one is obligated to separate halla ritually impure. This decree applies to any possible ritual impurity that would render non-sacred food impure. The halla separated from this dough is then held in a suspended state; it is neither burned nor eaten by priests (Rambam Sefer Zeraim, Hilkhot Bikkurim 8:10).

It is permitted to cause impurity to non-sacred food in Eretz Yisrael – מותר לירום טומאה לחולין שנעשות על טהרות קדש ולא בחולין: Just as it is permitted to eat and drink ritually impure non-sacred foods, so too it is permitted to cause impurity to non-sacred food in Eretz Yisrael (Rambam Sefer Tahara, Hilkhot Tumat Okhalin 16:9).

תְּאַשְׁמָע: שׁוֹב מַעֲשָׂה בְּשִׁפְחָה שֶׁל גִּמְלַיאֵל שְׁהִתְהַגֵּה חַבִּיאָת שֶׁל יְוָן, וּבֵן כָּל אַחַת וְאַחַת מִרְדִּיחָה יְדִיכָּה בְּפִים וּבְזַקְתָּה, וּבְאַחֲרוֹנָה בְּדָקָה וּמִצְאָה טָמֵאָה, וּבְאַתָּה וְשָׁאַלָּה לְרֹבֵן גִּמְלַיאֵל, וְאָמַר לָהּ: בְּלִין בֵּין כָּל אַחַת וְאַחַת? אָמַר לָהּ: אָם בָּן, הִיא טָמֵאָה וּכְלָלְן טָהוֹרוֹת.

אי אָמְרָת בְּשִׁלְמָא חַדָּא דְּקָדְשׁ וְחוּדָה רְתּוֹמָה הִיא, הַיְנוּ וְהַדְרָה וְשִׁילָה, אֶלָּא אֵי אָמְרָת אִידִי וְאִידִי דְּקָדְשׁ, לִמְהָה לְהָ לְמַהְדָּר וְלְשִׁילָה? מַעֲשָׂה שְׁהִיא - בְּשִׁלְמָא שִׁפְחוֹת הִיא.

לִישְׁנָא אַחֲרֵינוּ אָמְרִי לָהּ: אָמַר רַב הַוָּנָא מַעֲיט לְעֵת שְׁבִנְהָה - מַטְמָאָה בֵּין לְגַעַש וּבֵין לְתּוֹרָמָה, מַמְאָן? מַזְלָא קָתְנִי לְהָ גְּבִי מַעֲלוֹת. אָמַר לֵיהֶ רַב נַחְמָן: וְהִיא תַּנְיָה נַעֲלֵשׂ אֶבֶל לְאַל לְתּוֹרָמָה!

קְבֻּלָה מִינֵיה רַב שְׁמוֹאֵל בֶּן יַצְחָק: בְּחַוְלֵין שְׁנָעֹשׂ עַל טָהָרָת קָדְשׁ, וְלֹא בְּחַוְלֵין שְׁנָעֹשׂ עַל טָהָרָת תּוֹרָמָה.

תַּנְיָה: נַיְלָה לְהָ סְפִיק טוֹמָאָה, עַד שְׁלָא - גְּלָגְלָה - תְּعֵשָׂה בְּטוֹמָאָה, מַשְׁגַלְלָה - תְּעֵשָׂה בְּטוֹרָה.

עַד שְׁלָא גְּלָגְלָה - תְּעֵשָׂה בְּטוֹמָאָה, חַוְלֵין נִינְהָו, וּמַתָּר לְרֹוּם טוֹמָאָה לְחַוְלֵין שְׁבָאַרְץ יְשָׁאָל. מַשְׁגַלְלָה - תְּעֵשָׂה בְּטוֹרָה, חַוְלֵין הַטְבּוֹלֵין לְחַלָּה - בְּחַלָּה דָמָו, וְאָסּוּר לְגַרְוּם טוֹמָאָה לְחַלָּה.

The Gemara suggests: Come and hear a proof from a *baraita*: There was another incident involving the maidservant of Rabban Gamliel who was sealing barrels<sup>8</sup> of wine. And in between each and every one she would wash her hands in water and examine herself. And after the last one she examined herself and found that she was ritually impure, and she came and asked Rabban Gamliel about the wine. And he said to her: They are all impure. She said to him: My teacher, didn't I perform an examination in between each and every one? Rabban Gamliel said to her: If so, this last one is impure and the rest are all pure.

The Gemara clarifies the difficulty with regard to Rav Huna's opinion: Granted, if you say that one incident involved a case of sacrificial food and one incident involved a case of *teruma*, this is the reason that she returned and again asked Rabban Gamliel what to do. But if you say that both this incident and that incident involved sacrificial food, why did she need to return and ask him the same question a second time? The Gemara answers: Each incident that occurred was with sacrificial food and they happened with two different maidservants.

Some say another version of Rav Huna's statement. Rav Huna says: During the twenty-four-hour period of retroactive impurity of a menstruating woman, she renders impure both sacrificial food and *teruma*. The Gemara asks: From where is this derived? The Gemara answers: It can be inferred from the fact that the mishna in *Hagiga* (2ob) does not teach this matter among the other matters where higher levels of purity are required only for sacrificial foods but not for *teruma*. Rav Nahman said to Rav Huna: But doesn't the *tanna* explicitly teach in a *baraita*: The retroactive impurity of a menstruating woman applies only with regard to sacrificial food but not with regard to *teruma*?

The Gemara answers: Rav Shmuel bar Rav Yitzhak<sup>p</sup> received the following explanation from Rav Nahman: The *baraita* means that this retroactive impurity applies to non-sacred food that was prepared according to the standards of purity of sacrificial food,<sup>h</sup> but not to non-sacred food that was prepared according to the standards of purity of *teruma*. It does apply to *teruma* itself.

§ With regard to a non-sacred food prepared according to the standards of purity of *teruma*, we learned in a mishna elsewhere (*Halla* 3:2): In a case of dough where uncertainty developed as to whether it was ritually impure,<sup>h</sup> if the uncertainty developed before it was kneaded, it may be prepared even in definite impurity, i.e., with impure vessels. If it developed after it was kneaded, it must be prepared in purity.

The *baraita* elaborates: Before it was kneaded it may be prepared even in definite impurity because it is non-sacred food, and the *halakha* is that it is permitted to cause impurity to non-sacred food in Eretz Yisrael.<sup>h</sup> After it was kneaded it must be prepared in purity, since non-sacred food that is untithed with regard to the obligation to separate halla, i.e., its halla has not yet been separated, is considered like halla, and it is prohibited to cause impurity to halla.

תַּנְיָה It is taught in a *baraita*:

**PERSONALITIES**

Rav Shmuel bar Rav Yitzhak – בֶּן שְׁמוֹאֵל בֶּן יַצְחָק: Rav Shmuel bar Rav Yitzhak was a second-generation *amora* who lived in Babylonia. His father, Rav Yitzhak was a great Torah scholar, in addition to being a man of great piety. Rav Shmuel, too, was known for his righteousness. It is told that he fulfilled the mitzva of giving joy to a bride and groom with particular zest. He was a disciple of Rav and he transmitted many of his statements. He was a student in the

Sura yeshiva under the leadership of Rav Huna, and he engaged in Torah discussions with Rav Nahman. Despite being a noted scholar in Babylonia, toward the end of his life he emigrated to Eretz Yisrael where he joined the elite group of Rabbi Yohanan's disciples. It is told that upon his passing, God showed His respect in a spectacular manner, by causing a great pillar of fire to separate his body from the crowd of mourners.

## Perek I

## Daf 7 Amud a

וחַלְקָתָה תְּלִיָּה, לֹא אָכְלָן וְלֹא שׁוֹרֵפִי.  
בְּאֵיזֶה סְפָק אָמְרוּ? בְּסְפָק חָלָה. מַא יָסַפֵּק  
חָלָה?

אֲבִי וּרְبָא דָאמְרִי תְּרוּיִיה: שֶׁלֹּא תַּמְאֵר  
בְּחֻכָּחוֹת שְׁנִינוּ כְּמוֹ שְׁנִי שְׁבִילִין, דְּהָתָם -  
חָלָן גַּרְידָא נָמִי מְטֻמָּא,

אֲלֹא בְּנֵשָׁעַן. דְּתַנְּן: וּבְזָהָר שְׁחִי פּוֹרְקִין  
בְּן הַחַמּוֹר, אוֹ טָעַעַן. בְּזַמָּן שְׁמַשָּׁן בְּבִד -  
טָמֵא, מְשַׁאֲן קָל - טָהָר, וּבְזַמָּן טָהָרִין לְבִנִּי  
הַבְּנָסָת, וְטָמָאִין לְתוּרָה.

וחָלוֹן הַטְּבּוֹלִין לְחַלָּה בְּחַלָּה דְּמוֹ? וְהַתְּנוּאָ: אֲשֶׁר שְׁהָיא טְבּוֹלָה יוֹם - לְשָׁהָאת  
הַעֲשִׂה, וּקוֹצֶה הַימָּנָה חַלָּתָה, וּמִנְחַתָּה  
בְּכִפְישָׁה אוֹ בְּאַנְחֹתָה, וּמִקְפָּתָה וּקוּרָא  
לְהַשֵּׁם,

מִפְנֵי שְׁהָוא שְׁלִשִּׁי, וּשְׁלִישִׁי טָהָר בְּחַולָּן  
וְאֵי אָמְרָת חָלוֹן הַטְּבּוֹלִין לְחַלָּה בְּחַלָּה  
דְּמוֹ - הִיא טָמִינְתָּה!

**And as the *halla* of this kneaded, untithed dough is in a state of uncertain purity, its status is suspended: It is neither eaten like ritually pure *halla*, nor is it burned like impure *halla*. With regard to which uncertainty did they state this *halakha*? With regard to *halla* of uncertain status. The Gemara asks: What is the meaning of the concept of *halla* of uncertain status? This apparently indicates a scenario of possible ritual impurity that applies specifically to *halla*, not to non-sacred food.**

**Abaye and Rava both say:** One should not say that we learned this case of *halla* of uncertain status among the cases of equal proofs, i.e., an irresolvable uncertainty, such as the case of two paths, where someone walked down one of two paths, one of which was ritually impure and the other ritually pure, and he does not remember which one he walked down. As there, even regular non-sacred food is also rendered ritually impure due to uncertainty.

Rather, the uncertainty referred to here is similar to the less likely case of leaning, as we learned in a mishna (Zavim 3:2): In a case of a *zav* and a ritually pure person who were unloading a package from a donkey<sup>h</sup> or who were loading a package onto a donkey, when their package is heavy the pure person is rendered impure, as perhaps the *zav* leaned on him while they handled the package together. If their package is light, he remains pure. And in all those cases,<sup>n</sup> he remains ritually pure<sup>n</sup> even if he is one of the members of a synagogue whose congregants handle non-sacred food according to the standards of sacrificial food, as this is not a true case of a *zav* moving a pure person. But he is impure with regard to matters involving *teruma*, by rabbinic law.

The Gemara asks: And is non-sacred food that is untithed with regard to the obligation to separate *halla* really considered like *halla* to the extent that it is rendered impure even in a case of leaning? But isn't it taught in a *baraita*: With regard to a woman who immersed that day and is waiting for nightfall for the purification process to be completed, she may separate *halla*: She may knead the dough,<sup>h</sup> and separate its *halla* from it, and place the separated dough into a wicker basket<sup>b</sup> or a wooden board [*be'anhuta*]<sup>nl</sup>, and subsequently she may bring it near the rest of the dough,<sup>n</sup> and she may then designate it *halla* by name.

The *baraita* continues: The reason that this is allowed, despite her impurity, is because the dough is impure by third-degree ritual impurity, and an item that has third-degree impurity is considered pure with regard to non-sacred food.<sup>h</sup> The Gemara concludes its question: And if you say that non-sacred food that is untithed with regard to the obligation to separate *halla* is considered like *halla*, then she should render it impure with her touch, just as she would render actual *halla* impure.

A *zav* and a ritually pure person who were unloading a package from a donkey – בְּבִטְחָר שְׁחִי פּוֹרְקִין מִן הַחַמּוֹר – In the case of a *zav* and a pure person who were unloading a package from a donkey, or were loading a package onto a donkey, the following applies: If their package is a heavy one, the pure person is rendered ritually impure; if their package is light, he remains ritually pure (Rambam Sefer Tahara, Hilkhot Tumat Okhalin 8:17). Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 8:9).

A woman who immersed that day, she may knead the dough, etc. – אֲשֶׁר שְׁהָיא קְבִילָה יוֹם לְשָׁהָאת הַעֲשִׂה וּכְיָהִינָּה: A woman who immersed that day due to a type of ritual impurity from which she will become fully ritually pure upon nightfall, may separate *halla*.

## HALAKHA

She may knead the dough and separate a portion to be designated as *halla*; she may place it into a receptacle and bring it near the rest of the dough, and then she may then designate it *halla* by name. After she has designated it as *halla* she may no longer touch it, lest it become disqualified by contracting ritual impurity (Rambam Sefer Tahara, Hilkhot Tumat Okhalin 8:17).

Third-degree impurity is considered pure with regard to non-sacred food – שְׁלִישִׁי טָהָר בְּחַולָּן: Something that has second-degree impurity does not render non-sacred items impure with third-degree impurity (Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot 11:2).

## NOTES

And in all those cases – בְּכָלָן: It is not entirely clear what exactly is included by this phrase in the *baraita*. The early commentaries disagree here. Some say that it is referring to both types of packages mentioned earlier, the heavy and the light package. Others maintain that it is referring to those individuals listed earlier in that mishna (Zavim 3:2) who do not contract ritual impurity when moved by a *zav*.

And in all those cases he remains ritually pure – בְּכָלָן טָהָרִין: A *zav* renders items impure by moving them. Since in this case, even if the ritually pure person was leaned on by the *zav*, he was not fully lifted or displaced by him, he remains ritually pure with regard to the stringency of handling non-sacred food according to the standards used for sacrificial foods (*Mishneh Aharon*).

Into a wicker basket or a wooden board – בְּכַפְישָׁה: These items are not susceptible to ritual impurity. The commentaries note that there is really no need for this added stringency, since even a regular receptacle does not contract third-degree ritual impurity and therefore it would not render the dough impure. The reason for this added step is simply to serve as a reminder (Rashi) that she is not entirely ritually pure and therefore she should take care not to touch the separated *halla* after she officially designates it *halla* by name (*Tosefot Hakhmei Angliyya*).

And subsequently she may bring it near the rest of the dough – בְּמַקְפָּתָה: She draws the receptacle containing the separated dough near to the larger batch of dough because when one separates *teruma* and *halla* from produce or dough, there is a *halakha* to bring the separated part near to the produce or dough that it comes to exempt, *ab initio* (Rashi).

## BACKGROUND

Wicker basket [*kefisha*] – בְּכַפְישָׁה: A *kefisha* is a wicker basket. Some explain that it is a flask made from leather. It was used as a receptacle in the vineyard during the grape harvest, or inside the house for holding dough during kneading.

## LANGUAGE

Wooden board [*anhuta*] – אַנְחָתָה: This Aramaic word developed from the Hebrew term *nahat*, denoting an item on which things are placed. It is a simple receptacle that was made from wood according to some, and from hide according to others.

- אָמָר אֲבִי: בְּלֹ שׂוֹדַי מְטֻפָּא חֹלֵין גָּרוּוּ עַל סְפָקָה מִשּׁוּם חֹלֵין הַטְּבּוּלִין לְחֶלֶה. וְהִיא טְבּוֹל יּוֹם, בַּיּוֹן דְּלָא מְטֻפָּא וְאֵי חֹלֵין – לֹא גָּרוּ עַלְיוֹ מִשּׁוּם חֹלֵין הַטְּבּוּלִין לְחֶלֶה.

זהא מעת לעת שבנדה, דודאי מטפמא חולין – ולא גרו על ספקה משום חולין הטעבון לחה

דאמר מר: קבלת מיניה רב שמואל בר רב יצחק בחולין שנעשו על טהרת קדש, ולא בחולין שנעשו על טהרת תרומה!

החתם – לא פתייכא בהו תרומה, הכא פתייכא בהו תרומה.

ואיבעית אימא: הנח מעת לעת ררבנן.

**Abaye says:** With regard to any item that when it is definitely impure renders non-sacred food impure, as in the case of the *zav*, the Sages issued a decree<sup>h</sup> that its uncertain impurity should also render non-sacred food items impure, due to its status as non-sacred food that is untithed with regard to *halla*. But with regard to this case of one who immersed that day, since even when she is definitely impure she does not render non-sacred food impure, they did not issue a decree that she should render that dough impure due to its status as non-sacred food that is untithed with regard to *halla*.

The Gemara asks: But what about the twenty-four-hour period of retroactive impurity of a menstruating woman? As a definitely impure menstruating woman renders non-sacred food impure and nevertheless with regard to untithed dough the Sages did not issue a decree to treat her uncertain impurity as definite impurity due to the dough's status as non-sacred food that is untithed with regard to *halla*.

The Gemara cites its source for this claim: **As the Master said:** Rav Shmuel bar Rav Yitzḥak received from Rav Nahman: The retroactive impurity of a menstruating woman transmits impurity to non-sacred food items that were prepared according to the standards of purity of sacrificial food, but not to non-sacred food items that were prepared according to the standards of purity of *teruma*.<sup>n</sup> It is assumed that the level of purity required for non-sacred food items prepared according to the standards required of *teruma* is the same as that of dough from which *halla* has not been separated, i.e., it is not treated as real *halla*, which is rendered impure by her retroactive twenty-four-hour period of impurity.

The Gemara answers: The level of purity required for non-sacred food items that were prepared according to the standards of purity of *teruma* is actually lower than the level required for dough from which *halla* has not been separated. The reason is that there, in the case of non-sacred food items, there is no actual *teruma* mixed in it. By contrast, here, in the case of untithed dough, there is *teruma*, i.e., *halla*, mixed in it, which will eventually be separated from this dough.

If you wish, say instead: Leave aside the twenty-four-hour period of retroactive impurity<sup>h</sup> of a menstruating woman, as it applies by rabbinic law.<sup>n</sup> One cannot raise a difficulty against the principle that untithed dough is treated with the same level of purity as *halla* from the case of the retroactive impurity of a menstruating woman, since that retroactive impurity is a rabbinic decree, and therefore there is more room for leniency.

#### HALAKHA

With regard to any item that when definitely impure renders non-sacred food impure the Sages issued a decree – **כל שׂוֹדַי** If untithed dough is in a situation of uncertain impurity where, had the particular impurity been certain, it would have certainly rendered something non-sacred impure, the Sages issued a decree to treat that untithed dough with the same ritual stringency as *halla* itself. The dough must be prepared in ritual purity; *halla* is then taken from it and the ritual status of the *halla* remains suspended as it is neither eaten nor

burned (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 11:16 and *Sefer Zera'im, Hilkhos Bikkurim* 8:10).

The twenty-four-hour period of retroactive impurity – **מעת נטלה:** The twenty-four-hour period of retroactive impurity of a menstruating woman is a rabbinic decree, and therefore her impurity status during that period is viewed as uncertain (*Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 3:9).

#### NOTES

But not to non-sacred food items that were prepared according to the standards of purity of *teruma* – **ולא בחולין שנעשו על טהרת תרומה:** The commentaries explain that at this point the Gemara assumes that dough that is untithed with regard to *halla* is treated like *halla* because it is prepared with same higher standards of ritual purity. This is similar to non-sacred food that is prepared according to the standards required for *teruma* and that is treated like *teruma* (Ritva).

Leave aside the period of retroactive impurity as it applies by rabbinic law – **הנה מעת לעת ררבנן:** The early commentaries ask: In the case of leaning, where the *zav* leans on a pure person in the course of handling a package together, he is also impure by rabbinic law. What is the difference between that case and the retroactive impurity of a menstruating woman? They answer that the retroactive impurity of a menstruating woman is more lenient, as it was instituted as a general safeguard and there is no specific concern that she was previously impure. By contrast, in the case of uncertainty of the leaning *zav* there is a specific concern of actual impurity (Ritva).

**מתני' רבי אליעזר אומר, ארבע נשים דין שעתן: בתוליה, מעוברת, מניקה, וקנינה. אמר רבי יהושע: אף לא שמעתי אלא בתוליה,**

**MISHNA** Rabbi Eliezer<sup>p</sup> says: Unlike the women with regard to whom it was taught that they transmit impurity retroactively, there are four women who discern menstrual blood and their time is sufficient,<sup>HN</sup> i.e., they transmit impurity only from the moment that they saw the blood: A virgin, a pregnant woman, a nursing woman, and an elderly woman. Rabbi Yehoshua<sup>p</sup> says: I heard this halakha from my teachers only with regard to a virgin,

**PERSONALITIES**  
Rabbi Eliezer – **רבי אלישר**: This is the *tanna* Rabbi Eliezer ben Hyrcanus, also called Rabbi Eliezer the Great, who lived through the destruction of the Second Temple. Rabbi Eliezer was the son of a wealthy family that traced its lineage to Moses. He began to study Torah only at the age of twenty, when he went to Jerusalem to learn from Rabban Yohanan ben Zakkai. Rabban Yohanan ben Zakkai had great esteem for Rabbi Eliezer and considered him the greatest of his disciples, so much so that he claimed he was equal to all the Sages of Israel. Rabban Yohanan ben Zakkai described Rabbi Eliezer as: A plastered well that does not lose a drop, and Rabbi Eliezer's learning was based mostly on traditions that he received from Rabbi Yohanan ben Zakkai. Rabbi Eliezer's approach differed from that of his teacher in that Rabbi Eliezer accepted the rulings of Beit Shammai. Rabbi Eliezer began to teach Torah before the destruction of the Temple and was among Rabban Yohanan's students who joined him in founding the great yeshiva in Yavne.

Rabbi Eliezer married Imma Shalom, the sister of the *Nasi*, Rabban Gamliel of Yavne. Following a fundamental dispute between Rabbi Eliezer and the other Sages with regard to the

process of halakhic decision-making, Rabban Gamliel had him excommunicated. Rabbi Eliezer's colleagues were the other disciples of Rabban Yohanan ben Zakkai, and in particular there are many recorded discussions between Rabbi Eliezer and Rabbi Yehoshua, who was Rabbi Eliezer's closest colleague. His principal student was Rabbi Akiva, but he taught other scholars in his generation as well. His son Hyrcanus was one of the talmudic Sages.

**Rabbi Yehoshua** – **רבי יהושע**: This is Rabbi Yehoshua ben Hananya the Levite, one of the leading Sages in the generation following the destruction of the Second Temple. He served as one of the Levite singers in the Temple. After its destruction, he was among the students who followed their primary teacher, Rabban Yohanan ben Zakkai, to Yavne. Rabbi Yehoshua lived a life of poverty, working as a blacksmith, and was recognized by all as one of the leading Torah authorities. While he disagreed with Rabban Gamliel's rulings on several occasions, he ultimately accepted his authority as the *Nasi*. After Rabban Gamliel's death, he served as a leader of the Sages.

**HALAKHA**

There are four women who discern menstrual blood and their time is sufficient – **ארבע נשים דין שעתן:** The are four types of women who discern menstrual blood and their time is sufficient; that is, they transmit impurity only from the moment that they saw blood: A woman who has yet to experience menstrual bleeding, a pregnant woman, a nursing woman, and an elderly woman. This is in accordance with the opinion of Rabbi Eliezer and Rabbi Yehoshua in the mishna (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1).

**NOTES**

There are four women who discern menstrual blood and their time is sufficient – **ארבע נשים דין שעתן:** The commentaries explain that these four categories of women generally do not experience any flow of menstrual blood, and therefore there is no concern that they experienced a previous discharge and no reason to give them retroactive impurity status.

Perek I  
Daf 7 Amud b

**אבל הילכה ברבי אליעזר.**

but the halakha is in accordance with the opinion of Rabbi Eliezer.

**אינו היא בתוליה – כל שלא ראתה דם מיםמה, אף על פי שנשואה. מעוברת – משידע עוברת. מניקה – עד שתתגמול את בנה. נתנה בנה למיניקה, גמלתו, או מות, רבי מאיר אומר: מטמאה מעת לעת, וחכמים אומרים: רקיה שעתה.**

Who is the woman characterized as a **virgin** in this context? It is any woman who has not seen the flow of menstrual **blood** in all her days,<sup>H</sup> even if she was married and has experienced bleeding as a result of intercourse consummating her marriage. The time of a **pregnant woman** is from the point in her pregnancy when the existence of her fetus is known<sup>H</sup> to all who see her. The time of a **nursing woman** is until she weans her child<sup>HN</sup> from nursing. If she stopped nursing, e.g., she gave her child to a wet nurse, weaned him from nursing, or her child died, and she saw menstrual blood, **Rabbi Meir says: She transmits impurity for a twenty-four-hour period** or from her most recent examination. And the Rabbis say: Even in those cases, **her time is sufficient**.

**NOTES**

Until she weans her child – **עד שתתגמול את בנה:** The Rabbis, who disagree with Rabbi Meir, maintain that a woman retains the status of a nursing woman for a full twenty-four months after childbirth, regardless of whether or not she is actually nursing. Their reasoning is that it takes that long for her body to recover fully from childbirth (Rabbi Ovadya Bartenura; Tosefot Yom Tov).

**HALAKHA**

A virgin is any woman who has not seen the flow of menstrual blood in all her days – **בתוליה כל שלא ראתה דם מיםמה:** When the Rabbis stated that a virgin who sees a menstrual flow is rendered ritually impure only going forward and not retroactively, they were referring to a woman who never before saw a discharge of menstrual blood. Even if she saw hymenal bleeding after her first intercourse or blood from childbirth, she is nevertheless considered a virgin in this context (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:5 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1).

The time of a pregnant woman is from when the existence of her fetus is known – **מעוברת מ时刻 עברת:** A pregnant woman who sees a menstrual flow is rendered impure only from then on and not retroactively. This applies after three months of

pregnancy when she is noticeably pregnant (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:4 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1; Shulhan Arukh, Yoreh De'a 189:33).

The time of a nursing woman is until she weans her child – **מניקה עד שתתגמול את בנה:** When the Rabbis declared that a nursing woman who sees a flow of menstrual blood is impure only from that point on, and not retroactively, they included any woman within twenty-four months of childbirth in this category. Since this ruling is not given solely to women who are actually nursing, it applies even in a case where her child died, she weaned him from nursing, or she hired a wet nurse (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:4 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1; Shulhan Arukh, Yoreh De'a 189:33).

**HALAKHA**

An elderly woman is any woman for whom three typical menstrual cycles of thirty days passed – **זקננה**: An elderly woman who sees a menstrual flow is rendered impure only from that point on and not retroactively. This applies to an older woman who is not offended when she is openly called an elderly woman and for whom three typical menstrual cycles had passed during which she saw no menstrual blood (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:4 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1; Shulhan Arukh, Yoreh De'a 189:28).

Her time is sufficient with regard to the first sighting of blood – **דיה שעתה בראייה ראשונה**: A pregnant woman, a nursing woman, an elderly woman, and a virgin who saw one flow of menstrual blood are rendered impure only from that point on and not retroactively. If they see menstrual blood a second time, they assume the same impurity status as all women and are rendered impure retroactively. If that first sighting of menstrual blood was caused by unnatural circumstances, then such a woman does not assume retroactive impurity status upon her second sighting of menstrual blood (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:4 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1; see Ra'avad and Kesef Mishne).

**NOTES**

You heard a halakhic ruling with regard to only one woman and I heard rulings with regard to many women – **אתה לא שמעת אלא אחת אני שמעתי הבה**: This is in keeping with the known account of Rabbi Eliezer's diligent, punctilious, and faithful ways. It is said that none of his colleagues ever preceded him into the study hall, nor did he ever exit before anyone else. And he never taught anything that he did not first hear from his teacher (Sukka 28a).

**LANGUAGE**

**Shammuti** – **שְׁמֹוּטִי**: Some explain this term as referring to *shamta*, excommunication, as Rabbi Eliezer was excommunicated (Rashi). Others explain that it refers to the fact that he was a student of Beit Shammai (*Tosafot*).

אַיּוֹתִי זָקֵנָה – כִּל שָׁעַבּוּ עַלְيָה שֶׁלֶשׁ עֲוֹנוֹת סְמֻךְ לִזְעַתָּה. רַבִּי אֱלִיעֶזֶר אוֹמֵר: כִּל אִשָּׂא שָׁעַבּוּ עַלְיָה שֶׁלֶשׁ עֲוֹנוֹת – דֵּין שְׁעַתָּה. רַבִּי יוֹסֵי אוֹמֵר: מַעֲופָרָת וַמְּנִיקָה שָׁעַבּוּ עַלְיָהן שֶׁלֶשׁ עֲוֹנוֹת – דֵּין שְׁעַתָּה.

ובבמה אָמַר דֵּין שְׁעַתָּה – בָּרָאיָה רַאשׁוֹנָה, אֶבֶל בְּשִׁנְיָה – מִטְפָּמָה מִעֵד – לְעוֹת. וְאֵם רַאֲתָה הַרְאָשׁוֹנָה מַאוֹס – אֶחָד הַשְׁנִינָה דֵּין שְׁעַתָּה.

**Who is the woman characterized as an elderly woman in this context?** It is any woman for whom three typical menstrual cycles of thirty days passed<sup>14</sup> during which she saw no menstrual blood, at a stage of her life close to her old age. **Rabbi Eliezer says:** In the case of any woman for whom three typical menstrual cycles passed during which she saw no menstrual blood, if she then experiences bleeding, her time is sufficient. **Rabbi Yosei says:** With regard to a pregnant woman and a nursing woman for whom three typical menstrual cycles passed during which they saw no menstrual blood, if they then saw blood, their time is sufficient.

And in the above cases, with regard to what did the tanna say her time is sufficient? It is with regard to the first sighting of blood,<sup>14</sup> but with regard to the second sighting, her status is like that of any other woman, and she transmits impurity for a twenty-four-hour period or from her most recent examination. And if she saw the first sighting as a result of unnatural circumstances, even with regard to the second sighting, the halakha is that her time is sufficient.

גַּם תְּנִיא, אָמַר לוּ רַבִּי אֱלִיעֶזֶר לְרַבִּי יְהוֹשֻׁעַ: אַתָּה לֹא שָׁמַעַת, אַנְּיָ שָׁמַעַת! אַתָּה לֹא שָׁמַעַת אֶלָּא אַתָּה, וְאַנְּיָ שָׁמַעַת הַרְבָּה.

אֵין אָמָרים לְמַיְלָא רָאָה אֶת הַחְדֵשׁ: יְבָא וַיַּעֲד, אֶלָּא לְמַיְלָא רָאָה. כִּל יִמְוֹ שֶׁל רַבִּי אֱלִיעֶזֶר הַיְוֹשֵׁן בְּרוּבֵי הַוּשָׁע, לְאַחֲרֵ פְּטִירָתוֹ שֶׁל רַבִּי אֱלִיעֶזֶר הַחַי רַבִּי יְהוֹשֻׁעַ אֶת הַדָּבָר לִיוֹשָׁנוּ.

כָּרְבִּי אֱלִיעֶזֶר בְּחִיּוֹ מַאי טָעֵמָא לֹא? מִשּׁוּם דָּרְבִּי אֱלִיעֶזֶר שְׁמוּתֵי הַוָּא, וְסַבָּר: אֵי עֲבָדִין כּוֹתֵה בְּחִדָּא – עֲבָדִין כּוֹתֵה בְּאַחֲרִינִיתָא,

וּמִשּׁוּם בְּבוֹדוֹ דָּרְבִּי אֱלִיעֶזֶר לֹא מִצְעֵין מְחַיֵּן בָּהּ. לְאַחֲרֵ פְּטִירָתוֹ שֶׁל רַבִּי אֱלִיעֶזֶר, דָּמְצִינוּ מְחַיֵּן בָּהּ, הַחַיָּר אֶת הַדָּבָר לִיוֹשָׁנוּ.

אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל הַלְכָה כָּרְבִּי אֱלִיעֶזֶר בְּאַרְבָּעָה. חֲדָא – דָּאמָן.

**GEMARA** Rabbi Eliezer teaches in the mishna that there are four women who transmit impurity only from the moment that they saw menstrual blood, not retroactively. Rabbi Yehoshua said: I heard this halakha from my teachers only with regard to a virgin. The Gemara notes that it is taught in a baraita that **Rabbi Eliezer said to Rabbi Yehoshua: You did not hear, but I did hear it.** In other words, you may not have received a tradition from your teachers with regard to any other woman, but I did receive such a tradition. Furthermore, **you heard a halakhic ruling with regard to only one woman, and I heard rulings with regard to many women.**<sup>15</sup>

Rabbi Eliezer continued his rebuttal with a metaphor from the practice of sanctifying the new moon, which required the testimony of witnesses: **We do not say to one who had not seen the new moon to come and testify. Rather we give such an instruction only to he who saw it.** Similarly, my opinion is weightier with regard to this issue, as I heard many rulings about the matter, whereas you did not. The Gemara reports: **All the days of the life of Rabbi Eliezer, they would practice in accordance with the opinion of Rabbi Yehoshua, i.e., only a virgin would be exempt from retroactive impurity. After Rabbi Eliezer's passing, Rabbi Yehoshua returned the matter to its former custom, which was to follow the opinion of Rabbi Eliezer.**

The Gemara asks: **What is the reason that they did not act in accordance with the opinion of Rabbi Eliezer during his lifetime?** The Gemara answers: **Because Rabbi Eliezer was a Shammuti**, i.e., a follower of the rulings of Beit Shammai, and the halakha is generally in accordance with the opinion of Beit Hillel in their disputes with Beit Shammai. **And the Sages held that if we act in accordance with his opinion in one matter, people will act in accordance with his opinion in other matters.**

And that would be a problem, as if so, then during his lifetime, due to the honor of Rabbi Eliezer, we will not be able to protest against them. But after Rabbi Eliezer's passing, when we are able to protest against those who act in accordance with Rabbi Eliezer's opinion in other matters, Rabbi Yehoshua returned the matter to its former custom of deciding the halakha in accordance with the opinion of Rabbi Eliezer in this matter.

**§** The Gemara mentions other instances in which the halakha is in accordance with the opinion of Rabbi Eliezer. **Rav Yehuda says** that Shmuel says: The halakha is in accordance with the opinion of Rabbi Eliezer in four cases. One is the halakha that we just mentioned, of the four women who transmit ritual impurity only from the time of their sighting and onward.

**ואיך:** הפקשה בפזה תשפה ותהא  
ובה – מעת לעת, דברי רבי אליעזר,  
והלכה כדבריו.

**ואיך:** הוב והזבה שברקו עצמן יום  
ראשון – ומצעו טהור, יום שביעי –  
ומצעאו טהור, ושאר הימים לא ברקו,  
רבי אליעזר אומר: הרי אלו בחיקת  
טוהר. וביבי יהושע אומר: אין להן אלא  
יום הראשון ויום השביעי בלבד.

רבי עקיבא אומר: אין להם אלא יום  
שביעי בלבד. ותניא, רבי שמعون ורבי  
יוסי אומרים: גראיין דברי רבי אליעזר  
מדבריך וביבי יהושע, ודבריך וביבי עקיבא  
מדבריכו, אבל הלכה כרב אליעזר.

**ואיך,** דתנן: אחורי כלים שנטמאו  
במשקין, רבי אליעזר אומר: מטמאין  
את המשקין ואין פוסלין את האוכליין,  
מטמאין את המשקין – ואפיקלו דוחליין,  
ואין פוסלין את האוכליין – ואפיקלו  
תרומה. וביבי יהושע אומר: מטמאין  
את המשקין ופוסלין את האוכליין.

אמר רבי יהושע: כל וחוואר, ומה שבול  
יום, שאין מטמא משקה חולין – פוסל  
אוכלי תרומה, אחורי כלים, שמטמא  
משקה חולין – אין דין שפосל אוכלי  
תרומה?

רבי אליעזר – אחורי כלים דרבנן,  
וטבול يوم دائוריתא, ורבנן מדיאוריתא  
לא עבדין כל וחומר. מדיאוריתא אין  
אוכלי מטמא כל, ואין משקה מטמא  
כל.

**And another** is taught in a *baraita* with regard to a woman who experiences *labor* pain as a result of which she sees a flow of blood. Her discharge is attributed to childbirth rather than *zava* blood. The *baraita* asks: For **how long** must she be **relieved** from pain in order to be considered a *zava* due to her flow of uterine blood? She must have relief for a twenty-four-hour period. This is the statement of Rabbi Eliezer. And the *halakha* is in accordance with his statement.

**And another** case in which the *halakha* follows Rabbi Eliezer is taught in a mishna (68b): A *zav* and a *zava* must observe seven days without a discharge in order to attain ritual purity. With regard to a *zav*<sup>8</sup> or a *zava*<sup>8</sup> who examined themselves on the first day and found themselves to be **pure**, and they examined themselves on the seventh day and found themselves to be **pure**, but on the rest of the intervening days they did not examine themselves, Rabbi Eliezer says: The presumptive status of the *zav* and the *zava* is one of ritual purity. Rabbi Yehoshua says: In that case, the *zav* and the *zava* have counted only the first day and the seventh day, two of the seven clean days, and they must count another five days to complete the tally.

The mishna continues: **Rabbi Akiva** says: Since any impure discharge that they might have experienced in between the first and seventh days would negate their count and require them to restart the seven-day period, the *zav* and the *zava* have counted only the seventh day, and must count another six days to complete the tally. And with regard to this dispute, it is taught in a *baraita* that **Rabbi Shimon and Rabbi Yosei say: The statement of Rabbi Eliezer appears more correct than the statement of Rabbi Yehoshua, and the statement of Rabbi Akiva appears more correct than the statement of all of them.** But the *halakha* is in accordance with the opinion of Rabbi Eliezer.

**And the other** case in which the *halakha* is in accordance with the opinion of Rabbi Eliezer is as we learned in a mishna (*Teharot* 8:7): With regard to the exterior of vessels that contracted ritual impurity through contact with impure liquids,<sup>9</sup> i.e., with liquids that had touched the carcass of a creeping animal, **Rabbi Eliezer** says, with regard to this impurity that applies by rabbinic law: These exteriors transmit impurity to liquids that come in contact with them, but they do not disqualify foods<sup>10</sup> with which they come into contact. The mishna elaborates: They transmit impurity to other liquids, and even non-sacred liquids. And they do not disqualify foods, and even *teruma*. **Rabbi Yehoshua** says: These exteriors transmit impurity to liquids and they disqualify *teruma* foods, as well.

**Rabbi Yehoshua** says: I derived my ruling via an *a fortiori* inference from the *halakha* of one who was ritually impure, who immersed that day and is waiting for nightfall for the purification process to be completed. And if one who immersed that day, who has second-degree ritual impurity status and therefore he does not transmit impurity to non-sacred liquids, nevertheless disqualifies *teruma* foods with which he comes into contact, then with regard to the exteriors of vessels, which do transmit impurity to non-sacred liquids, is it not logical that they should render *teruma* food disqualified?

The Gemara asks: **And Rabbi Eliezer**, how does he refute this inference? The Gemara answers: He would counter that the *halakha* that the exterior of vessels are rendered impure through contact with impure foods or liquids is by rabbinic law, and the *halakhot* of one who immersed that day apply by Torah law. And there is a principle that one does not apply *a fortiori* inferences to derive conclusions by rabbinic law from cases that apply by Torah law. As by Torah law impure foods do not transmit impurity to vessels, and similarly, impure liquids do not transmit impurity to vessels.

## BACKGROUND

**Zav – זב:** The *halakhot* relating to the stringent ritual impurity caused by this condition appear in Leviticus, chapter 15, and in tractate *Zavim*. The *zav* becomes ritually impure as a result of secreting a white, pus-like discharge. A man who experiences this discharge on one occasion becomes ritually impure for one day, similar to a man who has discharged semen. If one experiences a second discharge on the same or the following day, or if the initial discharge is prolonged, he contracts the more severe ritual impurity of a *zav*, which lasts until he counts seven clean days. One who experiences a third discharge within the next day is obligated to bring an offering as part of his purification process. Not only does he become ritually impure, he also imparts ritual impurity through contact with vessels or people, by being moved by them, by moving them, and by lying or sitting on them. He also imparts impurity to items under a very heavy stone by sitting on the stone, although the stone itself does not thereby become impure. The fluids secreted by a *zav*, his saliva, urine, and semen, impart ritual impurity, and the articles on which he sits or lies become primary sources of ritual impurity and can themselves impart ritual impurity to other articles.

**Zava – זבָה:** A *zava* is a woman who experiences a flow of menstrual-type blood on three consecutive days during a time of the month when she is not due to experience menstrual bleeding. The first secretion makes her ritually impure, but until the third secretion her status is that of a woman who observes a day for a day, i.e., she needs only one clean day in order to be purified. After experiencing bleeding on the third day, the woman is considered a *zava* and is obligated to count seven clean days and bring an offering as part of her purification process. A *zava* imparts ritual impurity in the same way as a *zav*. A *zav* does not require three days to attain his halakhic status, as even after three secretions on one day he is considered to be a *zav*. Today, all women who experience menstrual bleeding are considered to have the status of *zavot* and must wait seven clean days before immersing in a ritual bath.

## HALAKHA

The exterior of vessels that contracted ritual impurity through contact with impure liquids – **אחוריו כלים שנטמאו במשקן:** The exterior of a vessel that was rendered impure by contact with impure liquids then renders impure other liquids that come in contact with it, even if those liquids were non-sacred. They contract first-degree impurity and can therefore defile other vessels, which then become defiled with second-degree impurity (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 7:5).

**They transmit impurity to liquids but they do not disqualify foods – מטמאין את המשקן ואין פוסל אין אוכלי:** By Torah law, impure food and drink that come in contact with the exterior of vessels do not render them impure. Nevertheless, as a safeguard against making a mistake with the secretions of a *zav* and *zava*, which do defile vessels according to Torah law, the Sages decreed that impure liquids render the exterior of vessels impure. Therefore, a vessel's exterior that was defiled by impure liquids will then render impure any other liquids that come in contact with it, even non-sacred liquids, but the impure exterior will not render impure foods that come into contact with it, even *teruma* (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 7:1–6).

**NOTES**

That a final *halakha* may not be learned directly from the Talmud – **שָׁאוֹן לִמְדֵין הַלְּכָה מִפְּרָטָה**: Some commentaries write that this principle applies only to a ruling of *halakha* that conflicts with an accepted principle of deciding *halakhot*. Otherwise, a *halakha* recorded in a mishna or *baraita* is accepted as the final *halakha* (Rashba).

וְבָנֶן הַוָּא גִּזְוֹרָה גָּזָרָה מִשּׁוּם מִשְׁקָנָן דָּבָר וּבָהּ. מִשְׁקָנָן דָּעֵלְלָיִן לְקַבֵּל טָמֵאָה – גִּזְוֹרָה בְּהָרְבָּן, אֲוֹכְלָיִן דָּאִין עַלְילָיִן לְקַבֵּל טָמֵאָה – לֹא גִּזְוֹרָה בְּהָרְבָּן.

The Gemara continues: **And it was the Sages who issued a decree** that the exterior of a vessel is rendered impure when it comes into contact with impure liquids, and they decreed that only liquids, not foods, are rendered impure when they come into contact with impure vessel exteriors. The reason for this is **due to the liquids secreted by a zav or zava**, e.g., their saliva and urine, which have a primary degree of ritual impurity and therefore transmit impurity to vessels. Consequently, with regard to liquids, which are apt to contract impurity, the Sages issued a decree that they contract impurity when they come in contact with these impure vessel exteriors. But with regard to foods, which are not as apt to contract impurity, as they must first be rendered susceptible to impurity through contact with a liquid, **the Sages did not issue such a decree with regard to them**.

וְמַאי שָׁנָא אֲחֹורי בְּלָם דָּנְקָט – מִשּׁוּם דָּקְלִין, דָּתָן: בְּלִי שְׂגָנָמָא מִאֲחֹורי בְּמִשְׁקָנָן – אֲחֹורי טָמֵא, תּוֹכָן, אָזְנוֹ – אָזְנוֹן, יָדוֹ – טָהֹרִין. נְטָמָא תּוֹכוֹ – בּוֹלָן טָמָא.

The Gemara raises a difficulty: Rabbi Eliezer agrees that if the interior of a vessel is rendered impure by contact with impure liquids, it renders impure any *teruma* foods that come into contact with it. **But what is different about the exterior of vessels, that Rabbi Eliezer cited them as having a more lenient status?** The Gemara answers: This is **due to the fact that their halakhot are more lenient than those of the other parts of the vessel.** As we learned in a mishna (*Kelim* 25:6): With regard to a vessel whose exterior was rendered impure by contact with impure liquids,<sup>H</sup> its exterior is impure, while its other parts, such as its interior, its ear, i.e., its looped handle, its rim, the edge of the vessel that protrudes outward, and its handles, are pure. But if its interior was rendered impure, it is all impure.

מַאי קָא מִשְׁמָעַ לֹן שְׁמוֹאֵל? בְּכָולָה  
תְּנַנּוּ הַלְּכָתָא!

These are the four cases with regard to which Shmuel said that the *halakha* is in accordance with the opinion of Rabbi Eliezer. The Gemara asks: **What is Shmuel teaching us? In all of these cases we learned explicitly that the halakha is in accordance with the opinion of Rabbi Eliezer.**

וּבְתִימָא: אֲחֹורי בְּלָים קָא מִשְׁמָעַ לֹן, דָּלָא תְּנַנּוּ; וְלִמְאָה הַלְּכָה בְּרוּבִי אַלְיעָשָׂר בְּאֲחֹורי בְּלָים! אַלְא, הָא קָא מִשְׁמָעַ לֹן: שָׁאוֹן לִמְדֵין הַלְּכָה מִפְּרָטָה.

And if you would say that he is teaching us the *halakha* with regard to the exterior of vessels, whose *halakha* we did not learn from the mishna, let Shmuel simply state that the *halakha* is in accordance with the opinion of Rabbi Eliezer with regard to the exterior of vessels. The Gemara explains: Rather, this is what Shmuel teaches us: That a final *halakha* may not be learned directly from the Talmud,<sup>N</sup> i.e., from a statement of a mishna or *baraita* that the *halakha* is in accordance with a specific opinion, unless the ruling is confirmed by *amora'im*.

וְתוּ לִיכָּא? וְהַא יְכָא דְּתְּנַנּוּ, רַבִּי אַלְיעָשָׂר:  
אָוּמָר:

The Gemara asks: **And is there nothing more** that can be added to the list of cases in which the *halakha* is in accordance with the opinion of Rabbi Eliezer? **But isn't there another case that we learned** in a mishna (*Yevamot* 109a): Two brothers married two sisters, one an adult and the other a minor. If the husband of the adult dies, the Torah obligation of levirate marriage applies to the other brother, which is not abrogated by the rabbinic prohibition of the *yevama* as the sister of his minor wife. In such a case, **Rabbi Eliezer says:**

**HALAKHA**

A vessel whose exterior was rendered impure by contact with impure liquids – **בְּלִי שְׂגָנָמָא מִאֲחֹורי בְּמִשְׁקָנָן**: Impure liquids that fall into the airspace of a vessel will render the entire vessel impure with second-degree impurity. If the impure liquids fall on the exterior of the vessel, only the outside is defiled, while the interior of the vessel remains pure. This applies to both earthenware vessels and metal vessels. All of these rulings hold

true with regard to questions of impurity involving non-sacred items or *teruma*. With regard to items of sacrificial sanctity, once a vessel's exterior is defiled it renders the entire vessel impure with second-degree impurity (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 7:3, and see Ra'avad, *Kesef Mishne*, and *Lehem Mishne* there).

Perek I  
Daf 8 Amud a

מלמדין את הקטנה שותמאן בו, ואמר  
רב יהודה אמר שמואל: הילכה ברבי  
אלישור! כי אמר שמואל, הילכה ברבי  
אלישור בארבעה – בסדר טהורות,  
אבל בשאר סדרים – אין אבא טהור.

והכי נמי מסתברא, דתנען, רב אלישור  
אומר: אף הרודה ונוטן לפל – הפל  
מצרפן למלח. ואמרו רב יהודה אמר  
שמואל: הילכה ברבי אלישור, שמע  
מיינה.

וממאי אולמיה דהאי מהאי משום  
דקא רבי אלישור בותיה.

דתנען, רב אלישור אומר: מלמדין את  
הקטנה שותמאן בו.

ומי קאי? וזה אצרכו מצורכין להו,  
ולא דמיין להדרין אלא משום דקא  
רבי יהודה בן בבא בותיה.

We instruct the minor, i.e., the surviving brother's wife, to refuse to continue to stay married to him<sup>7</sup> so that her marriage is dissolved, and he may then enter into levirate marriage with her adult sister, the widow of his childless brother. And Rav Yehuda says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Eliezer. The Gemara explains: When Shmuel says that the halakha is in accordance with the opinion of Rabbi Eliezer in four cases, what he meant was four cases within Seder Teharot in the Mishna, the order that deals with ritual purity. But in the other orders, there are many instances where the halakha is in accordance with the opinion of Rabbi Eliezer.

The Gemara adds: This too stands to reason, as we learned in a mishna in the order of Zera'im (Halla 2:4) that Rabbi Eliezer says: Even with regard to one who removes loaves of bread<sup>8</sup> from an oven and places them in a basket,<sup>9</sup> the basket serves to combine them to reach the quantity from which one is required to separate halla, despite the fact that each of the loaves does not contain the necessary measure for halla on its own. And Rav Yehuda says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Eliezer. Conclude from this that Shmuel's general statement applies only to Seder Teharot.

The Gemara raises a difficulty: The case of halla was cited as proof that there is an exception to Shmuel's principle that there are only four cases where the halakha is in accordance with the opinion of Rabbi Eliezer, after a difficulty was raised from the case of levirate marriage with the sister of one's minor wife. But in what way is this case of halla greater proof than that case of the levirate marriage? Neither case appears in Seder Teharot. The Gemara answers: The case of the levirate marriage is different, as there Rabbi Elazar holds in accordance with the opinion of Rabbi Eliezer.

As we learned in the mishna (Yevamot 111b): A yavam may perform levirate marriage with only one of his deceased brother's wives. Once he does so, the other wives are forbidden to him, because they had been married to his brother. If a deceased brother had two wives, an adult and a minor, and the yavam engaged in sexual intercourse with the minor and then engaged in intercourse with the adult, the Rabbis maintain that he disqualifies the minor from staying married to him, as her levirate bond is uncertain, and the adult wife is also prohibited to him, because the levirate marriage with the minor is considered effective by rabbinic law. Rabbi Elazar says: The court instructs the minor to refuse him, thereby annulling her marriage retroactively, and he may then perform levirate marriage with the adult. Accordingly, the case of halla is a stronger example, as there the halakha is in accordance with the opinion of Rabbi Eliezer exclusively, as his opinion is not supported by another tanna.

The Gemara asks: And does Rabbi Elazar in fact hold in accordance with the opinion of Rabbi Eliezer? But doesn't the Gemara (Yevamot 111b) explain that both the opinions of Rabbi Eliezer and Rabbi Elazar are necessary, as they apply to different cases, and therefore they are not comparable to each other? The Gemara suggests a new answer: Rather, the ruling with regard to levirate marriage is a weaker example of a case where the halakha is in accordance with the opinion of Rabbi Eliezer because Rabbi Yehuda ben Bava holds in accordance with his opinion.

**NOTES**  
מלמדין את הקטנה – שותמאן בו: Rashi explains that this is referring to a case of two brothers who married two sisters, one adult and one a minor who was orphaned and married off by her mother or brother. The husband of the older sister passed away childless, thereby rendering her a yevama who must be married or perform halitzah with his brother, her sister's husband. This levirate marriage is barred by the prohibition against marrying one's wife's sister. To resolve this problem, the court instructs the wife, who is a minor, to dissolve her marriage by refusing to continue living with her husband. This enables the yevama to marry her late husband's brother.

**BACKGROUND**

One who removes loaves of bread – הרודה: Ovens in talmudic times were made of earthenware. Dough would be inserted into the oven through special openings and stuck to its walls for baking. Removal of bread from the walls was done with a long, narrow paddle. Its length would allow for sticking the dough deep in the oven where its heat was most intense, and for turning the dough when necessary, as well as moving it to different locations within the oven.



Brick oven and paddle

**HALAKHA**

One who removes loaves of bread from an oven and places them in a basket – הרודה ונוטן לפל: If one kneads together an amount of dough that is less than the requisite amount required to necessitate the separation of halla, and he then bakes it and places it into a basket along with bread from another such

dough that was baked separately, the basket serves to combine them to reach the requisite quantity and he must then separate halla from them (Rambam Sefer Zera'im, Hilkhot Bikkurim 6:16; Shulhan Arukh, Yoreh De'a 325:1).

**HALAKHA**

The court persuades minor girls to refuse to continue living with their husbands – **שְׁמָמָאִים אֶת הַקּוֹנוֹת**: There are certain cases where the court will persuade a minor orphan who was married off by her brother or mother to perform refusal and annul her marriage, for example, in a case where someone marries a deaf-mute woman and a minor. If he dies without children, since marriage to either will not exempt her rival wife, the court persuades the minor to perform refusal, thereby allowing him to enter into a levirate marriage with the deaf-mute woman. Another case is where two brothers marry two sisters, one an adult and the other a minor. If the husband of the adult sister dies without children, the court persuades the minor to perform refusal, thereby allowing him to enter into a levirate marriage with the adult sister. This halakha is in accordance with the opinion of Rabbi Eliezer and the testimony of Rabbi Yehuda ben Bava (Rambam Sefer Nashim, Hilkhot Yibbum VaHalitza 5:30, 7:15; Shulhan Arukh, Even HaEzer 171:1, 175:11).

One may allow a woman to marry based on the testimony of one witness – **פִּי יַעֲדֵךְ**: If a woman's husband traveled overseas and she hears of his death and wishes to remarry, she may marry based upon the testimony of one witness (Rambam Sefer Nashim, Hilkhot Geirushin 12:15; Shulhan Arukh, Even HaEzer 17:3).

A rooster was stoned in Jerusalem for killing a person – **בָּקָל רְנָגָל בְּיוֹשָׁלָם עַל שְׁהָגָה אֶת הַבָּשָׂר**: A bird that kills a person is killed by stoning (Rambam Sefer Nezikin, Hilkhot Nizkei Mamon 10:2).

The daily morning offering that was sacrificed at four hours – **בְּמֹרֶר שֶׁל שְׁחָרֶר שְׁקָרְבָּן אֶת הַבָּשָׂר**: Although the daily morning offering is sacrificed before sunrise, in exigent circumstances it may be sacrificed until the end of the fourth hour of the day (Rambam Sefer Avoda, Hilkhot Temidin UMusafin 1:2).

**BACKGROUND**

**Rooster** – **רְנָגָל**: A rooster is considered to be an aggressive creature. A wild rooster tends to rage against other roosters that tread on its turf, and at times they attack other species as well. Some strains of roosters are especially aggressive and are trained to be violent, such as those raised to be fighting cocks. It is possible for a rooster to kill a person, particularly a baby, by pecking his head.



Roosters fighting, detail from Roman mosaic

רְנָגָל, וּבְיְהוּדָה בֶּן בָּבָא הָעִיר חַמְשָׁה  
דָּבְרִים: שְׁמָמָאִים אֶת הַקּוֹנוֹת,

וּשְׁמַשְׁיאַין אֶת הָאֲשָׁה עַל פִּי יַעֲדֵךְ,  
וּשְׁנַסְכָּל תְּרִינְגָּל בְּיוֹשָׁלָם עַל שְׁהָגָה  
אֶת הַנֶּפֶשׁ, וּלְיַן בְּן אַרְבָּעִים יוֹם  
שְׁנַתְנַסֵּךְ עַל גְּבֵי הַמִּזְבֵּחַ, וּלְתְמִיד שֶׁל  
שְׁחָרֶר שְׁקָרְבָּן אֶת הַבָּשָׂר שְׁעָות.

מַיִּ "קָטְנוֹת" – לֹא תַּדְאֵ דָרְבֵּי אַלְעָזָר  
וְהַדָּרְבֵּי אַלְעָזָר? לֹא, מַיִּ "קָטְנוֹת" –  
קָטְנוֹת דָּעַלְמָא.

אֵי הַכִּי, גְּבֵי אֲשָׁה בְּנֵי, נְתַנֵּי "נְשִׁים",  
נִמְמָא נְשִׁים דָּעַלְמָא! אַלְאָ, מִדְחָכָא,  
קָתְנִי "אֲשָׁה", וְהַבָּא קָתְנִי "קָטְנוֹת",  
שְׁמֻמָּה מִינָה: דָּוְקָא קָתְנִי, שְׁמֻמָּה מִינָה.

As it is taught in a baraita: Rabbi Yehuda ben Bava testified about five matters of halakha: Normally, marriage refusals of girls married off by their mother or brothers are discouraged. Yet, in specific instances where it is clear that if the marriage were to remain in effect it would engender problems related to levirate marriage and *halitza*, the court **persuades minor girls to refuse** to continue living with their husbands,<sup>h</sup> thereby resolving the complications involved in the case.

And he also testified that **one may allow a woman** who seeks to remarry after hearing of her husband's death **to marry based on** the testimony of **one witness**,<sup>h</sup> as opposed to the two witnesses required for other matters of testimony. And he further testified that **a rooster**<sup>b</sup> was stoned to death in Jerusalem **for killing a person**,<sup>hn</sup> in order to teach that the Torah law requiring the stoning of an ox that killed a person (see Exodus 21:28) applies to other animals as well. And he testified **about forty-day-old wine** that was used for libation **on the altar**.<sup>n</sup> And finally, he testified **about the daily morning offering** that was sacrificed at four hours<sup>hn</sup> of the day.

The Gemara concludes its proof: When the *baraita* teaches that Rabbi Yehuda ben Bava testified that the court persuades minor girls to refuse to continue living with their husbands, **what** is the significance of the reference to **minor girls** in the plural? Is this **not** referring to the **one** minor girl who is the subject of the ruling of **Rabbi Elazar** and the other **one** that is the subject of the ruling of **Rabbi Eliezer**? Apparently, Rabbi Yehuda ben Bava holds in accordance with the opinion of Rabbi Eliezer in the case of the minor's refusal. If so, this ruling is a weaker proof that the *halakha* is in accordance with the opinion of Rabbi Eliezer in cases outside of *Seder Taharot*. The Gemara answers: **No**, what is meant by the plural: **Minor girls**? It means **minor girls in general**, i.e., all minor girls in such cases where the ruling of Rabbi Elazar applies.

The Gemara challenges: **If so, with regard to the halakha** listed in the *baraita* that one may allow a woman to marry based on the testimony of one witness, **let it also teach**: **Women**, in the plural, **and we will say** that it is referring to women in general. Rather, from the fact that here it teaches: **A woman**, and yet here it teaches: **Minor girls**, conclude from this discrepancy that Rabbi Yehuda ben Bava is teaching his ruling specifically about two minor girls: The one who is the subject of Rabbi Elazar's ruling and the one who is the subject of Rabbi Eliezer's ruling. The Gemara comments: Indeed, conclude from it that Rabbi Yehuda ben Bava holds in accordance with the opinion of Rabbi Eliezer.

**NOTES**

And he testified that a rooster was stoned in Jerusalem for killing a person – **בָּקָל רְנָגָל בְּיוֹשָׁלָם עַל שְׁהָגָה אֶת הַבָּשָׂר**: Rashi (*Berachot* 27a) explains that the rooster pecked at the soft spot of a baby's skull and punctured it. It was stoned in accordance with the *halakha* of an ox that gored and kills a person, as it is written: "But if the ox was wont to gore in time past, and warning has been given to its owner, and he has not kept it in, but it has killed a man or a woman, the ox shall be stoned" (Exodus 21:29).

And he testified about forty-day-old wine that was used for libation on the altar – **וְעַל תְּמִיד שֶׁל שְׁחָרֶר שְׁקָרְבָּן בְּאֶרְבָּעִים יוֹם שְׁנַתְנַסֵּךְ עַל גְּבֵי הַמִּזְבֵּחַ**: Wine from the presses that has not finished fermenting is unfit for a libation on the altar. All wine under forty-days old is in this category (Rashi).

And about the daily morning offering that was sacrificed at four hours – **וְעַל תְּמִיד שֶׁל שְׁחָרֶר שְׁקָרְבָּן בְּאֶרְבָּעִים יוֹם שְׁנַתְנַסֵּךְ עַל גְּבֵי הַמִּזְבֵּחַ**: There are different explanations as to when this event occurred. Some say that this is referring to the early days of the First Temple, when

King Shlomo married Pharaoh's daughter. He stayed up the whole night and slept in the daytime until the fourth hour while the keys to the Temple lay under his head. It was then that the Sages declared that the morning daily offering may still be sacrificed, even in the fourth hour of the day (Rashi on *Mishlei* 31:1; *Tosafot* on *Menahot* 64b). Others say that this incident occurred in the Second Temple period, when the Hasmonean kings were waging war on each other and Jerusalem was under siege. Each day, those on the inside would lower down the walls two baskets of gold and those on the outside would send up two sheep for the daily offerings. One day those on the outside sent up two goats instead and the people inside thought they would be unable to sacrifice the daily offering, but they providentially found two inspected lambs left in the Chamber of the Lambs. It was at that time that Rabbi Yehuda ben Bava testified that the morning daily offering can be brought at the fourth hour (*Tosafot* on *Menahot* 64b; Rambam's Commentary on the Mishna, *Eduyot* 6:1; Rav Ovadya Bartenura on *Eduyot* 6:1, citing the Jerusalem Talmud, *Berakhot*, chapter 4).

ובכן אמר רבי אלעזר: הַלְכָה בָּרוּ  
אליעזר בארכבה. ותו ליבא? והתמן  
רבי אליעזר אומר: מִלְמְדֵין אֶת הַקְּטָנָה  
שְׂתָמָן בּוֹ, ואומר רבי אלעזר: הַלְכָה  
ברבי אליעזר! וכי תימא: כי אמר רבי  
אלעוזר הַלְכָה ברבי אליעזר בארכבה –  
בסדר טהרות, אבל בשאר סדרי –  
אייבא, ומיאיךא?

והתמן: הַוְדָה והכּוֹפֶר והלְטָס וְהַקְּטָנָה  
יש להן שביעית, ולידם להן שביעית,  
יש להן ביעור ולידם להן ביעור. ואמר  
רבי פרדא: מאן תנא קטפָא פְּרָא – רבי  
אליעזר.

ואמר רבי זירא: חי דמייך ומאבונך  
קשריתו קטפָא לעלמא! את אמרת  
מאן תנא קטפָא פְּרָא רבי אליעזר,  
ומאבונך אמר הַלְכָה ברבי אליעזר  
בארכבה.

ואם איתא, לימה ליה: כי אמר אבא  
הַלְכָה ברבי אליעזר בארכבה – בסדר  
טהרות, אבל בשאר סדרי – אייבא.

**§** And similarly, Rabbi Elazar says: The halakha is in accordance with the opinion of Rabbi Eliezer in four cases. The Gemara asks: And are there no more? But didn't we learn in a mishna that Rabbi Eliezer says: The court instructs the minor to refuse to stay married to him, and Rabbi Elazar said: The halakha is in accordance with the opinion of Rabbi Eliezer? The Gemara adds: And if you would say that when Rabbi Elazar said that the halakha is in accordance with the opinion of Rabbi Eliezer in four cases, he meant four cases within Seder Taharot, but in the other orders of the Mishna there are many cases, are there really other such cases?

But didn't we learn in a mishna (*Shevi'it* 7:6) that the halakha of the following fragrant plants: **The rose**,<sup>b</sup> **the henna**,<sup>b</sup> **the rockrose**,<sup>b</sup> and **the balsam**,<sup>b</sup> is that they have the sanctity of the Sabbatical Year,<sup>h</sup> and money exchanged for them has the sanctity of the Sabbatical Year. Additionally, they have the halakha of eradication and money exchanged for them has the halakha of eradication. And with regard to this mishna, **Rabbi Pedat said:** Who is the tanna who taught that balsam has the status of a fruit, and is not merely sap, and therefore it has the sanctity of the Sabbatical Year? It is **Rabbi Eliezer**.

The Gemara continues: And Rabbi Zeira said to Rabbi Pedat: One can see that from you and from your father, i.e., between the two of you, you have permitted balsam to the world, since the ruling of Rabbi Eliezer is certainly not accepted. As you said: Who is the tanna who taught that balsam has the status of a fruit? It is **Rabbi Eliezer**. And your father, Rabbi Elazar, said that the halakha is in accordance with the opinion of Rabbi Eliezer in only four cases.

The Gemara explains the difficulty: And if it is so, that Rabbi Elazar was referring only to Seder Taharot, then let Rabbi Pedat say to Rabbi Zeira: When my father said that the halakha is in accordance with the opinion of Rabbi Eliezer in four cases, he meant only four cases within Seder Taharot, but in the other orders there are other such cases. From the fact that Rabbi Pedat did not reply in this manner, evidently there are no cases in the other orders of the Mishna where, according to Rabbi Elazar, the halakha is in accordance with the opinion of Rabbi Eliezer.

## HALAKHA

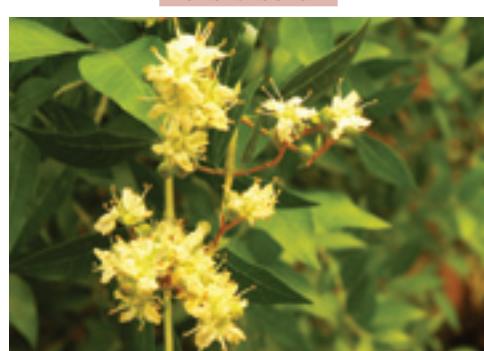
הַוְדָה והכּוֹפֶר והלְטָס וְהַקְּטָנָה  
have sanctity of the Sabbatical Year – הַוְדָה והכּוֹפֶר והלְטָס וְהַקְּטָנָה  
Even though the rose, henna, and rockrose are not classic fruit, nevertheless, they have sanctity in the Sabbatical Year, and money exchanged for them has sanctity as well. Sap that comes from the balsam tree is not considered its fruit unless it is a barren tree, in which case even its leaves and shoots are considered like its fruit and have sanctity in the Sabbatical Year (Rambam Sefer Zera'im, Hilkhot Shemitta VeYovel 7:19, and see Kesef Mishne there).

**Rose – רַדֶּה:** Referring to any of several species of the genus *Rosa*, this plant is used for decoration due to its beautiful, fragrant flower and for training onto fences due to its sharp thorns. Roses also grow wild on several continents. Other minor uses of the rose include medicinal use of oils produced from it and use of the fruit, called a rose hip, for food.

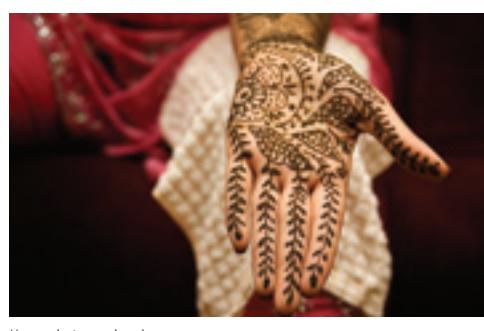


Rose hips

**Henna – בְּנֵף:** Henna, *Lawsonia inermis*, is also called kopro in Akkadian, or κύπρος, kupros, in Greek. It is native to North Africa and western Asia, and in Eretz Yisrael it is grown in the Jordan Valley. It has yellow or white blossoms that are arranged in clusters. Henna dye is produced from crushed henna leaves and is traditionally used in certain cultures to color hair or create decorative patterns on the skin.



Henna tree



Henna design on hand

**Rockrose – תְּלָבָן:** This is the same as the *lot* plant mentioned in the Torah (Genesis 37:25), where the Ishmaelites who bought Joseph were carrying their "spices and balm and *lot*" down to Egypt. Some identify this plant as a member of the genus *Cistus*, known as the rockrose, shrubs with large white- or yellow-tinted flowers that grow in the mountains of Israel. Rockroses are sources of the resin known as labdanum, which was prized in antiquity for its scent and medicinal properties.



Sage-leaved rockrose

**Balsam – צְרָעָת:** The Arabian balsam tree, *Commiphora gileadensis*, is the source of balsam, known in biblical and rabbinic Hebrew as *tzori*, a resinous sap used in the incense mixture offered in the Temple (see *Karetot* 6a).

אלא קשיה היה! משום דקאי  
רבו אלעור בותיה, דתנן רבוי אלעור  
אומר: מלומדים את הקטנה שתמאנן  
בז.

מי קאי? וזה אצורי מצרכין להו  
ולא דמיון להדי! אלא משום דקאי  
רבי יהודה בן בא בותיה.

תו ליבא? והתנן, רבי עקיבא  
אומר: אומרה ברכה ובעית בפני  
עצמה, רבי אליעזר אומר: אומרה  
בחודאה. ואמר רבי אלעור: הילכה  
בכפי אליעזר!

אמר רבי אבא: ההוא – דאמר משום  
רבי חנינא בן גמליאל, דתניא, רבי  
עקיבא אמר: אומרה ברכה ובעית  
בפני עצמה, רבי חנינא בן גמליאל  
אומר: אומרה בחודאה.

The Gemara asks: **But that case**, where the *amora* Rabbi Elazar said that the *halakha* is in accordance with the opinion of Rabbi Eliezer with regard to persuading a minor to refuse to stay married to her husband, is **difficult**. This apparently conflicts with the statement that there are only four cases in which Rabbi Elazar rules in accordance with the opinion of Rabbi Eliezer. The Gemara answers: There the *halakha* is in accordance with the opinion of Rabbi Eliezer only because the *tanna* Rabbi Elazar holds in accordance with his opinion. As we learned in a mishna that **Rabbi Elazar says:** The court instructs the minor to refuse to stay married to him, thereby annulling her marriage retroactively.

The Gemara asks: **And does** Rabbi Elazar hold in accordance with the opinion of Rabbi Eliezer in that case of the minor? **But doesn't** the Gemara in *Yevamot* explain that both the opinions of Rabbi Eliezer and Rabbi Elazar are **necessary, and therefore they are not comparable to each other?** Rather, the *halakha* is in accordance with the opinion of Rabbi Eliezer in that case because **Rabbi Yehuda ben Baba holds in accordance with his opinion**, as explained earlier.

The Gemara asks: **And are there no more** cases in which Rabbi Elazar maintains that the *halakha* is in accordance with Rabbi Eliezer? **But didn't we learn** in a mishna (*Berakhot* 33a): One recites the prayer of distinction between the holy and the profane [*havdala*], said in the evening prayer following Shabbat and festivals, in the fourth blessing of the *Amida* prayer: Who graciously grants knowledge. **Rabbi Akiva says:** One recites *havdala* as a **fourth blessing by itself**. **Rabbi Eliezer says** that one recites it in the blessing of **thanksgiving**. And with regard to this dispute, **Rabbi Elazar says:** The *halakha* is in accordance with the opinion of Rabbi Eliezer.

Rabbi Abba said, in explanation: That case is different, as that is not the opinion of Rabbi Eliezer himself. Rather, he stated that ruling in the name of Rabbi Hanina ben Gamliel, as it is taught in a *baraita* that **Rabbi Akiva says:** One recites *havdala* as a **fourth blessing by itself**; **Rabbi Hanina ben Gamliel** says: One recites it in the blessing of **thanksgiving**.

#### PERSONALITIES

**רבי חנינא בן גמליאל** – Rabbi Hanina ben Gamliel was the son of the *Nasi* Rabban Gamliel of Yavne, and his lifetime spanned the fourth and fifth generations of *tanna'im*. He probably learned Torah from both his father and Rabbi Tarfon, but he would also discuss matters of *halakha* with the students of Rabbi Akiva. His rulings on matters of *halakha* are reported by his brother Rabbi Yehuda ben Gamliel, by the

*amora* Rabbi Abbahu, and by others. Being from a distinguished family, he was very strict with the members of his household (*Gittin* 7a). He apparently died young (*Bava Kamma* 83a) and therefore never became the *Nasi* himself, despite having been the elder child; instead, his brother Rabban Shimon ben Gamliel was the *Nasi*.

## Perek I Daf 8 Amud b

והיא קשיש מיניה טובאי! אלא:  
משום דקאי רבי חנינא בן גמליאל  
בשיטתייה.

The Gemara asks: **But wasn't** Rabbi Eliezer **much older than** Rabbi Hanina ben Gamliel?<sup>17</sup> How could Rabbi Eliezer have cited the opinion of Rabbi Hanina ben Gamliel? The Gemara answers: **Rather**, the reason Rabbi Elazar ruled that the *halakha* is in accordance with the opinion of Rabbi Eliezer in that case was **because Rabbi Hanina ben Gamliel held in accordance with his opinion**.

#### NOTES

But wasn't Rabbi Eliezer much older than Rabbi Hanina ben Gamliel – **רבי חנינא בן גמליאל**: Rabbi Hanina ben Gamliel was a fourth-generation *tanna* who lived in the post-Temple period. He was the son of Rabban Gamliel and the older brother of Rabban Shimon ben Gamliel, the two of whom served consecutively as the heads of the academy at Yavne. By contrast,

Rabbi Eliezer was a second-generation *tanna* who studied under Rabban Yohanan ben Zakkai during the period before the destruction of the Temple. He was married to Imma Shalom, Rabban Gamliel's sister, and therefore was Rabbi Hanina ben Gamliel's uncle (Rashi).

ובְּיַקְאָ? וְהַתְּנִיאָ: אָוֹר יוֹם הַכְּפּוּרִים -  
מַתְפֵלֶל שְׁבֻעַ וּמִתְוֹדָה, שְׁחִירָה - מַתְפֵלֶל  
שְׁבֻעַ וּמִתְוֹדָה, מִנְחָה - מַתְפֵלֶל שְׁבֻעַ וּמִתְוֹדָה,  
בְּנִילָה - מַתְפֵלֶל שְׁבֻעַ וּמִתְוֹדָה, בָּעֲרִבָּה -  
מַתְפֵלֶל שְׁבֻעַ מַעַן שְׁמַנְהָ עֲשָׂרָה.

**רַבִּי חַנִּינָא בֶן גַּמְלִיאָל** מִשּׁוּם אֲבוֹתָיו אָוּרָ:  
מַתְפֵלֶל שְׁמַנְהָ עֲשָׂרָה, מִפְנִי שְׁצָרוֹן לְמַרְ  
הַבְּדָלָה בְּחַנִּין הַדָּעַת. אָמָר רַב נַחַמָּן בֶּן  
צִחְקָה: אִיּוֹ אָמָר מִשּׁוּם אֲבוֹתָיו, וְלֹיה לָא  
סְבִּירָה לְיהָ.

אָמָר לְיהָ רַב יְרִמְיָה לְרַבִּי זִירָא: וְאַתָּה לָא  
תַּסְכְּרָרָא דְּמָאָן תְּנַא קַטְפָּא דִּפְרָא - רַבִּי  
אַלְיעָרָה הוּא? וְהַתְּנִיאָ, רַבִּי אַלְיעָרָה אָוּרָ:  
הַמְעַמֵּיד בְּשָׂרֵף עַרְלָה - אָסָר!

אֲפִילוּ תִּמְאָ רַבְּנָן, עַד פָּאוּן לֹא פְּלִיאִי רַבְּנָן  
עַלְיהָ דָּרְבִּי אַלְיעָרָה - אַלְיאָ בְּקַטְפָּא דְּגַ�וּזָה.  
אֲבָל בְּקַטְפָּא דִּפְרָא - מִזּוֹד לְיהָ. דִּתְנָן, אָמָר  
רַבִּי יְהוֹשָׁעָ: שְׁמַעְתִּי בְּפִירּוֹשׁ שְׁהַמְעַמֵּיד  
בְּשָׂרֵף הָעַלְמָן, בְּשָׂרֵף הָעִקָּרִין - מִזּוֹד, בְּשָׂרֵף  
הַפְּגִינִּן - אָסָר, מִפְנִי שְׁהָוָא פָּרִי.

וְאִיבְּעִית אִימָא: כִּי פְּלִיאִי רַבְּנָן עַלְיהָ דָּרְבִּי  
אַלְיעָרָה - בְּאַלְיָן הַעוֹשָׂה פִּירּוֹת, אֲבָל בְּאַלְיָן  
שָׁאַיָּנוּ עַזְשָׂה פִּירּוֹת - מִזּוֹד בְּקַטְפָּוּ הַזְּפִירּוֹ.  
דִּתְנָן, רַבִּי שְׁמָעוֹן אָוּרָ: אַיִן לְקַטְפָּן שְׁבִיעִית,  
וְרַבְּכִים אָוּרִים: יֵשׁ לְקַטְפָּן שְׁבִיעִת, מִפְנִי  
שְׁקַטְפָּוּ הַזְּפִירּוֹ.

מַאֲן חַכְמִים? לֹא וּרְבָּן דְּפְלִיאִי עַלְיהָ דָּרְבִּי  
אַלְיעָרָה? אָמָר לְיהָ הַהוּא סְבָא, הַכִּי אָמָר  
רַבִּי יְהָנָן: מַאֲן חַכְמִים - רַבִּי אַלְיעָרָה דְּאָמָר  
קַטְפָּוּ הַזְּפִירּוֹ.

And does Rabbi Hanina ben Gamliel really hold in accordance with Rabbi Eliezer's opinion? But isn't it taught in a *baraita*: On the night of Yom Kippur, one prays seven blessings in the *Amida* prayer<sup>h</sup> and confesses; in the morning prayer, one prays seven blessings and confesses; in the additional prayer, one prays seven blessings and confesses; in the afternoon prayer, one prays seven blessings and confesses; and in the *ne'ilah* prayer, one also prays seven blessings and confesses. For the evening prayer at the conclusion of Yom Kippur, one prays seven blessings in an abridged version of the eighteen blessings<sup>n</sup> of the weekday *Amida* prayer. One recites the first three blessings, the final three, and a middle blessing that includes an abbreviated form of the other weekday blessings.

**Rabbi Hanina ben Gamliel says in the name of his forefathers:** One recites the complete eighteen blessings, due to the fact that he is required to recite *havdala*<sup>h</sup> in the fourth blessing of the *Amida*: Who graciously grants knowledge. *Havdala* cannot be inserted into the abridged version. Evidently, Rabbi Hanina ben Gamliel does not agree with Rabbi Eliezer's ruling that one recites *havdala* in the blessing of thanksgiving, one of the final three blessings of the *Amida* prayer. Rav Nahman bar Yitzhak says in explanation: Rabbi Hanina ben Gamliel said this opinion in the name of his forefathers, but he himself does not hold accordingly.

§ Earlier, Rabbi Zeira questioned the claim of Rabbi Pedat, son of Rabbi Eliezer, that the Sage who holds that balsam is considered to be fruit and therefore has the sanctity of the Sabbath Year is Rabbi Eliezer. **Rabbi Yirmeya said to Rabbi Zeira:** And you? Do you not hold that the *tanna* who taught that balsam sap has the status of fruit is Rabbi Eliezer? As, didn't we learn in a mishna (*Orla* 1:7) that Rabbi Eliezer says: With regard to one who curdles cheese in the sap of *orla*,<sup>h</sup> the cheese is prohibited, as the sap is considered to be fruit of the tree.

The Gemara answers: You may even say that the mishna that deals with balsam is in accordance with the opinion of the Rabbis. As the Rabbis disagree with Rabbi Eliezer only with regard to the sap of the tree,<sup>h</sup> but in the case of the sap of the fruit they agree with him. As we learned in a mishna (*Orla* 1:7) that Rabbi Yehoshua said: I heard explicitly that in the case of one who curdles cheese in the sap of the leaves or the sap of the roots of an *orla* tree, the cheese is permitted. But if it is curdled in the sap of unripe figs it is prohibited, because that sap is considered to be fruit.

And if you wish, say instead: When the Rabbis disagree with Rabbi Eliezer, it is with regard to a tree that bears fruit. But in the case of a tree that does not bear fruit, they agree that its sap is considered to be its fruit. As we learned in a mishna (*Shevi'it* 7:6) that Rabbi Shimon says: The sanctity of the Sabbath Year does not apply to sap. And the Rabbis say: The sanctity of the Sabbath Year does apply to sap, because its sap is its fruit.

The Gemara explains the proof: Who are these Rabbis? Are they not the Rabbis who disagree with Rabbi Eliezer? If so, this demonstrates that they agree in the case of a tree that does not bear fruit. The Gemara rejects this proof: A certain elder said to Rabbi Zeira that this is what Rabbi Yohanan says: Who are the Rabbis in this mishna? It is Rabbi Eliezer, who said that its sap is considered to be its fruit.

For the evening prayer one prays seven blessings in an abridged version of the eighteen blessings – *שְׁעָרִבָּת מַתְפֵלֶל שְׁבֻעַ מַעַן שְׁמַנְהָ עֲשָׂרָה*: Rashi explains that one recites the first three blessings, the final three, and a middle blessing that includes an abbreviated form of the other weekday blessings. This middle blessing begins

#### NOTES

with the words: Grant us understanding, and it was formulated as a special prayer for wayfarers who do not have time to pray a full *Amida*. Rashi explains that the Sages abbreviated the post-Yom Kippur evening services because the people were waiting to break their full-day fast.

#### HALAKHA

On the night of Yom Kippur one prays seven blessings in the *Amida* prayer – אוֹר יוֹם הַכְּפּוּרִים מַתְפֵלֶל שְׁבֻעַ: On the night of Yom Kippur, one prays seven blessings in the *Amida* prayer: The three first blessings, the final three, and a middle blessing featuring the themes of the day (Rambam *Sefer Ahava, Hilkhot Tefilla UVirkat Kohanim* 2:7).

One recites the complete eighteen blessings due to the fact that he is required to recite *havdala* – בְּזִוְלָל שְׁמַנְהָ עֲשָׂרָה פְּנֵי שְׁצָרוֹן לְמַרְ הַבְּדָלָה: On the evening after Yom Kippur, during the evening prayer, one prays the eighteen complete blessings of the *Amida* and includes *havdala* in the fourth blessing: Who graciously grants knowledge. This *halakha* is in accordance with the opinion of Rabbi Hanina ben Gamliel, in the name of his forefathers (*Shulchan Arukh, Orach Hayim* 624:1; see Rambam *Sefer Ahava, Hilkhot Tefilla UVirkat Kohanim* 2:12).

One who curdles cheese in the sap of *orla* – המְבֻמֵּיד שְׁשָׁר עַלְהָ: If one curdles cheese in the sap of *orla*, the cheese is prohibited. Even though it is a type of food mixed with food not of its own kind, and even if it is a tiny amount, it is still prohibited and it is not nullified by the majority of permitted food. This is the *halakha* only when the sap is used as a curdling agent, because it is then that its effect is felt throughout the cheese (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 16:26).

The Rabbis disagree with Rabbi Eliezer only with regard to the sap of the tree – שְׁעָרָן לֹא פְּלִיאִי רַבְּנָן: The *halakha* is in accordance with the opinion of Rabbi Yehoshua that sap that flows from trees or from tree trunks does not have sanctity in the Sabbath Year. There are two cases where the Rabbis agree and the *halakha* there follows the unanimous opinion. One is with regard to sap that flows from unripe figs, where all agree that it does have sanctity of the Sabbath Year, and money exchanged for the sap also has sanctity. And the other case is with regard to sap that flows from barren trees that bear no fruit. In that case, all agree that the sap is considered like its fruit and it has the sanctity of the Sabbath Year (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 7:19–20).

## BACKGROUND

**Virgin sycamore – בְּתוֹלָת שְׁקָמָה:** The sycamore, *Ficus sycomorus*, is a tall and wide tree that is a species of fig. Even though a sycamore's fruits are edible, it is predominantly cultivated for its wood, because beams made from the sycamore are strong, relatively light, and generally free from imperfections found in other wood. Typically, a sycamore is left to grow until it reaches a significant height and then it is chopped down. The remaining part of the tree grows again and is chopped down again every few years.



Sycamore tree



Sycamore fruit

## NOTES

As long as she has not engaged in intercourse, etc. – **כל ימֵן שָׁלָא נִבְעַלָה וּבוּרָה:** The early commentaries note that these practical differences do not apply exclusively to a woman who has engaged in sexual intercourse, as even a woman whose hymen was torn accidentally is prohibited to marry a High Priest and her marriage contract is likewise less than two hundred dinars. Rather, the Gemara is referring to any woman who has not engaged in intercourse or any physical incident that resulted in the same effect (Ramban; Rashba; Ritva).

אִי רְבִי אַלְיעָרֶר, מַאי אִירְאָא אַילְעָנָא  
עוֹשָׂה פָּרוּי אֲפִילוּ אַילְעָן הַעֲוָשָׂה פָּרִ –  
קְטֻפּוּ זֶה פָּרוּי לְדִבְרֵיכֶם דַּרְבֵּן קָאָמָר  
לְזֶה, לְזֶה – אֲפִילוּ אַילְעָן הַעֲוָשָׂה פִּוּוֹת  
בְּנֵי קְטֻפּוּ זֶה פָּרוּי, לְזֶה – אֲדוֹן לִ  
מִיחַת בְּאַילְעָן שָׁאָנוּ עֲוָשָׂה פִּוּוֹת דַּקְטֻפּוּ  
זֶהוּ פָּרוּי, וַדְבֵּן אֲמְרִי לְיהָ: לֹא שָׁנָא.

The Gemara asks: If it is the opinion of Rabbi Eliezer, why are they specifically discussing the case of a tree that does not bear fruit? Even in the case of a tree that does bear fruit, Rabbi Eliezer maintains that its sap is like its fruit. The Gemara answers: Rabbi Eliezer stated his opinion to them in accordance with the statement of the Rabbis themselves, as follows: According to my opinion, even with regard to a tree that bears fruit, its sap is also considered to be its fruit. But according to your opinion, you should at least agree with me in the case of a tree that does not bear fruit, that its sap is considered to be its fruit. And the Rabbis said in response to Rabbi Eliezer: It is no different. Sap is not considered fruit whether it comes from a fruit-bearing tree or a barren tree.

"אִיוֹ הִיא בְּתוֹלָה – כָּל שָׁלָא רְאָתָה"  
כִּי, תָּנוּ וַדְבֵּן: נְשָׂאת וּרְאָתָה דָם מִחְמָת  
נִישׁוֹאָין, לִזְהָה וּרְאָתָה דָם מִחְמָת  
לִזְהָה – שְׁעָרִין אֲנֵי קוֹרָא לְהָ "בְּתוֹלָה",  
שְׁהָרִי בְּתוֹלָה שְׁאָמָרוּ – בְּתוֹלָת דְּמִים,  
וְלֹא בְּתוֹלָת בְּתוּלִים.

אִין, וְהָאָמָר רְבִי כְּהַנָּא, תָּנוּ, שֶׁלַש  
בְּתוֹלוֹת הָן: בְּתוֹלָת אֶדְם, בְּתוֹלָת קְרוּעָ  
בְּתוֹלָת שְׁקָמָה. בְּתוֹלָת אֶדְם – כָּל יָמֵן  
שָׁלָא נִבְעַלָה, נִפְקָא מִינָה – לְכָהּ דְּזָוֵל,  
אֵי נָמֵי – לְכַתּוֹבָתָה מָאתִים.

בְּתוֹלָת קְרוּעָ – כָּל יָמֵן שָׁלָא נִعְבָּדָה,  
נִפְקָא מִינָה – לְמִקְחָה אַיִלָתָן, אֵי נָמֵי –  
לְמִמְכָר.

בְּתוֹלָת שְׁקָמָה – כָּל יָמֵן שָׁלָא נִקְצָצָה,  
נִפְקָא מִינָה – לְמִקְחָה וּמִמְכָר, אֵי נָמֵי –  
לְמִקְצָצָה בְּשִׁבְיעִית, בְּדָרְחָן: אֵין קוֹצְצָנִי  
בְּתוֹלָת שְׁקָמָה בְּשִׁבְיעִית, מִפְנִי שְׁהָיָא  
עֲבוּדָה. אֵם אִוְתָא, לִיטְעַנְיָנִי הָא!

§ The mishna teaches: Who is the woman characterized as a virgin in this context? It is any woman who did not see the flow of menstrual blood in all her days, even if she was married and experienced bleeding resulting from intercourse consummating her marriage. The Sages taught: If she was married and she saw a flow of blood due to her marriage,<sup>h</sup> i.e., blood resulting from the tearing of her hymen; or if she gave birth and saw blood due to the birth, I still call her a virgin in this context. The reason is that when they said: Virgin here, they meant a menstrual blood virgin, i.e., one who did not yet see a menstrual flow, and not a hymen-blood virgin, i.e., one who did not experience bleeding from a torn hymen.

The Gemara asks: Is that so? But didn't Rav Kahana say that a Sage taught: There are three types of virgins: A virgin human, virgin ground, and a virgin sycamore.<sup>b</sup> A virgin human is a woman for as long as she has not engaged in intercourse.<sup>n</sup> The relevance of this designation is that only a virgin is permitted to marry a High Priest (see Leviticus 21:13–14). Alternatively, the relevance is that her marriage contract is two hundred dinars, instead of the one hundred dinars in the marriage contract of a non-virgin.

Virgin ground is ground for as long as it has not been worked. The relevance of this designation is with regard to the rough dried-up stream mentioned in the Torah. When the corpse of a murder victim is found between two towns and the murderer is unknown, the Torah states that a heifer's neck is broken in a place that was not worked. Alternatively, the relevance is with regard to buying and selling. If one stipulates that he is buying virgin land, it is defined as land that has never been worked.

Finally, a virgin sycamore is a sycamore for as long as it has not been felled, i.e., cut to promote growth. The relevance of this designation is with regard to buying and selling. If one stipulates that he is buying virgin sycamore, it is defined as one that has never been felled. Alternatively, the relevance is with regard to the prohibition against felling it in the Sabbatical Year, as we learned in a mishna: (*Shevi'it* 4:5): One may not fell a virgin sycamore in the Sabbatical Year,<sup>h</sup> because it is considered work, as this promotes the growth of the tree. The Gemara explains its question: And if it is so, that there is a concept of a virgin from menstrual blood, let the *tanna* of this *baraita* also teach this type of virgin.

## HALAKHA

If she was married and she saw a flow of blood due to her marriage – **שָׂאת וּרְאָתָה דָם מִחְמָת נִשְׁואָין וּבוּרָה:** A virgin who experiences a menstrual flow is impure only from then on and does not assume retroactive impurity status. A virgin in this context is defined as a woman who had never before seen a menstrual flow, even if she had experienced bleeding due to a torn hymen after her first act of intercourse or in the course of childbirth (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 9:5 and *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 4:1).

One may not fell a virgin sycamore in the Sabbatical Year – **אֵין קוֹצְצָנִי בְּתוֹלָת שְׁקָמָה בְּשִׁבְיעִית:** One may not fell, i.e., cut to promote growth, a virgin sycamore in the Sabbatical Year as he does during other years because it is considered working the tree, as cutting it down promotes the growth of the tree. If he needs its wood, he may trim off branches in an unusual manner that differs from the standard method of cutting for growth (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 1:21).

אמור רב נחמן בר יצחך: כי קתני - מידי דלית ליה שם לווי, אבל מידי דעתך ליה שם לווי - לא קתני. רב ששת בריה דרב אידי אמר: כי קתני - מידי דעתך - לא קתני. רב ששת בריה במעשנה, מידי דלא תלי במעשנה - לא קתני.

רבי חנינא בריה דבר איקא אמר: כי קתני - מידי דלא הדר לביריתו, מידי דהדר לביריתו - לא קתני. רבי חנינא אמר: כי קתני - מידי דקפיד עלייה ובינא, מידי דלא קפיד עלייה ובינא - לא קתני.

ולא קפידי? והתנייא, רבי חייא אומר:  
בשם שהשאורה יפה לה' לעשה - בך זכרים  
יפון לאשה, ותנייא משום רב מא依: כל  
אשה שדמיה מושבון - בנית מושבון:  
אליא: כי קתני - מידי דקפיד עלייה  
ובינא, מידי דלא קפיד עלייה ובינא -  
לא קתני.

תנו רבנן: איזוזי בתולות קרקע - כל  
شمעליה רשותין ואין עפירה תיחוץ,  
نمצא בה חרס - בידוע שנשבדרה,  
צוננא - הרי זו בתולות קרקע.

"מעוברת משיודע עיברה". וכמה  
הברות העובר? סומכים אומר משום  
רבי מא依: שלשה חדשם. ואך על פי  
שאי ראייה לדבר - זכר לדבר, שנאמר:  
זיהי כמשל חדשם" וגומר.

זכר לדבר? קרא בתיב, וראייה גודלה  
דייא! משום דaicא דילדה לתשעתה,  
ואיכא דילדה לשבעה.

תנו רבנן: הרי שהיתה בחוקת מעוברת  
וראתה דם, ואחר בך הפליה רוח או  
כל דבר שאינו של קיימא - הרי היא  
בחוקתך, ורוחה שעתה.

The Gemara cites several answers. Rav Nahman bar Yitzchak says: When the Sage teaches the list of virgins, he includes only an item that does not have a modifier, but he does not teach an item that has a modifier. A virgin human, virgin land, and a virgin sycamore can be referred to without another modifier. Conversely, a virgin with regard to menstrual blood cannot be referred to simply by the unmodified term: Virgin. Rav Sheshet, son of Rav Ida, says: When the Sage teaches the list of virgins, he includes only an item that is dependent upon an outside action, e.g., intercourse in the case of a human virgin or felling in the case of a virgin sycamore. But he does not teach an item that is not dependent upon an outside action, such as a woman's menstrual flow.

Rabbi Hanina, son of Rav Ika says: When the Sage teaches the list of virgins, he includes only an item that will not later revert to its original state. But he does not teach an item that will later revert to its original state, such as a woman's menstrual flow that ceases when she reaches old age. Ravina says: When the Sage teaches the list of virgins, he includes only an item about which a buyer is particular, such as one who purchases a virgin sycamore tree. But he does not teach an item about which a buyer is not particular, e.g., a woman's menstrual blood.

The Gemara asks: And is a buyer, i.e., a potential husband, not particular about her menstrual blood? But isn't it taught in a baraita that Rabbi Hyya says: Just as leaven is fortuitous for dough, so too, blood is fortuitous for a woman; and it is taught in another baraita in the name of Rabbi Meir: Any woman whose blood is plentiful, her children are plentiful? A potential husband would certainly be particular about this factor. The Gemara provides an alternative answer: Rather, when the Sage teaches the list of virgins, he includes only an item that buyers are eager to purchase. But he does not teach an item that buyers are not eager to purchase, e.g., a woman without menstrual blood.

The Sages taught in a baraita: What is virgin ground? It is any ground that raises up hard clumps of earth and whose dirt is not loose. If one finds a shard of earthenware in the earth, it is thereby known that it was once worked and is not virgin ground. If one finds hard rock, it is virgin ground.

**§** The mishna teaches: The time of a pregnant woman is sufficient from the point in her pregnancy when the existence of her fetus is known to all who see her. The Gemara asks: And how much time must pass for the fetus to be known? Sumakhos says in the name of Rabbi Meir: Three months.<sup>NH</sup> And although there is no explicit proof for the matter, that a fetus is discernable after three months of pregnancy, there is an allusion to the matter, as it is stated: "And it came to pass about three months after, that it was told to Judah, saying: Tamar your daughter-in-law has played the harlot" (Genesis 38:24).

The Gemara asks: Why does Rabbi Meir call this a mere allusion to the matter? An explicit verse is written, and that is a significant proof. The Gemara answers: It is only an allusion because there are some women who give birth after nine months and there are others who give birth after seven months. Although the verse indicates that a fetus is known to all after three months, it is possible that this applies only to a nine-month pregnancy. Since in the case of a nine-month pregnancy the fetus is recognizable after a third of the full term, with regard to a seven-month pregnancy, the fetus would likewise be noticeable after a third of the full pregnancy, i.e., at two and one-third months. Therefore, Rabbi Meir teaches that in all cases the fetus is known only after three months.

The Sages taught in a baraita: With regard to a woman who had a presumptive status that she was pregnant and she saw blood, and afterward she miscarried air,<sup>HB</sup> or anything that is not a viable fetus, she retains her presumptive status, and therefore her time is sufficient from that flow of blood, i.e., it renders her impure only from then on, not retroactively, as even a non-viable fetus gives her full pregnancy status.

## NOTES

And how much time must pass for the fetus to be known...three months – שלשה חודשים: The later authorities discuss the application of this halakha in contemporary times. Since modern pregnancy tests can determine pregnancy well before the three-month mark, perhaps this halakha should apply to a woman as soon as she has a positive test, especially in light of the fact that woman nowadays generally stop seeing all menstrual blood as soon as they become pregnant (see Iggerot Moshe; Shevet Halevi; Yosef Da'at).

## HALAKHA

And how much time must pass for the fetus to be known...three months – שלשה חודשים: The pregnant woman whose time is sufficient, for whom a flow of blood does not render her ritually impure retroactively, is one whose fetus is known to all. This occurs at the end of the third month of pregnancy, in accordance with the opinion of Rabbi Meir (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:4 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1; Shulhan Arukh, Yoreh De'a 189:33).

אחר בך הפליה וכו': If a woman had a presumptive status that she was pregnant and she saw a flow of blood, and afterward she miscarried air, or anything that is not a viable fetus, she retains her presumptive status and her time is sufficient (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1).

## BACKGROUND

She miscarried air – הפליה רוח: Sometimes, due to psychological or physical factors, a woman may experience a false, or phantom, pregnancy. In such a case, the woman may feel her uterus expand, her period may stop, and sometimes she may experience labor pains, even though there is no fetus. This is what the Gemara is referring to when it says she miscarried air.

וְאֶל גַּב שָׁאוֹן רָאֵה לִזְבָּר – וְכֹר לִזְבָּר.  
שְׁמַא מָרֵב: "הָרִינוּ חָלוֹנוּ בָּמוֹ יְלֻנָּנוּ וְתוֹת".  
מַאי "וְכֹר לִזְבָּר"? הָרִי רָאֵה גַּדְולָה הִיא!  
כִּי בְּתִיב הָאֵי קָרָא – בָּוּכָרִים בְּתִיב.

And even though there is no explicit proof for this matter, that even a pregnancy that ends in a miscarriage is like a full-fledged pregnancy, there is an allusion to the matter, as it is stated: "We have been with child, we have been in pain, we have as it were brought forth wind" (Isaiah 26:18). This verse indicates that even one who miscarries wind is considered as having been with child. The Gemara asks: What is the reason that this is called a mere allusion to the matter? This explicit verse is a significant proof. The Gemara answers: When that verse was written, it was written with regard to males as bearing children. The allusion to child-bearing in the verse is symbolic, so halakhic inferences may not be drawn from it.

וּרְמִינָה: קָשְׁתָה שְׁנִים, וְלִשְׁלִישִׁי הַפִּילָה  
רֵיחַ אָוֶן בְּלִדְבָּר שָׁאַיָּנוּ שֶׁל קִימָם – הָרִי  
וּזְוּלָת בּוּבָה, וְאֵי אָמָרָת לִידָה מְעַלְיִתָּא  
הִיא.

And the Gemara raises a contradiction from a *baraita*: If a woman experienced labor pain for two days, during which she saw a discharge of blood, and on the third day she miscarried air or anything that is not a viable fetus, that woman gives birth as a *zava*, and the blood is treated as blood of a *zava* in all regards. The Gemara explains the contradiction: And if you say that miscarrying a non-viable fetus is considered a proper birth, this is problematic,

## Perek I

### Daf 9 Amud a

#### HALAKHA

She saw blood and only afterward her fetus became known – רָאֵתָה אַתָּה בְּנָךְ הַוּבָר עֲבִירָה: If a pregnant woman saw menstrual blood and it was only afterward that her fetus became known, she assumes retroactive impurity status like any normal woman. This is in accordance with Rabbi Zeira's answer to Rabbi Yirmeya's question (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 4:1).

קוֹשֵׁי סְמוֹן לִלְדָה רְחַמְנָא טְהִרָּה! אָמָר  
רַב פָּפִי: הַנָּחָ מְעַת לְיעֵת – דְּרוּבָן.

as with regard to blood emitted while experiencing labor pain close to the time of a proper birth, the Merciful One deems it pure, and it should not be treated as the blood of a *zava*. Rav Pappi says: The miscarriage is not considered a proper birth and therefore her blood is considered the blood of a *zava*. And leave aside the first *baraita* and do not raise a contradiction from it, as the *halakha* that a woman who sees menstrual blood is retroactively impure for a twenty-four-hour period, which is the topic under discussion in that *baraita*, applies by rabbinic law, and they did not impose this stringency in the case of a woman who miscarries.

רַב פָּפִא אָמָר: מִקְדֵּשׁ הוּא טָעֵמָא – אַלְאָ  
מִשּׁוּם דָּרָאָשָׁה כְּבָד עַלְיהָ אַבְרִיהָ כְּבָדָן  
עַלְיהָ, הַכָּא נָמֵי – רָאָשָׁה אַבְרִיהָ כְּבָדָן  
עַלְיהָ.

Rav Pappa says: That reason for the *halakha* that a pregnant woman is not retroactively impure when she experiences bleeding is only because her head and limbs feel heavy to her. Her physical state is compromised, which also causes her regular menstrual cycle to cease. Here, too, in the case of a pregnancy that precedes a miscarriage, even if it is not considered a proper birth, her head and limbs felt heavy to her during her pregnancy, and therefore it can be assumed that she did not experience a prior menstrual flow.

בַּעַא מִינָה רַבִּי יוֹמָה מְרֻבִי זִירָא:  
רָאֵתָה אַתָּה בְּנָךְ הַוּבָר עֲבִירָה, מַהוּ?  
בֵּין דְּבִיעַדְנָא דְּחוֹזָא לֹא הַוּבָר עֲבִירָה –  
מְטֻמְּאָ, אוֹ דְּלַמָּא: בֵּין דְּסָמוֹן לְהַחְזָא  
לֹא מְטֻמְּאָ?

With regard to the mishna's ruling that the time of a pregnant woman is sufficient, Rabbi Yirmeya asked Rabbi Zeira: If she saw blood and only afterward her fetus became known<sup>H</sup> to all who see her, what is the *halakha*? One can claim that since at the time when she saw the blood her fetus was not yet known, therefore she becomes impure; or perhaps, since she saw blood in close proximity to the time that her fetus became known, she does not become impure.

אָמָר לְיהָ: מִקְדֵּשׁ הוּא טָעֵמָא – אַלְאָמִשּׁוּם  
דָּרָאָשָׁה כְּבָד עַלְיהָ אַבְרִיהָ כְּבָדָן עַלְיהָ,  
בְּדִיעַדְנָא דְּחוֹזָא – אַיִן רָאָשָׁה כְּבָד עַלְיהָ  
אַיִן אַבְרִיהָ כְּבָדָן עַלְיהָ.

Rabbi Zeira said to him: That reason for the *halakha* that a pregnant woman's time is sufficient is only because her head and limbs feel heavy to her. In this case, where she was yet unaware of her pregnancy at the time when she saw her menstrual flow, neither her head nor her limbs felt heavy to her. Therefore she is impure retroactively, like any other woman.

**בַּעֲמִינָה הַהוּא סְבָא מְרֻבֵּי יוֹנָן: הַגַּעַת וִסְתָּה בִּימֵי עֲבוֹרָה וְלֹא בְּדִקָּה, מַהוּ? קָא מִבְעֵיא לִי אַלְיבָּא דְּמָאָן דְּאָמַר וִסְתָּה דָּאוּרִיתָא. מַאי בֵּין דּוֹסְטוֹת דָּאוּרִיתָא – בַּעֲמִינָה בְּדִקָּה, אוֹ דְּלָמָא: בֵּין דְּמָה מְסֻולִיקִין, לֹא בַּעֲמִינָה בְּדִקָּה?**

**אמָר לִיה, תִּנְיָתוֹה: רַבִּי מֵאִיר אָזֶם, אָם הַיִתָּה בַּמְחַבָּא וְהַגַּעַת וִסְתָּה וְלֹא בְּדִקָּה – טָהָרָה, שָׁחַרְתָּה מְסֻלְּקָת אֶת הַדְּמִים. טַעַמָּא – דָּאִיכָּא חַרְדָּה, הָא לִיְכָא חַרְדָּה וְהַגַּעַת וִסְתָּה וְלֹא בְּדִקָּה – טַמָּא,**

**אַלְמָא: וִסְתָּות דָּאוּרִיתָא. וּכְיוֹן דָּאִיכָּא חַרְדָּה – דְּמָה מְסֻולִיקִין, וְלֹא בַּעֲמִינָה בְּדִקָּה. הַכָּא נָמֵי – דְּמָה מְסֻולִיקִין, וְלֹא בַּעֲמִינָה בְּדִקָּה.**

**מְנִיקָה עַד שְׁתִגְמוֹלָה וּכְרָ. חַנוּ רְבָנָן: מְנִיקָה שְׁמַת בְּנָה בְּתוֹךְ עֲשָׂרִים וְאֶרְבָּעׁ חֶדֶש – הָרִי הִיא בְּכָל הַתְּשִׁים, וּמְטַמֵּאתָה מִעֵת וּמְפַקִּידָה לְפָקִידָה. לְפִיכָּךְ, אָם הַיִתָּה מְנִיקָה אֶרְבָּעׁ וְחַמֵּשׁ שָׁנִים – דֵיָה שְׁעַתָּה, דְבָרִי רַבִּי מֵאִיר.**

**רַבִּי יְהוּדָה וּרַבִּי יוֹסֵי וּרַבִּי שְׁמֻעוֹן אָזֶם: דֵיָן שְׁעַתָּן כָּל עֲשָׂרִים וְאֶרְבָּעׁ חֶדֶשׁ, לְפִיכָּךְ, אָם הַיִתָּה מְנִיקָתוֹ אֶרְבָּעׁ וְחַמֵּשׁ שָׁנִים – מְטַמָּא מִעֵת וּמְפַקִּידָה לְפָקִידָה.**

**§ A certain elder asked Rabbi Yoḥanan: If the time of a woman's fixed menstrual cycle arrived during her pregnancy and she did not perform an examination, what is the halakha? I raise this dilemma only according to the opinion of the one who said that the obligation for a woman to perform a self-examination during her fixed menstrual cycle applies by Torah law. What is the halakha? According to that opinion, one can claim that since the obligation of an examination during one's fixed menstrual cycle is by Torah law, she is required to perform an examination even during her pregnancy. Or perhaps, since her blood has stopped, as a pregnant woman generally does not experience a flow of menstrual blood, she is not required to perform an examination.**

Rabbi Yoḥanan said to him: You learned the answer to your dilemma from a mishna (39a): Rabbi Meir says: If a woman was in hiding from danger, and the time of her fixed menstrual cycle came and she did not examine herself,<sup>4</sup> nevertheless she is ritually pure, as it may be assumed that she did not experience bleeding because fear dispels the flow of menstrual blood. Rabbi Yoḥanan explains the proof: The reason she is pure is that there is fear, from which it may be inferred that in a case where there is no fear and the time of her fixed menstrual cycle arrived and she did not examine herself, she would be impure.

Rabbi Yoḥanan concludes: Evidently, from the fact that Rabbi Meir rules that a woman is impure if the time of her period passed without a proper examination, he maintains that the obligation for a woman to perform an examination at the time of her fixed menstrual cycle applies by Torah law. And, nevertheless, since there is fear, her blood has stopped and she is not required to perform an examination. Here, too, in the case of a pregnant woman, her blood has stopped and therefore she is not required to perform an examination.

**§ The mishna teaches: The time of a nursing woman is sufficient until she weans her child<sup>4</sup> from nursing. The Sages taught in a baraita (see Tosefta 2:1): With regard to a nursing woman whose child dies within twenty-four months of his birth, she is like all other women with regard to her impurity status after seeing menstrual blood, and therefore she transmits ritual impurity retroactively for a twenty-four-hour period or from examination to examination. Therefore, if a woman continued to nurse her child for four or five years, her time is sufficient and she does not retroactively transmit impurity for the entire four or five years. This is the statement of Rabbi Meir.**

Rabbi Yehuda and Rabbi Yosei and Rabbi Shimon all say: With regard to nursing women, their time is sufficient for an entire twenty-four months. Therefore, if she nursed him for four or five years,<sup>4</sup> then after the first twenty-four months have passed, she transmits ritual impurity retroactively for a twenty-four-hour period or from examination to examination.

#### HALAKHA

If a woman was in hiding and the time of her fixed menstrual cycle came and she did not examine herself – **שְׁעַת וִסְתָּה וְלֹא בְּדִקָּה:** If a woman was in a hiding place to escape harm, she need not be concerned for her menstrual cycle if its time arrives while she is in hiding. The Rema cites an opinion that she is required to perform a self-examination *ab initio*. If she did not, she remains ritually pure as long as she did not feel an internal sensation that accompanies a menstrual flow (Rambam Sefer Kedusha, Hilkhot Issurei Bia 8:12; Shulhan Arukh, Yoreh De'a 184:8).

The time of a nursing woman is sufficient until she weans her child – **מְנִיקָה עַד שְׁתִגְמוֹלָה:** The halakha is in accordance with the opinion of Rabbi Eliezer that when a nursing woman sees menstrual

blood, her time is sufficient and she does not transmit impurity retroactively until twenty-four months from the time of her child's birth. Even if the child dies or she weans him or gives him to a nursemaid within that time frame, nevertheless her time is sufficient (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1).

**הַוְתָּה מְנִיקָתוֹ אֶרְבָּעׁ וְחַמֵּשׁ שָׁנִים –** The halakha is in accordance with the opinion of the opinion of Rabbi Yehuda, Rabbi Yosei, and Rabbi Shimon that if a woman was nursing her child for four or five years and she sees menstrual blood, she transmits impurity retroactively like any normal woman (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1).

בשְׁתַמְצָא לֹמֶר, לְדִבְרֵי רַבִּי מֵאִיר – דֵם  
עֲבָר וְנַשְׁתָה חָלָב, לְדִבְרֵי רַבִּי יוֹסֵי וְרַבִּי  
יְהוּדָה וְרַבִּי שְׁמֻעוֹן – אַבְרִיהָ מִתְפְּרִקִין,  
וְאַיִן נַפְשָׁה חֹזֵר עַד עָשָׂר יָמִים וְאַרְבָּע  
חָדֵש.

"לְפִיכְךָ" דָּבְרֵי מֵאִיר לְמַה לִי? מִשּׁוּם  
"לְפִיכְךָ" דָּבְרֵי יוֹסֵי.

וְלְפִיכְךָ" דָּבְרֵי יוֹסֵי לְמַה לִי? מִהוּ  
דְּתִימָא: רַבִּי יוֹסֵי תְּרַתִּי אֵיתִ לֵיהֶן, קְא  
מִשְׁמָעַ לָן.

תָּנָא נָמֵי הַכִּי: דֵם עֲבָר וְנַשְׁתָה חָלָב,  
דָּבְרֵי רַבִּי מֵאִיר. רַבִּי יוֹסֵי אָוָרָה: אַבְרִיהָ  
מִתְפְּרִקִין וְאַיִן נַפְשָׁה חֹזֵר עַלְיהָ עַד  
עָשָׂר יָמִים וְאַרְבָּע חָדֵש. אָמָר רַבִּי אַלְעָאָי:  
מַאי טָעָמָא דָּבְרֵי מֵאִיר – דְּכַרְתִּיב: "מַי  
יִתְהַווּ מִשְׁמָא לֹא אַחֲד".

וְרַבָּן – אָמָר רַבִּי יוֹחָנָן: זֶה שְׁבָתָה וְרַע.  
שְׁהָוָא – טָמָא, וְאַדְם הַנוֹצֵר מִפְנֵו –  
טָהֹר.

The Gemara discusses the reasoning of each opinion: When you analyze the matter you will find that one must say that according to the statement of Rabbi Meir the case is that menstrual blood spoils and becomes milk.<sup>8</sup> Therefore, it follows that this status continues for as long as she is nursing. By contrast, according to the statement of Rabbi Yosei and Rabbi Yehuda and Rabbi Shimon, her limbs become dislocated<sup>8</sup> and her spirit, i.e., her full strength and her regular menstrual cycle, does not return to her until twenty-four months have passed.

The Gemara asks: Why do I need the statement of Rabbi Meir: Therefore, if a woman continued to nurse her child for four or five years, her time is sufficient? Since his reasoning is that the menstrual blood of a nursing woman spoils and becomes milk, it is obvious that this applies as long as she continues to nurse him. The Gemara answers: This statement is indeed extraneous. It merely serves to form a parallel between the statement of Rabbi Meir and that of the other Sages. In other words, it was appended due to the statement: Therefore, if she was nursing him for four or five years, then after the first twenty-four months have passed, she transmits ritual impurity retroactively for a twenty-four-hour period or from examination to examination, which is referring to the opinion of Rabbi Yosei.

The Gemara further asks: And why do I need the statement: Therefore, if she was nursing him for four or five years, then after the first twenty-four months have passed, she transmits ritual impurity retroactively for a twenty-four-hour period or from examination to examination, which is referring to the opinion of Rabbi Yosei? The Gemara explains that this clause is necessary, lest you say that Rabbi Yosei holds that there are two reasons that a pregnant woman's time is sufficient, both because her blood spoils and because her limbs become dislocated. Therefore, the additional clause teaches us that Rabbi Yosei maintains that the reason is only that her limbs become dislocated, and consequently she transmits retroactive impurity after twenty-four months.

That explanation is also taught in a *baraita*: Menstrual blood spoils and becomes milk; this is the statement of Rabbi Meir. Rabbi Yosei says: Her limbs become dislocated and her spirit does not return to her until twenty-four months have passed. The Gemara analyzes their respective reasons. Rabbi Ilai says: What is the reason of Rabbi Meir? It is based upon a verse, as it is written: "Who can bring a pure thing out of an impure? Is it not the One?" (Job 14:4). In other words, is it not true that the One, i.e., God, can bring a pure thing, such as milk, out of an impure thing, such as menstrual blood?

The Gemara asks: And the other Sages, i.e., Rabbi Yosei, Rabbi Yehuda, and Rabbi Shimon, how do they interpret this verse? Rabbi Yoḥanan says that according to those Sages this verse is referring to semen, which is impure, and yet the person that is formed from it is pure.

#### BACKGROUND

Blood spoils and becomes milk – דֵם עֲבָר וְנַשְׁתָה חָלָב: In modern medical terms, this position could be understood to mean that nutrients and materials from the bloodstream are necessary to produce milk.

Her limbs become dislocated – אַבְרִיהָ מִתְפְּרִקִין: According to this explanation, a nursing woman's lack of a menstrual cycle is caused by the pressure imposed on the body due to the birth and nursing. Alternatively, since this woman has a negative

energy balance, i.e., she expends more energy than she brings in, the reproductive system does not function, the uterine lining is not developed, and she does not experience her menstrual cycle, which occurs when the uterine lining disintegrates if pregnancy has not been effected. It is interesting to note that various studies have shown that women or female animals with a healthy diet return to their normal menstrual cycle more quickly than those that do not have a healthy diet.

רבי אלעזר אומר: אלו מי הנקה, שפהנאה  
ובזין עליי – טהור, ונגע – טמא. ובזה  
טהור? והכתיב: "זמיה מי הנקה יכבר  
בגדיו! מא' זמיה" – נגע.

והכתיב "זמיה", והכתיב "גען"? ועוד,  
זמיה – בשי כבוס,גען – לא בשי כבוס!  
אלא: מא' זמיה" – נושא.

ולicketob "נושא"? קא משמע דין דעד  
דרדי בשיעור הואה. הניחא למאן דאמר  
האה צריכה שייעור, אלא למאן דאמר  
אין צריכה שייעור, מא' איבא למייר?

אַפְּרִילוֹ לְמַן דָּמַר אֲנֵה צָרִיכָה שִׁיעָר,  
הַנִּינְמַלְלִי – אַגְּבָא דְגֻבְרָא, אַבְּלָבְמַנְאָ –  
בְּשֻׁנְאָ שִׁיעָר. בְּרַתְנָן: כִּפְרָה יְהוָה בְּפִים  
וַיהֲא בְּחֵן בְּדִי הַזָּהָה? בְּדִי שִׂטְבּוֹל רָאשִׁי  
גְּבֻעָלוֹן וַיָּהָה.

והיינו דאמר שלמה: "אמורתי אחכמיה  
והיא רוחקה ממני".

"אייזו היא זקנה – כל שעברו עליה  
שלוש עונות" [סמן ליקנחת]. היכי דמי  
"סמן ליקנחת"? אמר רב יהודה: כל  
שותברותיה אומרים עליה זקנה היא.  
רבי שמעון אומר:

**And Rabbi Elazar says:** Those Sages maintain that this verse is referring to the water of sprinkling, i.e., the purification water mixed with the ashes of the red heifer. As the individual who sprinkles the water and the one upon whom the water is sprinkled are both pure,<sup>H</sup> and yet one who touches the purification water is rendered impure. The Gemara asks: Is the one who sprinkles the water actually pure? But isn't it written: "He who sprinkles the water of sprinkling will wash his clothes, and he who touches the water of sprinkling will be impure until evening" (Numbers 19:21)? The Gemara responds: What is the meaning of the term: "He who sprinkles"? It means: He who touches.

The Gemara asks: But it is written: "He who sprinkles," and it is written in the same verse: "And he who touches." How can these two terms be referring to the same individual? And furthermore, that verse states that one who sprinkles requires the washing of his clothes, indicating a severe level of impurity, whereas one who touches does not require the washing of his clothes. Evidently, the phrase "he who sprinkles" is not referring to one who touches. Rather, the Gemara explains: What is the meaning of: "He who sprinkles"? This is referring to one who carries the purification waters.

The Gemara asks: But if so, let the Torah write explicitly: One who carries. Why does it state "he who sprinkles" when it is referring to carrying? The Gemara answers: The use of the term sprinkling in reference to carrying teaches us that one becomes impure only by carrying the measure required for sprinkling. The Gemara asks: This works out well according to the one who said that sprinkling requires a minimum measure of water. But according to the one who said that sprinkling does not require a minimum measure of water, what can be said? According to this opinion, there is apparently no concept of a measure required for sprinkling.

The Gemara answers: Even according to the one who said that sprinkling does not require a minimum measure of water, that statement applies only to the measure of purification water that must be sprinkled onto the back, i.e., onto the body, of the impure man. In this regard, any amount will suffice. But with regard to the vessel into which one dips the hyssop in order to sprinkle the water, it requires a certain measure of water. As we learned in a mishna (Para 12:5): How much water must be in the vessel so that it will be enough for sprinkling? It must be enough to dip the tops of the stems of the hyssop branch, used in the rite of purification, into the water and sprinkle it.<sup>H</sup>

The Gemara concludes the discussion of the purification waters with the following observation: And that is the meaning of that which King Solomon said: "I said I would become wise, but it eludes me" (Ecclesiastes 7:23). According to tradition, even Solomon in his great wisdom could not understand the contradictory nature of the sprinkling of purification water, as it renders an impure person pure, and a pure person impure.

§ The mishna teaches: Who is the woman characterized as an elderly woman in this context? It is any woman for whom three typical menstrual cycles of thirty days passed at a stage of her life close to her old age, during which she saw no menstrual blood. The Gemara asks: What is considered close to old age? Rav Yehuda says: Any woman about whom her friends say that she is an elderly woman. And Rabbi Shimon says:<sup>N</sup>

## HALAKHA

As the individual who sprinkles the water and the one upon whom the water is sprinkled are both pure, etc. – **שְׁהַמָּה וּבָזִין עַל יְחִידָה וּבָרֶץ:** A person or a vessel that comes into contact with a small amount of purification water before it is sprinkled is rendered impure, but it does not render his garments impure. If there was a minimum measure of water, then one who touches the water or carries it is rendered impure, and even his garments are rendered impure while he touches the water. The one who sprinkles the purification water on an impure person remains pure. Tradition teaches that the verse "He who sprinkles the purification waters will wash his clothes" is referring to a case where the water has the minimum measure. Only in that case are the garments of one who touches or carries the purification water rendered impure (Rambam Sefer Tahara, Hilkhos Para Aduma 15:1).

It must be enough to dip the tops of the stems of the hyssop branch into the water and sprinkle it – **כִּי שִׁבְעָלָן רָאשׁ גְּבֻשּׁוֹל וְיָאָה:** The measure required for sprinkling the water of purification is equivalent to the measure required to dip the tops of the stems of the hyssop branch into the water and sprinkle it (Rambam Sefer Tahara, Hilkhos Para Aduma 15:1).

## NOTES

Rav Yehuda says...and Rabbi Shimon says – ...  
אֲפָרָר בֵּבִי יְהִידָה... Many commentaries note that this is not the tanna Rabbi Shimon but rather Rabbi Shimon ben Lakish, the amora (Gilyon HaShas, citing Taz and Torat HaBayit). This stands to reason, as an amora such as Rav Yehuda would not disagree.

with a tanna, and the Gemara certainly would not cite his opinion before that of a tanna. This claim is supported by variant texts as well as the Jerusalem Talmud, where the opinion of Reish Lakish is cited without a disputant.

Perek I

Daf 9 Amud b

## **LANGUAGE**

**Mother [Imma] – אםָה:** *Imma* is the name one calls his own mother, but it was also the word used to describe a specific elderly woman: Mother so-and-so. It became a polite way to refer to elderly women.

## NOTES

It is any woman who is old enough that people call her: Mother, Mother – אֶם אֶם לְהִשְׁמֹר שָׂרֵךְ. Tosafot cite a question posed by the Jerusalem Talmud: How can the test for determining if one is an elderly woman who does not experience regular menstruation be dependent upon her subjective perspective? They explain that the Gemara means: Any women who is old enough that it is fitting to call her: Mother, Mother.

**לענין בינויות שלשים יום**: There are three main opinions among the authorities with regard to the average menstrual cycle: Some claim that it means that the menstruation will begin on a particular day of the month, whether the month has twenty-nine days or thirty days. They explain that when the Gemara refers to an average thirty-day cycle, it is actually referring to a month, as the Sages referred to the period of a month as: Thirty days (*Shakh*). Others maintain that an average menstrual cycle recurs on the thirty-first day (*Havvot Da'at*). The majority opinion is that it recurs on the thirtieth day (*Hakham Tzvi*; *Beit Yosef*; *Rema*; *Perisha*; *Bah*; *Levush*).

כל שקורין לו "אמא", ואינה בושה. רבי יירא ורבי שמואל בר רב צחק, חד אמר: כל שאינה מקפרת, וחדר אמרו: כל שאינה בושה. מאי ביןיה זו?

**איפה ביןיה: בושה ואינה מקפדה.**

It is any woman who is old enough that people call her: Mother [Imma],<sup>L</sup> Mother,<sup>N</sup> and she is not embarrassed.<sup>H</sup> Rabbi Zeira and Rabbi Shmuel bar Rav Yitzḥak disagree with regard to this matter. One says that the definition is any woman who does not take offense about being called: Mother, Mother. And the other one says that it is any woman who is not embarrassed by this. The Gemara asks: What is the difference between their definitions? The Gemara answers: The practical difference between them is in a case where a woman is embarrassed but she does not take offense when called: Mother.

The Gemara asks: **And how long** is a typical menstrual cycle?<sup>H</sup> Reish Lakish says in the name of Rabbi Yehuda Nesia: The average menstrual cycle is thirty days long.<sup>N</sup> And Rava says that Rav Hisda says: It is twenty days. The Gemara notes: And they do not disagree. One Sage, Rav Yehuda Nesia, counts all the days of her cycle, including the days of impurity and days of purity. And the other Sage, Rav Hisda, does not count the days of impurity, i.e., the seven days of impurity of a menstruating woman and the three days of the sighting of ziva.

וננו רבענו: זקנה שעברו עליה שלש עונות ורואה – דיה שעורה, עוד עברו גילך שלש עונות ורואה – דיה שעורה, עוד עברו עליה שלש עונות ורואה – דרי היא בכל הנשים, ומטמאה מעת לעת ומפקידה לפקיודה.

**§ The Sages taught** in a *baraita*: With regard to an elderly woman for whom three typical menstrual cycles of thirty days passed<sup>H</sup> and then she saw a discharge of menstrual blood, her time is sufficient. And if a further three typical menstrual cycles of thirty days passed for her and she subsequently saw a discharge of menstrual blood, her time is sufficient. And if yet a further three typical menstrual cycles of thirty days passed for her and then she saw a discharge of menstrual blood, after this third time she is now like all normal women, and she transmits impurity retroactively for a twenty-four-hour period or from examination to examination.

ללא (מיבעיא) שכונתא, אלא אפלו  
זיהתה (ואפלו) והזיתרה.

אֲפִילוּ פִּיכְתָּה, וְלֹא מַבְעֵיא בְּוֹנָה?  
אֲדוֹרֶתֶת, בַּי בְּוֹנָה - קְבֻעָה לָהּ וִסְתָּה,  
דְּגִים שְׁעַתָּה!

**And how long is a typical menstrual cycle – בכמה ימים:** Any woman who does not have a fixed menstrual cycle must assume that she will experience menstruation on the thirtieth day from her last menstruation, as the average cycle lasts thirty days. Some say it is thirty-one days long (*Shulhan Arukh*, *Yoreh De'a* 189:1, and see *Shakh* and *Havot Da'at* there).

An elderly woman for whom three typical menstrual cycles of thirty days passed – **אננה שגורה שלשה עונות**: If an elderly woman who had stopped menstruating experiences menstruation after a break of three typical menstrual cycles and then again after another three menstrual cycles, even if they are shorter or longer than the first set, she then returns to the status of normal women and transmits impurity retroactively (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:1, and see Kesef Mishne there).

ובְּיַתְּקָמָא: רְבִנֵּן הִיא, דְּפָלִיגִי עֲלֵיהֶ דְּרוֹבִי  
דְּסָא, דְּאָמָרִי אֲשָׁה שָׁשָׁ לְהָ וְסָת -  
מִתְפָּמָה מַעַת לְעֵית, אַיְכָא מַבָּעַ לְיהָ,  
לְיַיְמָא: לֹא שְׁפִיחָתָה וְחוֹתִירָה, אַלְאָ  
אַפְּיָלוּ בּוֹנָה!

תַּנִּינִי: לֹא שְׁפִיחָתָה וְחוֹתִירָה אַלְאָ אַפְּיָלוּ  
בּוֹנָה, וְאַיְבָשָׂת אַיְמָא, הַכִּי קָאָמָר: וְלֹא  
שְׁבּוֹנָה אַלְאָ שְׁפִיחָתָה וְחוֹתִירָה, אַבְּלָל  
בּוֹנָה - קְבֻּעה לְהָ וְסָת וְדִיה שְׁעַתָּה,  
קְמַעַי - רְבִי דּוֹסָא הִיא.

רְבִי אַלְיָזָר אָמָר: כָּל אֲשָׁה שְׁעַבְרוּ  
עַלְהָ וּכְיָ. תַּגְנִיא, אָמָר לְהָם רְבִי אַלְיָזָר  
לְחַכְמִים: מַעַשָּׂה בְּרִיבָה אַחַת בְּהַתְּלִיל  
שְׁהַפְּסִיקָה שְׁלֹשׁ עָזָנוֹת, וּבָמַעַשָּׂה לְפִנִּים  
חַכְמִים וְאָמָרְוּ דִיה שְׁעַתָּה.

אָמָרְוּ לוּ: אָן שְׁעַת הַדָּחָק רְאֵיתָ. מַא  
שְׁעַת הַדָּחָק? אַיְכָא דְּאָמָרִי, שְׁנִי  
בְּצִוּרָת הָוָה, אַיְכָא דְּאָמָרִי: טָהֹרוֹת אֲפִישׁ  
לְעַבְדִּיא, וְחַשׁוּ רְבִנֵּן לְהַפְּסִיךְ דְּטָהֹרוֹת.

תְּנוּרָבָן, מַעַשָּׂה וְעַשָּׂה רְבִי בְּרִי אַלְיָזָר,  
לְאַחֲרֵ שְׁנָבוּר אָמָרָ: כִּי הָוָה רְבִי אַלְיָזָר  
לְסִמּוֹן עַלְיוֹ בְּשְׁעַת הַדָּחָק, מָא "לְאַחֲרֵ  
שְׁנָבוּר"? אַיְלָמָא - לְאַחֲרֵ שְׁנָבוּר דָּאי  
הַלְּכָה בְּרִי אַלְיָזָר אַלְאָ בְּרָבָן, בְּשְׁעַת  
הַדָּחָק הַכִּי עַבְדִּי בּוֹתִיה?

אַלְאָ - דָּלָא אִיתָמָר הַילְכָתָא לְאַכְמָר  
וְלֹא כְמָר, וּמָא "לְאַחֲרֵ שְׁנָבוּר" - לְאַחֲרֵ  
שְׁנָבוּר דָּלָאו יְחִיד פְּלִיגִי עַלְיהָ, אַלְאָ וְבָם  
פְּלִיגִי עַלְיהָ, אָמָר: כִּי הָוָה רְבִי אַלְיָזָר  
לְסִמּוֹן עַלְיוֹ בְּשְׁעַת הַדָּחָק.

And if you would say that this is in accordance with the opinion of the Rabbis, who disagree with Rabbi Dosa, as they say that a woman who has a fixed menstrual cycle transmits impurity retroactively for a twenty-four-hour period, then the *baraita* should have been written in the opposite fashion: Let it say: And the *halakha* that an elderly woman who sees menstrual blood at intervals returns to the status of normal women and transmits impurity retroactively applies **not** only to a case where she had intervals where she decreased or increased, i.e., she experienced bleeding less or more than ninety days apart, but this *halakha* applies even if she experienced bleeding at even intervals.

The Gemara answers: Teach in the *baraita* in accordance with this altered version: And the *halakha* applies **not** only to a case where she had intervals where she decreased or increased, but this is the *halakha* even if she experienced bleeding at even intervals. And if you wish say instead that this is what the *baraita* is saying: The *halakha* that an elderly woman is retroactively impure does not apply to a case when she saw menstrual blood at even intervals. Rather, it applies only if she decreased or increased, i.e., she experienced bleeding at intervals less or more than ninety days apart. But if she saw blood at even intervals, she thereby fixes a set menstrual cycle of ninety days and her time is sufficient. The Gemara adds: And if so, in accordance with whose opinion is this *baraita*? It is in accordance with the opinion of Rabbi Dosa.

**§** The mishna teaches that Rabbi Eliezer says: With regard to any woman for whom three typical menstrual cycles passed during which she saw no menstrual blood, if she experiences bleeding, her time is sufficient. Rabbi Yosei says: In the case of a pregnant woman and a nursing woman for whom three menstrual cycles passed during which they saw no menstrual blood, if she then saw blood her time is sufficient. Rabbi Eliezer cites a proof for his opinion. It is taught in a *baraita*: There was an incident involving a certain girl in the village of Hitlo who stopped menstruating for three typical menstrual cycles, after which she experienced menstruation. And the matter came before the Sages, and they said that her time is sufficient and she does not transmit impurity retroactively.

The other Sages said to Rabbi Eliezer: Decisions rendered in exigent circumstances are no proof. The Gemara asks: What were the exigent circumstances? Some say that it was during the years of famine, and some say that the girl had handled many ritually pure items and the Sages were concerned for the loss of those pure items if they were ruled retroactively impure.

The Sages taught in a *baraita*: There was an incident in which Rabbi Yehuda HaNasi acted by ruling that the *halakha* is in accordance with the opinion of Rabbi Eliezer. After he remembered that Rabbi Eliezer's colleagues disagree with him on this matter and that he had apparently ruled incorrectly, he nevertheless said: Rabbi Eliezer is worthy to rely upon in exigent circumstances. The Gemara asks: What is the meaning of: After he remembered? If we say that this means after he remembered that the *halakha* is not in accordance with the opinion of Rabbi Eliezer, but in accordance with the opinion of the Rabbis, if so, how could he act in accordance with Rabbi Eliezer even in exigent circumstances, since the *halakha* has been decided against him?

Rather, one must say that the *halakha* had not been stated on this matter, neither in accordance with the opinion of this Sage, Rabbi Eliezer, nor in accordance with the opinion of that Sage, the Rabbis. And what is the meaning of: After he remembered? After Rabbi Yehuda HaNasi remembered that it was not a lone authority who disagrees with Rabbi Eliezer, but it was several Sages who disagreed with him, and there is a principle that the *halakha* is in accordance with the opinion of the many over the opinion of an individual, he nevertheless said: Rabbi Eliezer is worthy to rely upon in exigent circumstances.

### HALAKHA

A young girl whose time to see menstrual blood has not arrived and she saw menstrual blood – **תנוקת שלג**: With regard to a young girl whose time to see menstrual blood has not arrived, as she is not yet twelve years and one day old (*Shakh*) even if she has two pubic hairs, or even if she is twelve years old but does not yet have two pubic hairs, and she saw menstrual blood once or twice, her time is sufficient. If she sees menstrual blood a third time, she transmits ritual impurity retroactively. If three months pass by and she does not see menstrual blood, when she again sees menstrual blood, her time is sufficient (*Kesef Mishne*). If three months again pass by and she does not see menstrual blood, when she again sees menstrual blood her time is sufficient. If three months pass by for a third time and she sees menstrual blood, she transmits ritual impurity retroactively, in accordance with the *baraita* (*Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:3; Shulhan Arukh, Yoreh De'a 189:27*).

A girl whose time to see menstrual blood has arrived – **שְׁחִינַת מִמְּה לֹא תָהַיֶּה**: With regard to a girl whose time to see menstrual blood has arrived, and she sees menstrual blood for the first time, her time is sufficient. When she sees menstrual blood for the second time, she transmits ritual impurity retroactively. If three months pass without her seeing menstrual blood and then she sees menstrual blood, her time is sufficient. If three months again pass without her seeing menstrual blood and then she sees menstrual blood, she transmits ritual impurity retroactively (*Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:4*).

תנו רבנן: תנוקת שלגagi העי וממנה לראות וראתה, פעם ראשונה – דיה שעתה, שנייה – דיה שעתה, שלישי – הרוי היא בכל הנשים, ומטמאה מעת לעת ומפקידה.

עברו עליה שלוש עונות וראתה – דיה שעתה, ועוד עברו עליה שלוש עונות וראתה – דיה שעתה, ועוד עברו עליה שלוש עונות וראתה – הרוי היא בכל הנשים, ומטמאה מעת לעת ומפקידה.

ובשהאיי וממנה לראות, פעם ראשונה – דיה שעתה, שנייה – מטמאה מעת לעת ומפקידה לפקידה, עברו עליה שלוש עונות וראתה – דיה שעתה.

אמור מרו: עברו עליה שלוש עונות – דיה שעתה,

The Gemara continues the discussion of a woman who fails to experience menstruation for three typical menstrual cycles. **The Sages taught** in a *baraita*: With regard to a **young girl**, less than twelve years old, **whose time to see the flow of menstrual blood has not arrived** and she saw menstrual blood,<sup>h</sup> after the **first time her time is sufficient**. After the **second time**, again **her time is sufficient**. After the **third time**, **she is like all normal adult women**, and therefore **she transmits impurity retroactively for a twenty-four-hour period or from examination to examination**.

The *baraita* continues: If she then **passed three expected menstrual cycles without experiencing bleeding, and then she saw menstrual blood**, she returns to the status of a young girl and **her time is sufficient**. **And if it further happens that she again passed three expected menstrual cycles without experiencing bleeding, and then she saw menstrual blood, her time is sufficient**. And if she **passed three further cycles** without experiencing bleeding, and she subsequently **saw menstrual blood, she is like all normal adult women**. She is considered a woman who experiences regular menstruation at long intervals with breaks of ninety days. **And therefore she transmits impurity retroactively for a twenty-four-hour period or from examination to examination**.

The *baraita* concludes: **And with regard to a girl whose time to see the flow of menstrual blood has arrived**,<sup>h</sup> i.e., she has reached the age of twelve, when she sees menstrual blood for the **first time, her time is sufficient**. After the **second time, she transmits impurity retroactively for a twenty-four-hour period or from examination to examination**. **If three menstrual cycles then passed without her experiencing bleeding, and afterward she saw menstrual blood, her time is sufficient**. This is in accordance with the opinion of Rabbi Eliezer, who holds that any woman who passed three expected menstrual cycles without experiencing bleeding is presumed not to be menstruating.

**The Master said** in the *baraita*: If the young girl who had started menstruating **passed three expected menstrual cycles without experiencing bleeding and then saw menstrual blood, she returns to the status of a young girl and her time is sufficient**.

### Perek I

#### Daf 10 Amud a

##### NOTES

What is the *halakha* if she then sees menstrual blood at regular intervals of thirty-day cycles – **הדור קחיה בعونות מאין?** **אמר ר' רב גידל**: Rashi explains that the Gemara's first question is referring to the first time she stops experiencing bleeding for three regular cycles. The question is if she reverts to her status of one who does not emit blood, or if she has already attained the presumptive status of a woman who sees menstrual blood. If she is considered as one who does not emit blood, then she requires another three regular cycles for her to be considered like an adult woman who transmits impurity retroactively. The Gemara then repeats its question but this time with regard to the *halakha* after the second occasion that she stops experiencing bleeding for three regular menstrual cycles.

הדור קחיה בعونות מאין? אמר ר' רב גידל  
אמר ר' רב: פעם ראשונה ושניה – דיה שעתה, שלישי – מטמאה מעת לעת ומפקידה לפקידה.

ועוד, עברו עליה שלוש עונות וראתה – דיה שעתה, הדור קחיה בعونות מאין?

אמר ר' רב בנהן, אמר ר' גידל אמר ר' רב: פעם ראשונה – דיה שעתה, שנייה – מטמאה מעת לעת ומפקידה לפקידה.

The Gemara asks: **What is the halakha if she then sees menstrual blood at regular intervals of thirty-day cycles?** Is her time sufficient, or does she transmit impurity retroactively? **Rav Giddel says** that **Rav says**: With regard to the **first time and the second time** that she sees menstrual blood, **her time is sufficient**. After the **third time, she transmits impurity retroactively for a twenty-four-hour period or from examination to examination**.

The *baraita* further teaches, with regard to a young girl who did not experience bleeding for three typical cycles and then saw blood, and **three further expected menstrual cycles passed** without her experiencing bleeding and then afterward **she saw menstrual blood, that her time is sufficient**. The Gemara asks: **What is the halakha if she then sees menstrual blood at regular intervals of thirty-day cycles?**<sup>n</sup>

The Gemara answers: **Rav Kahana says** that **Rav Giddel says** that **Rav says**: The **first time** that she sees menstrual blood, **her time is sufficient**. After the **second time, she transmits impurity retroactively for a twenty-four-hour period or from examination to examination**.

מני? רבי היא, ראמ"ר: בתרי ימנין חוי  
חויקת.

אימא כי פא: עברו עליה שלש עונות  
ווארתת - דית שעתה, אמתן לובי  
אלישור!

וכי הימא: רבי היא, ובעונות סבר לה  
ברבי אלישור, וכי סבר לה? והא "לאחר  
שנפטר" קאמו! אלא: רבי אלישור דיא.  
וביקשות סבר לה ברבי.

The Gemara asks: Who is the *tanna* of the *baraita*? The Gemara answers: Since the *baraita* teaches that she attains the status of a regular adult woman upon the third sighting of menstrual blood, apparently it is Rabbi Yehuda HaNasi, who said that presumption is established by two occasions.<sup>N</sup>

The Gemara raises a difficulty: Say the latter clause: If she then passed three expected menstrual cycles without experiencing bleeding, and then she saw menstrual blood, she returns to the status of a young girl and her time is sufficient. In this ruling we come to the opinion of Rabbi Eliezer,<sup>N</sup> who holds that any woman who passed three expected menstrual cycles without experiencing bleeding is presumed not to be menstruating and her time is sufficient. Is the *baraita* in accordance with the opinion of Rabbi Yehuda HaNasi or Rabbi Eliezer?

And if you would say that the *tanna* of the *baraita* is Rabbi Yehuda HaNasi, and in the case of a woman who passes three menstrual cycles without experiencing bleeding, he holds in accordance with the opinion of Rabbi Eliezer, but does he really hold in accordance with this opinion? Doesn't the *baraita* state that after Rabbi Yehuda HaNasi remembered that several authorities disagreed with the ruling of Rabbi Eliezer, he said: Rabbi Eliezer is worthy to rely upon in exigent circumstances, i.e., only in exigent circumstances. The Gemara concludes: Rather, the *tanna* of the *baraita* is Rabbi Eliezer, and with regard to menstrual cycles he holds in accordance with the opinion of Rabbi Yehuda HaNasi, that a presumptive cycle is established after two occasions of seeing menstrual blood.

בתם שבין ראשונה ושניה – טהורה. שבין  
שניה ושלישית – חזקיה אמר: טמא. רבי  
יוחנן אמר: טהורה. חזקיה אמר: טמא.  
בין דאיילו חייא – משפטא, בתמה  
נמי – טמא. ורבי יוחנן אמר: טהורה. בין  
דלא אתחזקה בדם – בתמה נמי לא  
מטפינן לה.

**§** With regard to a young girl who was just starting to menstruate, the Gemara states: If she finds a blood stain between the first and second time that she sees menstrual blood, she is pure.<sup>HN</sup> If it is between the second and the third time, Hizkiyya says: She is impure; Rabbi Yoḥanan says: She is pure. The Gemara explains the reasoning behind their respective opinions. Hizkiyya says: She is impure, since if she had seen menstrual blood it would render her impure. Consequently, her blood stain is also impure. And Rabbi Yoḥanan says: She is pure, since she has not yet attained the presumptive status of one who sees menstrual blood. Therefore, we also do not render her impure on account of her blood stain.

## HALAKHA

If she finds a stain between the first and second time she sees menstrual blood she is pure – **בתם שבין ראשונה ושניה טהורה**: The blood stain of a minor who is a virgin and has never experienced menstruation is deemed pure until she experiences three separate cycles of menstruation (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 9:5; *Shulhan Arukh, Yoreh De'a* 190:2–4).

## NOTES

**בתרי ימנין חוי**  
**התקנת:** According to the opinion of Rabbi Yehuda HaNasi that presumption is established by two occasions, why doesn't she transmit impurity retroactively after the second time she sees menstrual blood? Following the opinion that a woman transmits impurity retroactively as a penalty for having missed a self-examination (4b), the early commentaries explain that since her presumptive status changed only upon experiencing bleeding the second time, there was no requirement for her to perform a self-examination beforehand. Consequently, no penalty is imposed and she transmits impurity only retroactively from the next time that she menstruates (Ramban; Ran).

**Say the latter clause...we come to the opinion of Rabbi Eliezer – נמי? כי פא...אתאן לובי אלישור!** In the case of a woman who stopped seeing menstrual blood for three typical menstrual cycles, only Rabbi Eliezer holds that any woman who passed three menstrual cycles without bleeding is presumed not to be

menstruating. Therefore, the last clause of the *baraita*, which is about a girl whose time to see menstrual blood has arrived, can be explained only in accordance with his opinion. By contrast, in the first clause of the *baraita*, which is about a girl whose time to see menstrual blood has not yet arrived, there it is possible that even the Rabbis agree that after a cessation from menstruation for three menstrual cycles, her time is sufficient (Ramban; Rashba; Ritva; Ran).

**If she finds a stain between the first and second time she sees menstrual blood she is pure – **בתם שבין ראשונה ושניה טהורה**:** Rashi explains that the Gemara is referring to a young girl whose time to see menstrual blood has not yet arrived. This explanation is in keeping with Rashi's general understanding that once a woman's time to see menstrual blood has arrived, her blood stain will transmit impurity even if she has not yet experienced menstruation. This opinion is shared by the Rashba and the Ritva, although the Ritva (sa) cites a dissenting opinion.

Perek I  
Daf 10 Amud b

## LANGUAGE

**Secretion [sirfa]** – שִׁירְפָּה: The meaning of this word is similar to that of the word *saraf*, sap, the liquid that comes out of plants, and it is being borrowed here to refer to a woman's blood. The precise definition of the word *sirfa* here is a dispute among the early commentaries.

**Seafarers [nahotei yamma]** – חַוֹתִי יָמָא: This phrase, which means seafarers or sailors, is similar to the Hebrew *yordei hayam*, which literally means those who go down to the sea.

## NOTES

With regard to this menstrual virgin her secretion [*sirfa*] is common, etc. – זו שִׁירְפָּה מְכִי וּרְ: Some commentaries explain that the term *sirfa* means a secretion. If so, Rabbi Zeira is answering that a newly married menstrual virgin commonly secretes blood from her torn hymen and it can therefore be assumed that this is the source of her stain, whereas a young girl who begins experiencing menstruation cannot ascribe her blood stain to any such source (Rashi; *Tosafot*; *Tosefot HaRosh*). Others maintain that *sirfa* means an illness, a medical condition. According to this explanation, Rabbi Zeira is saying that a young girl who has started experiencing menstruation has a regular condition in that she sees menstrual blood. Consequently, it is assumed that any blood stain she finds is from menstrual blood. Conversely, a menstrual virgin has no such condition and therefore her blood stain must have come from a different source, and it is deemed ritually pure (Rabbeinu Hananel; *Ritva*; *Rashba*).

## HALAKHA

A young girl whose time to see the flow of menstrual blood has not arrived and she saw – תִּנְקַטְתָ שֶׁלֹּא זָגַע וְזָבַחַת לְרֹאָתָה: The blood stain of a young girl who is still a minor and has never experienced menstruation is deemed ritually pure until she experiences menstruation three times. This *halakha* is in accordance with the opinion of Rabbi Yohanan, as well as Rabbi Shimon ben Yehotzadak, as reported by Ravin (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:5; *Shulhan Arukh*, *Yoreh De'a* 190:2–4).

**Continuously discharges menstrual blood** – שׁוּפְעָתָה: When a young girl whose time to see menstrual blood has not yet arrived, sees a continuous discharge of menstrual blood for a few days, or if she experiences a constant drip of menstrual blood, these are considered as one single sighting of menstrual blood. If they stop a bit and then start again three times, even in the course of a one day, they are considered as three separate sightings of menstrual blood; the young girl assumes the presumed status of a regular woman who has regular menstruation and therefore her blood stain is deemed ritually impure (Rashba; Rashi; *Tur*). Some say that her blood stain remains pure until she experiences three cycles of menstruation. The Rema rules that one should conduct himself in accordance with the more stringent former opinion (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 4:2; *Shulhan Arukh*, *Yoreh De'a* 190:3).

מִתְקִרְבָּה לְהָרְבִי אֲלֻעָאֵי וְכִי מֵהַ בֵּין וְ  
לְבִתְהוֹלָה שְׁדָמִיתָ טָהֹרִין? אָמֵר לֵיהֶ  
רַבִּי זֵירָא: זו – שִׁירְפָּה מְצִיעָה, וּזוֹ – אֵין  
שִׁירְפָּה מְצִיעָה.

אָמֵר עַוְלָא, אָמֵר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי  
שְׁמַעוֹן בֶּן יְהוֹצָדָק: תִּנְקַטְתָ שֶׁלֹּא הָגִיעַ  
וְזָבַחַת לְרֹאָותָה, פְּעֻם וְאֶשְׁוֹנָה,  
וְשְׁנִינָה – רַוקָּה וּמַדְרָסָה בְּשָׂוֹק טָהֹר,  
בְּתִמְהָ נְמִי טָהֹר, וְלֹא יַדְעַנָּא אֶם דִּירָה  
אָם דָּרְבִּיהָ.

לְמַאי נְפָקָא מִינָה? לְמַיְהָוִי דִּבְרֵיו שֶׁל  
אָחָד בָּמְקוֹם שְׁנִים.

כִּי אַתָּא רַבִּין וּכְלִי נְחוֹתִי יָמָא אֲמָרוּה  
בַּרְבִּי שְׁמַעוֹן בֶּן יְהוֹצָדָק.

אָמֵר וּבְחַלְקִיָּה בָּר טֻבִּי: תִּנְקַטְתָ שֶׁלֹּא  
הָגִיעַ וְזָבַחַת לְרֹאָותָה, אֲפִילוּ שׁוּפְעָתָה כָּל  
שְׁבָעָה – אֵין אֶלְאָרְאָה אַחֲתָה. אֲפִילוּ  
שׁוּפְעָתָה – וְלֹא מַבְעָשָׂא פּוֹסְקָתָה? אַדְרָבָה!  
פּוֹסְקָתָה חֲוֵיאָה לְהַבְשֵׁתִי רְאוֹתָה!

**Rabbi Ilai objects to this ruling of Hizkiyya:** And what is the difference between this case of a girl who has not yet started menstruating and a recently married menstrual virgin whose stain is deemed pure for as long as her blood is pure, since the stain is presumed to be from her torn hymen? **Rabbi Zeira said to him:** With regard to this menstrual virgin, her secretion [*sirfa*] is common,<sup>4</sup> i.e., blood from her torn hymen is normally found during this period. Therefore, any blood stain that is found is also assumed to be from her hymen. **But in the case of this young girl, her secretion is not common.** Therefore, if a blood stain is found, it is assumed to be menstrual blood.

¶ Ulla says that Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak: With regard to a young girl whose time to see the flow of menstrual blood has not arrived and she saw<sup>5</sup> menstrual blood one time and then a second time, but not the third time that would render her a woman who regularly sees menstrual blood, her saliva and her garment that she treads upon that are found in the marketplace are pure if we do not know whether she has menstruated. Likewise, her blood stain is also pure. Ulla added: **And I do not know if this ruling with regard to the stain is merely Rabbi Yoḥanan's own conclusion or if that is also part of the opinion of his teacher.**

The Gemara asks: What difference is there? That is, what does it matter who said it? The Gemara explains: It makes a difference for it to be considered the statement of one Sage in the place of two dissenting opinions. As stated above, Hizkiyya disagrees with this ruling and maintains that a young girl's blood stain is impure after she sees menstrual blood twice. If this statement is both Rabbi Shimon ben Yehotzadak's opinion and that of Rabbi Yoḥanan, then Hizkiyya's ruling is opposed by two Sages, which means that his is a minority opinion. If it is Rabbi Yoḥanan's opinion alone, then the two sides are equal, with one Sage maintaining each opinion.

When Ravin<sup>6</sup> came from Eretz Yisrael to Babylonia along with all the seafarers [*nahotei yamma*],<sup>7</sup> they stated this ruling as the statement of Rabbi Shimon ben Yehotzadak. If so, Rabbi Yoḥanan was relating his own opinion, which echoed that of his teacher, Rabbi Shimon ben Yehotzadak, and therefore the *halakha* is in accordance with this majority opinion.

¶ Rav Hilkiya bar Tovi says: With regard to a young girl whose time to see menstrual blood has not arrived, even if she continuously discharges menstrual blood<sup>8</sup> for all seven days of a typical menstrual period, it is considered as only one sighting of blood and she remains in the category of one who lacks blood until she sees menstrual blood twice more. The Gemara asks: Why did Rav Hilkiya bar Tovi stress: Even if she continuously discharges menstrual blood, which indicates that it is not necessary to teach that this is the *halakha* if she stops seeing a discharge and then starts again? On the contrary, if she stops and restarts it is as though she has had two sightings of menstrual blood.

## PERSONALITIES

**Ravin** – רַבִּין: Ravin's name is an abbreviation of Rabbi Avin. He is called Rabbi Bon in the Jerusalem Talmud. He was the most important of those who descended, i.e., who went from Eretz Yisrael to Babylonia, in the third and fourth generations of the Babylonian *amoraim*.

Rabbi Avin was born in Babylonia and immigrated to Eretz Yisrael at an early age. There he was fortunate to study Torah from Rabbi Yoḥanan, and later from his many students. Rabbi Avin was

appointed an emissary to Babylonia to disseminate innovative Torah insights that were unknown in other lands, succeeding Rav Dimi. Ravin transmitted new and revised formulations of the *halakhot*; therefore, he is considered an authority and, in general, the *halakha* was decided in accordance with his opinions. Ravin returned to Eretz Yisrael several times, transmitting the Torah studied in Babylonia. His statements are often cited in the Jerusalem Talmud.

אלא: פינוקת שלא הגיע וננה לראות,  
ושופעת כל שבעה – אינה אלא ראייה  
אתה.

אמר רב שימי בר חייא: מודפת אינה  
קורואה. וזה קהיריאן אמרה: אינה  
בשופעת אלא כפוסקת.

מכל דשופעת (נמי) – כי נהרא? אלא  
אימא: אינה אלא בשפעת.

תנו רבנן: חיקת בנות ישראל עד שלא  
הגיעו לפרקן – הרי הן בחזקת טהרה,  
ואין הנשים בזירות אותן. משחה גיעו  
לפרקן – הרי הן בחזקת טומאה, ונשים  
בזירות אותן.

רבי יהודה אומר: אין בזקון אותן  
ביד – מפני שטומחות אותן, אלא  
סכות אותן בשמן מבפנים ומ מבחוץ  
אותן מבחוץ, והן נבדקות מאיליהן.

רבי יוסי אומר מעוברת ובור וכו': תנין  
תנא קמיה רבי אלעזר: רבי יוסי אומר  
מעוברת ומניקה שעבריה עליה שלש  
עונות – ריה שעורה, אמר לו: פחתת  
בתרי וקם מה בתראי!

דלים מעוברות והיא מינקה קאומרת,  
ומילתה אגב אורחיה קא משמע לו –  
דיבי עיבורה עולין לה לימי מניקותה  
וימי מניקותה עולין לה לימי שעורה.  
ברתניתא: ימי שעורה עולין לה לימי  
מניקותה, וימי מניקותה עולין לה לימי  
שעורה;

The Gemara answers: Rather, this is what Rav Hilkya bar Tovi meant: With regard to a young girl whose time to see menstrual blood has not arrived, and she then continuously discharges menstrual blood for all seven days of a typical menstrual period, it is considered as only one sighting of blood. In other words, he did not state the word: Even.

Rav Shimi bar Hiyya says: The case of woman who constantly drips menstrual blood is not considered like a full sighting of blood. The Gemara expresses surprise at this claim: But she saw blood. The Gemara answers: Say that what Rav Shimi bar Hiyya meant was that she is not considered like one who continuously discharges blood, but rather like one who stops and starts again, even if she drips constantly.

The Gemara raises a difficulty: From the fact that Rav Shimi bar Hiyya claims that a different halakha applies to a woman who constantly drips menstrual blood, it can be inferred that the blood of one who continuously discharges menstrual blood streams like a river for seven days. But this is physically impossible. The Gemara explains: Rather, say that Rav Shimi bar Hiyya meant that the status of a woman who constantly drips menstrual blood is nothing other than the status of a woman who continuously discharges blood. In both cases, it is all considered as one sighting.

**§** The Sages taught in a baraita: The presumption with regard to the daughters of Israel is that until they have reached their physical maturity they have the presumptive status of ritual purity,<sup>4</sup> and adult women do not need to examine them to check if they are ritually pure before they handle consecrated items or teruma. Once they have reached their physical maturity, they have the presumptive status of ritual impurity, due to the possibility of an unnoticed menstrual discharge, and if they are still minors, adult women must examine them to check if they are ritually pure.

Rabbi Yehuda says: They should not examine them by hand, because that is likely to scratch them and ruin their status, as it will be assumed that they are ritually impure with menstrual blood. Rather, they should smear them with oil inside and wipe them off on the outside. And through this method they are automatically examined, i.e., if at that age they are ready to menstruate, the oil will cause the blood to flow.

**§** The mishna teaches that Rabbi Yosei says: With regard to a pregnant woman and a nursing woman for whom three expected menstrual cycles passed during which they saw no menstrual blood, if she then saw blood, her time is sufficient. A tanna taught a baraita before Rabbi Elazar: Rabbi Yosei says: With regard to a pregnant woman and a nursing woman for whom three expected menstrual cycles passed during which they saw no menstrual blood, if she then experienced bleeding her time is sufficient. Rabbi Elazar said to him: The structure of your baraita is inconsistent. You opened with two categories of women: A pregnant woman and a nursing woman, and you ended your quote with one, as you concluded in the singular form: Her time is sufficient.

Rabbi Elazar continued: Perhaps you are saying that this is a case of a pregnant woman who was also nursing. And if so, the baraita teaches us a matter in passing, that with regard to tallying three menstrual cycles in which she saw no menstrual blood, her days of pregnancy count toward, i.e., combine with, her days of nursing and her days of nursing count toward her days of pregnancy. As it is taught in a baraita: Her days of pregnancy count toward her days of nursing and her days of nursing count toward her days of pregnancy.

#### HALAKHA

Until they have reached their physical maturity they have the presumptive status of ritual purity – הרי: Before girls have reached physical maturity, the presumption is that they do not experience menstruation and are ritually pure. Therefore adult women do not need to examine

them before they handle consecrated items or teruma. Once they have reached physical maturity, they need to be examined by adult women (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 4:8).

ביצה, הפסיקת שיטם ביום עיבורה  
וاثחת ביום מיניקותה, שיטם ביום  
מיניקותה וاثחת ביום עיבורה, אחת  
ווחצחה ביום עיבורה וاثחת וממחצת  
בימי מיניקותה – מוצטיפות לשליש  
עונות.

בשלמה ימי עיבורה עולין לה לימי  
מיניקותה משכחת לה – דקמגינה  
או לא ומעברה, אלא ימי מיניקותה  
עלין לה לימי עיבורה היכי משכחת  
לה?

איביעית אימא: בלילה יבשתא,  
איביעית אימא: רם נדה לחוד ודם  
לודיה לחוד, ואיביעית אימא: תען  
חרא.

במה אמרו דיה שעתה וכו'. אמר:  
רב: אפולהו,

ושמואל אמרו: לא שנ אל בא תוליה  
ווקנה, אבל מעוברת ומיניקה – דין  
כל ימי עיבורן, דין כל ימי מיניקותן.

ובכן אמר רבי שמעון בן לוייש:  
אפיקולחו, ובפי יוחנן אמרו: לא שנ  
אל בא תוליה ווקנה, אבל מעוברת  
ומיניקה – דין כל ימי עיבורן, דין  
כל ימי מיניקותן. כתנא, מעוברת  
ומיניקה שהי

The *baraita* continues: **How so?** If a woman stopped seeing menstrual blood for two expected menstrual cycles during her days of pregnancy and then for one more cycle during her days of nursing, or she passed two expected menstrual cycles during her days of nursing and one more during her days of pregnancy, or one and a half cycles during her days of pregnancy and one and a half cycles during her days of nursing, in all these cases the missed cycles spanning her pregnancy and nursing combine to a total of three missed cycles, and therefore her time is sufficient.

The Gemara asks: **Granted**, with regard to the claim that her days of pregnancy count toward her days of nursing, you can find it in a case where she was nursing continuously and then she became pregnant. But the scenario mentioned in the *baraita* where her days of nursing count toward her days of pregnancy, how can you find these circumstances? Since she certainly experienced bleeding when she gave birth, how can there be three consecutive menstrual cycles where she did not experience any discharge of blood?

The Gemara provides several answers: **If you wish**, say that it is referring to a case of a dry birth, i.e., one without any discharge of blood. Or, **if you wish**, say: The blood of a menstruating woman is discrete and the blood seen during birth is discrete. Blood seen during birth does not disrupt the count of menstrual cycles during which a woman does not see menstrual blood. Therefore, the cycles before and after the birth combine to form the requisite three cycles according to Rabbi Eliezer. Or, **if you wish**, say: Teach only one of these scenarios. In other words, teach only the case where the days of pregnancy count toward the days of nursing, but not the case where the days of nursing count toward the days of pregnancy.

§ The mishna teaches: **And with regard to what did they say that her time is sufficient?**<sup>14</sup> It is with regard to the first sighting of blood. But with regard to the second sighting, her status is like that of any other woman and she transmits impurity for a twenty-four-hour period or from her last examination. The Gemara inquires concerning which case this clause is referring to. **Rav says:** This qualification is stated with regard to all of them, i.e., all four cases of the mishna: The menstrual virgin, the elderly woman, the pregnant woman, and the nursing woman.

**And Shmuel says:** They taught it only with regard to a menstrual virgin and an elderly woman. **But in the case of a pregnant woman and a nursing woman, their time is sufficient for all their days of pregnancy and their time is sufficient for all their days of nursing.**

The Gemara notes that another pair of Sages had the same dispute. **And similarly**, **Rabbi Shimon ben Lakish says:** This qualification applies to all of them; and **Rabbi Yohanan says:** They taught it only with regard to a menstrual virgin and an elderly woman. But in the case of a pregnant woman and a nursing woman, their time is sufficient for all their days of pregnancy and their time is sufficient for all their days of nursing. The Gemara suggests: This is like a dispute between *tanna'im* in the following *baraita*: With regard to a pregnant woman and a nursing woman who were

#### HALAKHA

And with regard to what did they say that her time is sufficient – **במה אמרו דיה שעתה**: There are four women whose time is sufficient and who assume impurity only from the time that they see menstrual blood: A pregnant woman, a nursing

woman, a menstrual virgin, and an elderly woman. This is in accordance with the opinion of Rav and Rabbi Shimon ben Lakish (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 4:1, 5, and see Ra'avad and Kesef Mishne there).

Perek I  
Daf 11 Amud a

שׁוֹפְעָוֹת דֶם וּבָאוֹת – רַיִן בֶּל יְמִי עֲבוֹרָן, וַיִּדְיָן  
בֶּל יְמִי מִקְוֹתָן, דְבָרֵי רַבִּי מֵאִיר. רַבִּי יוֹסֵי וּרְבִי  
יְהוּדָה וּרְבִי שְׁמֻעוֹן אָוֹרְמִים: לֹא אָנוּ רַיִן דַיִן  
שְׁעַתְנִי אֶלָא בְּרָאִיתָה רַאשׁוֹתָה, אֶבֶל בְּשִׁנְיהָ –  
בְּעִינְכֶּתֶךְ מֵעַת לְעֵת וּמִפְקִידָה לְקִידָה.

זִוְאָם רַאֲתָה רַאשׁוֹתָה וּכְוֹ. אָמָר רַב הַונְגָן:  
קָפְצָה וּרְאֲתָה קָפְצָה וּרְאֲתָה קָפְצָה וּרְאֲתָה –  
קָבְעָה לְהָוֹת וְסַתְתִּי. לְמַמְאָה? אַלְיָמָה לִימִים – הָא  
בֶּל יוֹמָא דְלֹא קָפְצָץ לְאַחֲרֵי!

אֶלָא לְקִפְיעָות, וְהַתְנִיא: בֶּל שְׁתַקְבְּעָנָה מִחְמָתָה  
אוֹסֵם – אָפִילוּ בְּמַה פְּעָמִים לֹא קָבְעָה וְסַתְתִּי  
מַאי לֹא – לֹא קָבְעָה וְסַתְתִּי בֶּל!

לֹא, לֹא קָבְעָה וְסַתְתִּי לִימִים לְחוּדִיָּה וּלְקִפְיעָות  
לְחוּדִיָּה, אֶבֶל קָבְעָה לְהָוֹת וְסַתְתִּי לִימִים  
וּלְקִפְיעָות. לִימִים לְחוּדִיָּה פְּשִׁיטָא! אָמָר רַב  
אַשִׁי: בָּגָן דְקָפִיצָץ בְּחִדְשַׁת וְחִזְוָאי, וּקְפִיצָץ  
בְּחִדְשַׁת וְחִזְוָאי, וּבְשַׁבָּת קָפְצָה וּלֹא חִזְוָאי,  
וּלְחִדְשַׁת חִזְוָאי בֶּלֶא קָפִיצָה.

מַהְוּ דְתִימָא: אַיְגָלָא מַילְתָא לְמַפְרָעָה דַיּוֹמָא  
הָוָה דְקָגָרִים וּלֹא קָפִיצָה, קָא מְשֻׁמָּעָן  
דְקִיפִיצָה נָמִי דְאַתְמוֹל גְּרוּמָא, וְהָא דְלֹא חִזְוָאי –  
מְשֻׁומָדָא בְּתִימָא זָמָן קָפִיצָה.

continuously discharging menstrual blood, their time is sufficient for all their days of pregnancy and their time is sufficient for all their days of nursing. This is the statement of Rabbi Meir. Rabbi Yosei and Rabbi Yehuda and Rabbi Shimon all say: They said that her time is sufficient only with regard to the first sighting of blood, but with regard to the second sighting, her status is like that of any other woman, and she transmits impurity for a twenty-four-hour period or from examination to examination.

**§** The mishna teaches: And if she saw the first sighting as a result of unnatural circumstances, then even with regard to the second sighting her time is sufficient. Rav Huna says: If she jumped<sup>N</sup> and saw menstrual blood, and again she jumped and saw menstrual blood, and a third time she jumped and saw menstrual blood, she has established a fixed menstrual cycle. The Gemara asks: For what occurrence has she established a fixed cycle? If we say that it is a cycle of days alone, this cannot be correct, as every day that she did not jump, she also did not see menstrual blood. Therefore, her cycle cannot be a mere pattern of days.

The Gemara explains: Rather, the established menstrual cycle is caused by jumps, i.e., by observing a pattern of jumping and seeing blood three times, she has established that jumping causes the onset of her menstrual period. The Gemara raises a difficulty: But isn't it taught in a baraita: Any woman who establishes a pattern of seeing menstrual blood due to a recurring accident,<sup>H</sup> even if the pattern repeats, still has not established a fixed menstrual cycle? An accidental menstrual pattern brought about by external causes does not create a menstrual cycle. The Gemara explains the difficulty: What, is it not correct to say that the baraita means that she has not established a fixed menstrual cycle at all?

The Gemara answers: No, the baraita means that she has not established a fixed menstrual cycle of days alone, nor of jumps alone, but she has established a fixed menstrual cycle for a combination of days and of jumps. In other words, she has established a fixed menstrual cycle when she jumps on specific days. The Gemara asks: Isn't it obvious that she does not establish a cycle for days alone? Why is it necessary to state this? Rav Ashi says: It is necessary to teach this in a case where she jumped on Sunday and saw menstrual blood, and again she jumped on Sunday and saw menstrual blood, and then on the following Shabbat she jumped and did not see blood, but on Sunday, the next day, she saw menstrual blood without jumping.

Rav Ashi explains: Lest you say that the matter is revealed retroactively that it was the day that caused her to experience menstruation and not the jumping, and therefore she has established a menstrual cycle of menstruating on Sundays, regardless of jumping, the baraita teaches us that it was also the jumping of yesterday, on Shabbat, that caused the menstruation today, on Sunday. And as for the fact that she did not see menstrual blood then, that was because the time when jumping causes menstruation had not yet arrived.

## NOTES

Jumped – קָפִיצה: While Rav Huna discusses a case where jumping causes a woman to experience menstruation, this is only one example of an accidental outside circumstance that causes her to menstruate.

## HALAKHA

Any woman who establishes a pattern of seeing menstrual blood due to a recurring accident – בֶל שְׁתַקְבְּעָנָה מִחְמָתָה אוֹסֵם – If a woman's menstrual cycle seems fixed due to several instances where she experiences menstrual blood after jumping, she does not need to be concerned for that fixed cycle unless it also follows a pattern of set days. The Rema adds that, nevertheless, after three times that she sees menstrual blood through jumping, she treats it as an unfixed menstrual cycle and she must therefore be concerned that the next time she jumps, it may bring about menstrual blood. Later authorities

add that if she sees menstrual blood once after jumping, she needs to be concerned only for a cycle following that span of days that passed since her last menstrual cycle (*Shakh*). For example, if she saw menstrual blood, and after twenty days she jumped and again saw menstrual blood, she needs to be concerned for a possible discharge of menstrual blood if she jumps twenty days later (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 8:5, and see Ra'avad there; *Shulhan Arukh, Yoreh De'a* 189:17).

**NOTES**

**Blood of purity – דם טהרה** – With regard to a woman who gives birth to a boy, the Torah states: "If a woman be delivered, and bear a male child, then she shall be impure seven days... And she shall continue in the blood of purity thirty-three days" (Leviticus 12:2–4). In the case of the birth of a girl, the verse states: "And if she bear a female child, then she shall be impure two weeks, as in her impurity; and she shall continue in the blood of purity sixty-six days" (Leviticus 12:5). During the period of the blood of purity, a woman remains ritually pure and permitted to her husband even if she experiences bleeding.

**BACKGROUND**

They partake of *teruma* – אוכליות בתרומה: *Teruma* may be eaten only by a priest and the members of his household. These include his wife, his sons, his unmarried daughters, his Canaanite slaves, and his animals. When a priest dies or divorces his wife, if she is from an Israelite or Levite family she may no longer partake of *teruma* unless she has borne him a child, in which case she may continue to partake of *teruma* under certain circumstances (see Rambam *Sefer Zera'im*, *Hilkhot Terumot*, chapter 6).

לישנא אחרינה, אמר רב הונא: קפצה וואתיה, קפצה וואתיה, קפצה וואתיה – קבעה לה וסת לימים ולא לקפיצות. היכי דמי? אמר רב אשוי זקפי בחד בשבת וחוזאי, זקפי בחד בשבת וחוזאי, ובשבת קפצה ולא חוזאי, ולחד בשבת ואחרינה חוזאי בלא קפיצה, דחתם איילאי מילתא דזומא הוא דקה גרים.

מתני' אף על פי שאמרו דיה שערת  
ازריכה להיות בזוקת, חוץ מן הנדה  
ותישבת על דם טהרה.

וממשת בעדים – חוץ מיום שבת על  
דם טהרה, ובתוליה שדמיה טהורם.

ופעמים אזrica להיות בזוקת – שחרית  
ובין השמשות, ובשעה שהיא עוברת  
לשם את ביתה. יתרוות עליה  
כחנות בשעה שהן אוכליות בתרומה.  
רב יודה אומר: אף בשעת ערבון  
מלאכול בתרומה.

The Gemara presents another version of Rav Huna's statement. Rav Huna says: If a woman jumped and saw menstrual blood, and again she jumped and saw menstrual blood, and a third time she jumped and saw menstrual blood,<sup>h</sup> she has established a fixed menstrual cycle for a pattern of days and not for a pattern of jumps. The Gemara asks: What are the circumstances? Rav Ashi says: This is referring to a case where she jumped on Sunday and saw menstrual blood, and then again she jumped on Sunday and saw menstrual blood, and then on the following Shabbat she jumped and did not see blood, but on Sunday, the next day, she saw menstrual blood without jumping. In that case there, the matter is revealed retroactively that it is the day that causes her to menstruate, not the jumping.

**MISHNA** Although the Rabbis said that for a woman with a fixed menstrual cycle her time is sufficient and she does not transmit impurity retroactively, she is required to examine herself<sup>i</sup> each day to ensure that she is ritually pure and will not impurify pure items that she is handling. All women must examine themselves each day except for a menstruating woman, whose impure status is known, and a woman after childbirth who is observing the period of the blood of purity,<sup>j</sup> whose ritually pure status is known even if she experiences bleeding.

And even a woman with a fixed menstrual cycle engages in intercourse while using examination cloths<sup>h</sup> to ascertain whether her menstrual flow began, except for a woman after childbirth who is observing the period of the blood of purity, and a virgin whose blood is ritually pure for four days after engaging in intercourse for the first time.

And she is required to examine herself twice each day:<sup>h</sup> In the morning, to ascertain if she menstruated during the night, and at twilight, to ascertain if she menstruated during the day. And she is also required to examine herself at a time that she is about to engage in intercourse with her husband. The obligation of women of priestly families is greater than that of other women,<sup>h</sup> as they are also required to examine themselves when they seek to partake of *teruma*.<sup>k</sup> Rabbi Yehuda says: Even when they conclude partaking of *teruma* they are required to examine themselves, in order to ascertain whether they experienced bleeding while partaking of *teruma*.

**HALAKHA**

**And a third time she jumped and saw menstrual blood, etc. – קפיצה וואתיה וכו'**: If a woman jumps and sees menstrual blood three times on the same day, she establishes a fixed menstrual cycle for jumping on that set day. For example, if she jumps and sees menstrual blood three times on the first day of the month, or on three consecutive Sundays, she has a fixed menstrual cycle when she jumps on the first of the month, or on Sundays. If, on the following first of the month, or the following Sunday, she does not jump, there is no need for concern that she may menstruate, as her fixed cycle is only for the combination of jumping on that specific day. Later authorities add that she uproots her fixed cycle when that specific day comes around three times and she jumps on that day without experiencing menstruation. This halakha is in accordance with the opinion of Rav Huna, as explained by Rav Ashi (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 8:5; *Shulhan Arukh*, *Yoreh De'a* 189:18).

Although the Rabbis said her time is sufficient she is required to examine herself – אף על פי שאמור דיה שעתה אזrica – לחיות בזוקת: Every woman with a fixed menstrual cycle must examine herself each morning and evening before handling ritually pure items, and before engaging in intercourse, even though her time is sufficient. An exception to this rule is a

menstruating woman who already transmits impurity, and a woman after childbirth whose blood is deemed pure, as in those cases examinations would not change her status (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 4:6).

And even a woman with a fixed menstrual cycle engages in intercourse while using examination cloths – מפששת בעדים: A woman who has a fixed menstrual cycle and does not handle ritually pure items does not need to examine herself, not before engaging in intercourse or after. Not only is she not required to examine herself, but she is advised to refrain from doing so, as this would cause her husband to become nervous. By contrast, the Rambam maintains that both husband and wife should examine themselves after intercourse with their respective swatches to ascertain if she experienced bleeding as a result of the intercourse. Furthermore, he holds that especially virtuous women should examine themselves before intercourse as well. The Rema (citing *Roke'ah*; *Haggahot Maimoniyot*) rules that the halakha and common practice is in accordance with the former opinion (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 4:7; see *Sefer Kedusha*, *Hilkhot Issurei Bia* 4:16 and *Ra'avad* and *Kesef Mishne* there; *Shulhan Arukh*, *Yoreh De'a* 186:1).

And she is required to examine herself twice each day – גפעמים אזrica לחיות בזוקת: Throughout her seven clean days, a woman is required to examine herself twice a day, once in the morning and once at twilight. Some maintain that even if she did not perform the required examinations throughout the seven days, they may still be counted, as long as she performed one examination during any of the seven days. This opinion should not be relied upon *ab initio*. The later authorities explain that this is aside from the initial examination that starts the seven days (*Shakh*). Others maintain that without at least one examination on each of the first and seventh days, she must restart the seven days (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 4:7; *Shulhan Arukh*, *Yoreh De'a* 196:4).

The obligation of women of priestly families is greater than that of other women – חיות ליטן בוגנות: Any woman of a priestly family that wishes to partake of *teruma* must examine herself prior to partaking (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 4:7).

**גמ'** "חוֹזֵן הנִדָּה". בְּתוֹךְ יְמִי נִרְתָּה לֹא בַּשׁ בְּדִיקָה.

הנִיחָא לְרַבִּי שְׁמֻעוֹן בֶּן לְקִישׁ דָמָרוֹ אֲשֶׁר קַוְבָּעָת לָהּ וְסִתְתָּ בְּתוֹךְ יְמִי יִבְתָּה, וְאַיִן אֲשֶׁר קַוְבָּעָת לָהּ וְסִתְתָּ בְּתוֹךְ יְמִי נִרְתָּה - שְׁפִיר; אַלְאַ לְרַבִּי יְחִינָן דָמָרוֹ אֲשֶׁר קַוְבָּעָת לָהּ וְסִתְתָּ בְּתוֹךְ יְמִי נִרְתָּה - תְּבִזּוֹק, דִילְמָא קַבְעָה לָהּ וְסִתְתָּ!

אמָר לְךָ רַבִּי יוֹחָנָן: כִּי אָמַנָּנוּ אָנוּ הַכְּאָא דְחִיְתִּיה מִפְעָן סְתוּם, אַבְלָ תְּחִיְתִּיה מִפְעָן פָּתָח - לֹא אָמָר!

"הַיּוֹשֵׁבת עַל דָם טוֹהָר". קָא סְלָקָא דַעַתָּן: מִבְקָשָׁת לִשְׁבָּע עַל דָם טוֹהָר.

הנִיחָא לְרַב דָמָרוֹ מַעַן אַחֲרֵי הוֹא, הַתּוֹרָה טָמֵא תָּמֵא וְהַתּוֹרָה טָהָרָה טָהָר, שְׁפִיר,

אַלְאַ לְלִי דָמָרוֹ שְׁנִים מִעְשִׂינָת הַם תְּבִזּוֹק, רַיְלָמָא אַכְתִּי לֹא פְּסִיק הַהוֹא מַעַן טָמֵא! אָמָר לְךָ לוֹ: הָא מַפֵּי?

**GEMARA** The mishna teaches: All women must examine themselves each day, except for a menstruating woman. The Gemara explains: Such a woman does not need to examine herself, as during the days of her menstruation she does not need examination.

The Gemara raises a difficulty: This works out well according to the opinion of Rabbi Shimon ben Lakish, who said that a woman can establish a fixed menstrual cycle even during the days that she has zava status, but a woman does not establish a fixed menstrual cycle during the days of her impurity due to menstruation, as any bleeding during these seven days is merely a continuation of her original menstruation. According to this opinion, it is well, and one can understand the mishna. But according to the opinion of Rabbi Yohanan, who said that a woman can establish a fixed menstrual cycle during the days of her menstruation,<sup>h</sup> let her examine herself, as perhaps she will establish a fixed menstrual cycle.

The Gemara explains that Rabbi Yohanan could say to you: When I say that a woman can establish a fixed menstrual cycle during the days of her menstruation, that applies only in a case where the first two instances of her fixed cycle were established when she first saw blood from a stopped source,<sup>n</sup> i.e., she saw blood on those particular days at the outset of her period. But when she first saw blood from an open source, i.e., when the first two instances that she experienced bleeding on those particular days was in the middle of her menstrual period, I did not say that she establishes a fixed menstrual cycle, and therefore there is no need for her to examine herself.

**§** The mishna teaches: All women must examine themselves each day, except for a menstruating woman, whose impure status is known, and a woman after childbirth who is observing the period of the blood of purity. The Gemara explains: It may enter your mind that when the mishna mentions a woman who is observing the period of the blood of purity, it is referring to one who is finishing the period of impurity following a birth and is anticipating observing the period of the blood of purity. In other words, her days of impurity are ending and she is about to start her days of purity, and the mishna is stating that there is no need for an examination to conclude her days of impurity before starting her days of purity.

The Gemara analyzes the mishna in accordance with this interpretation. This works out well according to the opinion of Rav, who said that blood after birth and blood of purity both come from one source,<sup>h</sup> and the Torah deemed blood after birth impure, and the Torah deemed blood of purity pure. According to this opinion, it is well, and one can understand the mishna, since even if she emits blood continuously through the end of her days of impurity into her days of purity, the blood during her days of purity is pure.

But according to the opinion of Levi, who said that there are two distinct sources, one for blood after birth and one for blood of purity, she should be required to examine herself at the end of the period following birth, as perhaps that impure source of blood after birth had not yet stopped flowing. The Gemara explains that Levi could say to you: In accordance with whose opinion is this ruling?

### HALAKHA

A woman can establish a fixed menstrual cycle during the days of her menstruation – **אֲשֶׁר קַוְבָּעָת לָהּ וְסִתְתָּ בְּתוֹךְ יְמִי נִרְתָּה**: The Rambam maintains that a woman constantly cycles through seven nidda days and eleven zava days. During the seven days of nidda, a woman who saw menstrual blood can establish a fixed menstrual cycle. After experiencing bleeding once, though, any further blood she sees during the seven days of nidda cannot establish a fixed menstrual cycle (Rambam Sefer Kedusha, Hilkhot Issurei Bia 8:9).

Both come from one source – **כָּعֵן אַחֲרֵי הוֹא**: Menstrual blood seen during one's days of nidda or days of zava, blood from childbirth or blood emitted while experiencing labor pain, and the blood of purity after childbirth all come from the same source. Nonetheless, the blood can be deemed pure or impure based on when it is seen, in accordance with the opinion of Rav (Rambam Sefer Kedusha, Hilkhot Issurei Bia 6:1).

### NOTES

Where the instances of her fixed cycle were established when she first saw blood from a stopped source – **הַכְּאָא דְחִיְתִּיה מִפְעָן סְתוּם**: The early commentaries explain that, according to Rabbi Yohanan, just as a woman cannot establish a fixed menstrual cycle during the days of her menstruation, so too there is no requirement for her to perform a self-examination on that

day of expected menstruation in the future. In addition, they explain that from this halakha it is apparent that a menstrual cycle is established based only upon the onset of menstruation and not based upon the continuation of menstruation on subsequent days.

Perek I  
Daf 11 Amud b

NOTES

As perhaps she will find that she established a fixed menstrual cycle – **דָּדִילְמָא קְבֻעָה לֶה וְסֶת**: The period of purity after the birth of a daughter is sixty-six days. During that time it is entirely possible for a woman to establish a fixed menstrual cycle, either through examining herself and finding blood three times at twenty-day intervals, according to Rabban Shimon ben Gamliel, or at two thirty-day intervals, according to Rabbi Yehuda HaNasi, who holds that presumptions can be established after two instances. Therefore, the mishna needed to teach us that a possible cycle that may have been established during those days of purity does not transfer to her subsequent days of impurity (Rashi).

בֵּית שְׁפָمַאי הִיא, דָּאָמָר מַעֲן אַחֲר הַוָּא,  
סְתָם לֹן תְּגָנָא בְּכִיבַת שְׁפָמַאי סְתָם וְאַחֲר  
כֶּן מַחְלָקַת הַוָּא, וְכֶל סְתָם וְאַחֲר כֶּן  
מַחְלָקַת – אֵין הַלְּכָה בְּסְתָם.

It is the opinion of Beit Shammai, who say that there is only one source for the two types of blood (see 35b). The Gemara asks: But can it be that the **tanna taught us an unattributed mishna**, which is generally accepted as the **halakha**, in accordance with the opinion of Beit Shammai, whose opinion is usually not accepted as **halakha**? The Gemara answers: It is a case where the mishna first records an unattributed opinion and afterward it records a dispute with regard to the same matter. And there is a principle that any time the mishna first records an unattributed opinion and afterward it records that the ruling is subject to a dispute, then the **halakha** is not necessarily in accordance with the unattributed opinion.

וְאֵי בְּעֵית אִימָא: מַי קְרָטִי "מִבְקָשָׁת  
לִשְׁבָּב"? יֹשְׁבַת" קְתִינִי. אֵי יוֹשְׁבָת, מַי  
לְמִימּוֹרָא? מַהוּ דְּתִינִיא: הַיּוֹדוֹה, דָּדִילְמָא  
קְבֻעָה לֶה וְסֶת – קָא מְשֻׁבָּע לֹן דְּמַעַן  
טְהוֹר לְמַעֲן טְמָא לֹא קְבֻעָה.

הַנְּחָא לְלוֹי, דָּאָמָר שְׁנִי מַעֲנוֹת הַמ, אַלְא  
לְרַב דָּאָמָר מַעֲן אַחֲר הַוָּא – תְּבִדּוֹק,  
דָּדִילְמָא קְבֻעָה לֶה וְסֶת אַפְּלִי הַכִּי, מַי  
טְהָרָה לִימִי טְוָמָא – לֹא קְבֻעָה.

וּמְשֻׁמְשָׁת בְּעִירִים" וכו'. תְּנַנְּתָמָה:  
תְּנִזְקַת שֶׁלֹּא הָגִיעַ וְמִנְגַּה לְרֹאֹות וְנִשְׁאָת,  
בֵּית שְׁפָמַאי אֲוֹמְרִים: נֹתַנְנָה לָה אַרְבָּע,  
לִיּוֹת. וּבֵית הַלְּל אֲוֹמְרִים: עַד שְׁתִיחַח  
הַמִּבְּהָ.

And if you wish, say instead: Does the mishna teach: A woman is anticipating observing the period of the blood of purity? Rather, it teaches: Who is observing the period of the blood of purity. The Gemara asks: If the mishna is referring to a woman who is already observing the period of the blood of purity, what is the purpose of stating that she is exempt from performing examinations? Isn't this obvious? The Gemara answers: Lest you say that she should examine herself, as perhaps she will find that she established a fixed menstrual cycle<sup>N</sup> through blood found on her examination cloths, the mishna teaches us that a woman does not establish a cycle from sightings of blood that came from a pure source that transfers to the period when she sees blood from an impure source.

The Gemara raises a difficulty with regard to this answer: This answer works out well according to Levi, who said that there are two distinct sources, one for blood after birth and one for blood of purity; one can understand that she does not establish a cycle with regard to blood from one source, from a sighting of blood from a different source. But according to Rav, who said that blood after birth and blood of purity both come from one source, she should be required to examine herself during the period of the blood of purity, as perhaps she established a fixed menstrual cycle. The Gemara answers: Even so, i.e., that both types of blood come from the same source, nevertheless a woman does not establish a cycle from her days of purity that transfers to her days of impurity.

§ The mishna teaches: And even a woman with a fixed menstrual cycle engages in intercourse while using examination cloths to ascertain whether her menstrual flow began, except for a woman after childbirth who is observing the period of the blood of purity, and a virgin whose blood is ritually pure for four days after engaging in intercourse for the first time. In this connection, the Gemara notes that we learned in a mishna there (64b): With regard to a young girl whose time to see the flow of menstrual blood has not arrived, as she has not yet reached puberty, and she married,<sup>H</sup> Beit Shammai say: The Sages give her four nights after intercourse during which the blood is attributed to her torn hymen and she is ritually pure. Thereafter, any blood is menstrual blood and she is impure. And Beit Hillel say: The blood is attributed to the torn hymen until the wound heals.

HALAKHA

A young girl whose time to see menstrual blood has not arrived and she married – **תְּנִזְקַת שֶׁלֹּא הָגִיעַ וְמִנְגַּה לְרֹאֹות וְנִשְׁאָת**: Blood attributed to a woman's torn hymen is deemed pure, as its source is not the womb, but her wound. The Rambam rules in accordance with Beit Hillel, that the blood seen by a new virgin bride who is a young girl, even if she previously experienced

menstruation, is deemed pure until her wound has fully healed. This ruling does not reflect the practical halakha, as nowadays the leniency of ritually pure blood is not practiced. Rather, any blood, even if it is not menstrual blood, renders her impure (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:18, 25 and Ra'avad there, 11:8).

אמור רב גידל אמר שמואיל לא שנא אלא שלא פסקה מחתמת תשמש וראתה שלא פסקה מחתמת תשמש.

שלא פסקה מחתמת תשמש וראתה – טמאה.

עבר לילה אחת بلا תשמש וראתה טמאה. נשתנו מראה דמים שלה – טמאת מותיב ובוי יונה: ובתוליה שדמיה טהורין. אמא? תשמש בעידים, דילמה נשתנו מראה דמים שלהן.

אמר רבא, אםא רישא: חזון מן הננה והושבת עלدم טהור – הוא שלא בעיא בדיקה, אבל בתוליה שדמיה טהורין – בעיא בדיקה. אלא קשין אהדי.

כאן – תשמשה, דאיימת שמש עברן, כאן – שלא תשמש.

תנייא נהי הכא: בפה דברים אמורים – שלא פסקה מחתמת תשמש וראתה שלא מחתמת תשמש.

With regard to Beit Hillel's statement, Rav Giddel says that Shmuel says: They taught this only in a case where she does not stop seeing blood due to intercourse.<sup>N</sup> In other words, every time she engages in intercourse she experiences bleeding. In that case, even if she saw blood not due to intercourse, Beit Hillel still attribute the blood to the torn hymen. But if she stops seeing blood due to intercourse, and then she subsequently saw blood<sup>H</sup> on another occasion, that blood renders her impure.

He continues: Similarly, if one night passed without them engaging in intercourse and she subsequently saw blood without connection to intercourse, this indicates that the blood is no longer from her torn hymen and therefore she is deemed impure. Likewise, if the appearance of her blood had changed since her initial blood from her torn hymen, she is impure. Rabbi Yona raises an objection to this last halakha from the mishna: And a virgin whose blood is ritually pure is not required to examine herself when she engages in intercourse. Why not? She should engage in intercourse while using examination cloths, as perhaps she will find that the appearance of her blood has changed, which would mean that her blood is no longer ritually pure blood from her torn hymen.

Rava says: Say the first clause: All women must engage in intercourse while using examination cloths, except for a menstruating woman whose impure status is certain and a woman after childbirth who is observing the period of the blood of purity. It can be inferred from here that these two exceptions are not required for women to examine themselves, but a virgin whose blood is pure is required to perform an examination. This ruling apparently supports Shmuel's opinion that examination is required to determine if there is a change in the appearance of her blood. But if so, then the two clauses of the mishna are difficult, as they contradict each other.

The Gemara explains: Here, in the latter clause that indicates that a virgin requires no examination, it is referring to a case where she had engaged in intercourse. In such a situation an examination would be inconclusive, as even if the appearance of her blood had changed, one can say that it was because the man's organ soiled it, i.e., perhaps the intercourse caused the change of appearance in her blood. By contrast, there, in the first clause, it is referring to a case where she had not engaged in intercourse, and therefore she is required to perform an examination to determine if there was a change in appearance in her blood, as any difference in appearance would indicate a change from pure blood to impure blood.

The Gemara notes that this halakha is also taught in a baraita. With regard to the opinion of Beit Hillel that blood is attributed to the torn hymen until the wound heals, the baraita asks: In what case is this statement said? In a case where she does not stop seeing blood due to intercourse, i.e., every time she engages in intercourse she experiences bleeding. If so, even when she sees blood not due to intercourse, it is deemed pure.

## NOTES

They taught this only where she does not stop seeing blood due to intercourse – לא שנא אלא שלא פסקה מחתמת תשמש: The time frame that the blood seen by a virgin after her first intercourse is deemed pure is dependent not upon the passage of time, but upon the conditions under which she experiences bleeding. As long as she continues to experience bleeding with each act of intercourse, any blood seen in between is presumed to be coming from her torn hymen, even if a couple of days have passed since her last act of intercourse. After one occurrence when she engaged in intercourse and did not experience bleeding, her hymen is presumed to be healed, and therefore any blood seen thereafter will render her impure. If she then continues to experience bleeding with intercourse, it must be suspected that it is menstrual blood that is being discharged due to intercourse (*Shulhan Arukh Yoreh De'a* 187:13; see *Bah*).

Some say that even without that one occurrence where she engaged in intercourse without blood, engaging in intercourse one time without pain indicates that her wound has healed and any blood seen thereafter is suspected to be menstrual blood that is discharged due to intercourse. With regard to blood seen during her first act of intercourse, all agree that it is presumed to be from her torn hymen, even if she experiences no pain (Rema citing Maharam Padua).

Some later authorities question the first opinion above, noting that it can lead to the untenable situation where her menstrual blood is deemed as coming from the hymen long after it should have stopped bleeding. Rather, they explain that the ruling stated in the *Shulhan Arukh* is limited to a few acts of intercourse, but not more (*Sidrei Tahara; Darkhei Teshuva; Tohorat HaBayit; Maasai Binyamin*). Some ask why a self-examination was not instituted to determine when bleeding from her hymen stops. They answer that the institution of self-examination was established only to determine if she is currently impure, and not to clarify her status in the future (*Tosefot HaRosh*).

## HALAKHA

She stops seeing blood due to intercourse and then she subsequently saw blood – פסקה מחתמת תשמש וראתה: After a virgin marries, blood that she sees in the course of intercourse is presumed to come from her torn hymen. This presumption continues until the first time she engages in intercourse without any bleeding.

By contrast, the Rema rules that as soon as she engages in intercourse without experiencing any pain, even if she continues

to bleed during intercourse, it may no longer be presumed that the blood is from her wound. Some authorities are similarly reluctant to take a lenient stance after she has stopped experiencing pain from intercourse (*Beit Yosef*), while the *Bah* cites other authorities who have no qualms about ruling leniently until she engages in intercourse without bleeding (*Rambam Sefer Kedusha, Hilkhos Issurei Bia* 11:8; *Shulhan Arukh, Yoreh De'a* 187:13).

**HALAKHA**

With regard to a woman who is engaged in handling pure items – **בָּאשֶׁה עֲסֻקָּה בְּטַהוֹת**: The Rambam rules that a woman who is required to examine herself because she handles ritually pure items is also required to examine herself before engaging in intercourse with her husband, even if she has a fixed menstrual cycle. If she does not handle ritually pure items, then, if she has a fixed menstrual cycle, she is not required to examine herself before engaging in intercourse with her husband. The Ra'avad disagrees and maintains that even if she does not have a fixed menstrual cycle, she is not required to examine herself before intercourse if she does not handle ritually pure items. The Rema, citing *Roke'ah*, rules that the halakha and common practice is in accordance with the latter opinion (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 4:7, and see *Kesef Mishne* there; *Shulhan Arukh, Yoreh De'a* 186:1).

**אֲבָל פְּקָה מִחְמָת תְּשִׁמֵּשׁ וּרְאָתָה - טָמֵא,**  
**עַבְרָ לִילָה אֲחַת בְּלָא תְּשִׁמֵּשׁ וּרְאָתָה -**  
**טָמֵא, נִשְׁתַּנוּ מִרְאָה דָמִים שָׁלָה - טָמֵא.**

**פְּעֻמִים הִיא צִיכָה וּכְו.** אָמָר רַב יְהוּדָה  
**אָמָר שְׁמוּאֵל:** לֹא שָׁנוּ אֶלָּא לְטַהוֹת, אֲבָל  
**לְבָעֵלה - מוֹתָרָה. פְּשִׁיטָה, שְׁחָרִית** "תָנָן"

**אֶלָּא, אֵי אַתָּמָר - אֲסִיפָה אַתָּמָר: וּבְשֻׁעה**  
**שֶׁהִיא עֹזֶבֶת לְשִׁמְשׁ אֶת בֵּיתָה. אָמָר רַב**  
**יְהוּדָה אָמָר שְׁמוּאֵל:** לֹא שָׁנוּ אֶלָּא בָּאֵשָׁה  
**עֲסֻקָּה בְּטַהוֹת, דְמָנוֹ דְבָעֵיא בְּדִיקָה**  
**לְטַהוֹת - בְּעֵיא נִמְיָה בְּדִיקָה לְבָעֵלה. אֲבָל**  
**אֵינָה עֲסֻקָּה בְּטַהוֹת - לֹא בְּעֵיא בְּדִיקָה.**

**מַאֲכָל מִשְׁמָעַ לְ? תְּנִינָה: כָּל הַנְּשָׁמָה בְּחוּקַת**  
**טַהוֹת לְבָעֵלהִן אֵי מִתְנִינִיתָן - הַוָּה אַמְּנִינָה:**  
**הַנְּמִילָה בָּאֵשָׁה שִׁישׁ לְהָ וּסְתָה, אֲבָל אֵשָׁה**  
**שְׁאֵין לְהָ וּסְתָה - בְּעֵיא בְּדִיקָה.**

**וְהִיא מִתְנִינָה בָּאֵשָׁה שִׁישׁ לְהָ וּסְתָה עֲסִקִּינָה!**  
**מִתְנִינִיתָן - בֵּין שִׁישׁ לְהָ וּסְתָה בֵּין אֵין לְהָ וּסְתָה,**  
**וְהִיא קָא מִשְׁמָעַ לְ? דְאַךְ עַל גַּב דִּישׁ לְהָ וּסְתָה,**  
**מִגּוֹ דְבָעֵיא בְּדִיקָה לְטַהוֹת - בְּעֵיא נִמְיָה**  
**בְּדִיקָה לְבָעֵלה.**

But if she stopped seeing blood due to intercourse, and she subsequently sees blood at a different time, that sighting renders her impure. Similarly, if one night passed without her engaging in intercourse and then she saw blood without connection to intercourse, she is deemed impure. Furthermore, if she sees blood and the appearance of her blood had changed from her initial blood from her torn hymen, she is impure.

**S** The mishna teaches: **And she is required to examine herself twice each day, in the morning and at twilight.** Rav Yehuda says that Shmuel says: The mishna taught this halakha only with regard to touching ritually pure items. **But with regard to her husband, she is permitted to him without any requirement to perform examinations.** The Gemara asks: Isn't this obvious, as we learn in the mishna that she must examine herself twice a day, and the first time is in the morning? This indicates that the mishna is concerned about the status of ritually pure items that she will handle during the day, but not about intercourse with her husband, as a couple usually engages in relations at night rather than during the day.

The Gemara answers: Rather, if the statement of Rav Yehuda citing Shmuel was stated, it was stated with regard to the latter clause of the mishna: **And she is also required to examine herself at a time that she is about to engage in intercourse with her husband.** Rav Yehuda says that Shmuel says: The mishna taught this halakha only with regard to a woman who is engaged in handling pure items.<sup>H</sup> She alone is required to examine herself before intercourse. The reason is that since she is required to perform an examination in preparation for handling pure items,<sup>N</sup> she also requires an examination in preparation for intercourse with her husband. But with regard to a woman who is not engaged in handling pure items, she is not required to perform an examination in preparation for intercourse with her husband.

The Gemara asks: What is Rav Yehuda teaching us? We already learn this from the mishna (15a): All women have the presumptive status of purity to their husbands, and therefore the husband does not need to ascertain whether she is ritually pure before engaging in intercourse. The Gemara answers: If this halakha is learned from the mishna alone, I would say that this statement applies only to a woman who has a fixed menstrual cycle. But in the case of a woman who does not have a fixed menstrual cycle, she is required to perform an examination before intercourse. Consequently, Rav Yehuda teaches us that even a woman who does not have a fixed menstrual cycle is not required to perform an examination before intercourse, unless she handles pure items.

The Gemara asks: But aren't we are dealing in the mishna with a case of a woman who has a fixed menstrual cycle? The Gemara answers: The mishna is dealing both with a case where she has a fixed menstrual cycle and with a case where she does not have a fixed menstrual cycle. And this is what the mishna teaches us: That even though she has a fixed menstrual cycle, and therefore one might think that she is exempt from examination, nevertheless if she handles pure items, since she is required to perform an examination in preparation for handling those pure items, she is also required to perform an examination in preparation for intercourse with her husband.

**NOTES**

Since she is required to perform an examination in preparation for handling pure items, etc. – **מִגּוֹ דְבָעֵיא בְּדִיקָה לְטַהוֹת וּכְו.** Why is there a greater requirement for examination for the purpose of handling pure items than for intercourse with her husband? Isn't the sin of intercourse while she is menstruating, which is punishable by *karet*, more serious than rendering ritually pure items impure?

The later commentaries suggest that the Sages were particularly concerned with regard to ritual impurity, just as the Torah shows great concern in this regard, as demonstrated by the many offerings prescribed by the Torah for one who consumes sacred items or enters into the Temple in a state of ritual impurity.

וְהִיא אָמַרְתָּה שֶׁמְוֹאֵל חֲדָא זִימְנָא! דָּא מַר  
רַבִּי זִירָא, אָמַר רַבִּי אַבָּא בֶּן יְרֵמִיה,  
אָמַר שְׁמוּאֵל. אָשָׁה שָׁוֵין לְהַוְסֵת –  
אָסְרוֹה לְשִׁמְשׁ עַד שְׁתַבְדוֹק. וְאַזְקִים נָא:  
בְּעִסּוֹקָה בְּטָהֳרוֹת! חֲדָא מְכֻלָּל חֲבֹרָתָה  
אַתָּמָר.

תְּנִינָא נָמֵי הַכִּי: בְּפָמָה דְּבָרִים אֲמֹוֹרִים –  
לְטָהֳרוֹת, אָבֵל לְבָעֵלה – מוֹתָרָת. בְּפָמָה  
דְּבָרִים אֲמֹוֹרִים – שְׁהִנְחָה בְּחִזְקָתָה  
טָהֳרוֹת, אָבֵל הַיְחָה בְּחִזְקָתָת טָמֵאָה –  
לְעוֹלָם הִיא בְּטוּמָאָתָה, עַד שְׂתָא מָר לוֹ  
טָהֳרוֹת אָנָּי".

The Gemara asks: But didn't Shmuel already state this halakha on another occasion? As Rabbi Zeira said that Rabbi Abba bar Yirmeya says that Shmuel says: With regard to a woman who does not have a fixed menstrual cycle, it is forbidden for her to engage in intercourse with her husband until she examines herself and determines that she is pure. And we interpreted this halakha as referring to a case where she is engaged in handling pure items. The Gemara answers: Shmuel did not in fact issue two statements; rather, one was stated by inference from the other. In other words, Shmuel said one of these statements explicitly; the other was reported by his students in his name based on an inference from what he had said.

The Gemara adds: This is also taught in a baraita: In what case is this statement, that a woman requires an examination, said? It is said with regard to a woman who is preparing for handling pure items. But with regard to engaging in intercourse with her husband, she is permitted<sup>N</sup> to do so without performing an examination. The baraita qualifies this ruling: And in what case is this statement, that she is not required to perform an examination, said? It is said when her husband traveled and left her with the presumptive status of ritual purity.<sup>H</sup> If so, upon his return she does not need to perform an examination before they engage in intercourse. But if he left her with the presumptive status of ritual impurity, she remains forever in her status of impurity, until she says to him: I am ritually pure.

## NOTES

But with regard to engaging in intercourse with her husband she is permitted – אָבֵל לְבָעֵלה מוֹתָרָת: The early commentaries disagree concerning this halakha. Some say that a woman is not required to perform an examination prior to intercourse or after intercourse (Rashi). Others rule, based on their interpretation of the Gemara on 12b, that such a woman is required to perform two examinations, one before intercourse and one after intercourse (Rabbeinu Hananel and Rosh).

## HALAKHA

When her husband traveled and left her with the presumptive status of ritual purity – שְׁהִנְחָה בְּחִזְקָתָה טָהֳרוֹת: Every woman with a fixed menstrual cycle has the presumptive status of purity to her husband until she declares that she is impure or her neighbors know her to be a nidda. If, when a husband traveled, he left his wife in a presumptive status of purity, upon his return he does not need to ask her if she is still ritually pure. He may engage in intercourse with her, even if she is groggy and is unable to clarify her status to him. If when he left she was impure, he may not engage in intercourse with her until she declares her purity to him (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:7 and Sefer Kedusha, Hilkhot Issurei Bia 4:9).

## Perek I Daf 12 Amud a

בַּעֲאָמִינָה רַבִּי זִירָא מִרְבֵּן יְהוּדָה: אָשָׁה  
מַהוּ שְׁתַבְדוֹק עַצְמָה לְבָעֵלה? אָמַר לֵיה:  
לֹא תְבַהּוּךְ וְתְבַדּוּךְ, וְמָה בְּכָךְ? אִם כֵּן –  
לְבּוֹנוֹקְפּוּ וְפּוֹרָשּׁוּ.

בַּעֲאָמִינָה רַבִּי אַבָּא מִרְבֵּן הוֹנָא: אָשָׁה  
מַהוּ שְׁתַבְדוֹק עַצְמָה בְּשִׁיעּוּר וְסֶת, כְּדִי  
לְחַיֵּב בְּעֵלה חַטָּאת?

אָמַר לֵיה: מַי מִשְׁבְּחָתָה לְהַבְּדִיקָה  
בְּשִׁיעּוּר וְסֶת? וְהַתְּנִינָא: אֵין הַשִּׁיעּוּר  
וְסֶת – מִשְׁלָל שִׁמְפֵשׁ וְעַד שְׁעֻומְדִים בְּצֶד  
הַמְּשֻׁקּוֹ, בִּיאָיוֹת הַשִּׁמְפֵשׁ – נִכְנֵס עַד

**§** Rabbi Zeira raised a dilemma before Rav Yehuda: What is the halakha as to whether a woman should examine herself before engaging in intercourse with her husband?<sup>HN</sup> Rav Yehuda said to him: She should not examine herself. Rabbi Zeira asked: And let her examine herself; what would be the problem with that? Rav Yehuda answered: If so, the heart of a scrupulous husband might strike him with pangs of conscience over sins that he could transgress, and he will separate from his wife out of fear that she is impure.

Rabbi Abba raised a similar dilemma before Rav Huna: What is the halakha as to whether a woman should examine herself immediately after engaging in intercourse, within the minimum period of time needed for the onset of menstruation, in order to render her husband liable to bring a sin offering for engaging in intercourse with a menstruating woman?

Rav Huna said to him: Can you find a case where it is physically possible to perform a full examination after intercourse within the period of time needed for the onset of menstruation? But isn't it taught in a baraita: What is the period of time needed for the onset of menstruation? This is comparable to a male organ and an examination cloth that are standing alongside the doorpost, i.e., at the entrance to the vagina; upon the exit of the organ the examination cloth immediately enters.

## HALAKHA

What is the halakha as to whether a woman should examine herself before engaging in intercourse with her husband – אָשָׁה מַהוּ שְׁתַבְדוֹק עַצְמָה לְבָעֵלה?: Not only is a woman who has a fixed menstrual cycle not required to perform self-examinations when she engages in intercourse, but she should not perform them even if she wishes to, as it will make her husband nervous and he may worry that perhaps he will engage in intercourse with a menstruating woman. By contrast, the Rambam rules that both wife and husband should examine themselves after intercourse with their respective swatches to determine if there was any blood discharged during intercourse. He also notes that scrupulous women should even examine themselves before intercourse. Nevertheless, the Rema, citing Roke'ah, rules in accordance with the first opinion that no examination should be performed, and he adds that this is the prevalent custom (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:7; see Sefer Kedusha, Hilkhot Issurei Bia 4:16, and Ra'avad and Kesef Mishne there; Shulhan Arukh, Yoreh De'a 186:1).

What is the halakha as to whether a woman should examine herself before engaging in intercourse with her husband – שְׁשָׁה מַהוּ שְׁתַבְדוֹק עַצְמָה לְבָעֵלה?: It is unclear to which examination Rabbi Zeira is referring. The early commentaries differ in their explanations. Some claim that he is inquiring about an examination after intercourse, as although the examination after intercourse is not obligatory, it is customary for scrupulous women to perform that examination. The Rambam adds that he is referring

only to an examination immediately after intercourse, but both the woman and the man are obligated to examine themselves sometime after intercourse to determine that there was no blood (see Rambam Sefer Kedusha, Hilkhot Issurei Bia 4:16, and Haggahot Maimoniyot there). Others say that Rabbi Zeira is referring to both examinations, before intercourse and after intercourse. Rav Yehuda replied that she should not perform any examination (Rashi; Tosafot), and that is the halakha in practice (Ramban).

### HALAKHA

And this is the examination cloth of virtuous women – **וזה עין של צניעות:** In the case of a woman without a fixed menstrual cycle, she and her husband must examine themselves with their respective swatches before and after each intercourse. If, after three occasions, no blood is found, she then attains the presumptive status that intercourse does not bring upon her a menstrual flow, and from then on they no longer need to perform any examinations before or after intercourse. The Rambam and Rosh maintain that a woman without a fixed menstrual cycle must always examine herself before and after intercourse, and the Rambam adds that her husband must also examine himself. There are those who maintain that all these examinations are necessary only for a woman who is also handling ritually pure items (*Shulhan Arukh, Yoreh De'a* 186:2, and see *Shakh* there).

**הוּא וָסֶת שְׁאַמּוֹר – לִקְנָוחׁ וְלֹא בְּדִיקָה.**  
**אֲלֹא: מַהוּ שְׁתְּקַנֵּחַ?**

**אֲיַבָּא דָמָרִי, הֲכִי בַּעֲאֵמִיה: אֲשֶׁר**  
**מַהוּ שְׁתְּבֹדּוֹק עָצָמָה, בְּדִילְחִיב בְּעָלָה**  
**אָשֶׁר תְּלֻויִי? אָמַר לוֹ: לֹא תְּבֹדּוֹק.**  
**וְתְּבֹדּוֹק, וּמָה בְּכָן? אִם כֵּן – לְפֹנוֹ נַקְפָּוּ**

**פּוֹרֵשׁ.**

**"בְּשֻׁעָה שְׁהָיָה עֲזֹבָתָה" וּכְוֹ.** אָמַר  
**רַבִּי אַמִּי אָמַר רַבִּי יְנָאי, וְזֹה עַד שְׁלֵ**  
**צָנִיעָה. אָמַר לָהּ וּבַי אֲבָא בָּר מִמֵּלָ**  
**לְבַבִּי אַמִּי: תָּנָא תַּנִּי "צָרִיכּוֹת" וְאֵת תַּנִּי**  
**"צָנִיעָה!" אָמַר לָהּ: שְׁאַמִּי אָמַר בְּלַ**  
**הַמְּקִים דְּבָרִי חֲכָמִים נִקְרָא "צָנִיעָה".**

**אָמַר רַבָּא: וְשָׁאַיָּנוּ מִקְיָּם דְּבָרִי חֲכָמִים,**  
**"צָנִיעָה" הוּא דָלָא מִקְרָא, הָא "רְשָׁעָה" לֹא**  
**מִקְרָא? אֲלֹא אָמַר רַבָּא: אֲנָנוּ, יְדָךְ**  
**שְׁבָרְךָ בּוּ עַצְמָן לְפִנֵּי תְּשִׁמְשׁוּ הָה – אֵין**  
**בּוֹדּוֹת בּוּ לְפִנֵּי תְּשִׁמְשׁ אַחֲרָה; וְשָׁאַיָּן**  
**צָנִיעָה – בּוֹדּוֹת וְלֹא אִינְפְּתַת לְהָןּ.**

**גּוֹפָא, אָמַר רַבִּי זִירָא, אָמַר רַבִּי אֲבָא**  
**בָּר יְמִינָה, אָמַר שְׁמוּאֵל: אֲשֶׁר שָׁאַיָּן**  
**לְהָוָסֶת – אֲסֹרוֹת לְשִׁמְשׁ עַד שְׁתְּבֹדּוֹק.**  
**אָמַר לִיהְיָה רַבִּי זִירָא לְבַבִּי אֲבָא בָּר יְמִינָה:**  
**אֵין לְהָוָסֶת – בְּשִׁיא בְּרִיקָה, יְשַׁלֵּה**  
**וָסֶת – לֹא בַּעֲאֵמָה בְּדִיקָה?**

**אָמַר לִיהְיָה: יְשַׁלֵּה וָסֶת, עֲרָה – בַּעֲאֵמָה**  
**בְּדִיקָה, יְשַׁנֵּה – לֹא בַּעֲאֵמָה בְּדִיקָה. אֵין**  
**לְהָוָסֶת: בֵּין עֲרָה בֵּין יְשַׁנֵּה – בַּעֲאֵמָה**  
**בְּדִיקָה.**

The Gemara explains: It is apparent that the period of time that they stated is the time required for an external wipe, and not for a full internal examination. Therefore, if she did an internal examination and found blood, one cannot be certain that she was already menstruating during intercourse and thereby render the husband liable to bring a sin offering. Rather, this is Rabbi Abba's dilemma: What is the halakha as to whether a woman should wipe herself immediately after engaging in intercourse? Since this action can be performed quickly, if she were to find blood her husband would be liable to bring a sin offering.

Some say that this is the dilemma that Rabbi Abba raised before Rav Huna: What is the halakha as to whether a woman should examine herself immediately after engaging in intercourse, in order to render her husband liable to bring a provisional guilt offering brought by one who is uncertain as to whether he committed a sin that requires a sin offering? Rav Huna said to him: She should not examine herself. Rabbi Abba asked: And let her examine herself; what would be the problem with that? Rav Huna answered: If so, the heart of a scrupulous husband might strike him with pangs of conscience over sins that he could transgress, and he will separate from his wife out of fear that she is impure.

§ The mishna teaches: And she is also required to examine herself at a time that she is about to engage in intercourse with her husband. Rabbi Ami says that Rabbi Yannai says: And this examination performed before intercourse is known as: The examination cloth of virtuous women,<sup>h</sup> as this examination is not strictly required. Rabbi Abba bar Memel said to Rabbi Ami: The tanna teaches that women are required to perform this examination, and yet you teach that only virtuous women perform it. Rabbi Ami said to him: Yes, as I say that anyone who fulfills the statements of the Sages is called virtuous. Rabbi Ami did not mean that this examination is beyond the letter of the law. He was simply praising those who abide by the established halakha.

With regard to Rabbi Ami's claim, Rava says: And according to your opinion, with regard to one who does not fulfill the statements of the Sages, he is not called virtuous. But this indicates that he is not called wicked either. This cannot be correct, as one who does not heed the instructions of the Sages is certainly wicked. Rather, Rava said: Virtuous women are those who do not reuse the examination cloth that they used to examine themselves before this intercourse. Even if no blood was found on it, they do not examine themselves with it prior to another act of intercourse, as once it was used once, it is not as clean as before. And those who are not virtuous women reuse the same examination cloths and examine themselves with them and they are not particular about this matter.

§ The Gemara returns to the matter itself: Rabbi Zeira says that Rabbi Abba bar Yirmeya says that Shmuel says: With regard to a woman who does not have a fixed menstrual cycle, it is forbidden for her to engage in intercourse until she examines herself. Rabbi Zeira said to Rabbi Abba bar Yirmeya: Does Shmuel mean that if she does not have a fixed menstrual cycle she is required to perform an examination, but if she has a fixed menstrual cycle she is not required to perform an examination? This is difficult, as the mishna teaches that even a woman with a fixed menstrual cycle is required to perform an examination before she engages in intercourse.

Rabbi Abba bar Yirmeya said to him: The mishna means that if she has a fixed menstrual cycle and she is awake, she is required to perform an examination; if she is sleeping she is not required to perform an examination before intercourse, as this would involve much effort. If she does not have a fixed menstrual cycle, then whether she is awake or sleeping, she is required to perform an examination.

אמור ר'בא, וילימא ליה: יש לה וסת, לטלhorot - בשייא בריךה, לבעלה - לא בעיא בריךה, אין לה וסת - אפיקלו לבעלה נמי בעיא בריךה; ומידלא אמר ליה ה'כ' שמע מניה קסביר שמואל: כל לבעלה - לא בעיא בריךה.

**Rava says:** And let Rabbi Abba bar Yirmeya say a different answer to Rabbi Zeira: Shmuel means that if she has a fixed menstrual cycle, then in the case of a woman who handles pure items, she is required to perform an examination for the sake of intercourse as well. If she does not handle pure items, then for the sake of intercourse with her husband alone she is not required to perform an examination. By contrast, if she does not have a fixed menstrual cycle, then she is required to perform an examination even for the sake of intercourse with her husband. Rava concludes: And from the fact that Rabbi Abba bar Yirmeya did not say this answer, one can learn from it that Shmuel holds that in any case where an examination is only for the purpose of intercourse with her husband, she is not required to perform an examination.

תנו רבנן: חמרין ופזעLIN והבאיין מבית האבל ומבית המשתה - נשייהם להם בחזקת טהרה, ובאיו ושוחני עמיהם, בין ישנות בין ערות. בפה דרבינו אמרום שעה פון בחזקת טהרה, אבל היפון בחזקת טומאה - לעולם היא טמאה, עד שתנאמר לו "טהורה אני".

והא, שמואל במא מוקי לה? אי בשיש לה וסת - קשיא ערה בין ישנה?

**§ The Sages taught in a baraita:** With regard to donkey drivers and laborers who return home, and those who come home from the house of mourning or from the house of feasting for a wedding, their wives remain in a presumptive status of purity.<sup>h</sup> And therefore they may come and remain with them, i.e., engage in intercourse with them, whether they are sleeping<sup>n</sup> or awake. The baraita clarifies: In what case is this statement said? When the husbands left their wives in a presumptive state of purity. But if the husbands left them in a presumptive state of impurity, she remains forever in a status of impurity, until she says to him: I am ritually pure.

The Gemara asks: But according to Rabbi Abba bar Yirmeya, with regard to what case does Shmuel interpret this baraita? If the baraita is dealing with a woman who has a fixed menstrual cycle, it is difficult, as Shmuel holds that such a woman who is awake is required to perform an examination, whereas the baraita indicates that no examination is necessary. And if the baraita is referring to a woman who does not have a fixed menstrual cycle, it is also difficult, as Shmuel holds that she always is required to perform an examination, whether she is awake or sleeping.

לועלם בשיש לה וסת, וכיון שתבעה - אין בדיקה גזולה מו. אמר ליה ר' רב פפא לר'בא: מהו למעבד כי דא מתניתא?

The Gemara answers: Actually, the baraita is referring to a case where she has a fixed menstrual cycle, and since her husband came home from his travels and requested of her that they engage in intercourse, there is no greater examination than this.<sup>n</sup> Since she had time to consider the matter while he was asking her, she would have remembered had she sensed the onset of her menstrual cycle, whereas under regular circumstances she might not have time to recall. Based upon this explanation, Rav Pappa<sup>p</sup> said to Rava: What is the halakha with regard to acting in accordance with this baraita? Perhaps it is necessary to wake her and ask her whether she is ritually pure.

### HALAKHA

Donkey drivers and laborers...their wives remain in a presumptive status of purity ...<sup>g</sup> **משוגם לסת בתקנת תורה:** Every woman with a fixed menstrual cycle has the presumptive status of purity to her husband until she declares that she is impure or her neighbors know her to be a *nidda*. If, when a husband traveled, he left his wife in a presumptive status of purity, upon his return he does not need to ask her if she is still ritually pure. He may engage in intercourse with her, even if she is unable to clarify her status to him. If when he left she was impure, he may not engage in intercourse with her until she declares her purity to him (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 4:7 and Sefer Kedusha, Hilkhos Issurei Bia 4:9).

### NOTES

**Whether they are sleeping – בין ישנה:** Although it is prohibited to engage in intercourse with one's wife while she is sleeping (see Nedarim 2ob), the baraita is dealing only with her status as a menstruating woman, irrespective of other considerations (*Tosafot*). Alternatively, *Tosafot* suggest that the baraita is referring to a woman who is not fully asleep; she is merely not alert enough to declare whether or not she is ritually pure.

**אין לנו בדיקה גזולה מו:** *Tosafot* explain that those people discussed in the baraita have a tendency to take more time enticing their wives before requesting of them to engage in intercourse. Therefore, she would have remembered during that time if she was expecting the onset of her menstrual period. This would not apply to a standard case of a husband who requests of his wife to engage in intercourse.

### PERSONALITIES

**Rav Pappa – ר' רב פפא:** Rav Pappa belonged to the fifth generation of the *amora'im* of Babylon. He was a student of both Abaye and Rava in Pumbedita. Rav Pappa established an academy in Neresh, where he was joined by his close friend Rav Hunai, son of Rav Yehoshua, who was appointed chief lecturer. After Rava's death, many of his students came to study under Rav Pappa, who had more than two hundred students attending his lectures. Rav Pappa's father was a wealthy merchant and supported him in order to allow him to study. Rav Pappa also became a wealthy businessman; he was a successful brewer of date beer and he prospered in other business ventures as well. The Talmud records that he engaged in trade with both Jews and gentiles and had a reputation for fairness and generosity in his business dealings.

### Perek I

#### Daf 12 Amud b

אמור ליה: סודני, לא, דמגניא באפיה. אמר רב כהנא: שאלתני ה'ר' לאייש בתייה דרב פפא זרוב הווא בריה דרב יהושע כי איתו רבנן מביר' מוצרי לכו בדיקה? ואמרו לי: לא. ולישיל'נוו לדיזהו דילמא איניה קא מוחמייר אונפשייה.

Rava said to Rav Pappa: Wise one [sudani]!<sup>l</sup> No, won't she be demeaned before him? It is embarrassing for her if she is awoken and has to think about whether or not she is pure. Rav Kahana says: I asked the members of the households, i.e., the wives, of Rav Pappa and of Rav Hunai, son of Rav Yehoshua: When the Sages, your husbands, came home from the study hall, did they require you to perform an examination prior to intercourse? And they said to me: No. The Gemara asks: But why ask their wives? Why not ask those Sages themselves? The Gemara answers: Perhaps they might rule leniently for others, while acting stringently with themselves. Therefore, their wives were asked, to determine how the Sages conducted themselves in their personal lives.

### LANGUAGE

**Wise one [sudani] – סודני:** Several explanations are given for this nickname. Some say that it comes from the Hebrew word *sod*, which means secret, as in the verse: "The secret [sod] of the Lord is with them that fear Him" (Psalms 25:14). Rashi explains that Rav Pappa was called by this name due to his stature as a Torah scholar. Others explain that it was because of his piety (*Arukh*). Alternatively, this moniker refers to one who manufactures or sells wine (Rashi on Berakhot 44b).

### NOTES

**Nor produce of her property – וְלֹא פִרּוֹת:** This is referring to the benefits that the husband received from the usufruct property that his wife brought into the marriage. One might have thought that as she has no right to receive payment of her marriage contract, it is evident that she was never really his wife, and therefore he must reimburse her for the benefit that he received from her property. Therefore, the *baraita* teaches that she is not entitled to any such reimbursement (Rashi).

**Nor does she get back her worn clothes – וְלֹא בָלָאות:** There are certain items that a woman brings into a marriage, such as clothing, whose value is guaranteed to be returned to her upon divorce or her husband's death. These are known as guaranteed property. Her husband is permitted to use them, even if they become worn through his use. Rashi maintains that in a case such as this, when there is an obligation to divorce her, she is not entitled to those worn clothes and items, even if they remain intact. Other early commentaries maintain that any guaranteed property that is intact must be returned to her, and the worn clothes mentioned here are clothes and items that are entirely worn out, to the point that they are unusable. According to this opinion, the *baraita* means that the husband is not responsible for reimbursement with regard to those items. Furthermore, according to this opinion, the woman is also entitled to the additional sum that her husband voluntarily added to her marriage contract.

**I would not have divorced her – לא חִיַּתְמַרְשָׁה:** The early commentaries are puzzled as to how this man could possibly claim that he would not have divorced his wife. Isn't he obligated to divorce her due to her lack of a fixed menstrual cycle? They answer that since the court does not actually force him to divorce her, he is able to make such an assertion. Therefore, he is able to claim that he would have stayed married to her until she attained a fixed menstrual cycle, as she did while she was married to her second husband (Ran).

### BACKGROUND

**בָּאָה בָּקָר:** The *maneh* is a coin worth one hundred dinars. To evaluate the purchasing power of one hundred *maneh*, it should be kept in mind that a worker's daily wages amounted to roughly four dinars. One hundred *maneh* were worth approximately seven years of the average worker's wages.

תנו רבנן: אשה שאינה לה ווסת - אסורה לשמש, ואין לה לא בתובה ולא פירות ולא מונות ולא בלאות, יווציא ולא מהיר עולמית, דברי רבי מאיר.

§ The Sages taught in a *baraita*: With regard to a woman who does not have a fixed menstrual cycle, she is **forbidden to engage in intercourse**, and she **does not have the right to receive payment of her marriage contract** if divorced or widowed, **nor** is she entitled to payment from her husband for the **produce of her property**<sup>N</sup> that he consumed, **nor** is she entitled to provisions for her **sustenance** from his estate, **nor** does she get back her **worn clothes**<sup>N</sup> or other items she brought with her to her marriage as part of her dowry. And furthermore, her husband **must divorce her and he may never remarry her**. This is the statement of Rabbi Meir.

רב חנינא בן אנטיגנוס אומר: משבשת בשני עדים, אין עותה חן תקינה. משום אמרתך אין אוי לו לבעלה.

Rabbi Hanina ben Antigonus says: She is permitted to **engage in intercourse** with her husband, but she must examine herself **with two examination cloths**, one prior to intercourse and one afterward. They may be to **her detriment** if she finds blood on the cloths, or **they may lead to her betterment**, since if she finds no blood she is permitted to her husband. **They said in the name of Abba Hanan: Woe to her husband!**

אסורה לשמש - דילמא מקלה ליה, ואין לה בתובה - בין דלא חזייא לביאה, לית לה בתובה,

וְלֹא פִרּוֹת, וְלֹא מְוּנָת, וְלֹא בָלָאות -  
תנאי בתובה בכחותה דמן.

זיווציא ולא יקיזר עולמית פשיטא! לא צריכא - דהדרה ואתקנה, מהודתימא ליהדרה, קא משמען דזימני דאולא נמניבא ומתקנא,

ואמרו: "איילו חִיַּתְמַרְשָׁה יָדֵע שֶׁבְּךָ הִיא - איפילו הִיָּתָם נוֹתֵן לִי מִנָּה לֹא חִיַּתְמַרְשָׁה", וומצא גט בטיל ובניה ממורי.

משום אמרתך אין אוי לו לבעלה.  
אייבא דאמרו: לרבי מאיר אמר ליה -  
רביש לאגביה בתובה. אייבא דאמרו:  
לרב חנינא בן אנטיגנוס קאמר ליה -  
דקלה ליה.

אמור רב יהודה, אמר שמואל: הלוכה  
ברבי חנינא בן אנטיגנוס. ובמאין? אי  
בעסוקה בטהורות - היא אמרה שמואל  
חזרא זימנא!

The Gemara explains each clause of the *baraita*: She is **forbidden to engage in intercourse**, as **perhaps she will ruin her husband if she emits blood during intercourse**. And with regard to the *halakha* that **she does not have the right to receive payment of her marriage contract**, the reason is that **since she is not fit for intercourse, she is not entitled to payment of her marriage contract**.

The Gemara continues its explanation: **And she is not entitled to payment for the produce of her property**, **nor** is she entitled to provisions for her **sustenance** from his estate, **nor** does she get back her **worn clothes**. The reason for all these is because **stipulations in the marriage contract are considered like the marriage contract itself**. Since she is not entitled to a marriage contract, she is likewise not entitled to these additional provisions that are stipulated in the marriage contract.

The Gemara analyzes the next clause in the *baraita*: Her husband **must divorce her and he may never remarry her**. The Gemara asks: Isn't that **obvious**? The Gemara answers: No, it is **necessary** to teach this in a case where her situation was **subsequently amended**, i.e., she established a fixed menstrual cycle. **Lest you say that he may remarry her**, the *baraita* **teaches us** that this is not permitted, as sometimes such a woman might go and marry someone else and her status is **subsequently amended**.

And the problem in this scenario is that her first husband might say: If I would have known that it is like this, that she would be cured, even if you would have given me one hundred times one hundred dinars<sup>B</sup> to divorce her I would not have divorced her.<sup>N</sup> And if so, the **bill of divorce will be found to be void**, and her children from her second husband will be considered **mamzerim**. Therefore it must be made clear to him from the outset that this divorce is final.

The Gemara analyzes the final clause of the *baraita*: **They said in the name of Abba Hanan: Woe to her husband!** Some say that he said this to Rabbi Meir, as Abba Hanan maintains that the husband is **required to settle her payment of her marriage contract upon their divorce**. And some say that he said this to Rabbi Hanina ben Antigonus, since Abba Hanan disagrees with his opinion and holds that it is forbidden to engage in intercourse with her, as **perhaps she will ruin him if they engage in intercourse when she is menstruating**.

Rav Yehuda says that Shmuel says: The *halakha* is in accordance with the opinion of Rabbi Hanina ben Antigonus. The Gemara asks: **And with regard to what case did Shmuel issue this ruling of halakha?** The Gemara elaborates: If it is referring to a woman who is **engaged in handling ritually pure items**, didn't Shmuel already say on another occasion that a woman without a fixed menstrual cycle must examine herself prior to intercourse?

וְאֵי בָשָׂרִינֶה עַסְקָה בְּטָהּוֹת – הָא  
אָמַר כֶּל לְבָעָלָה – לֹא בְּעָא בְּרִיקָה,  
דָּאָמָר רַבִּי זִירָא, אָמַר רַבִּי אַבָּא בָּר  
יִרְמֵיה, אָמַר שְׁמֹאֵל: אֲשֶׁר שָׁאוֹן לָהּ  
וְסֶת – אַסְרוֹרָה לְשִׁמְשׁ עַד שְׁתְּבָדוֹךְ,  
וְאַזְקִימְנָא לָהּ – בְּעַסְקָה בְּטָהּוֹת!  
בַּאֲנָן דְּמִתְנִינְיָה הָא, לֹא מִתְנִינְיָה הָא.

הדור על' שמאי אומר

And if it is referring to a woman who is not engaged in handling ritually pure items, doesn't Shmuel say that in any case where an examination is only for the purpose of intercourse with her husband, not for handling pure items, she is not required to perform an examination? As Rabbi Zeira said that Rabbi Abba bar Yirmeya says that Shmuel says: A woman who does not have a fixed menstrual cycle is forbidden to engage in intercourse until she examines herself, and we interpreted this statement as referring to cases where she is engaged in handling ritually pure items.<sup>H</sup> The Gemara answers: He who teaches this does not teach that,<sup>N</sup> i.e., Shmuel's ruling is in fact referring to a woman engaged in handling pure items, and the two rulings were cited in his name by different Sages.

#### HALAKHA

A woman who does not have a fixed menstrual cycle... where she is engaged in handling ritually pure items – **אֲשֶׁר שָׁאוֹן לָהּ וְסֶת... בְּעַסְקָה בְּטָהּוֹת:** The Rambam writes that a woman who does not have a fixed menstrual cycle must examine herself before and after intercourse with two separate swatches. It appears that this ruling applies even to a woman who does not handle ritually pure items. The Ra'avad disagrees and rules that it should apply only to a woman who handles ritually pure items, while a woman who does not handle pure items is not required to examine herself just for intercourse with her husband. Most authorities follow the Ra'avad's opinion, which is supported by the Gemara's conclusion with regard

to Shmuel's opinion (see *Shakh; Haggahot Maimoniyot; Kesef Mishne*). With regard to the halakha as it is practiced, some say that in a place where the prevalent custom is to be lenient, one should not act stringently, while anywhere else one should act stringently as set down in the *Shulhan Arukh (Pithei Teshuva*, citing *Torat Shelamim*). Others maintain that even the lenient opinion is only lenient in that a full internal examination is not required, but a surface wiping is necessary, and the swatch must be left on her for the amount of time needed for the onset of menstruation (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 4:16 and *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 4:7; *Shulhan Arukh, Yoreh De'a* 186:2).

#### NOTES

**He who teaches this does not teach that – לא מִתְנִינְיָה הָא, לא מִתְנִינְיָה הָא:** Some explain that two *amora'im* reported the same statement in the name of Shmuel. According to this explanation, Shmuel holds that a woman who handles ritually pure items must perform an examination before and after intercourse, even if she has a fixed menstrual cycle. Whereas a woman who does not handle ritually pure items needs no examination, even if she does not have a fixed menstrual cycle (Rashi; Rid).

Others understand that the case is that the *amora'im* reported opposing opinions in the name of Shmuel. According to Rabbi Abba bar Yirmeya, Shmuel holds that even when she does not handle pure items, she is required to perform an examination if she does not have a fixed menstrual cycle, while according to Rabbi Yehuda, Shmuel holds that if she does not handle ritually pure items she need not examine herself (Rambam; Rabbeinu Hananel; Rabbeinu Tam in *Sefer HaYashar*).



## Summary of Perek I

This chapter clarified the *halakhot* and details with regard to a woman who assumes ritual impurity upon experiencing a discharge of menstrual blood. It discussed the possibility of blood leaving her uterus before it was physically discovered, and the status of ritually pure items that she handled prior to that discovery.

In the case of a woman who has a fixed menstrual cycle, her time is sufficient, i.e., she assumes ritual impurity status only from the time of her discovery of menstrual blood, not retroactively. But with regard to a woman who does not have a fixed menstrual cycle, the Sages disagree. Some maintain that she too need not worry about retroactive impurity. Several reasons are given for this opinion. One is that this woman had a presumptive status of ritual purity until that moment, and therefore any uncertainty in the interim is resolved by reliance on that presumptive status. Another reason is that had menstrual blood been in the womb previously, it would have come out at that stage. Since it was discovered only later, at that moment, it can be assumed that it was there only at that point in time.

Yet another reason for not imposing retroactive impurity is that every woman who has a menstrual flow clearly senses that flow. Consequently, if a woman felt her flow only at that particular time, it stands to reason that she had no previous discharge. According to this last reason, women who are unable to perceive such physical sensations, such as mentally incompetent women, would transmit impurity retroactively. One more rationale for this ruling is that if women were deemed impure retroactively, their husbands might be too apprehensive to engage in intercourse with them, which would cause them to be derelict in the mitzva to procreate.

With regard to the scope of a woman's retroactive impurity, some say that it extends back to her last examination, even if that occurred several days earlier. Others hold that it extends back to the shorter of the following two periods: Either a twenty-four-hour period, or since the last time she performed an examination. The *halakha* is in accordance with this opinion. The dispute among the Sages applies only to a case where a woman discovers a flow of menstrual blood. If she discovered a blood stain, all agree that it transmits impurity retroactively.

The Sages disagree with regard to a woman's retroactive impurity for sacred items that she might have touched during that period, but with regard to non-sacred items that one treats in the manner of sacred items for the purposes of ritual purity, all agree that a menstruating woman renders them impure only from that point onward, not retroactively, as the elevated status of these items is merely a stringency to protect the sanctity of consecrated items.

There are certain categories of women with regard to whom all agree that they transmit impurity only from the time that they find menstrual blood, even if the blood is emitted outside of their regular menstrual cycle. Four such categories of

women are enumerated in this chapter: The first is a menstrual virgin, who has yet to see menstrual blood, even if she was married and experienced bleeding after her first intercourse. The second is a pregnant woman, starting from the third month of her pregnancy, which is the point at which her fetus is recognizable to others. The third is a nursing woman, a status that continues for a period of twenty-four months following birth. Finally, the fourth is an elderly woman who has passed through three regular menstrual cycles of thirty days without experiencing bleeding.

*And he shall sacrifice it before the Lord, and make atonement for her; and she shall be purified from the source of her blood. This is the law for she who bears, whether a male or a female.*

(Leviticus 12:7)

*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

*If there arise a matter too hard for you in judgment, between blood and blood, between plea and plea, and between leprous mark and leprous mark, even matters of controversy within your gates, then you shall arise, and get up unto the place that the Lord your God shall choose.*

(Deuteronomy 17:8)

## Introduction to Perek II

The verse “and if a woman has an issue, and her issue in her flesh is blood” teaches that a menstruating woman is rendered ritually impure. Therefore, a woman must examine herself to see whether she has contracted this impurity, so that she does not transmit impurity to other items or partake of *teruma*, the portion of the produce designated for the priest, in a state of ritual impurity. This basic *halakha* leads to the secondary question of how women who are not halakhically competent can be examined so that they may partake of *teruma*. With regard to the examination itself, it must be determined how the woman should perform it, and at what intervals it should be conducted. A similar inquiry applies to a man who wishes to examine himself for the impurity of a seminal emission or a gonorrhea-like discharge [*ziva*].

It is derived from the phrase “her issue in her flesh is blood” that not all fluids that are discharged from the uterus are ritually impure; only blood is. But the Torah does not specify the precise appearance of impure blood. Since there are many shades of red, as well as other reddish colors, it is necessary to establish the exact color of this blood. Furthermore, sometimes blood can change in color, and therefore the status of every reddish tinge must be established.

In addition, the phrase “between blood and blood” indicates that certain types of blood are ritually pure, as only blood from the uterus whose color is the proper shade of red renders the woman impure. This is derived from the phrase “from the source of her blood,” which refers to the uterus.

If a woman examined herself and discovered blood, but is unsure whether or not the blood is impure, she requires the ruling of a halakhic authority. Many questions arise with regard to this examination by a halakhic authority, e.g., in what manner it should be performed, and whether one halakhic authority can deem blood pure after another halakhic authority has already deemed it impure.

These and other related matters are discussed in this chapter.



**מַתָּנִי** כִּל הַיד הַמְּרֻבָּה לְבִדּוֹק, בָּנֶשֶׁים –  
מִשּׁוּבָחָת, וּבָנֶשֶׁים – תְּקִצָּא.

**גַם** מֵאַי שְׁנָא נְשִׁים וּמֵאַי שְׁנָא אֲנָשִׁים?  
נְשִׁים לֹא בִּנְוֹת הָרָגְשָׁה נִנְהָו – מִשּׁוּבָחוֹת,  
אֲנָשִׁים דְּבִנֵּי הָרָגְשָׁה נִנְהָו – תְּקִצָּא.

אֵי הַכִּי, מֵאַי אַיְרָא מְרֻבָּה? כִּי לֹא מְרֻבָּה  
בְּנֵי כִּי קָתַנִּי "מְרֻבָּה" – אֲנָשִׁים.

תַּנִּינָא: בִּמְהַדְרִים אָמְרוּ – לְעָנֵן שְׁכָבָת  
וְרֹעַ, אָכְלַל לְעָנֵן זֹב – אֶךְ הוּא מִשּׁוּבָח  
בָּנֶשֶׁים.

וְאַפְּלִילוּ לְעָנֵן שְׁכָבָת וְרֹעַ, אֲם בָּא לְבִדּוֹק  
בְּצִוּר אוֹ בְּחָרֵס – בּוֹזָק.

וּבְמַטְלִית לֹא? וְהַתְנִינָא: בּוֹזָק עַצְמוֹ  
בְּמַטְלִית וּבְכָל דְּבָר שְׂוֹצָה! בְּדָאָמָר אַבָּי  
בְּמַטְלִית עַבָּה, הַכָּא נִנְיָי – בְּמַטְלִית עַבָּה.

וְהַיְכָא אִיתָמָר דְּאַבָּי? אַהֲרָן, דְּתַנָּן: הַיְהָ  
אָכְלַל בְּתוּרָה וְהַרְגִּישׁ שְׁנָדוּעָיו אַיְרָויִו  
אוֹתוֹ בְּאַמְתָּתוֹ וּבְולָע אֶת הַתְּרוּמָה.

**MISHNA** With regard to any hand that is diligent to examine bodily emissions to ascertain ritual impurity, among women<sup>h</sup> such a hand is praiseworthy. But among men<sup>h</sup> such a hand should be severed, as this action is apt to lead to a seminal emission for naught.

**GEMARA** The Gemara asks: What is different about women and what is different about men, that women are praised for examining for bodily emissions while men are castigated for the same? The Gemara answers: Women are not susceptible to sexual arousal by this action, and therefore when a woman is diligent to examine herself she is considered praiseworthy; whereas men, who are susceptible to sexual arousal<sup>h</sup> and may experience a seminal emission as a result of this contact, may not do so, and the hand of a man who conducts frequent examinations for emissions should be severed.

The Gemara asks: If so, why does the mishna state specifically among men that only the hand that is diligent to examine, i.e., that does so often, should be severed? Even when a man is not diligent to examine, but does so occasionally, this action is also apt to cause a seminal emission. The Gemara answers: When the mishna teaches: Any hand that is diligent to examine, it states this only with regard to women, as men should not examine even occasionally.

The Gemara continues to discuss the examination of men for seminal emissions. It is taught in a baraita: In what case is this statement, that men should not examine themselves, said? It is said with regard to an examination for semen. But with regard to a man who examines himself for gonorrhea-like discharge [zov], he too is praiseworthy for examining diligently, as women are. The reason is that a man who experiences two such discharges is ritually impure but is not obligated to bring an offering, whereas one who experiences three such emissions must bring an offering as a zav. Therefore, it is important for a man who experiences a gonorrhea-like discharge to examine and count his emissions carefully.

The baraita adds: And even with regard to semen, if one wants to examine himself with a rock or with a piece of earthenware, which are hard and will not warm the body, he may examine himself in this manner.

The Gemara asks: And may a man not examine himself with a linen cloth? But isn't it taught in a baraita: A man may examine himself with a cloth, to see if he has emitted semen, or with any similar item that he wants? The Gemara answers: Just as Abaye said, with regard to a different issue, that it is referring to a coarse cloth, which will not warm one's body, here too, the baraita is referring to a coarse cloth, which will not lead to a seminal emission.

The Gemara asks: And where was this statement of Abaye stated? It was stated with regard to that which we learned in a mishna (40a): If a priest was eating teruma and he sensed that his limbs quaked,<sup>h</sup> indicating that a seminal emission was imminent, he should firmly hold his penis to prevent the emission from leaving his body, and swallow the teruma while ritually pure.

**HALAKHA**

Any hand that is diligent to examine among women – **כִּל הַיד הַמְּרֻבָּה לְבִדּוֹק בָּנֶשֶׁים**: A woman who is diligent to examine herself, whether when she is counting the days for her purity or when she has not yet experienced bleeding, is considered praiseworthy. This is the case even if she has a fixed menstrual period. But she should not do so at the time of intercourse (Rambam Sefer Kedusha, Hilkhos Issurei Bia 8:11; Shulhan Arukh, Yoreh De'a 184:1).

Among men – **בָּנֶשֶׁים**: It is prohibited for an unmarried man to handle his penis, so that he does not arouse himself. He should not even place his hand below his navel, for the same reason. When he urinates, he should do so without taking hold of his penis. It is permitted for a married man to take hold of his penis when urinating, even if his wife is not present (Beit Shmuel). But even a married man should touch his penis only when he needs to urinate (Rambam Sefer Kedusha, Hilkhos Issurei Bia 21:23; Shulhan Arukh, Even HaEzer 23:4).

If a priest was eating teruma and he sensed that his limbs quaked – **הַיְהָ אָוֶל בְּתוּרָה וְהַרְגִּישׁ שְׁנָדוּעָיו אַיְרָויִו**: If a priest was eating teruma and realized that his limbs were quaking, he should take hold of his penis, preferably above the corona (Radbaz), and swallow the teruma (Rambam Sefer Zera'im, Hilkhos Terumot 7:4).

**NOTES**

Men, who are susceptible to arousal – **אֲנָשִׁים דְּבִנֵּי הָרָגְשָׁה נִנְהָו**: Various explanations have been suggested by the early commentaries for this difference between men and women. Some say that the constant handling of the penis can lead to a seminal emission, whereas women do not experience seminal emissions (Tosafot on Yevamot 12b; Rashi; Ramban; Rashba; Ritva; Ran; Meiri).

Others claim that women who touch their private parts could also destroy any semen that might be there, but as they are not obligated in the mitzva to be fruitful and multiply the prohibition against wasting seed does not apply to them (Tosafot on Yevamot 12b, citing Rabbeinu Tam; see Gilyon of Tosafot).

**HALAKHA**

**כל האוֹתוֹ בְּאַמָּתוֹ וּמִשְׁתֵּן:** One should be careful not to hold his penis and urinates, as this might cause him to emit semen for naught. It is permitted for a married man to urinate in this manner, although some commentaries maintain that this leniency applies only if his wife is with him and she is not menstruating (*Magen Avraham*). Others rule that this is the *halakha* even if his wife is not present (*Beit Shmuel*). It is an attribute of piety to be careful in this regard even when one is married, in accordance with the opinion of Rabbi Eliezer, as explained by Rav Nahman later. In any case it is permitted to handle one's testicles for this purpose, as stated by Abba, son of Rabbi Binyamin bar Hiyya. If one holds his penis from the corona and below, i.e., toward the tip of the penis, it is permitted in all cases, even if he had an erection (*Mishna Berura*), in accordance with the opinion of Rabbi Abbahu citing Rabbi Yohanan (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 21:23; *Shulhan Arukh, Even HaEzer* 23:4 and *Orah Hayyim* 3:14–15).

Let a person stand on an elevated place and urinate downward or urinate into an area where there is loose soil: **עַמּוֹד אֶתְםْ בְּמִקְרָם גֻּבּוֹ יְשִׁתְתִּין, אוֹ יְשִׁתְתִּין בְּעַפְרָה תְּרוּזָה**: A man should not urinate when standing, because of the drops that might spray onto his legs, unless he is situated at the high end of an inclined plane or if he urinates into soft dirt, e.g., plowed earth (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 4:18; *Shulhan Arukh, Orah Hayyim* 3:13).

**אֲוֹחוֹ? וְהַתְנִיאָ, רַבִּי אֱלִיעֶזֶר אָמַר: כִּל  
הַאוֹתוֹ בְּאַמָּתוֹ וּמִשְׁתֵּן – בְּאַילּוֹ מִבְּיאָ  
מִבּוֹל לְעוֹלָם!** אָמַר אָבִי: בְּמַטְלִית  
**עַבָּה.**

**רַבָּא אָמַר: אֲפִילּוּ תִּמְאַם בְּמַטְלִית רְכָה,  
כִּיּוֹן דְּעַקָּר – עַקָּר, וְאַבְּיִ – חִישׁ דְּלָמָא  
אֲתִי לְאֹסּוֹפִי, וְרַבָּא – לֹא חִישׁ דְּלָמָא  
אֲתִי לְאֹסּוֹפִי.**

**וְלֹא? וְהַתְנִיאָ: הָא לִמְהָ זוֹמָה  
לְנוֹתֵן אַעֲבָע בְּעַיִן, שֶׁלְּבָן שָׁאַעֲבָע  
בְּעַיִן – עַיִן מְדֻבָּעַת וּחֹזֶר וּמְדֻבָּעַת!**

**וְרַבָּא – כִּל אַחֲמוּמִי וְהַדָּר אַחֲמוּמִי,  
בְּשֻׁתְתִּיה – לֹא שְׁכִיחַת.**

**גּוֹפָא, רַבִּי אֱלִיעֶזֶר אָמַר: כִּל האוֹתוֹ  
בְּאַמָּה וּמִשְׁתֵּן – בְּאַילּוֹ מִבְּיאָ מִבּוֹל  
לְעוֹלָם. אָמַר לוֹ לְרַבִּי אֱלִיעֶזֶר: וְהַלֵּא  
גִּזְוֹצֹת נִתְזַעַן עַל רְגָלֵי, וּנְרָאָה כְּרוֹת  
שְׁפָכָה, וּנְמַצֵּא מַזְכִּיא לָעַל בְּנֵי שָׁהָן  
מִמְּוּרִים!**

**אָמַר לְהָן: מוֹטֵב שִׁזְׁצִיא לָעַל בְּנֵי  
שָׁהָן מִמְּוּרִים, וְאֶל יַעֲשֵׂה עָצָמוֹ רְשָׁעָה  
שְׁעָה אַחַת לְפִנֵּי הַמְּקוֹם.**

**תְנִיאָ אַידָּךְ, אָמַר לְהָן וְרַבִּי אֱלִיעֶזֶר  
לְחַכְמִים: אֲפָשָׁר, יַעֲמֹד אֶתְםْ בְּמִקְרָם  
גֻּבּוֹ וּמִשְׁתֵּן, אוֹ יְשִׁתְתִּין בְּעַפְרָה תְּרוּזָה,  
וְאֶל יַעֲשֵׂה עָצָמוֹ רְשָׁעָה שְׁעָה אַחַת לְפִנֵּי  
הַמְּקוֹם.**

A difficulty was raised with regard to this mishna: May he actually hold his penis? But isn't it taught in a *baraita* that Rabbi Eliezer says: With regard to anyone who holds his penis<sup>n</sup> and urinates,<sup>h</sup> it is considered as though he is bringing a flood to the world, as masturbation was one of the sins that led to the flood (*Sanhedrin* 108b)? **Abaye** says in resolution of this difficulty that the mishna is referring to one who holds his penis with a coarse cloth.

**Rava** says with regard to that mishna: You may even say that it is referring to a priest who holds his penis with a soft cloth, and the reason it is permitted is that once the semen has already been uprooted from his body, it is uprooted, and his subsequent holding of the penis, even with a soft cloth, does not increase the emission of semen. And **Abaye** prohibits the use of a soft cloth even here, as he is concerned that perhaps due to the contact of this cloth one might come to increase the emission of semen. But **Rava** is not concerned that perhaps one might come to increase the emission.

The Gemara asks: And is Rava not concerned for this possibility? But isn't it taught in a *baraita*: To what is this repeated examination of a man comparable? To one who places a finger in his eye, for as long as the finger is in the eye, the eye will tear and continue to tear. Here too, the priest's action will lead to an increased emission of semen.

The Gemara answers: And Rava would claim that if the priest's limbs were not quaking and the semen was coming out in drops, there is indeed a concern that an examination might increase the emission. But when he feels his limbs quaking, this concern does not apply. The reason is that with regard to any warming of the body that leads to a seminal emission and that is then followed by another warming at the time when the semen is being uprooted, it is uncommon for the latter warming to increase the emission. Consequently, in this case the priest may hold his penis even with a soft cloth.

The Gemara discusses the matter itself. **Rabbi Eliezer** says: With regard to anyone who holds his penis and urinates, it is considered as though he is bringing a flood to the world. The Rabbis said to Rabbi Eliezer: But if one does not hold his penis, small drops are sprayed on his legs, and he appears as one whose penis has been severed. A man with that affliction is incapable of fathering children. People who see urine on his legs might suspect that he is suffering from that condition and as a result they will cast aspersions about his children and say that they are children born from a forbidden relationship [*mamzerim*].

Rabbi Eliezer said to them: It is preferable that people cast aspersions about his children that they are *mamzerim*, and he should not render himself wicked even one moment before the Omnipresent.

With regard to the same issue, it is taught in another *baraita* that Rabbi Eliezer said to the other Rabbis in response: It is possible for one to avoid spraying urine on his legs. How so? Let a person stand on an elevated place and urinate downward, or urinate into an area where there is loose soil,<sup>h</sup> which absorbs the urine, so that it does not ricochet upward, and he should not render himself wicked even one moment before the Omnipresent.

**NOTES**

Anyone who holds his penis – **כִּל האוֹתוֹ בְּאַמָּתוֹ**: According to the conclusion of the Gemara, there are six conditions under which it is permitted for a man to hold his penis while urinating. The early commentaries state that although these cases are introduced as alternatives, with the phrase: And if you wish say, nevertheless

they are all accepted as *halakha*, as they complement one another (*Aruch*; *Ritva*). Some maintain that these answers are in conflict with each other, which is why the Rambam cited only the leniency that a married man may hold his penis (*Gra*).

הִיא אָמֵר לְהוּ בַּרְישָׁא? אַיִלְמָא קְמִינָא  
אָמֵר לְהוּ בַּרְישָׁא, בֶּטֶר דָּאָמֵר לְהוּ  
אִיסְפּוֹרָא הַדָּר אָמֵר לְהוּ תַּקְנְתָּא?!

The Gemara asks: Which of these replies did Rabbi Eliezer say to the Rabbis first? If we say that it was the first statement, i.e., that one should not hold his penis even if people might cast aspersions about his children, that he said to the Rabbis first, and subsequently he told them that there was a way to avoid urine being sprayed on his legs, this is difficult; after saying to them that it is a prohibition, would he then say to them a practical remedy? By saying that one can avoid urine being sprayed on his legs, Rabbi Eliezer indicated that if one cannot do so he may hold his penis, which contradicts his other statement.

אֲלָלָא, הָא אָמֵר לְהוּ בַּרְישָׁא. וְאָמְרוּ לֵיהֶת:  
אֵין לוֹ מִקּוֹם גְּבוּהָ וְעַפְרָה תִּחְזֹחֵךְ מֵאַיִן?  
אָמֵר לְהָנָה: מוֹטֵב שִׁיוֹצֵיאַ לְשָׁעַל בְּנֵינוֹ,  
וְאֶל יַעֲשֶׂה עָצָמוֹ רְשֻׁעָה שָׁעָה אֶחָת לְפִנֵּי  
הַמִּקְוָם.

וְכֵל כֵּךְ לְמַה? מִפְנֵי שְׁמוֹצֵיאַ שְׁכַבְתָּ וְרֹעֵ  
לְבֶטֶלָה. דָּאָמֵר רַבִּי יוֹחָנָן: כֶּל הַמּוֹצֵיאַ  
שְׁכַבְתָּ וְרֹעֵלְבֶטֶלָה – חִיבָּמִיתָה, שְׁנָאָמָר:  
וַיַּרְא בְּעֵינֵי הָאַתָּה אֲשֶׁר עָשָׂה וִימְתָּ גַּם  
אָתוֹ.

רַבִּי יִצְחָק וּרְبִּי אֲמִי אָמְרוּ: בְּאַיִלּוּ שׁוֹפֵן  
רְגִימִים. שְׁנָאָמָר: "הַנְּחַמִּים בְּאַלְמִים תַּחַת  
כֶּל עַרְעָם שְׁחַטִּית הַלְּדִים בְּנָחָלִים תַּחַת  
כַּעֲפֵי הַסְּפָלָשִׁים", אַל תָּקַרְיֵי "שְׁחַטִּית" אֶלָּא  
שְׁחַטִּית".

רַב אָסִי אָמֵר: בְּאַיִלּוּ עַזְבֵּן עַבְדָּה וְרָה,  
בְּתִיבָּה הַכָּא "תַּחַת כָּל עַץ וְעַעַן" וּכְתִיב  
הַחַם "עַל הַחֲרִים הַרְמִים וְתַחַת כָּל עַץ  
רְעָנָן".

וּבְיִהְוָה וְשְׁמַוְאֵל הָוּ קְיִמִי אֲיִירָא רַבִּי  
בְּנִישְׁתָּא דְּשִׁר וַיַּתְבִּיבּ בְּנָהָרְדָעָא. אָמְרוּ לֵיהֶת  
וּבְיִהְוָה לְשְׁמַוְאֵל: צְרוֹן אֲנֵן לְהַשְׁתִּין.  
אָמְרוּ לֵיהֶת: שִׁינְנָא, אַחֲרָא בְּאַמְתָּךְ וְהַשְׁתִּין  
לְחַיִּים.

Rather, clearly he said this practical solution to the Rabbis first, and they then said to him: If one does not have an elevated place or loose earth upon which he can urinate, what should he do? In response to this question, he said to them: It is preferable that people cast aspersions about his children that they are *mamzerim*, and he should not render himself wicked even one moment before the Omnipresent.

The Gemara asks: And why must one refrain to that extent from holding his penis? Because as the result of holding his penis he might emit semen for naught. As Rabbi Yohanan says: Anyone who emits semen for naught<sup>4</sup> is liable to receive the punishment of death at the hand of Heaven, as it is stated with regard to Onan, son of Judah: "And it came to pass, when he engaged in intercourse with his brother's wife, that he spilled it on the ground, lest he should give seed to his brother. And the thing that he did was evil in the eyes of the Lord, and He slew him also" (Genesis 38:9–10).

**Rabbi Yitzhak and Rabbi Ami say:** One who emits semen for naught is considered as though he sheds blood, as it is stated: "But draw near here, you sons of the sorceress, the seed of the adulterer and the harlot... Are you not children of transgression, a seed of falsehood, you that inflame yourselves among the terebinths, under every leafy tree, that slay [shohatei] the children in the valleys, under the clefts of the rocks?" (Isaiah 57:3–5). Do not read this word as *shohatei*; rather, read it as *sohatei*, i.e., one who squeezes out [*sokhet*] semen is considered to have shed the blood of the children who could have been born from that seed.

**Rav Asi says:** It is considered as though he worships idols, as it is written here: "Under every leafy tree," and it is written there, with regard to the mitzva of eradicating idols from Eretz Yisrael: "You shall destroy all the places, where the nations that you are to dispossess worshipped their gods, upon the high mountains, and upon the hills, and under every leafy tree" (Deuteronomy 12:2).

§ With regard to the issue of holding one's penis for the purpose of urinating, the Gemara relates that Rav Yehuda<sup>5</sup> and Shmuel<sup>6</sup> were standing on the roof of the synagogue that was destroyed and rebuilt<sup>7</sup> in Neharde'a. Rav Yehuda said to Shmuel: What can I do? I need to urinate. Shmuel said to him: *Shinnana*,<sup>8</sup> hold your penis, so that the water does not fall onto the synagogue roof, and urinate outward, away from the synagogue.

**HALAKHA**

Anyone who emits semen for naught – שְׁמוֹצֵיאַ שְׁכַבְתָּ וְרֹעֵלְבֶטֶלָה: It is prohibited to emit semen for naught, and this is more severe than any of the transgressions of the Torah. Therefore, one may not perform coitus interruptus. With regard to those who commit adultery with their hand and waste their seed, not only is this a great sin, but they are ostracized by Heaven, and some say that the earthly court should ostracize them (*Tosafot*; *Ramban*; see *Beit Shmuel*).

Some commentaries state that if one is scared that if he does not emit semen he might sin with a married or a menstruating woman, it is preferable for him to emit semen. But to atone for this act he should fast forty days in the summer, or sit out in the cold in the winter (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 21:18; *Shulchan Arukh, Even HaEzer* 23:1 and *Heikat Mehokek* there).

## PERSONALITIES

**Rav Yehuda – רַב יְהָוָה:** Rav Yehuda bar Yehezkel, who is referred to throughout the Talmud simply as Rav Yehuda, was a second-generation *amora*. He studied under Rav, and following Rav's death he studied under Shmuel in Neharde'a. Shmuel recognized his intellectual prowess as well as his extreme piety, as indicated here. Rav Yehuda had a tremendous memory and was careful to quote halakhic statements in the name of those he heard them from; he is mentioned as quoting a *halaka* in the name of Rav or Shmuel over four hundred times in the Talmud. Rav Yehuda was known as a lover of Eretz Yisrael, but he believed it was prohibited to move there, in accordance with the verse: "They shall be carried to Babylon, and there shall they be, until the day that I remember them" (Jeremiah 27:22). After Shmuel's death, Rav Yehuda established the celebrated yeshiva in Pumbedita, which he headed for forty years. The yeshiva focused on the study of the *halakhot* of damages, as Rav Yehuda believed that the main expression of one's piety is demonstrated through proper conduct toward other people (see *Bava Kamma* 30a). In his later years, Rav Yehuda became blind.

**Shmuel – שְׁמוּאֵל:** Shmuel was a first-generation *amora* who was born and ultimately died in Neharde'a. A child prodigy, he was famous not only for his Torah learning, but for his secular knowledge as well. The Gemara is replete with stories of his expertise in such areas as language, medicine, astronomy, and the natural sciences.

Shmuel traveled to Eretz Yisrael to study with the students of Rabbi Yehuda HaNasi, and Rabbi Yehuda HaNasi regretted that he was unable to find an opportunity to ordain him. The Gemara records that Shmuel treated Rabbi Yehuda HaNasi's eye ailment. After his return to Babylonia, Shmuel was appointed as one of the judges of the Diaspora community.

Together with his colleague, Rav, Shmuel raised the standard of Torah study in Babylonia to such a level that thousands of students chose to remain there rather than to travel to Eretz Yisrael. Shmuel considered Babylonia second in sanctity to Eretz Yisrael and ruled that it was prohibited to leave Babylonia to travel to other locations in the Diaspora.

Shmuel had a close friendship with King Shapur I of Persia, a benevolent monarch who tolerated religious diversity in his kingdom.

Shmuel lived to an old age, leaving behind two daughters renowned for their wisdom and modesty.

## BACKGROUND

**The synagogue that was destroyed and rebuilt – בְּבֵית כִּינְשָׁתָא דְּשִׁיר וְתִיבָּה:** This was an extremely ancient synagogue. The *ge'onim* record a tradition that this synagogue was called the one that was destroyed and rebuilt because when the Jews were exiled they took stones and materials from the Temple and used them to build the synagogue in Neharde'a (see *Rashi*). It was known as a sacred place, and it was said that the Divine Presence rested there. The greatest Sages of Babylonia used this synagogue.

## LANGUAGE

**Shinnana – שִׁינְנָא:** This moniker given by Shmuel to his disciple Rav Yehuda appears many times in the Talmud (see, e.g., 17a and 25b). According to *Rashi*, *shinnana* means sharp or witty, and the term reflects a degree of respect bestowed by Shmuel on his foremost student. The *ge'onim* explain that according to oral tradition *shinnana* means big toothed, and that this was a nickname for Rav Yehuda based on his appearance.

**HALAKHA**

A troop of marauders that entered a town, etc. – בָּזְלַשְׁת שְׂגָנָס לְעֹר וּבִי: With regard to a troop of marauders that came into a town and entered Jewish homes, if this occurred in a time of peace, then open casks, even if they were corked, are prohibited, but casks that are sealed with a clay stopper are permitted. In a time of war, all the casks are permitted. This applies only to casks that had been open beforehand (Ran), but one should not partake of wine from casks that were sealed and later found opened (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 12:24; *Shulhan Arukh, Yoreh De'a* 129:12).

הַיְיָ עֲבֵיד הַכְּיָ? וְהַתְּנִיא, רַבִּי אֱלִיעֶזֶר אָמַר:  
**כָּל הָאוֹתוֹ בְּאַמְרוֹת וּמְשִׁתִּין - בְּאַילוֹ מִבֵּיא  
 מִבּוֹל לְעוֹלָם!**

אָמַר אָבִי: עַשְׂאוּ כְּבָזְלַשְׁת. דָתָן: בְּזְלַשְׁת  
 שְׂגָנָס לְעֹר. בְּשֻׁעַת שְׁלוֹם, חַבְיוֹת פָּטוֹחוֹת -  
 אַסְרוֹת, סְטוֹמוֹת - מוֹתָרוֹת. בְּשֻׁעַת מִלְחָמָה -  
 אַלְוָי וְאַלְוָי מוֹתָרוֹת, לְפִי שָׁאַן לְהַנְּפָאַן לְנִפְאָן.  
**אַלְמָא: דְּבִין דְּבִיעִית - לֹא אָתֵי לְנִסּוּבִי, הַכָּא  
 נִמְיָ - בְּיַן דְּבִיעִית לֹא אָתֵי לְהַרְחָיו.**

The Gemara asks: How could Rav Yehuda do so? But isn't it taught in a *baraita* that Rabbi Eliezer says: With regard to anyone who holds his penis and urinates, it is considered as though he is bringing a flood to the world?

**Abaye says:** The Sages rendered the halakhic status of this situation like that of a troop of marauders, as we learned in a mishna (*Avoda Zara* 7:6): With regard to a **troop of marauders that entered a town**,<sup>H</sup> if they did so in a time of peace, open casks of wine are **forbidden**, in case the marauders used the wine for libations in idol worship, whereas sealed casks are **permitted**. In a time of war, both these and those are **permitted**, because the marauders do not have leisure to pour libations. Evidently, since these marauders are afraid, they will not come to pour libations. Here too, in this incident involving Rav Yehuda, since he is afraid he will not come to have sexual thoughts.

וְהַכָּא מָאֵי בְּעִיטוֹתָא אִיכָּא? אִיבְּעִית אִיכָּא:  
**בְּיִ�תְוָתָא דְּלִילָא וְדְאִירָא. וְאִיבְּעִית אִיכָּא:  
 בְּיִ�תְוָתָא דְּרוּבִיה. וְאִיבְּעִית אִיכָּא: בְּיִ�תְוָתָא  
 דְּשִׁכְיָנָה. וְאִיבְּעִית אִיכָּא: אִימְתָּא דְּרוּבִיה  
 עַלְיהָ. דְּקָרֵי שְׁמוֹאֵל עַלְיהָ: אֵין זֶה יָלֹד אָשָׁה.**

וְאִיבְּעִית אִיכָּא: נְשִׁי הַוָּה, דָאַמֵּר רַב נַחְמָן: אָם  
**הַוָּה נְשִׁי - מוֹתָר.**

The Gemara asks: And what fear is there here, in the case of Rav Yehuda? The Gemara explains: If you wish, say that there is **the fear of the night and of the roof**, i.e., that he might fall. And if you wish, say that the awe of his teacher, Shmuel, is upon him. And if you wish, say that the awe of the Divine Presence that dwells in the synagogue is upon Rav Yehuda. And if you wish, say that the awe of his Master, God, is upon him. Rav Yehuda was renowned for his fear of Heaven, as Shmuel declared about him: This one is not born of a woman, but is like an angel.

**And if you wish,** say a different answer, that Rav Yehuda was allowed to hold his penis while urinating because he was **married**; as Rav Nahman said: If one is married, it is **permitted** for him to hold his penis while urinating, as his improper sexual urges are not as strong.

וְאִיבְּעִית אִיכָּא: פִי הָא אוֹרֵי לִיה, דָתָן אֲבָא  
**בָּרְיהָ דְּרָבִי בְּנֵיָמִין בֶּרְתִּיאָ: אָבָל מִסְעִיעַ  
 בְּבִיצִים מִלְמָתָה. וְאִיבְּעִית אִיכָּא: כִּי הָא אוֹרֵי  
 לִיה, דָאַמֵּר רַבִּי אַבָּהוּ, אָמַר רַבִּי יוֹחָנָן: גַּבְולִישׁ  
**לו, מַעֲטָרָה וּלְמָתָה - מוֹתָר,****

**And if you wish,** say that Shmuel ruled for Rav Yehuda in accordance with this *baraita*, which Abba, son of Rabbi Binyamin bar Hiyya, teaches: One may not hold the penis itself while urinating, but a man who wishes to urinate **may assist** the process by holding the testicles from below. Shmuel instructed Rav Yehuda to act in this manner. And if you wish, say that Shmuel ruled for Rav Yehuda in accordance with that which Rabbi Abbahu said that Rabbi Yoḥanan says: There is a clear demarcation in the prohibition against holding one's penis while urinating: **From the corona and below**, toward the tip of the penis, it is **permitted** to hold, as this will not lead to arousal.

**Perek II****Daf 13 Amud b****NOTES**

One who intentionally causes himself an erection shall be ostracized – הַמְּקַשֵּׁה עַצְמֹו לְדִיעַת יְהָה – **בְּבִרְדִּי:** The commentaries discuss the meaning of the clause: Shall be ostracized. Some say that the Sages are obligated to ostracize him for his behavior, but he is not automatically ostracized (*Tosafot*; Ramban; Rashba). Others claim that he is considered ostracized even without a formal declaration to this effect, as the Sages ostracized at the outset anyone who intentionally gives himself an erection. The *Maggid Mishne* maintains that this is the opinion of the Rambam, who writes: He shall sit in a state of ostracism (*Sefer Kedusha, Hilkhot Issurei Bia* 21:18).

**מעטרָה וּלְמַעַלָּה – אָסָו.**

אָמַר רַב: הַמְּקַשֵּׁה עַצְמֹו לְעֹתָה – יְהָה בְּנָדוֹן,  
**וְלֹא מֵאָסָו!** דְּקָמַנוּ יִצְרָא הַרְעָע אַגְּפֵשִׁיהָ וּרְבִי  
**אַמְיָ אָמַר: נִקְרָא "עֲבָרִין", שְׁבָךְ אַוְמָנָתוֹ שֶׁל  
 יִצְרָא הַרְעָע, הַיּוֹם אָמַר לָהּ: "עַשְׂה בָּךְ", וּלְמַחַר  
 אָמַר לָהּ: "עַשְׂה בָּךְ", וּלְמַחַר אָמַר לָהּ: "לְקָרְבָּן  
 עֲבוֹד עֲבוֹדָה זָהָה", וּהְזִלְקָרְבָּן וּזְעִיר.**

From the corona and above, toward the body, it is prohibited.

**§ Rav says:** One who intentionally causes himself an erection<sup>H</sup> shall be ostracized.<sup>N</sup> The Gemara suggests: And let Rav say simply that it is prohibited. The Gemara explains that it is proper to ostracize such a man, as he arouses the evil inclination upon himself. And Rabbi Ami says: He is called a habitual transgressor, as this is the craft of the evil inclination. Today he says to a person: Do this sin, and when the individual obeys his inclination, on the following day the evil inclination says to him: Do that sin, and on the following day he says to him: Go and worship idols, and he goes and worships idols.

One who intentionally causes himself an erection – הַמְּקַשֵּׁה עַצְמֹו לְדִיעַת יְהָה: It is prohibited to give oneself an erection on purpose or to entertain lascivious thoughts. If such thoughts come to mind,

one should turn his attention from worthless matters to Torah (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 21:19; *Shulhan Arukh, Even HaEzer* 23:3).

**HALAKHA**

איבא דאמרו, אמר רבנן אמר: כל' המביא עצמו לויי הרהו – אין מכניסין אותו במחיצתו של הקדוש ברוך הוא. כתיב הכא: "וירע בעיני ה'", וכותב התם: "כפי לא אל חפץ רשות אתה לא יגרך רע".

ואמר רבנן אמר אליעזר: מהו דעתך בכתוב יידיכם רמים מלואו – אלו המנאנפים ביד. תנא דברי רבנן ישמעאל: לא תנא – לא תהא בן ניאוף, בין ביד בין ברגל.

תנו רבנן: הגרים והמשחיקין בתינוקות – מUBEVENOT OT HaMashiach. B'Shalma Gromim – כרבי חלבו, דאמור רבנן: קשין גרים לשראול בפفةת. אל לא משחיקין בתינוקות מאן היא?

אלילמא משכוב כור – בין סקללה מינהו – אל לא דורך אברים – בין מבול מינהו

אל לא רבסבי קטנות, שלאו בנות אלוני – מינהו. דאמור רבנן: אין בן דוד בא עד שיכלו כל הנשמות שבגוף, שנאמר: "כפי רוח מלפני עטשו ונשומות אני עשיתי".

Some say that Rabbi Ami says: With regard to anyone who brings himself into a state of arousal, they do not bring him within the boundary of the Holy One, Blessed be He. The proof is that it is written here, with regard to Onan, son of Judah: "And the thing that he did was evil in the eyes of the Lord, and He slew him also" (Genesis 38:10), and it is written there: "For You are not a God who has pleasure in wickedness; evil shall not sojourn with You. The boasters shall not stand in Your sight ... But as for me, in the abundance of Your kindness will I come into Your house; I will bow down toward Your holy Temple in fear of You" (Psalms 5:5–8). This demonstrates that whoever does evil, like Onan, shall not sojourn with God.

And Rabbi Elazar says, with regard to the severity of this transgression: What is the meaning of that which is written: "And when you spread forth your hands, I will hide My eyes from you; even when you make many prayers, I will not hear; your hands are full of blood" (Isaiah 1:15)? These are those men who commit adultery with the hand, by masturbating. Likewise, the school of Rabbi Yishmael taught: When it is stated in the Ten Commandments: "You shall not commit adultery" (Exodus 20:13), this means that there shall not be adultery among you, whether you masturbate by hand or whether with one's foot.

**§** The Sages taught in a *baraita*: Converts and those who play with children delay the coming of the Messiah. The Gemara asks: Granted with regard to converts, this is in accordance with the opinion of Rabbi Helbo,<sup>9</sup> as Rabbi Helbo says: Converts are as harmful to the Jewish people as a leprous scab<sup>NH</sup> on the skin, as they are not proficient in the performance of the mitzvot and born Jews learn from them. But with regard to the category of those who play with children, to what is it referring?

If we say that this is referring to homosexuality, such men are liable to be executed by stoning, and their behavior is criticized not simply because they delay the Messiah. Rather, one might suggest that this is referring to those who emit semen by way of other limbs, i.e., without engaging in intercourse; if so, they are considered as though they are bringing a flood, and are therefore liable to be punished themselves with a flood.

Rather, the *baraita* means that they marry minor girls<sup>H</sup> who are not yet capable of bearing children, consequently emitting semen for naught. As Rabbi Yosei said: The Messiah, son of David, will not come until all the souls of the body<sup>N</sup> have been finished, i.e., until all souls that are destined to inhabit physical bodies do so. As it is stated: "For the spirit that enwraps itself is from Me, and the souls that I have made" (Isaiah 57:16). The verse is interpreted as follows: The spirit, i.e., the souls about which it has been decreed by Me that they are to be born, if they are not born, they enwrap the Messiah and prevent him from coming.

## PERSONALITIES

**Rabbi Helbo – רבי חלבו:** Rabbi Helbo was a Babylonian amora of the third generation, who moved to Eretz Yisrael. He was a student of Rav Huna and apparently received most of his Torah education from him; indeed, he often quotes Rav Huna. It appears that he went to Eretz Yisrael near the time of Rav Huna's death and was there when his coffin was brought for burial. In Eretz Yisrael he was a student and colleague of the greatest disciples of Rabbi Yohanan. He became one of the leaders of his generation and a halakhic codifier, and in the field of *aggada* he was a student of Rabbi Shmuel bar Nahmani, in whose name he quotes aggadic traditions. Rabbi Helbo settled in Tiberias and was close to Rabbi Yehuda Nesia. The Talmud relates that he had no children and lived in extremely humble quarters. It is also related that when he became sick there was no one to visit him.

## HALAKHA

Converts are as harmful to the Jewish people as a leprous scab – קשין גרים לשראול בפפהת: Since converts are often accepted without having been properly examined, and they do not convert for the sake of Heaven, many of them return to their former ways and cause Jews to err. It was for this reason that the Sages said that converts are as difficult for the Jewish people as a scab (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 13:18).

That they marry minor girls – דבשבי קטנות: It is prohibited to marry a minor girl who is too young to bear children. This is included in the prohibition against emitting semen for naught, as stated in the *baraita* (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 21:18; *Shulhan Arukh, Even HaEzer* 23:1).

## NOTES

Converts are as harmful to the Jewish people as a leprous scab – קשין גרים לשראול בפפהת. Many different interpretations of this statement have been suggested. Rashi states that as converts are not experts in the performance of mitzvot, their sins bring punishment upon the Jewish people. One explanation, suggested by the Rambam, is that it is common for converts to revert to their old ways and beliefs, at which point they exert a corrupting influence on other Jews. This is similar to the mixed multitude who accompanied the Jewish people in the exodus from Egypt and caused the sin of the Golden Calf (see Rashi on *Kiddushin* 70b). *Tosafot* on *Kiddushin* 70b cite the statement of the Gemara that the continuing exile and dispersion of the Jewish

people occurs in order to provide an opportunity for converts to join them. Consequently, converts are an indirect cause of the exile. *Tosafot* also cite the opinion of Rabbi Avraham the convert. He claims that converts are generally punctilious and strict with regard to the mitzvot, and therefore their behavior discredits the practice of those born Jews who are not as vigilant.

All the souls of the body [guf] – כל נשמות שבגוף: Rashi explains that this *guf* means a chamber, i.e., *guf* is the name of a special place where the souls that will be born are kept. Others state that it is comparable to a curtain upon which these souls are embroidered (*Aruch*).

**NOTES**

**Below his navel – לְמִתְחָה מַטְבָּרוֹ:** The commentaries dispute the precise meaning of navel in this context. Some say it is a euphemism for the penis, and that the same applies to the mention of the belly (*Magen Avraham*). Alternatively, it means the actual navel, i.e., one should not place his hand on the area of the body below the navel.

**And they may partake of teruma – הַן אֶכְלָות – בְּתִרְוֹמָה:** The later commentaries infer from this statement concerning preparation for the purpose of partaking of *teruma*, that these women do not require an examination before and after intercourse.

"בְּאֲשֶׁר תִּקְצַץ". אִבְשָׂא לְהָדִינָה תְּנֵן, או' לְטוֹתָה תְּנֵן? דִּינָה תְּנֵן – כִּי هָא דָרְבָּה הוֹנֵן קָזָזָא, או' לְטוֹתָה תְּנֵן?

§ The mishna teaches that with regard to any hand that is diligent to examine bodily emissions, **among men**, such a hand **should be severed**. A dilemma was raised before the Sages: Do we learn this statement as a practical *halakha*, i.e., that the court should actually sever his hand, or do we learn it as a mere curse, but not as an actual instruction to punish him in that manner? The Gemara elaborates: Do we learn it as a practical *halakha* like that prohibition against striking another, in which the same expression is used: With regard to anyone who raises his hand upon another, his hand should be severed, and **Rav Huna** indeed acted accordingly and **severed the hand** of an offender? Or perhaps do we learn it as a mere curse?

הָא שָׁמַע, דִתְנֵיא, רַבִי טַרְפוֹן אָמַר: יְדַלְמָה – תִקְצַץ דַו עַל טַבָּרוֹן. אָמְרוּ לוֹ: יִשְׁבֶל קֹזֵץ בְּכִירִיסּוֹ לֹא יִטְלַגֵּן? אָמַר לְהָן: לֹא. וְהָלָא בְּיִסּוֹ נִבְקָעַת! אָמַר לְהָן: מוֹטֵב תְּבֻקָּעַ בְּרִיסּוֹ, וְאֶל יָד לְבָאָר שְׁחָתָה.

The Gemara suggests: Come and hear, as it is taught in a *baraita* that Rabbi Tarfon says: If one's hand goes to his penis, his hand should be severed upon his navel. The Rabbis said to him: If so, in a case where a thorn was stuck in one's belly, should he not remove it? Rabbi Tarfon said to them: Indeed, he should not remove it, and if he does so his hand should be severed. The Rabbis replied: But if his hand is severed while it is upon his navel, won't his belly be split open? Rabbi Tarfon said to them: It is preferable that the belly of one who acts in this manner should be split open, and he should not descend into the pit of destruction.

אֵי אָמָרָת בְּשַׁלְמָא דִינָה תְּנֵן – הַיְיָנוּ דָאָמָרָי "עַדְלָא בְּרִיסּוֹ נִבְקָעַת", אֶלָא אֵי אָמָרָת לְטוֹתָה תְּנֵן – מָאִי "בְּרִיסּוֹ נִבְקָעַת"? אֶלָא? מָאִי – דִינָה תְּנֵן? לֹא סָגִיל דָלָאו עַל טַבָּרוֹן?

The Gemara analyzes this discussion: Granted, if you say that we learn the statement in the mishna as a practical *halakha*, this is the meaning of that which the Rabbis said: But if his hand is severed upon his navel, won't his belly be split open? But if you say that we learn the statement in the mishna as a mere curse, what is the meaning of the phrase: Won't his belly be split open? The Gemara responds: Rather, what explanation is the alternative? That we learn the mishna as stating a practical *halakha*? That would not explain the exchange between the Rabbis to Rabbi Tarfon, because it is not sufficient that the hand be severed **not upon his navel**? In other words, even if the hand must actually be severed, it is not clear why it should be severed while it is upon his navel.

אֶלָא, הַכִּי קָאָמָר רַבִי טַרְפוֹן: כָּל הַמְכִנִּים יְדוֹ לְמִתְחָה מַטְבָּרוֹן – תִקְצַץ, אָמְרוּ לוֹ לְבִי טַרְפוֹן: יִשְׁבֶל קֹזֵץ בְּכִירִיסּוֹ, לֹא יִטְלַגֵּן? אָמַר לְהָן: לֹא. וְהָלָא בְּיִסּוֹ נִבְקָעַת! אָמַר לְהָן: מוֹטֵב תְּבֻקָּעַ בְּרִיסּוֹ, וְאֶל יָד לְבָאָר שְׁחָתָה.

Rather, this is what Rabbi Tarfon is saying: With regard to anyone who inserts his hand below his navel,<sup>NH</sup> his hand should be severed. The Rabbis said to Rabbi Tarfon: If a thorn was stuck in one's belly, should he not remove it? Rabbi Tarfon said to them: He should not. They responded: But won't his belly be split open due to the thorn? Rabbi Tarfon said to them: It is preferable that his belly be split open, and he should not descend into the pit of destruction.

**מתני'** החרשת והשׁוֹטָה והשׁוֹפָםָה וְשׁׁוֹנְרָפָה דַעַתָּה, אָם יְשִׁלְמָה פְקָחוֹת – מִתְקָנוֹת אָוֹתָן. **הַן אֶכְלָות בְּתִרְוֹמָה.**

**MISHNA** In the case of a woman who is deaf [*hahereshet*], or an imbecile, or blind, or who went insane, and is therefore unable to examine herself reliably, if such women have competent friends, those friends prepare them by examining them and immersing them in a ritual bath. And on that basis the incompetent women **may partake<sup>H</sup>** of *teruma<sup>N</sup>* after the sun sets.

**גַם** "חִרְשָׁתָה". אִיהֵי תְבִדּוֹק לְנִפְשָׁה! דִתְנֵיא, אָמְרוּ רַבִי: חִרְשָׁתָה וְיתָה בְּשִׁבְוֹנִיתָן, לֹא דִיחָה שְׁבוֹזָקָת לְעֵצָה – אֶלָא שְׁחָבּוֹתָה וְזָוֹת וְמַרְאֹת לְהָ!

**GEMARA** The mishna states that competent women must assist a **deaf woman**. The Gemara asks: Let her examine herself; as it is taught in a *baraita* that Rabbi Yehuda HaNasi said: There was a deaf woman in our neighborhood who was so proficient in these matters that not only did she examine herself, but when her friends would see stains similar to blood and were unsure whether or not the stains were ritually impure, they would show her the stains.

כל המכינים ידו לטענה – **HALAKHA**  
Anyone who inserts his hand below his navel – It is prohibited to place one's hand below the navel, in case this leads to lascivious thoughts (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 21:23; *Shulhan Arukh, Even HaEzer* 23:4).

**הַחִרְשָׁתָה... אֶכְלָות** – A deaf-mute woman, an imbecile, and one who went insane due to illness may partake of *teruma* if their friends prepare them for purification from ritual impurity by examining them and immersing them in a ritual bath (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 4:9; *Shulhan Arukh, Yoreh De'a* 196:8).

- **הַתָּם - בְּמוֹבֵרָת וְאִינָה שׁוּמָעַת, הַכָּא**  
**בְּשָׁאִינָה מִבְּרָתָת וְאִינָה שׁוּמָעַת. בְּדָרְתָּן:**  
**חֲרֵשׁ שְׂדָבוֹר חֲכָמִים בְּכָל מֶקֶם - אִינָה**  
**שׁוּמָעַת וְאִינָה מִדְבָּר.**

"הַסּוֹמָא". אִיהִי תִּבְדֹּוק לְנִפְשָׁה וְתִיחַזֵּי  
**לְחַבְּרִתָּה!** אָמֵר רַבִּי יוֹסֵי בָּרְבִּי חָנִינָא:  
**סּוֹמָא אִינָה מְשֻׁנָּה.**

"שְׁגַנְטְּרָפָה דְּעַתָּה". הַיְנוּ שׁוּטָה! שְׁגַנְטְּרָפָה  
**דְּעַתָּה מִחְמָת חֹלִי.**

**תְּנָנוּ וּבְנָנוּ:** כִּיְהַן שׁוּטָה - מִטְבְּלִין אָתוֹ  
**וּמִאֲכְלִין** אָתוֹת תְּרוּמָה לְעַבְּרָה, וּמִשְׁפְּרוּרִין -  
**אָתוֹת שְׁלָא יִשְׁן,** יִשְׁן - טָמֵא, לֹא יִשְׁן -  
**טָהֹר.**

רַבִּי אַלְיעָזָר בָּרְבִּי צְדָק אָמָר: עֹשֵׂין לוֹ  
**בַּיס שֶׁל עֹור.** אָמְרוּ לוֹ: כֹּל שְׁבֵן שְׁבָבָיא  
**לִידֵי חִימּוּם!** אָמְרָה לְהָן: לְדָבְרֵיכֶם שׁוּטָה  
**אַיִן לוֹ פְּקָנֵה!**

אָמְרוּ לוֹ: לְדָבְרֵינוּ, יִשְׁן - טָמֵא, לֹא  
**יִשְׁן - טָהֹר,** לְדָבְרֵיךְ - שְׁפָא יְרָאָה טָפָה  
**כְּחַרְדָּל וְתִבְלָע בְּפִיס!**

**תְּנָנוּ, מִשּׁוּם רַבִּי אַלְיעָזָר אָמָר:** עֹשֵׂין לוֹ  
**בַּיס שֶׁל מִתְכָּת.**

אָמְרָה אַבְּיִי: וְשֶׁל נִחְשָׁת. בְּדָרְתִּיא, רַבִּי  
**יְהוֹרָה** אָמָר: רֹאינוּ אָתוֹת גְּבֻעוּלִין שֶׁל  
**אַזְוֹב כָּאַילוּ הַן שֶׁל נִחְשָׁת.**

The Gemara answers: There, Rabbi Yehuda HaNasi is referring to a woman who can speak but cannot hear. It is possible for such a woman to be an expert in examining blood. But here, the mishna is dealing with a woman who can neither speak nor hear, and she is therefore considered incompetent and incapable of examining herself. As we learned in a mishna (*Terumot 1:2*): The deaf person of whom the Sages spoke everywhere is one who can neither hear nor speak,<sup>nh</sup> i.e., a deaf-mute.

§ The mishna further teaches that competent women must assist a blind woman. The Gemara similarly asks: Let her examine herself and show the cloth to her friend.<sup>h</sup> Rabbi Yosei, son of Rabbi Hanina, says: The correct version of the mishna does not mention a blind woman.

§ The mishna also states that competent women must assist a woman who went insane. The Gemara asks: With regard to her ability to examine herself, isn't this the same as an imbecile, who is already mentioned in the mishna? The Gemara answers: Here, the mishna is referring to a woman who went insane due to illness, which is a different category than that of an imbecile.

The Gemara further discusses halakhot pertaining to an imbecile. The Sages taught in a baraita: With regard to an imbecile priest who was ritually impure, competent men deal with his purification: They immerse him,<sup>h</sup> and then enable him to partake of teruma in the evening, like any other priest who was impure. And those taking care of him must watch over him to ensure that he does not sleep before he partakes of teruma, in case he experiences a seminal emission, which would render him impure. If he slept, he is once again impure, and may not partake of teruma; if he did not sleep he is pure.

Rabbi Eliezer, son of Rabbi Tzadok, says that there is another method of allowing an imbecile priest to partake of teruma: One prepares for him a leather pouch, which is wrapped around his penis, and before giving him teruma to partake of one checks this pouch to see if he has emitted semen. The other Sages said to him: It is improper to do this, as all the more so he will be prevented from partaking of teruma; this pouch warms him and increases the likelihood of a seminal emission. Rabbi Eliezer, son of Rabbi Tzadok, said to them: According to your statement, an imbecile priest has no remedy that will enable him to partake of teruma.

They said to him: According to our statement there is a way he can partake of teruma, as stated above: If he slept, he is impure; if he did not sleep he is pure. But according to your statement, that one wraps a pouch around his penis, this is not a reliable method, as perhaps he will see, i.e., experience the emission of, a drop of semen as small as a mustard seed, and it will be absorbed in the pouch and will not be noticed, which would mean that he is eating teruma in a state of ritual impurity.

The Gemara continues to discuss the methods by which an imbecile priest can partake of teruma. It was taught in a baraita that the Sages said in the name of Rabbi Elazar: One prepares for him a metal pouch, which is placed on his penis and does not warm it.

In explanation of this statement, Abaye says: And when this tanna speaks of metal, he means that the pouch should be made of copper, which does not absorb liquid, and therefore any drop of semen would be visible. This is as it is taught in a mishna (*Para 12:5*), with regard to the amount of water of purification that must be sprinkled on an individual who is impure due to impurity imparted by a corpse, that Rabbi Yehuda says: One considers those hyssop stems, with which the waters of purification are sprinkled, as though they are made of copper, which does not absorb any of the water.

## NOTES

The deaf person of whom the Sages spoke everywhere is one who can neither hear nor speak – **חֲרֵשׁ שְׂדָבוֹר:** Rashi on *Hagiga* 2b explains that the Sages had a tradition that one who neither hears nor speaks is not halakhically competent, even if he does not display the signs of an imbecile (*Responsa Hatam Sofer*). The *Hatam Sofer* adds that this is possibly a halakha transmitted to Moses from Sinai.

## HALAKHA

The deaf person [*heresh*] of whom the Sages spoke everywhere is one who can neither hear nor speak – **חֲרֵשׁ שְׂדָבוֹר חֲכָמִים בְּכָל מֶקֶם אִינוֹ שׁוּמָעַת וְאִינוֹ מִדְבָּר:** Whenever the Sages speak of a *heresh* they are referring to one who neither hears nor speaks. One who can speak but not hear, or hear but not speak, is considered halakhically competent (Rambam *Sefer Nashim, Hilkhot Ishut* 2:26).

**בְּדִיקַת הַסּוֹמָא:** A blind woman performs an examination on herself and shows the examination cloth to her friends (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 8:15; *Shulhan Arukh, Yoreh De'a* 196:7).

With regard to an imbecile priest they immerse him, etc. – **הַיְן שׁוּטָה מִטְבְּלִין אָתוֹ וְכֵן:** A ritually impure priest who is a deaf-mute or an imbecile is immersed and then fed *teruma* after sunset. Such individuals are watched so that they do not sleep after their immersion. If they do sleep they are impure, unless a copper pouch was prepared for them, which would clearly indicate whether they had experienced a seminal emission (Radbaz). The halakha is in accordance with the opinion of Rabbi Elazar, because Abaye analyzed and interpreted his ruling (Rambam *Sefer Zera'im, Hilkhot Terumot* 7:5).

### LANGUAGE

Riding trousers [pamalanya] – פָּמָלְנָיָה: From the Latin feminalia, referring to bandages for the upper part of the thighs.



Reproduction of the priests' trousers worn during the Temple service

אמור رب פפא: שמע מינה - מכנסיים אסורים. והכתיב "עשנה להם מכנסי בר לכפות בשר ערוה!"

**Rav Pappa says:** One can learn from the statement of the Rabbis that a pouch wrapped around one's penis can warm it enough to cause a seminal emission, that **trousers are prohibited**<sup>11</sup> to be worn, as they too warm the penis, by being placed so they are tight against it. The Gemara asks: **But isn't it written with regard to the priestly garments: "And you shall make them linen trousers to cover the flesh of their nakedness, from the loins even to the thighs they shall reach"** (Exodus 28:42)?

זהו – פרתניא: מכנסי כהנים למטה. הן דומין? במני פמלניה של פרשים. למלילה – עד מותניים, למשה – עד יובים, ויש להם שניצים, ואין להם לא בית הנקב ולא בית העור.

**אמור אבאי:**

The Gemara explains: That garment, the trousers worn by priests, was different, as it is taught in a *baraita*: **The trousers of priests, to what are they comparable?**<sup>12</sup> They are similar to riding trousers [pamalanya]<sup>13</sup> of horsemen, and this is what they look like: Above, they reach up to the loins; below, they go down to the thighs, and they have straps, and they have no opening, neither at the back nor at the front.

**Abaye says:**

### HALAKHA

Trousers are prohibited – מכנסיים אסורים – The Rema writes: The Gemara indicates that it is prohibited to wear trousers unless they have proper leggings, as wearing them can lead to a seminal emission. It can be claimed that the Gemara is referring to the impurity of the body only with regard to the consumption of *teruma*, but as the Rosh cites this statement in his rulings, wearing them is apparently prohibited even nowadays (*Shulhan Arukh, Even HaEzer* 23:6, and see *Pithei Teshuva* there).

The trousers of priests, to what are they comparable – מכנסי – בגדים למטה הן דומין: The trousers of both the High Priest and of ordinary priests stretch from the loins to the thighs, i.e., from above the navel, near the heart, until the end of the thigh, the knee. They have straps, and they have no openings at the back or at the front, but are surrounded by a kind of pouch, as explained in the *baraita* (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 8:18).

## Perek II

### Daf 14 Amud a

#### NOTES

It is prohibited for camel riders to partake of *teruma* – וזה גמלים אסורין לאכול בתרומה: Rashi explains that while the priests ride on the camels their penises might warm up due to friction with the body of the animal. This can lead to a seminal emission, which disqualifies them from partaking of *teruma*. Others explain that riding on the camel leads them to lascivious thoughts, which might cause a seminal emission (*Tosafot*).

וזכבי גמלים אסורין לאכול בתרומה. תניא נמי ה' כי: זוכבי גמלים – כולם רשעים, דספנום – פולם צדיקים.

**It is prohibited for camel riders to partake of *teruma*,**<sup>14</sup> due to the concern for a seminal emission that might result from the friction. The Gemara notes: **This opinion of Abaye is also taught in a *baraita*:** **Camel riders are all wicked**, as they are suspected of emitting semen for naught. **Sailors are all righteous**, because they are in a constant state of danger at sea, and therefore their hearts are always turned to God in prayer.

תחדרים – מהן רשיים מהן צדיקים.  
אייבא דאמר' ה' – דמקה, ה' – דלא מאבר, אייבא דאמר' ה' – דמטרטין, ה' – דלא מטרטין.

The *baraita* continues: As for **donkey drivers**, some of them are wicked while some of them are righteous. With regard to the difference between wicked and righteous donkey drivers, **there are those who say that this donkey driver is righteous, as his donkey is saddled**, and therefore his penis does not rub against it, whereas **that donkey driver is wicked, as his donkey is not saddled**, which can cause a seminal emission. **And there are those who say: This donkey driver is wicked, as he spreads [demittartein]<sup>15</sup> his thighs on either side of the donkey, whereas that donkey driver is righteous as he does not spread his thighs in this manner, but rides with both legs on one side of the donkey**, so that his penis does not rub against the donkey.

### LANGUAGE

Spreads [mittartein] – מטרטין: From *turtani*, meaning scales. *Turtani* is derived from the Greek τρυτάνη, *trutana*, which also means scales. The word *turtani* came to mean any item similar in

shape to a balance scale. Therefore, it is used as a description of the manner of riding a donkey, due to the position of the rider's legs on either side of the animal.

**רבי יהושע בן לוי ליט אמאן דגנין אפרקיד.** איני, והאמר רב יוסף: פראקון לא יקראה קריית שמע, קריית שמע הוא דלא יקראה, זה מונא – ספר דמי!

לענין מונא – כי מצלי שפир דמי, לענין קריית שמע – כי מצלי אסור. וזה לבי יוחנן מצליך וקורי קריית שמע שאמני רבבי יוחנן דבבعل בשר היה.

**מתני' דרך בנות ישראל משמשות בשני עדים, אחד לו ואחד לה. והחנויות מתיקנות שלשי, לתיקן את הבית.**

The Gemara further discusses actions that are apt to lead to a seminal emission. **Rabbi Yehoshua ben Levi would curse one who sleeps lying on his back [aparkeid],**<sup>NH</sup> as this might lead to a seminal emission. The Gemara asks: **Is that so? But doesn't Rav Yosef say: One who is lying on his back may not recite Shema?**<sup>H</sup> From this it may be inferred that **it is only Shema that one may not recite in this position, but to sleep lying in that position is permitted.**

The Gemara answers: **With regard to the prohibition against sleeping while lying on one's back, when one leans slightly to the side it is permitted. But with regard to reciting Shema while lying face upward, even when one leans slightly to the side it is prohibited.** The Gemara asks: **But wouldn't Rabbi Yoḥanan<sup>P</sup> lie on his back leaning slightly to the side and recite Shema in this manner?** The Gemara answers: **The halakha in the case of Rabbi Yoḥanan is different, as he was corpulent, and consequently he could lean only slightly.**

**MISHNA** It is the custom of Jewish women that they engage in intercourse with their husbands while using two examination cloths,<sup>NH</sup> one for the husband, to see if there is any of the wife's blood on him after intercourse, and one for her, to ascertain after intercourse whether her menstrual flow has begun. **And the modest women prepare a third examination cloth,**<sup>H</sup> to examine themselves and prepare the pubic area for intercourse.

**NOTES**  
One who sleeps lying on his back [aparkeid] – **אמאן דגנין אפרקיד:** The early commentaries disagree as to the meaning of the term *aparkeid*. Some say that it refers to one who sleeps on his back, with his face upward (Rashi; *Tosafot*). Others claim the opposite, that it means one who lies face downward (*Arukha*). There are commentaries who rule stringently in accordance with both interpretations (Rambam *Sefer Ahava, Hilkhos Keriat Shema* 2:2).

As for the reason for the prohibition against sleeping on one's back, the early commentaries cite various explanations: Some say that this might cause one to have an erection while sleeping, and it would be demeaning for him for his penis to be revealed to others in this fashion (Rashi, first interpretation). Furthermore, this manner of lying might lead him to place his hand on his penis while sleeping, which can warm it up and cause a seminal emission (Rashi, second interpretation).

**It is the custom of Jewish women that they engage in intercourse with their husbands while using two examination cloths – בנות ישראל משמשות בשני צידים:** The reason they examine themselves after engaging in intercourse is due to the concern that the act of intercourse might have caused a flow of blood (Rashi on 16b; Ramban on 11b).

#### PERSONALITIES

**Rabbi Yoḥanan – רבי יוחנן:** This is Rabbi Yoḥanan bar Nappaḥa, one of the greatest *amora'im*, whose statements are fundamental components of both the Babylonian Talmud and the Jerusalem Talmud. He resided in Tiberias and lived to an advanced age.

Rabbi Yoḥanan was orphaned when he was young, and although his family apparently owned considerable property, he devoted virtually all of his resources to the study of Torah, until he eventually became impoverished. In his youth, he had the privilege of studying under Rabbi Yehuda HaNasi, the redactor of the Mishna, but most of his Torah study was done under Rabbi Yehuda HaNasi's students: Ḥizkiyya ben Ḥiyya, Rabbi Oshaya, Rabbi Ḥanina, and Rabbi Yannai. In time, he became the head of the yeshiva in Tiberias, at which point his fame and influence increased greatly. For a long time Rabbi Yoḥanan was the leading rabbinic scholar of the entire Jewish world, not only in Eretz Yisrael but in Babylonia as well, where he was respected by the Babylonian Sages, many of whom immigrated to Eretz Yisrael to become his students.

Rabbi Yoḥanan was renowned as a handsome man (*Bava Metzia* 84a), and much was said in praise of his good looks. It is known that his life was full of suffering, as ten of his sons died in his lifetime.

#### HALAKHA

**Would curse one who sleeps lying on his back – ליט אמאן דגנין אפרקיד:** It is prohibited to sleep on one's back, with his face upward. Instead, one should tilt his body slightly, to prevent an erection. This *halakha* is in accordance with the opinion of Rabbi Yehoshua ben Levi (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 21:19; *Shulhan Arukh, Even HaEzer* 23:3).

**One who is lying on his back may not recite Shema – פרקון לא יקראה קריית שמע:** One may not recite *Shema* while lying facing the ground, or on his back with his face upward, as he appears like one who is accepting the yoke of Heaven in a manner of haughtiness. If he recited *Shema* in this fashion, he has fulfilled the mitzva after the fact (*Peri Megadim*). He may recite *Shema* if he tilts his body slightly to the side. The Rema writes that this leniency applies only if he is already lying down and it would take a great effort for him to stand and to dress himself once again (*Magen Avraham*). If he is fully turned to the side, he may recite *Shema* in this manner *ab initio* (*Beit Yosef, Taz, Magen Avraham*). Others claim that one may not recite *Shema* in this manner *ab initio* (Rabbeinu Yona; see Rabbi Akiva Eiger). If he is extremely fat and cannot turn over to the side, or if he is sick, he may tilt his body slightly and recite *Shema* (Rambam *Sefer Ahava, Hilkhos Keriat Shema* 2:2; *Shulhan Arukh, Orach Hayyim* 63:1).

**It is the custom of Jewish women that they engage in intercourse with their husbands while using two examination cloths – דרך בנות ישראל משמשות בשני צידים:** With regard to a woman who does not have a fixed time for her menstrual period, on the first three occasions of intercourse in their marriage she

and her husband must examine themselves before and after intercourse, each with their own cloth. If it is established on these occasions that she does not experience a flow of blood due to intercourse, she no longer requires these examinations. Some commentaries maintain that as long as she has no fixed time for her menstrual period she always requires these examinations before and after intercourse, and according to the Rambam the husband must do the same every time. The *halakha* is in accordance with the opinion of Rabbi Ami, citing Rabbi Yannai (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 4:16, 8:3; *Shulhan Arukh, Yoreh De'a* 186:2, and see *Shakh* there).

**And the modest women prepare a third examination cloth, etc. – זה האצניות מתיקנות שלשי וכו':** A woman who has a fixed time for her menstrual period does not require examination either before or after intercourse. On the contrary, she should not examine herself before intercourse in the presence of her husband, so that he will not be worried that she is impure and refrain from engaging in intercourse with her. The *halakha* is in accordance with the opinion of Rav Yehuda. The Rambam requires the husband and wife to examine themselves with their respective cloths after intercourse in case she experienced bleeding during intercourse. According to his opinion, the modest women mentioned here examine themselves even before intercourse. The Rema writes, citing *Roke'ah, Haggahot Maimoniyot*, and most of his teachers, that the *halakha* and general custom follow the first opinion (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshev* 4:7; see *Sefer Kedusha, Hilkhos Issurei Bia* 4:16 and *Ra'avad* and *Kesef Mishne* there; *Shulhan Arukh, Yoreh De'a* 186:1).

### HALAKHA

If blood was found on his cloth, etc. – נִמְצָא עַל שְׁלֹבוּר: If a man engages in intercourse with his wife near the time of the onset of her period, expecting that he will be able to complete the act of intercourse before she experiences bleeding, and blood was later found on his cloth, they are both ritually impure and are each liable to bring a sin offering. In a case where blood was found on her cloth, if she wiped herself immediately after intercourse, they are ritually impure and are each liable to bring a sin offering. If she waited enough time for her to place her hand under the cushion or blanket to pick up the cloth for the examination, they are impure as a matter of uncertainty and are both exempt from bringing a sin offering. If she waited sufficiently long for her to descend from the bed and rinse her pubic area, then even if blood was found on her cloth her husband is ritually pure. The halakha is in accordance with the opinion of the first tanna (Rambam Sefer Korbanot, Hilkhot Shegagot 5:6).

In the case of a woman who sees a blood stain, that she transmits seven-day impurity to the man with whom she engaged in intercourse – בָּרוּאָה בְּתָם שְׁמַטְמָאָה אֲתָת בּוּעָלָה: Even with regard to a woman concerning whom the Sages stated that her time is sufficient (see 2a), a man who engages in intercourse with her after she finds a blood stain, before she was properly purified, is impure as one who engaged in intercourse with a menstruating woman. This ruling is unanimous, as the Rabbis concede to Rabbi Akiva in this case (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 3:8).

### LANGUAGE

Immediately [otyom] – אֶתְתוּיּוֹם: From the Greek εὐθέως, *euthenos*, meaning directly or immediately.

נִמְצָא עַל שְׁלֹו – טָמֵאן, וְחִיבֵּן קָרְבָּן;  
נִמְצָא עַל שְׁלֹה אֶתְתוּם – טָמֵאן, וְחִיבֵּן  
קָרְבָּן: נִמְצָא עַל שְׁלֹה לְאַחֲרِ זָמָן –  
טָמֵאן מִשְׁפָּקָה, וְפָטוּרִין מִן הַקָּרְבָּן.

If blood was found on his cloth,<sup>h</sup> the woman and her husband are both ritually impure for seven days, in accordance with the halakha of a menstruating woman and of one who engages in intercourse with a menstruating woman, and are each liable to bring a sin offering for unwittingly performing an action punishable with excision from the World-to-Come [karet]. If blood was found on her cloth immediately [otyom]<sup>l</sup> after intercourse, the woman and her husband are likewise ritually impure for seven days and are each liable to bring a sin offering. If blood was found on her cloth after time passed, they are both ritually impure due to uncertainty, as it is possible that the blood appeared only after intercourse, and they are exempt from bringing the sin offering.

איְחוֹ "אַחֲרِ זָמָן"? כִּי שָׁתַּרְדָּר מִן הַמְּפֻתָּה  
וְתִדְחֵחַ פָּנִיה, וְאַחֲרֵ בָּךְ מִטְמָאָה מִעֵת  
לְעֵת, וְאַיִלָּה מִטְמָאָה אֲתָת בּוּעָלָה. רַבִּי  
עֲקִיבָּא אוֹמֵר: אַף מִטְמָאָה אֲתָת בּוּעָלָה.

What is considered as being: After time passed? It is a period of time equivalent to the time needed for her to descend from the bed and rinse her face, a euphemism for her pubic area. And afterward, she retroactively transmits impurity to all ritually pure items with which she came into contact for the preceding twenty-four-hour period, by rabbinic law, but she does not transmit seven-day impurity to the man with whom she engaged in intercourse. He is impure with this impurity by rabbinic law only until the evening, like one who came in contact with a menstruating woman. Rabbi Akiva says: In the case where blood was found on her cloth after time passed, she even transmits seven-day impurity by rabbinic law to the man with whom she engaged in intercourse.

מוֹזִים חֲכִימִים לְרַבִּי עֲקִיבָּא בְּרוֹאָה בְּתָם  
שְׁמַטְמָאָה אֲתָת בּוּעָלָה.

גַּם' וַיְחִישׁ דָּלָמָא רַם מִאָכוֹלָת הַוָּא!  
אַכְפֵּר רַבִּי זֵירָא: אָוֹתָו קָמָם בְּדֹוק הַוָּא  
אֶצְלָ מִאָכוֹלָת, וְאַיכָּא דָאַמְרוּ: דָּחֵק  
הַוָּא אֶצְלָ מִאָכוֹלָת.

מַאֲיִ בִּינְיוֹה? אִיכָּא בִּינְיוֹה – דָאַשְׁתַּבְחַ  
מִאָכוֹלָת רַצְוףָה, לְהָנָקֵל לִישְׁנָא דָאַמְרוּ  
בְּדֹוק הַוָּא – הַא מַעַלְמָא אָוֹתָא, לְהָנָקֵל  
לִישְׁנָא דָאַמְרוּ דָחֵק הַוָּא – אִיכָּא שְׁמַשׁ  
רַצְוףָה.

**GEMARA** The mishna states that if blood is found on the husband's cloth after intercourse the husband and wife are both definitely impure. The Gemara asks: But let us be concerned that perhaps it is the blood of a louse, as it is possible that there was a louse in the woman's pubic area that was squashed during intercourse, and its blood was found on the husband's penis. Accordingly, it should be uncertain if they are impure. Rabbi Zeira says: There is no concern for this possibility, as that place, a woman's genitals, is considered examined [*baduk*] with regard to the appearance of a louse, i.e., it is clear that no louse was there. And some say a different version of Rabbi Zeira's statement: That place is too narrow [*dahuk*] for a louse to enter, and therefore this is not a concern.

The Gemara asks: What is the practical difference between these two versions of Rabbi Zeira's statement? The Gemara answers: There is a practical difference between them in a case where a squashed louse was found<sup>h</sup> on the husband's cloth, near the blood: According to this version, which states that a woman's genitals are considered examined with regard to a louse, this louse certainly came from elsewhere, as a louse is never found in her pubic area, so the blood on the cloth is clearly from the woman, and therefore the couple is ritually impure. By contrast, according to that version, which states that the place is too narrow for a louse to enter, one can say that although it is generally too narrow, in this case one did enter and the man's organ squashed it during intercourse, and therefore their impurity is uncertain.

### HALAKHA

Where a squashed louse was found – דָאַשְׁתַּבְחַ מִאָכוֹלָת רַצְוףָה:  
If a woman examined herself with a cloth that was examined by her before its use, and she found a blood stain on it, then even if it was as small as a mustard seed she is ritually impure, whether it was round or elongated. Furthermore, even if a squashed

louse was found on the blood stain she is impure, as it is proper to be stringent in this case (Rambam Sefer Kedusha, Hilkhot Issurei Bia 4:18 and Maggid Mishne there; Shulhan Arukh, Yoreh De'a 190:33).

אתמר, בדקה بعد הבדיקה לה, ותחנה בדקה, ולמהר מצאה עליה דם, אמר רב טמאה נדה. אמר ליה רב שימי בר חייא: והא חוששת אמרתת לנו?

איתמר נמי, אמר שמואל: טמאה נדה.  
ובן מוריין בידך שא: טמאה נדה.

אתמר, בדקה بعد שאין בדוק לה והניתהו ב קופסא, ולמהר מצאה עליו דם, אמר רב יוסף: כל יקיו של רבבי חייא טימא, ולוות וקנות טיהר.

אי בעיא להו: היכי קאמר? כל ימי טימא ממשום נדה, ולוות וקנות טיהר ממשום נדה וטימא ממשום כתם.

או דלמא: כל ימי טימא ממשום כתם,  
ולוות וקנות טיהר מולא כלום?

תא שמע, דתנייא: בדקה بعد שאין בדוק לה והניתהו ב קופסא, ולמהר מצאה עליו דם, רב בי אומר: טמאה ממשום נדה, ובבי חייא אמר: טמאה ממשום כתם.

**It was stated:** If the woman examined herself with a cloth that was examined by her before she used it and found free of blood, and after the examination she pressed it against her thigh,<sup>H</sup> and did not look at the cloth, and on the following day she found blood on her thigh, Rav says: In such a case she is definitely **impure as a menstruating woman**. Since it is known that the cloth was clear of blood before the examination, the blood on her thigh must be from her examination, and it must have passed onto her thigh after the cloth was pressed there. Rav Shimi bar Hama said to Rav: But didn't you say to us with regard to this case that she needs to be concerned for ritual impurity, which indicates that her impurity is uncertain?

In this regard it was also stated that Shmuel says: She is definitely **impure as a menstruating woman**. And they likewise rule as a practical halakha in the study hall that this woman is definitely **impure as a menstruating woman**.

With regard to a similar case, it was stated: If a woman examined herself with a cloth that was not examined by her before its use,<sup>H</sup> and she then placed it in a box without looking at it, and on the following day she found blood on this cloth, the question is whether the blood was on the cloth before the examination and the woman is consequently not impure, or whether the blood is from the examination, and she is impure. Rav Yosef says: All the days of Rabbi Hama he would deem such a woman impure, but in his old age he would deem her pure.

A dilemma was raised before the Sages with regard to this statement of Rav Yosef: With regard to what type of impurity status is he speaking? Does he mean that all his days Rabbi Hama would deem the woman definitely **impure as a menstruating woman**, and therefore any *teruma* with which she came into contact required burning; and in his old age he would deem her **pure** from the definite impurity status of a **menstruating woman**, but would deem her **impure** as a woman who discovered a **stain**, which is an uncertain source of impurity? If so, according to his ruling from his old age any *teruma* she touches is not burned but may not be eaten.

Or perhaps does Rav Yosef mean that all his days Rabbi Hama would deem the woman **impure** as a matter of uncertainty due to the stain, and in his old age he would deem her **pure** from any type of impurity status?

The Gemara suggests: Come and hear a resolution for this dilemma, as it is taught in a *baraita*: If a woman examined herself with a cloth that was not examined by her before its use, and she placed it in a box, and on the following day she found blood on this cloth, Rabbi Yehuda HaNasi says: She is definitely **impure as a menstruating woman**, and Rabbi Hama says: She is **impure** as a matter of uncertainty due to the stain.

## HALAKHA

If the woman examined herself with a cloth that was examined by her and she pressed it against her thigh, etc. – **בְּדַקָּה בֶּעָד הִבְדִּילָה בֵּין חֲנֹתָן בְּדַקָּה וּבְדַקָּה**: With regard to a woman who examined herself with a cloth that she knew was clean, and she pressed it against her thigh and on the next day found a blood stain on that thigh, if the stain is elongated she is impure, no matter how small the stain. This halakha is in accordance with the opinion of Rabbi Yehuda HaNasi. If the stain is round and less than the size of a split bean, she is pure. The Ramban and others maintain that even if it is round and of minimal size she is impure (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 4:19; *Shulhan Arukh*, *Yoreh De'a* 190:35).

If a woman examined herself with a cloth that was not examined by her before its use – **בְּדַקָּה בֶּעָד שָׁאַנוּ בְּדַקָּה**: If a woman examined herself with a cloth that had not been previously examined by her, if she found blood on it that was slightly larger in size than a split bean, she is impure. This halakha is in accordance with the opinion of Rabbi Yehuda HaNasi (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 4:19; *Shulhan Arukh*, *Yoreh De'a* 190:36).

## Perek II

### Daf 14 Amud b

אמר לו רבבי חייא: אי אתה מודה שאריכה נגירים ועוד? אמר לו: אבל אמר לו: אם כן, אתה אף אתה עשיתו כתם.

Rabbi Hama said to Rabbi Yehuda HaNasi: Do you not concede that for her to become ritually impure she requires that the size of the blood stain on the cloth be **more than the size of a split bean**? If the stain is smaller, it is assumed to have been caused by a squashed louse. Rabbi Yehuda HaNasi said to him: Indeed [aval]<sup>L</sup>, that is correct. Rabbi Hama said to him: If so, you too render this blood found on the cloth in the box a **stain**, which renders one impure as a matter of uncertainty. If you had considered it definitely impure, there would have been no distinction between a small stain and a large one.

## LANGUAGE

Indeed [aval] – **אבל**: This word usually means however or but. In addition, it was used by the *tanna'im* as a response to the question that begins: Do you not concede that. When the responder states: *Aval*, he means: Indeed, that is correct (Rashi on *Eruvin* 41a). This term also appears in the Bible, for example: "Indeed [aval] Sarah your wife" (Genesis 17:19), and: "Indeed [aval], we are guilty" (Genesis 42:21; see Rashi there).

### NOTES

Rabbi Yehuda HaNasi is preferable as he is the head of the yeshiva and the Sages are frequently in his presence, etc. – **רבי רושם מתייבתא הווא ושכיחי רבנן קפיה וכוי:** The commentaries note that although Rabbi Ḥama maintains that Rabbi Yehuda HaNasi had qualities that his teacher Rabbi Yosei did not possess, in that his status as head of the yeshiva enabled him to make halakhic rulings after extensive deliberation, nevertheless there is a principle that the *halakha* is in accordance with the opinion of Rabbi Yosei in his disputes with Rabbi Yehuda HaNasi (Introduction to the Talmud of Rabbi Shimon HaNaggid; *Seder Tanna'im VaAmora'im*). By contrast, some commentaries infer from this passage that the *halakha* follows the opinion of Rabbi Yehuda HaNasi even when in dispute with Rabbi Yosei (New Responsa of Maharil). The particular issue at hand is a matter of dispute among the major ruling authorities. Some state that the woman is impure as a matter of uncertainty, in accordance with the opinion of Rabbi Yosei (Rosh), whereas others rule in accordance with the opinion of Rabbi Yehuda HaNasi (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 4:19; see *Likkutei Halakhot*).

**רובי סבר: בטעון בגרים ועוד – לא פוקי  
בגדם מאכולות, כיון דנפק לה מדים  
מאכולות – וראי מוגפה אתחא.**

The Gemara comments: **And Rabbi Yehuda HaNasi**, who deems the woman definitely impure in this case, **maintains** that although we require that the size of the blood stain be **more than** the size of a split bean, this is necessary only to exclude the possibility that this is the blood of a louse; and since the possibility that it is the blood of a louse has been excluded, as its size is more than that of a split bean, it certainly came from her body, and therefore she is definitely impure.

**מאי לא בזקנותו קאי? הַא בִּלְדּוֹתָו –  
טימא משומן נדה! שמע מיפה.**

The Gemara analyzes this statement of Rabbi Ḥiyya with reference to the dilemma under discussion: **What, is it not correct to assume that Rabbi Ḥiyya was in his old age when he disagreed with his teacher, Rabbi Yehuda HaNasi?** He would not have done so when he was young. And if he deemed the woman impure as a matter of uncertainty in his old age, it can be inferred that **in his youth he would deem her definitely impure as a menstruating woman**. The Gemara concludes: Indeed, conclude from here that this is the case.

**משתבח ליה רבי לרבי ישמעאל ברבי  
ויסי ברבי חמא בר ביסא דארם זוזול  
לוּה, והיחסתו בקבוסא, ולמהר מזאה  
לזרע.**

**§** The Gemara relates: **Rabbi Yehuda HaNasi would praise Rabbi Ḥama bar Bisa<sup>9</sup> to Rabbi Yishmael, son of Rabbi Yosei**, by saying that **he is a great man**. Rabbi Yishmael said to Rabbi Yehuda HaNasi: When he comes to you, bring him to me.

**כִּי אַתָּא, אָמַר לֵיה: בַּשׁ מִינָּא מִילְתָּא.  
בַּעֲאָמִינָה: בְּרוּךְ בֶּעָד שָׁאנוּ בְּרוּךְ  
לָה, וְהִיחסָה בְּקוֹפְסָא, וְלִמְהַר מִזְאָה  
עַלְיוֹ דָם, מַהוּ?**

When Rabbi Ḥama came before him, Rabbi Yishmael said to him: Ask me about a halakhic matter. Rabbi Ḥama asked him: If a woman examined herself with a cloth that was not examined by her before its use, and she placed it in a box, and on the following day she found blood on this cloth, what is the *halakha*?

**אָמַר לוֹ: בָּרוּךְ רַבִּי אָבָא אַיִמָּא לְךָ,  
בָּרוּךְ רַבִּי אַיִמָּא לְךָ? אָמַר לֵיה: בָּרוּךְ  
רַבִּי אַיִמָּא לְךָ.**

Rabbi Yishmael said to him: Shall I say to you an answer in accordance with the statement of father, Rabbi Yosei, or shall I say to you an answer in accordance with the statement of Rabbi Yehuda HaNasi? Which would you prefer? Rabbi Ḥama said to him: Say to me an answer in accordance with the statement of Rabbi Yehuda HaNasi.

**אָמַר רַבִּי יִשְׁמַעְאֵל: הַזֶּה שָׁאוֹמְרוּן עַלְיוֹ  
דָּאָרָם גָּדוֹל הַוָּא? הַיְאָךְ מִנְחָין וּבָרִ  
תָּרְבִּישׁוּן דָּבְרֵי הַתַּלְמִידִים?**

Rabbi Yishmael said: Is this the one that Rabbi Yehuda HaNasi says about him that he is a great man? How can he neglect the statement of the teacher, Rabbi Yosei, and listen to the statement of the student, Rabbi Yehuda HaNasi?

**רַבִּי חֶמְאָה בָּר בִּיסָּא סָבָר: רַבִּי – רַיְשָׁ  
מִתְיַבְּתָא הוּא, וְשַׁכְּחִי רַבְּנָן קְפִיה,  
מִחוֹדרִי שְׁמַעְתָּהִיה.**

The Gemara explains: **And Rabbi Ḥama bar Bisa did so because he maintains that the opinion of Rabbi Yehuda HaNasi is preferable, as he is the head of the yeshiva, and the Sages are frequently in his presence,**<sup>10</sup> and due to the constant disputes his statements are sharper than those of Rabbi Yosei, despite the fact that Rabbi Yosei was his teacher.

**מַאי רַבִּי וּמַאי רַבִּי יוֹסִי? אָמַר רַב אַדָּא  
בָּר מַתָּנָא, תְּנָא: רַבִּי – מִתְמָא, וּרַבִּי  
יוֹסִי – מִתְמָא.**

The Gemara asks: What is this statement of Rabbi Yehuda HaNasi, and what is the statement of Rabbi Yosei, referred to by Rabbi Yishmael? Rav Adda bar Mattana says that the reference is to that which was taught in a *baraita* with regard to this case: Rabbi Yehuda HaNasi deems the woman impure and Rabbi Yosei deems her pure.

**וְאָמַר רַבִּי זֵירָא: כְּשַׁטְיָמָא רַבִּי – בָּרוּ  
מַאיוּ, וּכְשַׁטְיָהָרָבִי יוֹסִי – לְעַצְמוֹ  
טַהָּר.**

And Rabbi Zeira says, in explanation of this dispute: When Rabbi Yehuda HaNasi deemed the woman impure, he ruled in accordance with the line of reasoning of Rabbi Meir, and when Rabbi Yosei deemed her pure, he deemed her pure in accordance with his own line of reasoning.

### PERSONALITIES

**רַבִּי חֶמְאָה בָּר בִּיסָּא** – Rabbi Ḥama was from the last generation of *tanna'im*, and was apparently a member of Rabbi Yehuda HaNasi's rabbinical court. He probably lived in the southern part of Judea, perhaps in Lod, and served as a city judge. On most occasions when his statements are quoted in the Babylonian Talmud or the Jerusalem Talmud, he is referred to by

the name of his son: Rabbi Ḥama, father of Rabbi Oshaya. This is because Rabbi Oshaya was one of the leaders of the generation, who compiled a collection of important *baraitot*. Very little is known about Rabbi Bisa, and only one *halakha* is quoted in his name, in a case where he ruled in accordance with the opinion of his grandson Rabbi Oshaya, and against his son Rabbi Ḥama.

**דָתְנִיא, הַאֲשֶׁר שְׁהִתֵּה עֹשֶׂה צְרִיכָה  
וְזַאתָה דָם, רַבִּי מֵאִיר אָוּמֵר: אָם עַמְדָת -  
טָמֵאהּ, אָם יוֹשֵׁבּ - טָהוֹרָה.**

**רַבִּי יוֹסֵי אָוּמֵר: בֵּין בָּקָר וּבֵין בָּקָר טָהוֹרָה.**

As it is taught in a mishna (59b): In the case of a woman who was urinating and saw blood mixed in the urine, Rabbi Meir says: If she urinated while standing, she is **impure**, as the blood could have originated in the uterus. If she was sitting, she is **pure**, as the blood is clearly from the urethra.

**אָמֵר לֵיהּ רַבִּי אַחֲרָא בְּרוּחָה דָרְבָּא לֹבֶן אֲשִׁי:  
וְזֹא אָמֵר רַבִּי יוֹסֵי בָרְכִי תַּיִנָּא: כְּשִׁטְמִיאָה  
רַבִּי מֵאִיר - לֹא טָמֵא אֶלָּא מְשׁוּם כְּתָם,  
אַיִלּוּרְבִּי מְשׁוּם נָרָה קָאָמָר! אָמֵר לֵיהּ, אָמֵן  
הַכִּי קָאָמְרֵינוּ: בַּיְאִיתְמָרוּ הַהִיא - מְשׁוּם  
נָרָה אַיִתְמָרוּ.**

**גַּמְצָא עַל שְׂלָה אָוֹתִים טָמֵאִין" וּכו'.**  
**תַּנָּא:** אִיְהָוּ שִׁיעָר וְסֻתָּה? מְשֻׁלְּל שְׁמָשׁ וְעַד  
שְׁעוּמָדִין בֶּצֶד הַמְשָׁקוֹת, בִּצְיוֹת שְׁמָשׁ  
גַּמְסָע,

**הַוִּי: וְסַת שָׁאָמְרוּ - לְקִינּוֹת, אָבֶל לֹא  
בְּדִיקָה.**

Rabbi Yosei says: Whether she urinates in **this** manner, standing, or whether she urinates in **that** manner, sitting, she is **pure**. Like Rabbi Meir, who disregards the possibility that the blood originated in the urethra in a case where the woman was standing, Rabbi Yehuda HaNasi deems a woman impure in the case where blood is found on the cloth in the box, despite the possibility that it could have been on the cloth before she used it to examine herself. Rabbi Yosei, by contrast, maintains that wherever there is a reasonable uncertainty, the woman is not impure.

**Rav Aha, son of Rava, said to Rav Ashi: But doesn't Rabbi Yosei, son of Rabbi Hanina, say that when Rabbi Meir deemed the woman impure in the case involving urination, he merely deemed her **impure** as a matter of uncertainty, due to contact with a blood stain, whereas Rabbi Yehuda HaNasi said that in the case involving a stained cloth the woman is definitely impure as a **menstruating woman**? Rav Ashi said to Rav Aha, son of Rava: This is what we are saying: When that comment of Rabbi Yosei, son of Rabbi Hanina, concerning the ruling of Rabbi Meir was stated, it was stated that he deemed the woman impure as a **menstruating woman**.**

**§** The mishna states: If blood was found on her cloth immediately after intercourse, the woman and her husband are both **ritually impure** and are each liable to bring a sin offering. The Sages taught in a *baraita*: What is the period of time needed for the onset of **menstruation**, i.e., what is considered to be immediately after intercourse? This is comparable to a male organ and a cloth that are standing alongside the doorpost, i.e., at the entrance to the vagina; at the exit of the organ the cloth immediately enters.

The Gemara comments: This is the period of time concerning which the Sages said: During this period any blood on the cloth renders both the woman and the man ritually impure and liable to bring a sin offering. Yet this period is referring only to an external **wipe** of the pubic area with the cloth after intercourse, to see if there was a flow of blood during intercourse. But this time frame was not stated with regard to a full internal **examination**. If the woman conducts a full examination of herself, too much time would have passed since the intercourse for the man to be considered definitely impure.

**§** The mishna further states: If blood was found on her cloth after time passed, they are both ritually impure due to uncertainty, as it is possible that the blood appeared only after intercourse, and therefore they are exempt from bringing the sin offering. The Gemara notes that it is taught in a *baraita*: But they are each liable to bring a **provisional guilt offering**<sup>b</sup> brought by one who is uncertain as to whether he committed a sin that requires a sin offering. The Gemara asks: And the **tanna** of our mishna, what is the reason that he does not render each of them liable to bring a provisional guilt offering?

The Gemara answers: The **tanna** of our mishna holds that one is not liable to bring a provisional guilt offering in every case involving the uncertain violation of a prohibition that, were it certain, would render one liable to bring a sin offering. Rather, we require it to be a case akin to that of one piece from two pieces,<sup>h</sup> e.g., one had two pieces of meat before him, one of which was definitely forbidden while the other was permitted, and he does not know for certain which he ate. But when the uncertainty involves a single item, which may or may not have been forbidden, one does not bring a provisional guilt offering. In the case discussed in the mishna there is only one woman, as it is uncertain whether or not engaging in intercourse with her was permitted, which depends on whether menstruation began before or after intercourse.

## BACKGROUND

**Provisional guilt offering – אָשָׁם תְּלִילָה:** The provisional guilt offering is mentioned in the Torah (see Leviticus 5:17–19), and its various *halakhot* are delineated in tractate *Karetot*. The standard case of a provisional guilt offering involves a situation where there is uncertainty whether or not a transgression warranting a sin offering has been committed. For example, if a piece of forbidden fat and a piece of permitted fat were placed alongside one another and one thought that they were both permitted and ate one of them, and he does not know which of them he ate, he must bring a provisional guilt offering. This offering protects him from punishment until he determines whether or not he actually sinned. If he did, he must bring a sin offering.

## HALAKHA

We require it to be a case of one piece from two pieces – בְּשַׁעַן חֲתִיכָה מְשִׁתְיָחִיכָות: One is liable to bring a provisional guilt offering only in a case that involves uncertainty concerning an established prohibited item. For example, in a case where there were two pieces of meat before a person, one of which is definitely forbidden fat, and the other of which is definitely permitted fat, and he does not know which of them he ate, he is liable to bring a provisional guilt offering. But if there was only one piece of meat before him, concerning which it is uncertain if it is forbidden or permitted fat, he is exempt from bringing a provisional guilt offering. The *halakha* is in accordance with the opinion of the *tanna* of the mishna (Rambam Sefer Korbanot, *Hilkhot Shegagot* 8:2).

**בְּשַׁעַן חֲתִיכָה מְשִׁתְיָחִיכָות.**

## BACKGROUND

**Usha – עשוֹת:** Usha was a town in the Galilee and was the seat of the Sanhedrin for a generation, around 140 CE. After the bar Kokheva revolt, which took place during the years 132–135 CE, the Jewish community in Eretz Yisrael was almost completely destroyed. Those scholars who survived the upheavals assembled in Usha, where the *Nasi* of the Sanhedrin, Rabban Shimon ben Gamliel II, lived. The surviving students of Rabbi Akiva accepted his spiritual leadership. Although they were scattered throughout the Galilee, they recognized Usha as the center of Torah study and the seat of the Sanhedrin. In Usha, the Sages of that generation instituted many important ordinances, known as the rabbinical ordinances instituted in Usha. From there the Sanhedrin moved to Shefaram, apparently for a brief period.

Usha is located in the western part of the Lower Galilee, in a place nowadays called Hurvat Usha. It lies east of Kiryat Ata.



Location of Usha

“אַיִלּוֹן אַחֲרֵי זָמָן” וּכְיָהִי. וּרְמַנְיָהִי, אַיִלּוֹן “אַחֲרֵי זָמָן”? פִּירְשׁ רְבִי אַלְשָׁר בְּרִבִּי צָדוֹק: כִּי שְׁתוֹשִׁיט יְרֵה תְּתַחַת הַכְּפָר אוֹ תְּתַחַת הַכְּסָת וְתַטְול עֶד וְתַבְדֹּק בּוֹ?

**S** The mishna states: What is considered after time passed? It is a period of time equivalent to the time needed for the woman to descend from the bed and rinse her pubic area. The Gemara raises a contradiction from a *baraita*: What is considered after time passed? Rabbi Eliezer, son of Rabbi Tzadok, explained: It is a period equivalent to the time in which she may extend her hand under the cushion or under the blanket and take a cloth and examine herself with it. This is a shorter period than that required for her to get out of bed and rinse her pubic area.

אָמָר וּבְחַקְדָּא: מַا יָּהִי “אַחֲרֵי” – אַחֲרֵי?

Rav Hisda says: What is the meaning of: After, in the mishna? After, after. In other words, this is referring to the period after the period of time mentioned by Rabbi Eliezer, son of Rabbi Tzadok, who said it is after the amount of time it takes for the woman to extend her hand under the cushion and take a cloth and examine herself. The mishna is referring to the period of time that follows the time frame referred to by Rabbi Eliezer, son of Rabbi Tzadok, as: After time passed. If blood is found after this amount of time has elapsed the man is not ritually impure for a seven-day period, but only until evening, according to the Rabbis.

וְהִיא קָתְנִי עַלְהָ נִמְצָא עַל שְׁלָה לְאַחֲרֵי זָמָן –  
כִּי מִשְׁפָּקָה וְפִטוּרָה מִן הַקְּרֻבָּן. אַיִלּוֹן “אַחֲרֵי זָמָן” – כִּי שְׁתַרְדָּר מִן הַמְּפָתָה וְתַדִּיחַ פְּנִיה!

The Gemara raises a difficulty: But isn't it taught in the mishna with regard to this time period: If blood was found on her cloth after time passed, they are both ritually impure due to uncertainty, and they are exempt from bringing the sin offering. And the mishna continues: What is considered after time passed? It is a period of time equivalent to the time needed for her to descend from the bed and rinse her face, i.e., her pubic area. This indicates that the period of time that follows the ability to perform an immediate examination is that which is mentioned in the mishna, and the mishna is not discussing the third time frame concerning which the husband is impure only until the evening.

חַכִּים קָאָמָר: אַיִלּוֹן “אַחֲרֵי זָמָן”? כִּי שְׁתוֹשִׁיט  
זָהָה לְתַחַת הַכְּפָר אוֹ לְתַחַת הַכְּסָת וְתַטְול עֶד  
וְתַבְדֹּק בּוֹ, כִּי שְׁתַרְדָּר מִן הַמְּפָתָה וְתַדִּיחַ  
אֶת פְּנִיה – מִתְּלוּקָת רְבִי עֲקִיבָא וְרַבִּים.

The Gemara explains that this is what the mishna is saying: What is considered after time passed? It is a period equivalent to the time in which she may extend her hand under the cushion or under the blanket and take a cloth and examine herself with it, as stated by Rabbi Eliezer, son of Rabbi Tzadok. And with regard to the other time frame, i.e., equivalent to the time needed for her to descend from the bed and rinse her face, i.e., her pubic area, there is a dispute between Rabbi Akiva and the Rabbis as to whether the man is impure for seven days or only until the evening.

וְהִיא “אַחֲרֵי זָמָן” קָתְנִי חַכִּים קָאָמָר: וּהַו “אַחֲרֵי זָמָן” שְׁנַחְלְקוּ וּבְרִבִּי עֲקִיבָא וְרַבִּים.

The Gemara raises a difficulty: But with regard to the dispute between Rabbi Akiva and the Rabbis, doesn't the mishna teach: Afterward, which indicates that they disagree concerning blood found in the time period that comes after the period in which she can descend from the bed and rinse her pubic area? The Gemara answers that this is what the mishna is saying: And this time frame, i.e., which is equivalent to the time needed for her to descend from the bed and rinse her pubic area, is that period of time labeled: Afterward, with regard to which Rabbi Akiva and the Rabbis disagree.

רְבִי אַשִּׁי אָמָר: אִידִי וְאִידִי חַד שִׁיעָרוֹא הוּא,  
עֶד בִּרְהָה – כִּי שְׁתַרְדָּר מִן הַמְּפָתָה וְתַדִּיחַ  
אֶת פְּנִיה, אֵין עֶד בִּרְהָה – כִּי שְׁתוֹשִׁיט יְרֵה  
לְתַחַת הַכְּפָר אוֹ לְתַחַת הַכְּסָת וְתַטְול עֶד  
וְתַבְדֹּק בּוֹ.

Rav Ashi says a different resolution of the apparent contradiction between the mishna and the *baraita*: Both this and that are one period, as it all depends on the situation. If the cloth is already in her hand, she does not need to extend her hand, and therefore the time frame is as stated in the mishna: Equivalent to the time needed for her to descend from the bed and rinse her face. If the cloth is not in her hand, the period is equivalent to the time in which she may extend her hand under the cushion or under the blanket and take a cloth and examine herself with it, while she is still in bed.

מִתְּבוּבָה: אַיִלּוֹן “אַחֲרֵי זָמָן”? דָּבָר וְהַשְׁאַלְלָבִי  
אַלְשָׁר בְּרִבִּי צָדוֹק לְפִנֵּי חַכְמִים בְּאוֹשָׂא,  
אָמָר לְהָם:

The Gemara raises an objection to Rav Ashi's interpretation from a *baraita*: What is considered after time passed, at which point the blood found on the woman's cloth renders them both impure as a matter of uncertainty for seven days? About this matter Rabbi Elazar, son of Rabbi Tzadok, asked the Sages in Usha,<sup>8</sup> and he said to them:

Perek II  
Daf 15 Amud a

שָׁמָא בַּרְבִּי עֲקִיבָא אֶתְּם אָוֹרִים,  
שְׁמַטְמֵאָה אֶת בּוּעָלָה? אָמְרוּ לֵךְ: לֹא:  
שְׁמַעַנוּ.

אָמַר לְהָם, כֹּךְ פְּרָשׂוּ חֲכָמִים בִּבְנָה: לֹא  
שְׁהַתָּה בְּרִי שְׁתַרְדֵּן מִנְפְּשָׁה וְתַרְחֵת אֶת  
פִּינָּה – תֹּזֵן זִמְן הַוָּה וְעַמְמַאי מִסְפָּקָה,  
וּפְטוּרָיוֹן מִקְרָבָן; וְחַיְבָן בְּאַשְׁם תָּלֵי.

שְׁהַתָּה בְּרִי שְׁתַרְדֵּן מִנְפְּשָׁה וְתַרְחֵת אֶת  
פִּינָּה – אַחֲרֵי זִמְן הַוָּה וְהַזָּה.

כִּין בְּשַׁשְׁבָּתָה מֵעֵת לְעֵת וּמִפְקִידָה  
לְפָקִידָה – בּוּעָלָה מַטְמֵא מִשּׁוּם מִגְעָן,  
וְאַיִלָּן מַטְמֵא מִשּׁוּם בּוּעָלָה. רַبִּי עֲקִיבָא  
אָוֹרָם: אָף מַטְמֵא מִשּׁוּם בּוּעָלָה. רַבִּי  
יְהוּדָה בָּנוֹ שְׁלֹמֹן יְחִינָן בְּנֵי כָּאֵי אָוֹרָם:  
בְּעָלָה בָּנָם לְהִיכְלָל וּמִקְרִירָה קָטוּרָה.

בְּשַׁלְמָא לְרַב חַקְדָּא – הַיִינְוּ דְמַתְהָרִי  
רַבְּנָן.

אַלְאָ לְרַב אַשִּׁי – אַמְמַי מַתְהָרִי רַבְּנָן?

Perhaps you say in accordance with the opinion of Rabbi Akiva, that the woman transmits impurity to the man with whom she engaged in intercourse, just as she retroactively transmits impurity to any pure items she touched in the preceding twenty-four-hour period? The Sages of Usha said to Rabbi Eliezer, son of Rabbi Tzadok: We have not heard this opinion of Rabbi Akiva, i.e., we do not accept it as halakha, and therefore we would like to know what this period of: After time passed, is.

Rabbi Eliezer, son of Rabbi Tzadok, said to them: This is how the Sages of Yavne<sup>8</sup> explained it: As long as the woman did not wait before examining herself after intercourse for a period of time equivalent to the time in which she may descend from the bed and rinse her face, this is considered within the period of time referred to in the mishna as: After time passed. And if blood is found on the cloth she used to examine herself during this period, they are both impure for seven days due to uncertainty, and they are exempt from bringing a sin offering, as this offering is brought only for an unwitting sin that was definitely committed. But they are each obligated to bring a provisional guilt offering.

If she waited before examining herself after intercourse for a period of time equivalent to the time in which she may descend from the bed and rinse her face, this is considered: After time, i.e., after the time frame referred to in the mishna as: After time passed.

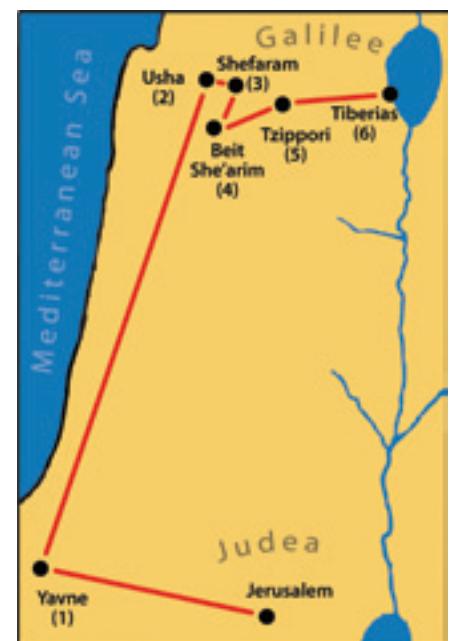
In this case, and likewise in a case when she waited for a twenty-four-hour period or from examination to examination,<sup>9</sup> i.e., she examined herself before intercourse and was pure, and then examined herself within twenty-four hours after intercourse and was impure, the man with whom she engaged in intercourse becomes impure until evening due to contact with a menstruating woman, but he does not become impure for seven days as one who engaged in intercourse with a menstruating woman. Rabbi Akiva says: He even becomes impure for seven days as one who engaged in intercourse with a menstruating woman. Rabbi Yehuda, son of Rabban Yohanan ben Zakkai, says: In such a case, not only is her husband not impure for seven days, but he is not even deemed impure until evening by rabbinic law. Therefore, if he is a priest he may enter the Sanctuary and burn incense.

The Gemara explains the difficulty with Rav Ashi's interpretation of the mishna according to this baraita: Granted, according to the opinion of Rav Hisda, who maintains that the period of: After time passed, during which if the woman found blood on her cloth the man with whom she engaged in intercourse is rendered impure for seven days, is equivalent to the time it takes for her to extend her hand and examine herself, this is the reason that the Rabbis deem him pure if she discovered blood after this period has passed.

But according to the opinion of Rav Ashi, who holds that if she has a cloth in her hand then she renders the man with whom she engaged in intercourse impure if she discovers blood within the amount of time it takes for her to descend from the bed and rinse or clean her pubic area with the cloth she is holding in her hand, why do the Rabbis deem him pure if the amount of time that has passed is the time it takes for her to descend and clean her pubic area? She should still render him impure during that time span.

#### BACKGROUND

**Yavne – יָבֵן:** An ancient city, Yavne is identified as the biblical city of Yavne'el in the region of the tribal lands of Judah. It is just over 1 km from the coast and almost due west of Jerusalem. After the destruction of the Second Temple, Yavne became an important Torah center and the seat of the Sanhedrin. Apparently, Yavne had been a center of Torah study even before the Temple was destroyed, but it attained prominence only after the destruction, when Rabban Yohanan ben Zakkai re-established the Sanhedrin there. Until the bar Kokhba revolt, Yavne was the spiritual center of the entire Jewish population in Eretz Yisrael. The Yavne yeshiva, initially headed by Rabban Yohanan ben Zakkai and later by Rabban Gamliel II of Yavne, attracted many of the greatest Torah scholars of that era, and numerous ordinances were instituted there to maintain Jewish religious and spiritual life after the destruction of the Temple.



כְּשַׁשְׁבָּתָה מֵעֵת לְעֵת וּמִפְקִידָה:  
לְפָקִידָה: With regard to all women who render items impure retroactively when they experience bleeding, even though they transmit impurity to items on which they sit or ride and likewise their saliva and urine transmit impurity retroactively, nevertheless

they do not retroactively render impure the man with whom they engaged in intercourse as one who engaged in intercourse with a menstruating woman, but only as one who came into contact with a menstruating woman (Rambam Sefer Tahara, Hilhot Metamei Mishkav UMoshav 3:8).

#### HALAKHA

ובְּתִימָא: דָּאֵין עַד בִּזְהָה, הֲאֵי עַד  
בִּזְהָה? וְאֵין עַד בִּזְהָה מִבְשִׁי לִיה!  
קְשִׁיא.

זֶבַי יְהוּדָה בֶּן שְׁלֹמֹן יוֹחָנָן בֶּן זְבַאי  
אָוּרָה: בַּעַלְהָ נְבָנָס לְהִיכְלָה וּמְקַטֵּר  
קְטוּרָת. וְתִיפּוֹק לִיהְ דָּהָה נְגַע בִּמְעֵת  
לְעֵת שְׁבַנְדָה!

הַוָּא דָאֵם רְבָבָי שְׁמָאי, דָאֵם: כָּל הַנְּשָׁוֹם  
דַּיְן שְׁעַטָּן.

וְתִיפּוֹק לִיהְ דָּהָה בַּעַל קְרוּי בְּשָׁלָא  
גְּמַר בִּיאָתוֹ.

זְמוּזִים חֲכָמִים לְרַבִּי עֲקִיבָא בְּרוֹאָה  
בְּחַטָּם. אָמָר רַב: לִמְפֻרָע, וְרַבִּי מֵאִיר  
הִיא.

וּשְׁמוּאֵל אָמָר: מִכָּאן וְלִהְבָא, וּרְבָנָן  
הִיא. מִכָּאן וְלִהְבָא, פְּשִׁיטָא!

מוֹזָה דָתִיקָא: הַוָּאיל וּמְעֵת לְעֵת דָרְבָּנוּ,  
וּכְתָמִים דָרְבָּנוּ, מָה מְעֵת לְעֵת – לֹא  
מְטַמֵּאת אָת בּוּלָה, אָף כְתָמִים – לֹא  
מְטַמֵּאת אָת בּוּלָה, קָא מְשֻׁמָּעַ לֹן.

And if you would say that the *baraita* is dealing with a case where the cloth is not in her hand, and for this reason the time period that it is referring to is after the amount of time it would take for the woman to extend her hand and examine herself, this cannot be the case, as if so, the *tanna* of the *baraita* should have taught two cases: A cloth is in her hand, and: A cloth is not in her hand, to differentiate between the situations. The Gemara concludes: Indeed, this *baraita* poses a difficulty to the opinion of Rav Ashi.

§ The *baraita* teaches that Rabbi Yehuda, son of Rabban Yoḥanan ben Zakkai, says: If the examination took place following this period called: After time passed, her husband is not ritually impure at all, and therefore if he is a priest he may enter the Sanctuary and burn incense. The Gemara asks: And let him derive that the husband is impure because he is one who touched a menstruating woman during the twenty-four-hour period before she discovered blood, as the Sages decreed that pure items touched by a menstruating woman in the twenty-four hours before she noticed the bleeding are impure retroactively.

The Gemara answers that Rabbi Yehuda, son of Rabban Yoḥanan ben Zakkai, who said the ruling, holds like Shammai, who said in a mishna (2a): For all women, their time is sufficient, i.e., women who discern the emergence of menstrual blood do not need to be concerned that the flow of blood began before they noticed it, and they assume ritual impurity status only from that moment.

The Gemara raises another difficulty with the opinion of Rabbi Yehuda, son of Rabban Yoḥanan ben Zakkai: And let him derive that the husband is impure because he is one who experienced a seminal emission. The Gemara answers that he is referring to a case where the husband did not complete his act of intercourse.

§ The mishna states: And the Rabbis concede to Rabbi Akiva in the case of a woman who sees a blood stain, that she transmits seven-day impurity to the man with whom she engaged in intercourse. The Gemara cites a dispute of *amora'im* in this regard. Rav says that she renders the man with whom she engaged in intercourse impure retroactively, and this is in accordance with the opinion of Rabbi Meir, who maintains that a woman who sees a blood stain renders pure items impure retroactively (see 5a).

And Shmuel says that she does not render him impure retroactively, but only if he engages in intercourse with her from now and onward, i.e., after she sees the blood stain, and this is in accordance with the opinion of the Rabbis, who hold that a woman who sees a blood stain renders pure items impure only from that moment onward. The Gemara raises a difficulty with the opinion of Shmuel: Why does the mishna find it necessary to state that she renders him impure from now and onward? Isn't it obvious?

The Gemara explains that it was necessary for the mishna to state this ruling, lest you say: Since the woman's retroactive impurity for a twenty-four-hour period is a decree that applies by rabbinic law, and the impurity of blood stains also applies by rabbinic law, one might claim as follows: Just as her retroactive impurity of a twenty-four-hour period does not render impure the man with whom she engaged in intercourse, so too, her blood stains should not render impure the man with whom she engaged in intercourse. Therefore, the mishna teaches us that she does render him impure from that point onward.

#### HALAKHA

From now and onward – מִכָּאן וְלִהְבָא: If she saw a blood stain then a man who engages in intercourse with her from that moment forward is impure as one who engaged in intercourse with a menstruating woman (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 3:8, and see *Kesef Mishne* there).

**אִיְמָא הַכִּי גַּמְיָה הַתָּם - אֵין שׁוֹר שְׁחוּט לְפָנֶיךָ, הַכָּא - יִשְׁשׁוֹר שְׁחוּט לְפָנֶיךָ.**

The Gemara asks: **But perhaps one can say that indeed, she does not transmit impurity to him?** The Gemara explains that there is a difference between the two types of rabbinic impurity: **There, with regard to retroactive impurity, it is not a case of: The slaughtered ox is before you,**<sup>n</sup> i.e., the evidence of impurity did not exist at the time, as she had yet to experience menstruation. Therefore, the Sages did not apply the stringency of retroactive impurity to the husband. By contrast, **here, with regard to the impurity of blood stains, it is a case of: The slaughtered ox is before you,** as blood has appeared on the cloth.

**כִּי אָמַר רֵישׁ לְקִישׁ: לְמִפְרַע, וּבַיְמָאֵר הָיא. רַבִּי יוֹחָנָן אָמַר: מִפְאָן וְלְהַבָּא, וּבְעַד דָּיא.**

The Gemara notes: **And Reish Lakish similarly says, like Rav, that the woman transmits impurity to the man with whom she engaged in intercourse retroactively, and this is in accordance with the opinion of Rabbi Meir. But Rabbi Yohanan says, like Shmuel: She renders him impure from now and onward, i.e., after she sees the blood stain, and this is in accordance with the opinion of the Rabbis.**

**מַתָּנִי** כָּל הַנְּשִׁים בְּחִזּוּק טָהָרָה לְבָלְעִילָּהּ, הַבָּאֵין מִן הַדָּרְךָ - נִשְׁתַּחֲנוּ לָהּ בְּחִזּוּק טָהָרָה.

**MISHNA** All women have the presumptive status of purity for their husbands,<sup>h</sup> and therefore one is not required to ascertain whether his wife is ritually pure before engaging in intercourse with her. Even with regard to husbands returning from a journey, if their wives were ritually pure when they left, their wives have the presumptive status of purity for them.

**גַּם** לִמְהַלְלָה לְמַתְהַנָּה "הַבָּאֵין מִן הַדָּרְךָ?" סְלִקָּא דַעֲפָךְ אַמְּנִיאָ: הַנִּי מִילִי - הַיכָּא דִיאַתְהָה בְּמִתָּא, זְרֻמָּא אַנְפְּשָׁה וּבְדָחָה, אַבְלָה הַיכָּא דְלִיתָא בְּמִתָּא - דָלָא רַמְמִיא אַנְפְּשָׁה - לֹא, קָא מִשְׁבָּעָן.

**GEMARA** Why does the *tanna* of the mishna need to teach the *halakha* of husbands returning from a journey? In what manner are they different from other husbands? The Gemara explains that it might enter your mind to say: This statement, that women have the presumptive status of purity, applies only in a case where the husband is in the city of his residence, as the woman takes upon herself the responsibility of being ready for her husband at all times, and therefore she examines herself. But in a case where the husband is not in the city, since she does not take upon herself the responsibility of being constantly ready for him, perhaps she should not have the presumptive status of purity. Therefore, the *tanna* of the mishna teaches us that even in this case she has a presumptive status of purity.

**אָמַר רֵישׁ לְקִישׁ מִשּׁוּם רַבִּי יְהוּדָה נְשִׁיאָה: וְהָוָא שְׁבָא וּמִצְאָה בְּתוֹךְ יְמִי עֲוֹנָתָה.**

The Gemara notes that in this regard, **Reish Lakish says in the name of Rabbi Yehuda Nesia: And this halakha that the wife of a husband returning from a journey has a presumptive status of purity is applicable only in a case where the husband came and found that his wife was within the days of her projected period,**<sup>n</sup> i.e., within thirty days of her previous menstruation. In this case he may assume that she has not yet experienced a new period, and therefore he may rely on her presumptive status of purity. But if he arrived after thirty days had elapsed from her previous menstruation, it is assumed that she experienced menstruation at the usual time and therefore it is not permitted for him to engage in intercourse with her unless she examined herself and found herself pure.

**אָמַר רַב הָונָא: לֹא שָׁנו אַלְא שָׁאוּן לָהּ וְסַת. אַבְלָה יִשְׁלַׁח לְהַסְתָּת - אַסּוּר לְשִׁפְטוּשׁ.**

**§** With regard to the presumptive status of purity of wives, **Rav Huna says: The Sages taught this halakha only in the case of a woman who does not have a fixed menstrual cycle. But with regard to a woman who does have a fixed menstrual cycle, it is prohibited for her husband to engage in intercourse with her.**

## NOTES

There with regard to retroactive impurity it is not a case of the slaughtered ox is before you, etc. – **תָּמָה**: Some commentaries say that the case of a blood stain is called: The slaughtered ox is before you, because there is no other source to attribute the blood on the garment to, as she had not touched the blood of a bird nor passed by a slaughterhouse. By contrast, retroactive impurity is not like: The slaughtered ox is before you, as she did not experience bleeding the day before, and the impurity is merely a preventive measure (Rashi; Tosefot Rid; Arukh).

And this is applicable only in a case where the husband came and found that his wife was within the days of her projected period – **וְהָוָא שְׁבָא וּמִצְאָה בְּתוֹךְ יְמִי עֲוֹנָתָה**: Reish Lakish does not specify what kind of woman he is referring to. Some explain that it is referring either to a woman who does not have a fixed time in which she expects her period to begin, or that she does have a fixed time, but that fixed time is less than thirty days from the onset of her previous period. In these two cases, if more than thirty days have passed since the onset of her previous period, there is cause to suspect that she might have experienced bleeding (see Ramban and Rashba). Others explain that this is referring to a woman who has a fixed time in which she expects her period to begin, and the husband arrives home at that time (see Rif and Rambam).

## HALAKHA

All women have the presumptive status of purity for their husbands, etc. – **בְּלֵל הַשִּׁים בְּחִזּוּק טָהָרָה לְבָלְעִילָּהּ וּכְבוּד:** Every woman who has a fixed period has a presumptive status of purity for her husband unless she tells him that she is impure, or until she has the presumptive status of a menstruating woman among her neighbors. If her husband left for a different country when she was pure, when he returns he does not have to ask her if she is pure. Therefore, even if she is asleep when he arrives he may engage in intercourse with her. Some say that this lenient ruling

applies only if he arrived when she was within thirty days of her previous sighting of blood, which is the average cycle for most women (Haggahot Maimoniyot and Kesef Mishne, citing Ramban and Rashi). If she was menstruating when he left, she remains prohibited until she informs him that she is pure. The *halakha* is in accordance with the opinion of Reish Lakish, citing Rabbi Yehuda Nesia (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshev 4:7 and Sefer Kedusha, Hilkhot Issurei Bia 4:9).

### BACKGROUND

Isn't it the opposite [kelapei layya] – בְּלֹא לִיְיאָ? This phrase expresses a sense of astonishment: Your statement is puzzling, as the opposite makes sense. Some commentators explain that this expression should be read as: Toward the tail [kelapei alyal], i.e., the statement is focusing on the tail instead of the head (Rabbeinu Hananel; Arukh).

### NOTES

The concern for impurity of women at the projected time of their periods applies by Torah law – וְסֶתֶות דָאָרְיוּתָא: The early commentaries explain that it is a halakha transmitted to Moses from Sinai that a woman who does not examine herself at the projected time of her period has a status of uncertain impurity (Rashi; see Rashi on 9a and Rosh at the beginning of the tractate). Consequently, if she wants to be presumed pure she must examine herself at that time. Others state that according to the opinion that the concern for impurity of women at the projected time of their periods applies by Torah law, if she does not examine herself it is considered as though she definitely experienced bleeding (Tosafot).

### HALAKHA

The concern for impurity of women at the projected time of their periods applies by rabbinic law – וְסֶתֶות דָרְבָנָן: The impurity of a woman at the projected time of her period applies by rabbinic law, and it is due to uncertainty. Therefore, one does not burn teruma or sacred food with which this woman came into contact, although one may not eat them either (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 3:9 and Kesef Mishne there).

כְּלֹפֵי לִיְיאָ? אַזְרָבָה, אַיְכָא מַסְתְּבָרָא!  
אַיְן לְהַסְתָּת - אִימָא חֲזָאי, יִשׁ לְהַסְתָּת -  
וְסֶתֶת קְבִיעַ לְהָ!

אֲלָא, אֵי אִיתָמָר - הַכִּי אִיתָמָר, אָמֵר רַב  
הַגּוֹנָא: לֹא שָׁנוּ אַלְאַ שָׁלָא הַגִּיעַ שְׁעָתָה  
וְסֶתֶתָה, אַכְלַתְהַגִּיעַ שְׁעָתָה וְסֶתֶתָה - אַסְוָרָה.  
קְسֻבָּר: וְסֶתֶות דָאָרְיוּתָה.

The Gemara asks: Isn't it the opposite?<sup>b</sup> On the contrary; the reverse claim stands to reason: If the wife does not have a fixed cycle, one can say that perhaps she saw blood, and therefore she should be forbidden to him; whereas if she has a fixed cycle, since her cycle is fixed for her she knows when she will become impure and is presumed to be pure beforehand.

Rather, if Rav Huna's differentiation was stated, it was stated like this: Rav Huna says: The Sages taught this halakha only in a case when the projected time of the woman's period had not arrived before her husband returned from his journey. But if the projected time of her period had arrived, she is forbidden to him. Rav Huna maintains that the concern for impurity of women at the projected time of their periods applies by Torah law,<sup>n</sup> as this is a halakha transmitted to Moses from Sinai. If a woman did not examine herself at this time she is presumed to have experienced bleeding, even if she did not sense the emission of blood, though there is no formal obligation to examine herself at this time. Accordingly, a husband returning home from a journey cannot rely on the assumption that his wife has examined herself at the projected time of her period, unless he positively establishes that she has done so.

וּבָה בָּר בָּר חַנָּה אָמָר: אַפְּיָלוּ הַגִּיעַ שְׁעָתָה  
וְסֶתֶתָה - נִמְיָן מוֹתָרָה, קְסֻבָּר: וְסֶתֶות  
דָרְבָנָן.

רבashi מותני הַכִּי, אָמֵר רַב הַגּוֹנָא:

By contrast, Rabba bar bar Hana says: Even if the projected time of her period had arrived, she is permitted to her husband. Rabba bar bar Hana maintains that the concern for impurity of women at the projected time of their periods applies by rabbinic law,<sup>h</sup> and therefore she is not considered to have experienced bleeding, though by rabbinic law she must still examine herself to ascertain that she is pure.

Rav Ashi teaches the opinions of Rav Huna and Rabba bar bar Hana like this: Rav Huna says:

לֹא שָׁנוּ אַלְאַ שָׁאַין לְהָ וְסֶתֶת לִימִים  
אַלְאַ יִשׁ לְהָ וְסֶתֶת לִימִים וְלִקְפִיצּוֹת,  
כִּיּוֹן דְבָמְעָשָׂה תְּלִיאָ מִלְתָא - אִימָא  
לְאַקְפִּיזַׁ וְלֹא חֲזָאי, אַכְלַתְהַגִּיעַ שְׁלַה וְסֶתֶת  
לִימִים - אַסְוָרָה לְשִׁמְשָׁן,

קְסֻבָּר - וְסֶתֶות דָאָרְיוּתָה.

The Sages taught this halakha, that a woman has a presumptive status of purity to her husband, only in a case where she does not have a menstrual cycle of days<sup>h</sup> alone, but has a menstrual cycle that is determined both by fixed days and by physical actions she might perform, such as jumps. The reason is that since the matter is also dependent on a particular action, one can say that she did not jump and therefore she did not see blood, and consequently she is presumed to be pure. But with regard to a woman who has a menstrual cycle of days alone, and the projected day of her period arrived, it is prohibited for her to engage in intercourse with her husband.

The Gemara explains that Rav Huna maintains that the concern for impurity of women at the projected time of their periods applies by Torah law. Since she has an uncertain status of impurity by Torah law when the projected day of her period arrives, it is permitted for her to engage in intercourse with her husband only after an examination.

וּבָה בָּר בָּר חַנָּה אָמָר: אַפְּיָלוּ יִשׁ לְהַסְתָּת  
לִימִים - מוֹתָרָה, קְסֻבָּר - וְסֶתֶות דָרְבָנָן.

Rabba bar bar Hana says: Even if she has a menstrual cycle of days alone, she is permitted to her husband. Rabba bar bar Hana maintains that the concern for impurity of women at the projected time of their periods applies by rabbinic law. Consequently, she is not considered to have experienced bleeding, though by rabbinic law she should have examined herself to ascertain if she was pure.

### Perek II

#### Daf 15 Amud b

### HALAKHA

The Sages taught this only where she does not have a menstrual cycle of days – לֹא שָׁנוּ אַלְאַ שָׁאַין לְהַסְתָּת לִימִם: With regard to a woman who has a period that comes by days alone, and the date of her period arrived, her husband may not engage in intercourse with her unless he first asks her whether she is pure. Some say that even if she is awake and lying beside him, this is not enough, as he must ask her and she must explicitly state that she is pure (*Havat Da'at*). If she does not have a fixed period, the thirtieth day after her previous sighting is considered the projected time of her period. If the husband waited after her period enough time for her to have counted her days of purity and immerse herself, he may engage in intercourse with her without asking her if she is pure (*Shulhan Arukh, Yoreh De'a* 184:11-12).

אמור רב שמואל מישנימא דרבוי יוחנן:  
אשה שיש לה וסת – בעלה מחייב  
מי וסתה ובא עליה.

אמור ליה רב שמואל בר ייבא לרבי  
אבא: אמור רבוי יוחנן לא פלו ילה,  
רביזיא למיטבל?

אמר ליה: אטו וראי ראתה מי אמר  
רבי יוחנן? אימרו דאמו רבי יוחנן  
ספק ראותה ספק לא ראתה, ואם  
תמצא לומר ראתה – אימא טבלה.

אבל וראי ראתה – מי יימר דעתך?  
הוה ליה ספק ווראי, ואין ספק  
מויציא מיד וראי.

ולא? והתניתא: חבר שפת זהבינה  
מגורה מלאה פירות, אפילו הן בין  
יום – הרי הן בחזקת מותוקין. והא  
הכא, וראי טבל, ספק מעישר ספק  
איינו מעישר, ורקאתי ספק ומוציא  
מיד וראי.

**Rav Shmuel says in the name of Rabbi Yoḥanan:** With regard to a woman who has a fixed menstrual cycle, and her husband was away for seven days after the expected onset of her period, at which point he returned home, her husband calculates the days of her cycle; and if in the elapsed time it was possible for her to immerse and purify herself, he can presume that she did so, and he may engage in intercourse with her even without asking her whether she is pure.

**Rav Shmuel bar Yeiva said to Rabbi Abba:** Did Rabbi Yoḥanan state this ruling even with regard to a young girl, who is embarrassed to go and immerse herself,<sup>n</sup> in which case one can claim that if her husband was away she would not have gone to the ritual bath?

**Rabbi Abba said to Rav Shmuel bar Yeiva:** Is that to say that Rabbi Yoḥanan applied this halakha to all cases? Did Rabbi Yoḥanan say that a woman who definitely saw blood is also permitted to her husband? You can say that Rabbi Yoḥanan said his ruling with regard to a case where it is uncertain whether the woman saw blood and it is uncertain whether she did not see blood, and therefore her husband may engage in intercourse with her, as one can reason as follows: If you say that she saw blood, one can still say that perhaps she immersed.<sup>n</sup>

But if she definitely saw blood, it is not permitted for the husband to engage in intercourse with her. The reason is: Who is to say that she immersed? It is a conflict between an uncertainty as to whether or not she immersed, and a certainty that she saw blood, and there is a principle that an uncertainty does not override a certainty. In the case of a young girl, since it is uncertain whether she saw blood, and it is uncertain whether she immersed, she is permitted to her husband.

The Gemara raises a difficulty with this principle: And does an uncertainty not override a certainty? But isn't it taught in a baraita: In the case of a *haver*<sup>8</sup> who died and left a storehouse filled with produce,<sup>9</sup> even if the produce was there only that day, it has the presumptive status of produce that was ritually prepared, i.e., properly tithed. This is due to the presumption that the *haver* tithed the produce himself or instructed others to do so. The Gemara infers: And here, the produce was definitely untithed at the outset, and there is uncertainty whether the *haver* tithed it, and there is uncertainty whether he did not tithe it. And despite this conflict, the uncertainty whether it was tithed comes and overrides the certainty that it was untithed produce.

## BACKGROUND

**Haver – חָבֵר:** The term *haver* refers to one who belonged to the group or movement of *haverim* in the mishnaic period and later. *Haverim* accepted upon themselves, through a special ritual, to keep the matter of *haverim*, i.e., the meticulous observance of mitzvot, especially the *halakhot* of ritual purity, *teruma*, and tithes. In practice, every Torah scholar would certainly become a *haver*, but there were also many *haverim* who were not Torah scholars.

## NOTES

A young girl [*yalda*], who is embarrassed [*beziza*] to go and immerse herself – *ירדה דביזיא למיטבל*: The early commentaries dispute the meaning of this statement. Some say that *yalda* is used as a noun, meaning young girl, while *beziza* refers to embarrassment. In other words, a minor requires persuasion from her husband before she will agree to immerse herself. Consequently, it is questionable whether Rabbi Yoḥanan's leniency applies in a case when the husband is not in town. Others claim that *yalda* is used as a verb, meaning: Gave birth, and Rav Shmuel bar Yeiva is referring to a woman who has given birth. According to this interpretation, *beziza* means fear, as this woman who has recently given birth is worried that in her weak state she will become ill when she goes to immerse herself.

## HALAKHA

A *haver* who died and left a storehouse filled with produce – *חבר שפת זהבינה מלאה פירות*: If a *haver* who is known to have been scrupulous about separating *terumot* and tithes died and left a storehouse full of produce, it has the presumptive status of having been tithed, even if it came into his possession

on the day he died. The reason is that a *haver* would not allow produce that had not been properly tithed to become available to others. The *halakha* is in accordance with the *baraita* and the explanation of Rav Ḥanina Ḥoza'a (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser* 10:2, 10).

**LANGUAGE**

Olive gatherer [*massik*] – מַסִּיק: A *massik* is one who harvests olives. In parallel discussions the word is *matzik* (see *Avoda Zara* 42a), which means a violent man or one who would collaborate with the Roman authorities after the subjugation of the Jewish revolt.

הַתָּם וְדָאֵי וְדָאֵי הַוָּא, בְּרוּכָ חֲנִינָא  
חוֹזָא. דָּאָמָר רַב חֲנִינָא חֹזָא: חֹזָא  
עַל חֶבֶר שָׁאַיָּנוּ מָזִיאָה מִתְחַת יְדוֹ דָּבָר  
שָׁאַיָּנוּ מִתְוֹקָן.

וְאִיבְעָרָת אִימָּא: סְפָק וְסְפָק הַוָּא, וּכְדָבָר  
אוֹשָׁעָא. דָּאָמָר רַבִּי אוֹשָׁעָא: מִעִים  
אָדָם עַל תְּבוֹאָתוֹ וּמְכִינָה בְּמוֹזָלָה,  
בְּרוּכָ שְׂתְּהָא בְּהַמְּתוֹן אָוֹכְלָת וְפִטְרוֹתָה מִן  
הַמְּעָשָׂר.

וְאַבְתָּא, אֵין סְפָק מָזִיא מִידֵי וְדָאֵי?  
וְחוֹתְנָא: מַעֲשָׂה בְּשִׁפְחָתוֹ שֶׁל מְסִיק  
אָחָד בְּרִיאָמוֹן, שְׁהַטְּלָה נְגַל לְבָוָה, וּבָא  
בְּהַזְּהַצְּזִין בּוֹ לִידְעָ אִם זָכָר אִם נָקָה,

The Gemara rejects this claim: **There**, the conflict that leads to the question with regard to the produce's status is between **certainty and certainty**, as the *haver* certainly tithe the produce. This presumption is in accordance with the statement of Rav Hanina Hoza'a; as Rav Hanina Hoza'a said: There is a presumption with regard to a *haver* that he does not release an item from his possession that is not ritually prepared.

And if you wish, say instead that in that case the conflict is between **uncertainty and uncertainty**, as it is possible that there was never an obligation to tithe this produce, in accordance with the opinion of Rabbi Oshaya. As Rabbi Oshaya said: A person can employ artifice to circumvent obligations incumbent upon him in dealing with his grain, and bring it into his courtyard in its chaff,<sup>HN</sup> so that his animal may eat from it, and this grain is exempt from tithe. Although the obligation to tithe produce applies even to animal fodder, it is permitted to feed one's animal untithed produce that was brought into one's home before being fully processed. Consequently, the case involving produce is a conflict between two uncertain factors, as it is uncertain whether or not the owner was obligated to tithe the produce in the first place, and even if he was required to do so, it is uncertain whether or not he tithe it.

The Gemara challenges: And still, is it correct that an **uncertainty does not override a certainty?** But isn't it taught in a *baraita*: There was an incident involving the maidservant of a certain olive gatherer [*massik*]<sup>L</sup> in the city of Rimon, who cast a non-viable newborn into a pit,<sup>HN</sup> and a priest came and looked into the pit to ascertain whether the baby was male<sup>N</sup> or whether it was female, as the length of time of a woman's ritual impurity after childbirth, even if she gave birth to a non-viable newborn, depends on whether the child was male or female (see *Leviticus*, chapter 12).

**HALAKHA**

A person can employ artifice with his grain, and bring it into his courtyard in its chaff – מְשֻׁרִים אָדָם עַל תְּבוֹאָתוֹ וּמְכִינָה בְּמוֹזָלָה: It is permitted to employ artifice by bringing grain into one's courtyard while it is still mixed with chaff, and to feed it to his animals. He is exempt from titling it, even if he winnows it a little bit at a time after bringing it into his house, as stated by Rabbi Oshaya (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser* 3:6; *Shulhan Arukh*, *Yoreh De'a* 331:84).

**Who cast a non-viable newborn into a pit – שהטילה נגָל לְבָוָה:** If one leans over a pit in which there might be a non-viable newborn or there might be a mass that is not considered a non-viable newborn, and there are martens or similar animals in the area, the assumption is that an animal took the non-viable newborn and ate it, and the person leaning over the pit is ritually pure. If a non-viable newborn was definitely thrown there, one who leans over it is ritually impure by Torah law (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:11).

**NOTES**

A person can employ artifice with his grain and bring it into his courtyard in its chaff – מְשֻׁרִים אָדָם עַל תְּבוֹאָתוֹ וּמְכִינָה בְּמוֹזָלָה: *Halakha* dictates that one is obligated to tithe the grain that has been threshed and piled, regardless of the ultimate purpose for which the grain was intended. This is because this is classified as grain, and the verse states: "The first fruits of your grain, of your wine, and of your oil, and the first of the fleece of your sheep, you shall give him" (Deuteronomy 18:4). Nevertheless, any produce that is used only as animal feed and is never eaten by people is exempt from tithes. By Torah law, one is exempt from titling grain that was not threshed and is still in its chaff. Furthermore, even after it has been threshed, the produce is not included in the mitzva of titling until it enters through the front of the house, through which people enter and exit, in accordance with the verse: "I have removed the consecrated from the house" (Deuteronomy 26:13). By rabbinic law, it is prohibited to eat grain that has not entered the house in the framework of a meal, although feeding it to animals is permitted without first titling it.

The early commentaries on *Pesahim* 9a ask why the Gemara

suggests that a *haver*, who is scrupulous in the performance of mitzvot, might employ artifice to exempt his produce from tithes. Some explain that the *haver* does so only as a temporary measure until he finishes processing the grain, as he plans to tithe all the produce afterward (Maharam Halawa). Others maintain that he intends to tithe the produce himself, but he employs this artifice to prevent a situation where members of his household forget to tithe the produce and unwittingly eat it untithed (*Tosefot Rid*).

**Who cast a non-viable newborn into a pit – שהטילה נגָל לְבָוָה:** Some learn from here that there is no obligation to bury non-viable newborns (*Havot Ya'ir*). Others dispute this proof, as this act can be seen as a form of burial. Alternatively, this case involves an entity whose status as a non-viable newborn is uncertain (*Magen Avraham*).

**To ascertain whether the baby was male – לִזְعָ אִם זָכָר:** The early commentaries learn from here that the *halakhot* of the impurity of birth apply equally to a Canaanite maidservant as to a Jewish woman (*Tosafot* on *Avoda Zara* 42a).

וְבָא מַעֲשָׂה לִפְנֵי חֶכְמִים וּטֹהֲרוֹת,  
מִפְנֵי שְׁחוֹלְדָה וּבָרְדָּלָס מַצִּיעִים שָׁם.

וְהִיא הַכָּא – רֹודֵא הַטִּילָה נֶפֶל, סְפִּיק  
אָגָרְוָה סְפִּיק לֹא אָגָרְוָה, וְקָאָתֵי סְפִּיק  
וּמוֹצִיאָה מִינִי וּדְאַיִן

לֹא תִּמְאֵן "הַטִּילָה נֶפֶל לְפָור", אֶלָּא  
אִימָּא

**And the incident came before the Sages to rule whether or not the priest contracted ritual impurity while standing over the corpse, and they deemed him ritually pure.** The basis for this ruling was: Due to the fact that martens<sup>b</sup> and hyenas<sup>b</sup> are common there, it is likely that the body was dragged away before the priest arrived at the pit.

The Gemara explains the challenge from this *baraita*: And here, where it is certain that the maid servant cast the non-viable newborn into the pit, and it is uncertain whether an animal dragged it away and it is uncertain whether no animal dragged it away, the Sages nevertheless ruled that an uncertainty comes and overrides a certainty.

The Gemara rejects this challenge: Do not say in the *baraita* that the woman certainly cast a non-viable newborn into a pit; rather, say

#### BACKGROUND

**Marten [hulda] – חֻלְּדָה:** The *hulda* of the Talmud, which is probably the same as the *holed* of Leviticus 11:29, is described here as a predator; in tractate *Ta'anit* 8a it is also referenced as killing a human baby. Yisrael Aharoni, an influential early twentieth-century Israeli zoologist, proposed that it is the brown rat, which is indeed predatory. As a result, *hulda* became the name for the rat in modern Hebrew. It is now known that brown rats reached the Middle East from Norway only very recently; in the talmudic era, the only rat in the region was the black rat, a much smaller rodent, which is not predatory. A more likely explanation is that of the medieval European rabbinic tradition, which identifies the *hulda* as a member of the weasel family. The weasel itself does not live in the Middle East, although it did live there in the early biblical era and possibly survived through to talmudic times. Yet, it is exclusively carnivorous, and would not drag leavened bread, a case mentioned in the first chapter of tractate *Pesahim*. The marten, which belongs to the same family, is found in Israel and it may be the *hulda*.



Marten

**Hyena [bardelas] – בָּרְדָּלָס:** The *bardelas* is also mentioned in the mishna in *Bava Kamma* 15b. The mishna there is using a variation of the Greek term πάρδαλις, *pardalis*, which denotes spots and refers to the leopard. While it seems that this was the Hebrew name given to the cheetah during the mishnaic era, the Gemara on that mishna posits that it is referring to the striped hyena. The *bardelas* described here, listed alongside the *hulda*, is clearly not referring to the cheetah, which does not feed on carrion and avoids humans. It therefore seems most likely that it refers to the hyena here as well.



Black rat

Hyena

#### Perek II

#### Daf 16 Amud a

#### כְּמַין נֶפֶל

that she cast an item similar to a non-viable newborn into a pit. Perhaps it was not a non-viable newborn; it might simply have been congealed blood, which does not transmit impurity. Therefore, this is a conflict between uncertainty and uncertainty. It is unclear whether there was anything in the pit that could have rendered the priest ritually impure, and even if there was, it might already have been dragged away.

**NOTES**

Glanced at the baby to ascertain whether the woman discharged a non-viable newborn or...an amorphous mass – **אִם נֶפֶל הַפִּילָה אִם רוֹתֵחַ**: The commentaries disagree as to why the priest looked in the pit, exposing himself to the possibility that he would be rendered ritually impure in the process. Some commentaries have counted eleven different explanations of this matter (*Yosef Da'at*). Many suggest that this priest was an *am ha'aretz*, who was unaware that it is prohibited for a priest to become ritually impure, or that he was a child sent by the woman to examine the pit (*Tosafot*). Others claim that he sought to provide a halakhic answer to a question he was asked with regard to the days of her ritual purity and impurity. It is also possible that the woman lived in his house, and he sought to ascertain whether she was ritually pure or impure so as to keep the food of the house in a state of ritual purity. Alternatively, he sought to ascertain whether the time of her obligation to bring an offering would coincide with his priestly watch in the Temple (*Rashi*).

From that which Huna our colleague said, etc. – **מִן דָּאָמַר הָנָעַת חֲבָרִין**: The early commentaries are puzzled by this claim, as it was stated previously that Rav Huna himself maintains that this obligation applies by Torah law. They explain that the earlier statement represents the opinion of Rav Huna himself, whereas this *halakha* that Rav Nahman learned from him reflects the opinion of Rav, which Rav Huna cited but does not accept (*Tosafot*).

There are those who say...evidently the concern for impurity of women at the projected time of their periods applies by rabbinic law – **אַכְפָּא דָאָרוּי...אַלְמָא**: The commentaries explain that the two versions of the discussion differ with regard to the significance of the clause: Ultimately she saw. According to the first version, this phrase is merely serving to emphasize that she should be concerned that she will see blood, but it makes no practical difference whether she saw blood at this stage or not, as either way she is impure. This indicates that her examination is a requirement by Torah law. According to the second version, the phrase: Ultimately she saw, indicates that if she did not see blood at that stage then she is pure, which proves that her examination is a rabbinic requirement (*Rashi*).

**HALAKHA**

She examined herself and found that she was ritually impure – **בָּרְקָה וּמִצְאַת טָמֵא**: Every woman who has a fixed period must examine herself at the projected time of her period. If the expected time for her period passed and she did not examine herself and did not sense the emission of blood, she is pure. Some say that if she has a fixed period, or if she does not have a fixed period but thirty days have passed from her previous sighting of blood, she is pure only if she examined herself and found that she was pure. The Rema notes that this is the accepted custom (*Rambam Sefer Tahara, Hilhot Metamei Mishkav UMoshav* 3:5 and *Sefer Kedusha, Hilhot Issurei Bia* 8:13; *Shulhan Arukh, Yoreh De'a* 184:9).

If she found that she was pure she is pure – **טָהָרָה**: With regard to a woman who has a fixed period and who did not examine herself at the projected time of her period, but a few days later she examined herself and found blood, she is retroactively impure. She has the presumptive status of a menstruating woman from the projected time of her period. If this later examination indicated that she was pure, she is pure retroactively, as stated by Rav (*Rambam Sefer Tahara, Hilhot Metamei Mishkav UMoshav* 3:5 and *Sefer Kedusha, Hilhot Issurei Bia* 8:13).

**וְהִיא לִידָע אִם זָכָר אִם נֶקְבָּה קְתִינִי!**

**הַכִּי קָאָמָר: וְבָא כֵּהֵן וְהִזִּיךְ בַּז לִידָע  
אִם נֶפֶל הַפִּילָה אִם רוֹתֵחַ, וְאִם  
תְּמִיצִי לֹוּמָר נֶפֶל הַפִּילָה - לִידָע אִם זָכָר  
אִם נֶקְבָּה.**

**וְאִיְבָּעֵית אַיִּמָּא: בֵּין דְּחַוְלָה וּבְרַדְלָס  
מַעֲזִים שֵׁם - וְלֹא גְּרוּחוֹ.**

**בַּעַז מִיעֵיה מְרֵב נְחָמָן: וִסְתוּת דָאָרוּיִתָּא  
אֲז דְּרַבְּנָן?**

**אמָר לְהָו: מְדָאָמָר הַוְנָא חֲבָרִין מִשְׁמִימָה  
דוּבָר, אַשְׁה שִׁישׁ לְהָוּ וְסֻתָּה, וְהַגִּיעַ שְׁעִיטָה  
- וִסְתוּת וְלֹא בְּדָקָה, וְלִבְסּוּרָה וְרַאתָה  
חוֹשְׁשָׁת לְסֻתָּה וְחוֹשְׁשָׁת לְרַאתָה,  
אַלְמָא - וִסְתוּת דָאָרוּיִתָּא.**

**אַכְפָּא דָאָמַר, הַכִּי קָאָמָר לְהָו: טָעַמָּא  
דוּרָאתָה, הָא לֹא רַאתָה - אֵין חֹשְׁשִׁין  
אַלְמָא - וִסְתוּת דְּרַבְּנָן.**

**אַיִּתְמָר: אַשְׁה שִׁישׁ לְהָוּ וְסֻתָּה, וְהַגִּיעַ שְׁעִיטָה  
וִסְתוּת וְלֹא בְּדָקָה, וְלִבְסּוּרָה אֲמָר  
לְבָבָ: בְּדָקָה וּמִצְאַת טָמֵא - טָמֵא,  
טָהָרָה - טָהָרָה. וּשְׁמוּאָל אֲמָר: אֲפִילָו  
בְּדָקָה וּמִצְאַת טָהָרָה - נְגִיָּת טָמֵא, מִפְנֵי  
שָׂאוּחַ בְּזָמָנוֹ בָּא.**

The Gemara challenges: **But isn't it taught in the baraita:** And a priest came and looked into the pit to ascertain whether it was male or whether it was female? This indicates that the only uncertainty was with regard to its sex; it was certainly a non-viable newborn.

The Gemara answers that **this is what the baraita is saying:** And a priest came and glanced at the baby to ascertain whether the woman discharged a non-viable newborn, or whether she discharged an amorphous mass.<sup>N</sup> And if you say that she discharged a non-viable newborn, he sought to ascertain whether it was male or whether it was female.

**And if you wish, say instead that this was not a conflict between certainty and uncertainty; rather, it was between two certainties. Since martens and hyenas are common there, they certainly dragged it away immediately. Consequently, the ruling in this case does not contradict the principle that an uncertainty does not override a certainty.**

§ The Gemara returns to the issue of a woman's examination at the projected time of her period. The Sages asked Rav Nahman: Does the concern for impurity of women at the projected time of their periods, and in turn the obligation for her to perform an examination at that time, apply by Torah law? If so, if a woman did not examine herself she is ritually impure, even if she later examined herself and did not find any blood, as it is assumed that she emitted blood without her seeing it. Or perhaps the concern for impurity of women at the projected time of their periods, and in turn the obligation for her to perform an examination at that time, applies by rabbinic law? If so, a woman who did not examine herself at the time and did not sense the emission of blood can still examine herself after that time and would be ritually pure.

Rav Nahman said to them: A resolution can be found for your dilemma from that which Huna our colleague said<sup>N</sup> in the name of Rav: With regard to a woman who has a fixed menstrual cycle, and the projected time of her period arrived and she did not examine herself, and ultimately, when she did examine herself, she saw blood, the *halakha* is that she must be concerned for ritual impurity from the projected time of her period and that therefore any pure items she touched since then are impure. And additionally, she must be concerned for ritual impurity with regard to the twenty-four hours prior to her seeing the blood, and any items she touched during those twenty-four hours are impure, even if she saw the blood a short while after the projected time of her period. Evidently, the concern for impurity of women at the projected time of their periods applies by Torah law, which is why the *halakha* is stringent.

There are those who say that this is what Rav Nahman said to the other Sages: The reason for Rav's ruling that pure items she touched are retroactively considered impure is that she ultimately saw blood, from which it may be inferred that if she did not see blood, one is not concerned about the status of pure items that she touched from the projected time of her period, despite the fact that she neglected to examine herself at the time. Evidently, the concern for impurity of women at the projected time of their periods applies by rabbinic law.<sup>N</sup>

§ Since the Gemara mentioned Rav's ruling it cites the dispute between Rav and Shmuel with regard to this *halakha*. It was stated that these *amora'im* disagree about a woman who has a fixed menstrual cycle, and the projected time of her period arrived and she did not examine herself, and ultimately she examined herself. Rav says: If she examined herself at this later time and found that she was ritually impure,<sup>H</sup> she is impure; and if she found that she was pure, she is pure.<sup>H</sup> And Shmuel says: Even if she later examined herself and found that she was pure, she is impure. This is because the manner of women, i.e., a women's menstrual period, comes at its usual time.

- **לִימָא בּוֹסְתּוֹת קְמִיפְלֵגִי, דָמָר סָבָר**  
**דָאוּרִיתָא, וּמָר סָבָר – דָרְבָּנו!**

**אמֶר רַבִּי זִירָא – דָכּוּלֵי עַלְמָא – וּסְתּוֹת**  
**דָאוּרִיתָא, כְאֵן – שְׁבָרָה עֲצֵמָה בְשִׁיעֹור**  
**וּסְתּוֹת, כְאֵן – שְׁלָא בְּרָקָה עֲצֵמָה בְשִׁיעֹור**  
**וּסְתּוֹת.**

**רַב נָחָמָן בֶּן יַצְחָק אָמָר: בּוֹסְתּוֹת גּוֹפִיָּהוּ**  
**קְמִיפְלֵגִי, דָמָר סָבָר – וּסְתּוֹת דָאוּרִיתָא,**  
**וּמָר סָבָר – וּסְתּוֹת דָרְבָּנו.**

**אמֶר רַב שֵׁשֶׁת: כְתָנָא, רַבִּי אַלְיעָזָר אָמָר**  
**טָמֵאָה נְדָה,**

**וּרְבִּי יְהוֹשֻׁעַ אָמָר תְּבִדֵּק. וְהַנִּי תְּנָא כִּי**  
**הַנִּי תְּנָא, דְתָנָא, רַבִּי מָאִיר אָמָר: טָמֵאָה**  
**נְדָה, וְחַכְמִים אָמְרוּם: תְּבִדֵּק.**

**אמֶר אֲבִי: אַף אָנָן נְמִי תְּנִינָא, דְתָנָן, רַבִּי**  
**מָאִיר אָמָר: אִם הִיְתָה בְּמִחְבָּא, וְהִגִּיעַ**  
**שָׁעַת וּסְתּוֹת וְלֹא בְּרָקָה – טָהוֹת, שְׁחָרָה**  
**מְסֻלָּקָת אֶת הַדְּקִים. טָעֵמָא – רַאֲיכָא**  
**חַרְדָּה, הָא לִפְכָּא חַרְדָּה – טָמֵא, אַלְמָא –**  
**וּסְתּוֹת דָאוּרִיתָא.**

**לִימָא הַנִּי תְּנָא בְּהָא נְמִי פְּלִיעִי, דְתָנָא:**  
**הַרְוָא דָם מִחְמָת מִכָּה – אֲפִילוּ בְּתוֹךְ**  
**בַּיִן נְדָתָה, טָהוֹת, דְבָרִי בָּנו שְׁמַעַן בָּן**  
**גִּמְלִיאָל.**

The Gemara suggests: Shall we say that Rav and Shmuel disagree with regard to the concern for impurity of women at the projected time of their periods? As one Sage, Shmuel, who rules that the woman is impure in both cases, holds that this concern for impurity applies by Torah law, and one Sage, Rav, who says that if her subsequent examination came out clean then she remains pure, holds that this concern for impurity applies by rabbinic law.

**Rabbi Zeira says:** It is possible that everyone, even Rav, agrees that the concern for impurity of women at the projected time of their periods applies by Torah law, and the reason Rav deems the woman pure in this case is that here it is a situation where she examined herself within the period of time needed for the onset of menstruation, i.e., very close to the projected time of her period, and therefore it is assumed that if there was blood at the projected time of her period she would have seen it upon this examination. By contrast, there, in other cases of subsequent examinations, she did not examine herself within the period of time needed for the onset of menstruation.

**Rav Nahman bar Yitzhak says:** Actually, Rav and Shmuel disagree with regard to the matter of the projected time of their periods itself, as one Sage, Shmuel, holds that the concern for impurity of women at the projected time of their periods applies by Torah law, and one Sage, Rav, holds that the concern for impurity of women at the projected time of their periods applies by rabbinic law.

The Gemara continues to discuss this dispute between Rav and Shmuel. **Rav Sheshet says:** This disagreement between Rav and Shmuel is parallel to a dispute between *tanna'im*: Rabbi Eliezer says that a woman who has a fixed menstrual cycle but who did not examine herself at the projected time of her period is ritually impure as a menstruating woman, which indicates that in his opinion the examination at the projected time of a woman's period applies by Torah law.

**And Rabbi Yehoshua says that she should be examined now**, despite the elapsed time, and if the examination came out clean she is pure retroactively as well. Apparently, Rabbi Yehoshua maintains that this examination applies by rabbinic law. The Gemara adds: And the dispute of these *tanna'im* is parallel to the dispute of those *tanna'im*, as it is taught in a *baraita* that Rabbi Meir says: She is ritually impure as a menstruating woman, and the Rabbis say: She should be examined now.

**Abaye said:** We, too, learn likewise in a mishna, as we learned in a mishna (39a): **Rabbi Meir says: If a woman was in hiding<sup>HB</sup> from danger, and the projected time of her period arrived and she did not examine herself, nevertheless she is ritually pure, as it may be assumed that she did not experience bleeding because fear dispels the flow of menstrual blood, and therefore there is no concern that she might have emitted blood without sensing it. By inference, the reason she is pure is that there is fear of danger; but if there is no fear upon this woman, she is impure.** Evidently, Rabbi Meir maintains that the concern for impurity of women at the projected time of their periods applies by Torah law.

The Gemara further suggests: Shall we say that these following *tanna'im* also disagree with regard to this matter of whether the examination at the projected time of a woman's period is required by Torah law? As it is taught in a *baraita*: With regard to a woman who sees blood due to a wound<sup>H</sup> in her pubic area, even if she saw the blood during the days of her menstruation, including the projected time of her period, she is pure, as it is assumed that the blood came from the wound; this is the statement of Rabban Shimon ben Gamliel.

## HALAKHA

If a woman was in hiding – אם הייתה במחבא: If the expected time for a woman's period arrived when she was hiding out of fear, she does not need to be concerned with regard to impurity. Some commentaries say that this halakha applies only if the expected time for her period had passed and she did not examine herself or sense the emission of blood. But she is obligated to examine herself at the projected time of her period *ab initio* (see *Beit Yosef*). This halakha is in accordance with the opinion of Rabbi Meir (*Shulhan Arukh, Yoreh De'a* 184:8).

**הַרְוָא דָם בְּגִזְבָּת מִכָּה:** If a woman has a wound in her pubic area and she sees blood, it is presumed to come from the wound, and she and the blood are pure. If the blood from the wound is different from the blood she sees, she is impure. The Rema writes that this applies only to a woman who has a fixed period, and who sees this blood when it was not the projected time of her period. In such a case it is assumed that the blood was from the wound, despite the uncertainty. Similarly, if she does not have a fixed period and it is uncertain whether the blood came from her uterus or from the inner walls of the vagina, she is pure because this is a compound uncertainty, as even if the blood came from her uterus it might be the blood of the wound. But if she does not have a fixed period and the blood certainly came from the uterus, it is not assumed that it is from the wound unless she knows for certain that her wound is bleeding. In any case, at the projected time of her period, or, in the case of a woman who does not have a fixed period, thirty days after her previous sighting, the blood cannot be assumed to come from the wound, as otherwise she would never be impure as a menstruating woman. With regard to blood stains, she can assume that they are from the wound in all cases (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 8:14; *Shulhan Arukh, Yoreh De'a* 187:5, and see 187:6).

## BACKGROUND

If a woman was in hiding – אם הייתה במחבא: Archaeological evidence suggests that this is not merely theoretical; in the Judean Desert, caves have been found that were clearly used as dwelling places at the time of the bar Kokhva rebellion. Under stressful conditions like this, regular ovulation could be affected.



Bell caves in Beit Guvrin, one area of bar Kokhva's activity

**NOTES**

**בית שמא...beit Hillel – בֵּית שְׁמַאי...בֵּית הִלֵּל**  
Some commentaries explain that according to the opinion of Beit Shammai she requires two fresh cloths for an examination, once before and once after each act of intercourse. On the following day she must check each of these cloths for blood. Alternatively, she can engage in intercourse by the light of a lamp and inspect the cloths before and after each act of intercourse. Beit Hillel maintain that it is enough for her to use two cloths for the entire night (Rashi).

**רַבִּי אָוֹמֶר: אִם יִשְׁלַח וָסֶת - חֹשֶׁשֶׁת לְוִסְתָּה.**

Rabbi Yehuda HaNasi says that if the woman does not have a fixed menstrual cycle then the blood can be attributed to the wound. But if she has a fixed menstrual cycle, and she saw blood on the projected day of her period, even if the blood was from the wound **she must be concerned that** blood from her period might be mixed with this blood from the wound, and must therefore observe impurity status.

**מַאּוֹ לֹאֹ, בְּהָא קְמִינְפְּלִיאִי, דָּמָר סְבָר - סִתְּתָה דָּאוּיִתָּא, וּמָר סְבָר - וָסֶתָּה רַבָּנִי!**

The Gemara clarifies its suggestion: **What, is it not the case that these Sages disagree with regard to this matter, i.e., that one Sage, Rabbi Yehuda HaNasi, holds that the concern for impurity of women at the projected time of their periods applies by Torah law, and though she can examine herself and ascertain that she is pure, if she did not she is presumed impure, and therefore he is stringent in the case of a woman who has a fixed menstrual cycle; and one Sage, Rabban Shimon ben Gamliel, holds that the concern for impurity of women at the projected time of their periods applies by rabbinic law, and consequently he rules leniently even with regard to a woman who has a fixed cycle?**

**אָמָר רַבִּינָא: לֹא, דָכּוֹל עַלְמָא - וָסֶתָּה דָרְבָּנָן, וְהַכָּא - בָמָקוֹר מִקּוֹמוֹ טָמֵא קְמִינְפְּלִיאִי**

Ravina says:<sup>h</sup> No; they do not necessarily disagree with regard to this point, as it is possible that everyone, even Rabbi Yehuda HaNasi, agrees that the concern for impurity of women at the projected time of their periods applies by rabbinic law, and here they disagree as to whether the location of a woman's source, i.e., her uterus, is impure, and therefore any blood that passes through there is impure, even if it is blood from a wound.

**- רַבָּן שְׁמֻעוֹן בֶּן גַּמְלִיאֵל סְבָר: אֲשֶׁה טָהָרָה, וְדָם טָמֵא - דָקָא תְּמִימָה דָרְךָ מָקוֹר.**

Rabban Shimon ben Gamliel holds that the woman herself is pure from the seven-day impurity status of a menstruating woman, as the requirement of an examination upon the projected time of her period applies by rabbinic law, but the blood is impure, even if it is from a wound, as it came through her source, and was thereby rendered impure. Consequently, the blood renders the woman impure until the evening.

**וְאָמָר לִיהְ רַבִּי: אֵי חִיּוּשָׁת לְוִסְתָּה - אֲשֶׁה נִמְיָה טָמָא, וְאֵי לֹא חִיּוּשָׁת לְוִסְתָּה - קְקוֹר מִקּוֹמוֹ טָהָר הַוָּא.**

And Rabbi Yehuda HaNasi said to Rabban Shimon ben Gamliel: If you are concerned due to the possibility that this is blood of her menstrual period, then the woman should also be impure as a menstruating woman. And if you are not concerned due to the possibility that this is blood of her menstrual period, then her source does not transmit impurity to the blood that passes through its location, as that blood is pure.

**מתני' בית שמא אומרים: צריכה שני עדים על כל תשמש ותשמש, או תשמש לאור הנר. בית הילל אומרים: דינה בשני עדים כל הלילה.**

**MISHNA** Beit Shammai say: A woman is required to examine herself with two cloths, once before and once after each and every act of intercourse in which she engages throughout the night, and she must inspect them for blood the following morning, or she must engage in intercourse by the light of a lamp and inspect the cloths before and after each act of intercourse. **Beit Hillel<sup>N</sup>** say: She is not required to examine herself between each act of intercourse. Rather, it is sufficient for her to examine herself with two cloths throughout the night,<sup>h</sup> once before the first act of intercourse and once after the final act of intercourse.

**HALAKHA**

Ravina says, etc. – **אָמָר רַבִּינָא וכו':** In a case where a woman experienced bleeding due to a wound in her pubic area, even if she saw the blood at the projected time of her period she and the blood are pure. Therefore, she may partake of teruma and consecrated foods. The halakha is in accordance with Ravina's explanation of the dispute between Rabbi Yehuda HaNasi and Rabban Shimon ben Gamliel (Rambam Sefer Kedusha, Hilkhot Issurei Bia 8:14; see Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 3:9 and Kesef Mishne there).

It is sufficient for her to examine herself with two cloths throughout the night – **דינה בשני עדים כל הלילה:** If a husband engages in intercourse with his wife many times over the course of a single night, the pair do not have to examine their cloths after each and every act of intercourse. Rather, they wipe themselves with their respective cloths after each act of intercourse, and on the following day they look at the cloths. If they find blood on his cloth or on her cloth, she is impure (Rambam Sefer Kedusha, Hilkhot Issurei Bia 4:17; Shulhan Arukh, Yoreh De'a 186:2 in the comment of Rema).

**גמ'** תנו רבנן, אף על פי שאמרו "המשמש מטהו לאור הנר – הרי זה מגנה", בית שמאי אומרין: אין כינה שני עדים על כל תשmiss, או תשmiss לאור הנר. ובית הלל אומרין: דיה בשני עדים כל הלילה.

תניא, אמרו להם בית שמאי לבית הלל: לרביבכם, ליחוש שמא תראה טיפת דם חרודל בביאה ורשותה, ותחפנעה שכבת ווע בעביה שמייה!

אמרו להם בית הלל: אף לדבריכם – ליחוש עז שחרוק בתרוך הפה שמא נימוק והולך לו!

אמרו להם: לפי שאינו דומה נימוק פעם אחת לנימוק שתי פעמיים.

תניא, אמר רבי יהושע: וזה אפי' את דברי בית שמאי. אמרו ל' תלמידיו: רבי, כמה הארכת עליינו אמר להם: מוטב שאאריך עליהם בעולם הזה, כדי שיאריכו ימיכם לעולם הבא.

אמר רבי זира: מדברי כולם גלמוד בעל נפש לא יבעול יונינה.

רבא אמר: בועל ושותה, כי תניא ההיא – לטהרות.

## GEMARA

The mishna teaches that according to Beit Shammai it is permitted to engage in intercourse by the light of a lamp. In this regard, the Sages taught in a *baraita*: Even though the Sages said with regard to one who engages in intercourse by the light of a lamp,<sup>N</sup> that this is disgraceful,<sup>N</sup> Beit Shammai say: A woman is required to examine herself with two cloths, once before and once after each act of intercourse, or she must engage in intercourse by the light of a lamp. And Beit Hillel say: It is sufficient for her to examine herself with two cloths throughout the night, once before the first act of intercourse and once after the final act of intercourse.

It is taught in a *baraita* that Beit Shammai said to Beit Hillel: According to your statement that a woman may engage in intercourse several times in one night without an examination between each act of intercourse, let us be concerned lest she will see, i.e., emit, a drop of blood the size of a mustard seed during the first act of intercourse, and will thereby become impure, and semen from the second act of intercourse will cover it. Since the examination after the last act of intercourse will not reveal the drop of blood, the woman will erroneously think she is pure.

Beit Hillel said to them in response: Even according to your statement, let us be concerned that while the saliva was still in the mouth, i.e., while the blood was in her vagina, perhaps it was squashed and disappeared. Even if she examines herself after each act of intercourse, as mandated by Beit Shammai, it is possible that the semen of that act covered the blood, and it will not be revealed by the examination.

Beit Shammai said to Beit Hillel: One cannot compare the two situations, as a squashed drop of blood after the woman has engaged in intercourse once is not similar to a squashed drop of blood after the woman has engaged in intercourse twice, and therefore our concern is more reasonable.

It is taught in a *baraita* that Rabbi Yehoshua said: I see as correct the statement of Beit Shammai in this case. His students said to him: Our teacher, how you have weighed [he'erakhta] us down<sup>N</sup> with this stringent ruling. Rabbi Yehoshua said to them: It is preferable that I weigh you down in this world, so that you do not sin by engaging in prohibited intercourse, i.e., so that your days in the World-to-Come will be lengthened [sheya'arikh].

**§** Rabbi Zeira says: From the statements of all of them, i.e., both Beit Shammai, who permit engaging in intercourse a second time only after an examination, and Beit Hillel, who rule that the second examination must be performed only after the final act of intercourse of the night, we can learn that their dispute relates only to that which is permitted after the fact. But a pious person [*ba'al nefesh*]<sup>1</sup> should not engage in intercourse and repeat his act without an examination between each act.

Rava says: Even a pious person may engage in intercourse and repeat the act without an examination in between, as when that *baraita* is taught, it is referring to a woman who handles pure items. But with regard to intercourse with her husband, there is no cause for concern.

## NOTES

One who engages in intercourse by the light of a lamp – **המשמש מטהו לאור הנר**: The early commentaries discuss whether or not this is a ruling of *halakha*, similar to Rabbi Yohanan's statement that one may not engage in intercourse by day. Some claim that this is in fact a prohibition, but just as there are ways, explained later, in which it is permitted to engage in intercourse by day, with regard to intercourse by the light of a lamp the same exceptions apply (Rabbeinu Efrayim on the Torah).

This is disgraceful – **הרי זה מגנה**: The commentaries state that there is room for leniency in the case of the first act of intercourse after marriage, as the bridegroom might otherwise be concerned that he will be unable to tell if she is in fact a virgin (*Orhot Hayyim; Torah Leshma*). Some reject this leniency with regard to the first act of intercourse of a virgin (*Tzitz Eliezer; Yosef Da'at*).

You have weighed [he'erakhta] us down – **הארכת עילינו**: Rashi explains that this *he'erakhta* is an expression of severity: The acceptance of the opinion of Beit Shammai would entail an examination between each act of intercourse. The later commentaries note that according to this interpretation, the same phrase is used by Rabbi Yehoshua in his response with an entirely different meaning. They therefore explain that *he'erakhta* also refers to length of time, as the examinations required by Beit Shammai would increase the time needed to engage in intercourse, and Rabbi Yehoshua's students did not wish to be overly burdened in that way (see *Nedarim* 20b). According to this interpretation, Rabbi Yehoshua's response with regard to the length of days in the World-to-Come is commensurate with the students' comment to him: Better that you lengthen the time needed to engage in intercourse in this world so that your days in the World-to-Come will be increased (*Amatahat Binyamin*). In addition, the students wanted to engage in intercourse more than once in one night so that they would have male children, in accordance with the statement of Rava: One who wants all his children to be males should engage in intercourse with his wife and repeat the act (*Eruvin* 10ob).

## LANGUAGE

Pious person [*ba'al nefesh*] – **בעל נפש**: This expression, which comes from Proverbs 23:2, means someone who is careful about his behavior and acts in a pious manner. The Ra'avad called his book on the *halakhot* of menstruating women *Ba'alei HaNefesh*.

### NOTES

Rabbi Yoḥanan says it is prohibited for a person to engage in intercourse by day – **אָמַר רַבִּי יוֹחָנָן אָסָר לְלִדְתָּם שְׁשִׁישׁ מַטָּה בַּיּוֹם**: The later commentaries discuss whether Rava's statement later in the discussion, i.e., that there are ways in which it is permitted to engage in intercourse during the day, contradicts this ruling of Rabbi Yoḥanan. Some claim that Rava basically agrees with Rabbi Yoḥanan, but he maintains that if it is absolutely necessary it is possible to engage in intercourse by day in a permitted manner.

**תְּמִינָא נָבֵנִי הַכִּי בְּמֹה דְּבָרִים אֲמֻרִים – לְתַהְרוֹת, אֶבֶל לְבָעֵלָה – מַוְתִּיתָה, וּבְמֹה דְּבָרִים אֲמֻרִים – שְׁהִגִּיה בְּחִזְקַת – טְהָרָה, אֶבֶל הַפְּנִيه בְּחִזְקַת טְמָה – לְעוֹלָם הִיא בְּחִזְקַתָּה עַד שְׁתָאֵמֶר לוֹ טְהָרָה אַנְּיָה.**

This opinion is also taught in a *baraita*: In what case is this statement said, i.e., that a woman must examine herself before and after every act of intercourse according to Beit Shammai, or before the first act and after the last act, according to Beit Hillel? It was said with regard to a woman who handles pure items; but a woman is permitted to her husband even without any examination, and he is not required to ask her if she is pure. But in what case is this lenient statement said? When her husband traveled and left her with the presumptive status of ritual purity. But if he left her with the presumptive status of ritual impurity, she remains forever in her presumptive status of impurity until she says to him: I am pure.

**אָמַר רַבִּי אַבָּא, אָמַר וּבַי חִיאָ בֶּן אַשִּׁי, אָמַר וּבָ: בְּרוּךְ הַעַד, וְאֶבֶד – אָסָרָה לְשִׁמְשׁ עַד שְׁתַבְדוֹק. מַתְקִיר לְהַרְבֵּי אַלְיאָ: אַילְיאָ אַיְוָתָא – מַי לֹּא מְשֻׁמָּשָׁה – וְאֶעֱלָה גַּבְּדָלָא זִדְעָה? הַשְׂתָּא נָבֵנִי!**

**אָמַר לְהַרְבֵּא: זֹ – מַוְתִּיחָה קְיִם, וּזֹ – אַיְן מַוְתִּיחָה קְיִם.**

**אָמַר רַבִּי יוֹחָנָן: אָסָר לְאַדְמָ שְׁיִשְׁמַשׁ מַפְתָּחוֹ בַּיּוֹם. אָמַר רַב הַמְנָנָא מַאֲיָ קְרוֹא?** שְׁנָאָמָר: "יָאֶבֶד יּוֹם אָוָלָד בּוֹ וְהַלִּילָה אָמַר הָרָה גָּבָר" – לִילָה נִתְן לְהַרְיוֹן, וּיּוֹם לֹא נִתְן לְהַרְיוֹן. רֵישׁ לְקִישׁ אָמָר מַהְכָּא: "בָּזָה דְּרַכְיוֹ מוֹתָה".

**וּרְישׁ לְקִישׁ, הָא קָרָא רַבִּי יוֹחָנָן מַאי דָּרְישׁ בְּיוֹהָה? מַבְשִׁיעַ לְהַיְלָה לְכִידְרִישׁ רַבִּי חַנִּינָא בֶּן פָּפָא. דָּרְישׁ רַבִּי חַנִּינָא בֶּן פָּפָא: אָוֹתוֹ מַלְאָךְ הַמְּמוֹנָה עַל הַהֲרִיּוֹן, לִילָה" שָׁמָוֹן, וַנוּטֵל טֶפֶח וּמַעֲמִידָה לְפִנֵּי הַקָּדוֹשׁ בָּרוּךְ הוּא, וְאָמַר לְפִנֵּי: רְבוּנוּ שְׁלֹウּוּם, טֶפֶח זוּ מִתְהָא עַלְיהָ? גָּבוֹר אוֹ חֶלֶשׁ, חַכְםָ אוֹ טִיפְשָׁ, עִשְׂרָה אוֹ עַנְיָה?**

**§** Rabbi Abba says that Rabbi Ḥiyya bar Ashi says that Rav says: If a woman examined herself at night with a cloth, and the cloth was then immediately lost,<sup>h</sup> it is prohibited for her to engage in intercourse again until she examines herself with another cloth, as perhaps there was blood on the cloth that was lost. Rabbi Ilia objects to this: If this cloth were intact, i.e., if it were not lost, couldn't this woman engage in intercourse with her husband that night, on the basis that she will examine the cloth only the following day, and isn't this the *halakha* even though she does not know at the time of intercourse whether there is blood on the cloth? Now too, although the cloth is lost, let her engage in intercourse with her husband.

**Rava said to him:** There is a difference between the two cases, as when the cloth is intact, this woman's proof exists, and if she discovers on the following day that she was impure they will be obligated to bring sin offerings for engaging in intercourse in a state of ritual impurity. But with regard to that woman who lost her cloth, her proof does not exist, and therefore they will never know if they require atonement.

**§** Rabbi Yoḥanan says: It is prohibited for a person to engage in intercourse by day.<sup>NH</sup> Rav Hamnuna says: What is the verse from which this is derived? As it is stated: "Let the day perish on which I was born, and the night on which it was said: Conceived is a man-child" (Job 3:3). It is derived from here that nighttime is meant for conception, but daytime is not meant for conception. Reish Lakish says that the proof is from here: "But he who despises his ways shall die" (Proverbs 19:16). One might see something displeasing in his wife in the daylight and come to despise her.

The Gemara asks: And how does Reish Lakish interpret this verse cited by Rabbi Yoḥanan? The Gemara answers that he requires that verse for that which Rabbi Ḥanina bar Pappa taught. As Rabbi Ḥanina bar Pappa interpreted that verse in the following manner: That angel that is appointed over conception is called: Night. And that angel takes the drop of semen from which a person will be formed and presents it before the Holy One, Blessed be He, and says before Him: Master of the Universe, what will be of this drop? Will the person fashioned from it be mighty or weak? Will he be clever or stupid? Will he be wealthy or poor?

### HALAKHA

If a woman examined herself at night with a cloth and the cloth was lost – **בְּרוּךְ בַּעַד וְאֶבֶד**: With regard to a woman who engaged in intercourse and then wiped herself with a cloth, if the cloth was subsequently lost, she must examine herself with another cloth before she engages in intercourse again, in case there was blood on the lost cloth. The *halakha* is in accordance with the opinion of Rabbi Yoḥanan (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 4:17; *Shulḥan Arukh*, *Yoreh De'a* 186:2).

It is prohibited for a person to engage in intercourse by day – **אָסָר לְאַדְמָ שְׁיִשְׁמַשׁ מַפְתָּחוֹ בַּיּוֹם**: One may not engage in intercourse by day, but it is permitted to do so in a dark house. According to some commentaries a Torah scholar may cause darkness with his garment and engage in intercourse even during the day. The reason is that a Torah scholar is modest (*Tur*) and will not look (Rashi). The *Tur* and the *Bah* write that this is permitted only in a case of great need, e.g., when he is overcome by his desire (*Magen Avraham*). The *halakha* is in accordance with the opinion of Rabbi Yoḥanan (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 21:10; *Shulḥan Arukh*, *Orah Hayyim* 240:11 and *Even HaEzer* 25:5).

וְאִילוּ רַשָׁע אָוֶן צָדִיק – לֹא קָאָמָר, בְּרוּכִי חִנֵּא. דָּמָר וּבִי חִנֵּא: הַכְלִיבִּרְיִ שְׁמִים – חִזְמִינִיאת שְׁמִים, שְׁנָאָמָר: עֲתָה יִשְׂרָאֵל מִהָּה הָאֱלֹהִים שְׁאֵל מַעֲמֵךְ בְּאָם לִירָאָה – גּוֹתָר.

וּבְיִוחָנָן – אָם בְּנַכְתּוֹב קָרָא גָּבָר הָרָה? מְאֵי "הָרָה גָּבָר"? לִילָה נִיטָן לְהַרְיוֹן, וַיָּמִינָן לְהַרְיוֹן.

וּבְיִוחָנָן, הָאֵי קָרָא וּרְוִישׁ לְקַיִשׁ מַאי וּרוֹשׁ בַּיה? מַבָּעַ לִיהְ לְכִרְכְּתִיב בְּסִפְרֵ בֵּן סִירָא: "שְׁלִשָּׁה שְׁנָאָתִי, וְאַרְבָּעָה לְאָהָבָתִי: שְׁרַדְגָּל בְּבִית הַמְשֻׁתָּאות, וְאַמְרֵי לְהָ: שְׁרַדְגָּן וְאַמְרֵי לְהָ: שְׁרַדְגָּן."

וְהַמּוֹשִׁיב שְׁבַת בָּמָרְומי קָרָת, וְהַאוֹתָן בָּפָמוֹת וּמְשֻׁתָּין מִים, וְהַגְּבָנָס לְבֵית חַבְרוֹת פְּתָאָום". אָמָר בְּיִוחָנָן: וְאַפְּלוֹ לְבִתְוֹ.

אָמָר רַבִּי שְׁמַעוֹן בֶּן יוֹחָנָן: אַרְבָּעָה דָּבָרִים הַקְדוֹשׁ בָּרוּךְ הוּא שׁוֹנוֹן וְאַנְיִ אַיִן אַוְהָבָן – הַגְּבָנָס לְבִתְוֹ פְּתָאָום, וְאַיִן צְרִיךְ לוֹמֶר – לְבֵית חַבְרוֹת, וְהַאוֹתָן בָּפָמוֹת וּמְשֻׁתָּין מִים,

The Gemara notes: But this angel does not say: Will he be wicked or righteous? This is in accordance with a statement of Rabbi Hanina, as Rabbi Hanina said: Everything is in the hand of Heaven, except for fear of Heaven.<sup>4</sup> People have free will to serve God or not, as it is stated: “And now, Israel, what does the Lord your God ask of you other than to fear the Lord your God” (Deuteronomy 10:12). The fact that God asks of the Jewish people to fear Him indicates that it is a person’s choice to do so.

The Gemara explains: And Rabbi Yohanan derives two halakhot from the verse “and the night on which it was said: Conceived is a man-child,” as he holds as follows: If so, i.e., if it is referring only to the statement of the angel, let the verse write: And the night that said: A man-child is conceived. What is the meaning of: “Conceived is a man-child”? It is derived from the juxtaposition of the word “night” and the word “conceived” that nighttime is meant for conception but daytime is not meant for conception.

The Gemara asks: And Rabbi Yohanan, how does he interpret that verse cited by Reish Lakish? The Gemara answers that Rabbi Yohanan requires that verse: “But he who despises his ways shall die,” to teach that which is written in the book of ben Sira:<sup>5</sup> Three people I have hated, and a fourth I have not loved: A minister who frequents [hanirgal] drinking houses, as he disgraces himself and leads himself to ruin and death; and some say a different version of the text: A minister who chats [hanirgan] in drinking houses; and some say a third version: A minister who is short-tempered [hanirgaz] when in drinking houses.

That is the first that he hated. And the others are one who dwells at the highest point of the city, where everyone sees him; and one who holds his penis and urinates. And the fourth, whom he has not loved, is one who enters the house of another suddenly, without warning. Rabbi Yohanan says: And this includes even one who comes into his own house without prior warning, as the members of his household might be engaged in private activities.

The Gemara cites a similar saying. Rabbi Shimon ben Yohai says: Four matters the Holy One, Blessed be He, hates, and I do not love them,<sup>6</sup> and they are: One who enters his house suddenly, and needless to say one who suddenly enters the house of another; and one who holds his penis and urinates;

## NOTES

Everything is in the hand of Heaven except for fear of Heaven – **הַכְלִיבִּרְיִ שְׁמִים חִזְמִינִיאת שְׁמִים** *Tosafot* ask: This statement indicates that all other matters, apart from fear of Heaven, are in the hand of Heaven, whereas elsewhere the Gemara states that everything is in the hand of Heaven apart from cold and hot (*Ketubot* 30a). They explain that the Gemara here is referring to one’s inherited qualities and the natural course of his life, whereas there the Gemara is speaking of incidents and occurrences that might befall a person, such as illnesses and other misfortunes.

Four matters the Holy One Blessed be He hates and I do not love them – **אַרְבָּעָה דָּבָרִים הַקְדוֹשׁ בָּרוּךְ הוּא שׁוֹנוֹן וְאַנְיִ אַיִן אַוְהָבָן**: There are many interpretations of this statement; see *Yosef Da’at* for a summary. Some explain that God hates those who act in such a fashion on a regular basis, and Rabbi Shimon ben Yohai added that he does not love those who perform these acts even irregularly (Ya’avetz). Others note that it is stated about the righteous that the Divine Presence speaks through their mouths, and therefore Rabbi Shimon ben Yohai’s comment: And I do not love them, can be attributed to God, i.e., God hates these people and does not love them (*Marit HaAyin*). Alternatively, the phrase: And I do not love them, means that Rabbi Shimon ben Yohai does not like to pray on their behalf that they be spared punishment (*Marit HaAyin*). Others explain that Rabbi Shimon ben Yohai is saying that by nature he merely does not love the wicked, but since God hates them, he too hates them (*Ben Yehoyada*).

## BACKGROUND

**Book of ben Sira – ספר בן סירה:** The book of ben Sira was widely accepted by the Jews in the time of the Second Temple. It was possibly written by Yehoshua ben Sira, a contemporary of the High Priest Shimon HaTzaddik. The Sages did not canonize it among the books of the Bible, in contrast to some translators of the Bible, such as those in Egypt, who included the book of ben Sira among the books of the Bible. It can still be found nowadays in many foreign language editions of the Bible based on this translation.

The book was originally composed in Hebrew, but only excerpts of the original Hebrew text have survived, including some excavated at Masada and in the Judean Desert, as well as in the Cairo Geniza. Expanded versions of the wisdom of ben Sira have survived in other languages. These versions contain various matters,

including superstitions and fantastical stories. It is possible that external material was incorporated into early Aramaic folk editions of the work, and for this reason the book was not respected by the Sages. This could be a central reason that it was not included in the books of the Bible.

It is noteworthy that the Talmud quotes passages from the book of ben Sira just as it quotes the Bible, introduced by the phrase that appears here: Which is written in the book of ben Sira. There are even places where it treats these passages as if they are a part of the Bible. It may be deduced from this that the Sages had no basic objection to the original book of ben Sira, but did not wish to ascribe sanctity to the later admixture of superstition and nonsense.

Perek II  
Daf 17 Amud a

**HALAKHA**

Where they engage in intercourse in the presence of their Canaanite slaves and maidservants – **שְׁמַשְׁמָשִׁין בְּפִנֵּי עֲבָדִים וְשִׁפְחוֹתֵיהֶם**: It is prohibited to engage in intercourse in the presence of any person who is awake, even when separated by a screen that is ten handbreadths tall, unless those on the other side of the screen are unable to discern what is going on (*Mishna Berura*). It is permitted to engage in intercourse in the presence of a child who is unable to talk (*Shulhan Arukh, Orah Hayyim* 240:6).

And one who lets blood – **דָם**: One should not engage in intercourse on the day he lets blood, as stated by Rabbi Shimon ben Yoḥai (Rambam *Sefer HaMadda, Hilkhot Deot* 4:19).

**BACKGROUND**

**Canopy [kulta] – כִּילְתָּא:** Like *kila*, *kulta* refers to a canopy spread above a bed, either for protection from flies and mosquitoes, or for reasons of modesty. By extension, the bed over which such a canopy is spread is also called a *kulta*.



Bed with mosquito netting

**Bloodletting – דָם:** Bloodletting involves spilling small quantities of blood. It was used both as a cure and as a general preventive therapy that was believed to keep a person healthy. Bloodletting was based on an ancient system of medicine in which blood and other bodily fluids were considered to be humors, the proper balance of which was believed to maintain health. It was the most common medical practice performed by doctors on both humans and animals from antiquity through the late nineteenth century. Today it is well established that bloodletting is not effective for the treatment of most diseases. The only remaining condition for which it is used is polycythemia vera, a disease in which the body produces too many red blood cells. Among the symptoms of this illness are bleeding gums, excessive bleeding from ordinary cuts and bruises, and a reddish color of the skin.

**וּמְשִׁתְיַן מִם עֲרוֹם לְפִנֵּי מְשֻׁתָּה, וְהַמְשֻׁתָּה מְשֻׁתָּה בְּפִנֵּי כָּל חַי. אָמֵר לֵיהֶ רְבִבָּה רְבָה לְשָׁמוֹאָל: וְאַפְּנִי לְפִנֵּי עֲכָבְרִים? אָמֵר לֵיהֶ: שִׁינְנָא, לֵא, אֶלְאָ בְּגֹזֵן שֶׁל בֵּית פְּלוּנִי – שְׁמַשְׁמָשִׁין מְשִׁתְיַן בְּפִנֵּי עֲבָדִים וְשִׁפְחוֹתֵיהֶם.**

and a man who urinates naked next to his bed;<sup>N</sup> and one who engages in intercourse in the presence of any living being.<sup>N</sup> Rav Yehuda said to Shmuel: Does the phrase: In the presence of any living being, mean even in the presence of mice? Shmuel said to him: *Shinnana*, that is not the case. Rather, it is referring to a situation such as in so-and-so's house, where they engage in intercourse in the presence of their Canaanite slaves and maidservants.<sup>H</sup>

**וְאַיְתָה מַאי דַּרְוָשׁ? "שָׁבוּ לְכֶם פָּה עַמּוֹד" – עַמּוֹד הַזּוֹמָה לְחַמּוֹן.**

The Gemara asks: And those members of that household, who act in that manner, what verse do they interpret in a manner that allows them to do so? The Gemara answers: They reference the verse in which Abraham said to his two servants: “**Remain here with [im] the donkey**” (Genesis 22:5). This verse is interpreted as meaning that they are a nation [am] comparable to a donkey. The members of the aforementioned household thought that it is permitted to engage in intercourse in the presence of animals, and therefore one can do so in the presence of his Canaanite slaves and maidservants.

**רְבָה בָּר בָּר הַוְנָא מַקְרָעֵשׂ גַּי דְּכִילְתָּא אַבְּיַי בָּאֵלִי דִּיקְבָּי, רְבָא בָּאֵלִי פְּרוּתִי.**

The Gemara cites practices of modesty observed by the Sages. **Rabba bar Rav Huna** would sound the bells [*zagei*]<sup>L</sup> of the canopy<sup>B</sup> above his bed when engaging in intercourse, so that people would know to keep away. **Abaye** would even drive away flies [*didevei*]<sup>L</sup> from around his bed, so that he would not engage in intercourse in their presence, and **Rava** would drive away gnats [*peruhei*].<sup>L</sup>

**אָמֵר רְבִי שְׁמַעַן בֶּן יוֹחָנָן חַמִּישָׁה דְּבָרִים הַנִּזְנְתָן שְׁהָעוֹשָׂה אָזְטָן מִתְחִיב בְּנֶפֶשׁוֹ וְרַמְזָנוֹ בְּרָאָשׁוֹ: הַאֲוֹלֵל שָׁוֹם קְלֹוף, וּבְאֶלְקָלָוי, וּבִצָּחָר קְלֹוף, וּבִזָּהָר קְלֹוף, וּבִזָּהָר שְׁעִירָב עַלְיָהָן הַלִּילָה, וְהַלְּזָן בְּבֵית הַקְּבָרוֹת, וְהַנוּטֵל צְפְּרִיוֹן וּוּרְקָן לְרֹשות הַרְבִּים, וְהַמְּקַיֵּד דָם וּמַשְׁמַשׁ מְשֻׁתָּה.**

Rabbi Shimon ben Yoḥai further says: There are five actions with regard to which one who performs them is held liable for his own life, and his blood is upon his own head, i.e., he bears responsibility for his own demise. They are as follows: **One who eats peeled garlic or a peeled onion or a peeled egg, and one who drinks diluted drinks; all these are referring to items only when they were left overnight. And one who sleeps at night in a cemetery, and one who removes his nails and throws them into a public area, and one who lets blood<sup>HB</sup> and immediately afterward engages in intercourse.**

**NOTES**

And a man who urinates naked next to his bed – **דָם לְפִנֵּי מְשֻׁתָּה**: The commentaries explain that although Rabbi Shimon ben Yoḥai specified that one may not urinate next to his bed when he is naked, he means that one may not do so even when dressed. He mentioned nakedness merely because this is the usual case, as one who is naked does not want to go to the trouble of dressing in order to go out to urinate (Rashi on *Shabbat* 62b; *Magen Avraham* on *Shulhan Arukh, Orah Hayyim* 241:1). The reason for this prohibition is that God wants people to act in a clean and holy manner, and this is a repulsive, dirty practice (*Levush*; *Mishna Berura*).

In the presence of any living being – **בְּפִנֵּי כָּל חַי**: Despite the mention of any living being, the Gemara concludes that this prohibition applies only to engaging in intercourse in the presence of people, and those *amora'im* who would chase away all living creatures when engaging in intercourse did so as a stringency.

With regard to engaging in intercourse in the presence of people, the commentaries state that one may do so in the case of a child who is not yet able to talk. Furthermore, the prohibition applies only if the other people are awake, but one may engage in intercourse in the presence of sleeping individuals. Nevertheless, the prohibition includes people behind a screen, as they can sense that the couple is engaging in intercourse (*Tur, Orah Hayyim* 240; *Ba'alei HaNefesh; Shulhan Arukh, Orah Hayyim* 240:6). If the people behind the screen are paying no attention to them whatsoever, it is permitted (*Hokmat Adam; Kaf HaHayyim*). The authorities further add that although it is permitted to engage in intercourse if the other people are asleep, it is appropriate to block them with a screen *ab initio* (*Beur Halakha*). Some comment that the most proper course of action is to follow the example of those *amora'im* who would not engage in intercourse in the presence of any living creature (*Olat Tamid; Eliya Rabba; Kaf HaHayyim*).

**LANGUAGE**

**Bells [zagei] – זָגֵי:** The Aramaic word *zagei*, like its Hebrew counterpart *zag*, refers to the outer part of the bell, upon which the tongue or clapper of the bell strikes to produce the noise. Like *zag*, the term *zagei* also refers to the outer peel of a grape.

that is in the land of Assyria" (Isaiah 7:18), which is translated by *Targum Yonatan* as *devuyya*.

**Flies [didevei] – דִּידְבָּי:** *Didevei*, or *duvei*, refers to flies. These are corruptions of the original word, *divava*. See the *Targum* on the verse: "Dead flies [zevuvei] make the ointment of the perfumer fetid and putrid" (Ecclesiastes 10:1), as well as: "For the bee [zevuv]

*gnats* [*peruhei*] – פְּרוּתִי: The name of these insects is derived from *periha*, meaning blossoming or flowering. It is possible that the reason for this name is that they hover and surround one's bed like a small hat or ribbon used to gather hairs that protrude [*peruhei*] from a headdress (see *Shabbat* 57b).

"הַאֲוֹכֵל שׁוֹם קְלָוֶר" כו'. וְאֵךְ עַל גַּב דְּמַנְחִי בְּסִילְתָּא, וּמְצִירִי וְחַתִּימִי - רוח רעה שורה עלייהן. ולא אָמְרוּ אֶלְאָ דְלָא שִׁיר בְּהָן עַיְקָרָן אוֹ קְלִיפָּתָן - לִיתְ לְזָה.

"וְהַשּׁוֹתָה מִשְׁקִין מְזוּגִין שָׁעַר עַלְיהָן דְּלִילָה". אָמָר רַב יְהוּדָה אָמָר שְׁמוּאֵל: וְהַוָּא שָׁלַבּוּ בְכָלִי מִתְכּוֹת. אָמָר רַב פַּפָּא: וְכָלִ נְתָר בְּכָלִי מִתְכּוֹת דָּמוֹ. וְכָנְן אָמָר רַב יְוָחָנָן: וְהַוָּא שָׁלַבּוּ בְכָלִי מִתְכּוֹת, וְכָלִ נְתָר בְּכָלִי מִתְכּוֹת דָּמוֹ.

"וְהַלְּבָן בְּבֵית הַקְּבָרוֹת", בְּדי שְׁתְּרוֹהָה עַלְיוֹ רָוּת טוֹמָא - זִימָנָן דִּמְסְכָנִין לָיהּ.

"וְהַגּוֹטֵל צְפָרְנוֹ וּזְרוֹקֵן לְרוֹשָׁת הַרוּבִים" - מִפְנִיחָה מִעוּבָרָה עַלְיהָן וּמִפְלָתָה. ולא אָמְרוּ אֶלְאָ דְלָא דְשִׁקְלֵיל בְּגַנְזָסְטָרָה. ולא אָמְרוּ אֶלְאָ דְשִׁקְלֵיל דִּיזָה וּדְכְרָעָה. ולא אָמְרוּ אֶלְאָ דְלָא גַּזְבִּין בְּתִרְיָהוּ, אֶבְלָג גַּזְבִּין בְּתִרְיָהוּ - לִיתְ לְזָה. ולא הֵיא, לְכָלוֹה מִילְתָּא חִישָׁין.

תנו רבנן: שלשה דברים נאמרו באפרונים:  
שורפן - חסיד, קובן - צדיק, זורקן - רשע.

"וְהַמְּקִי דָם וּמִשְׁמֵשׁ מִטְהָרָה". דָאָמָר מָר: מְקִי דָם וּמִשְׁמֵשׁ מִטְהָרָה - הַיּוֹן לוֹ בְּנִים וַיְקָרֵן. דְקִיּוֹ שְׁנִיהם וְשִׁמְשָׁו - הַיּוֹן לוֹ בְּנִים בְּעַלְיָה. אָמָר רַב: ולא אָמְרוּ אֶלְאָ דְלָא טַעַם מִידָה, אֶבְלָג טַעַם מִידָה - לִיתְ לְזָה.

אמָר רַב חִסְדָּא: אָסָר לוֹ לְאָדָם שִׁישְׁמֵשׁ מִפְרָטוֹ בַּיּוֹם, שְׁנָאָמָר: "וְאַהֲבָתָ לְעֵדָךְ בְּמוֹךָ". מַאי מִשְׁמֵעַ? אָמָר אֲבִי: שְׁמָא וְאַהֲבָתָ בְּהָדָר בְּגֻגָּה, וְתַהְגָּה עַלְיוֹ. אָמָר רַב הַוָּנָא: יִשְׂרָאֵל קָדוֹשִׁים הֵם, וְאֵין קִשְׁמְשִׁין מִטְוֹתֵיהֶן בַּיּוֹם.

The Gemara analyzes this statement of Rabbi Shimon ben Yoḥai, beginning with the case of one who eats peeled garlic, a peeled onion, or a peeled egg, when they were left overnight. The Gemara notes: And these peeled foods are dangerous even if they are placed in a basket<sup>8</sup> and they are tied and sealed in that basket throughout the night, as an evil spirit rests upon them. And we said that eating them is dangerous only if one did not leave on them their roots or their shells. But if one left on them their roots or their shells, we have no problem with it.

Rabbi Shimon ben Yoḥai further mentions one who drinks diluted drinks that were left overnight. Rav Yehuda says that Shmuel says: And that is dangerous only when they were left overnight in metal vessels. Rav Pappa says: And natron vessels<sup>8</sup> are considered like metal vessels in this regard. And Rabbi Yoḥanan likewise says: And that is dangerous only when they were left overnight in metal vessels, and natron vessels are considered like metal vessels in this regard.

Rabbi Shimon ben Yoḥai also says: And one who sleeps in a cemetery places himself in danger. The Gemara notes that this is the case if he does so in order that a spirit of impurity will rest upon him, as sometimes the evil spirits in the cemetery endanger the one who sleeps there.

The next case is one who removes his nails and throws them into a public area. The Gemara explains that this is dangerous because a pregnant woman might pass over them, and this can cause her to miscarry. And we said this halakha only when one removes his nails with scissors [bigenosteri].<sup>1</sup> And furthermore, we said this halakha only when one removes the nails of his hand and his foot together. And we said this halakha only when he did not cut anything else after his nails, but if he cut something else after them, we have no problem with it. The Gemara comments: And that is not so; rather, we are concerned with regard to the entire matter, i.e., in all cases.

With regard to removing one's nails, the Sages taught: Three matters were stated with regard to removing nails: One who burns them is pious, as he eradicates them entirely; one who buries them is on the slightly lower level of a righteous individual, as they might be dug up; and one who simply throws them where a person might step upon them is wicked.

The Gemara discusses the final clause of Rabbi Shimon ben Yoḥai's statement: And one who lets blood and immediately afterward engages in intercourse. This is as the Master said: With regard to one who lets blood and afterward engages in intercourse, he will have weak [vittakin]<sup>1</sup> children conceived from this act of intercourse. If both of them, husband and wife, let blood and engaged in intercourse, he will have children afflicted with a disease known as *ra'atan*.<sup>8</sup> Rav says: And we said this only in a case when he did not taste anything after letting blood, but if he tasted something then we have no problem with it.

¶ Rav Hisda says: It is prohibited for a person to engage in intercourse by day, as it is stated: "And you shall love your fellow as yourself" (Leviticus 19:18). The Gemara asks: From where is this inferred? Abaye says: If one engages in intercourse by day, perhaps the husband will see some repulsive matter in his wife and she will become repugnant to him, which will cause him to hate her, and he will thereby violate this mitzva. Rav Huna says: Jews are holy, and they do not engage in intercourse by day.

**Scissors [genosteri]** – גְּנוּסְטָרִי: The origin of this word is Greek. Some say it is from κνηστάρη, *knēstārē*, meaning scraping knife, slayer, or destroyer. Others suggest that it is from ὄνυξ, *onux*, meaning nail, and ρίνη, *rhinē*, a file or rasp.

**Weak [vittakin]** – וַיְקָרֵן: The source of this word and its meaning remain unclear. According to Rabbi Binyamin Musafya it is derived from the Greek φθισικός, *fthisikos*, meaning consumptive. Some assert that it is from the Greek ἐκτικός, *ektikos*, meaning hectic or consumptive.

## BACKGROUND

**Basket [silita]** – סִילְתָּא: A *silita* is a woven basket, typically made from soft palm or willow branches. It was used mainly for transporting food, but also served to store it. It was most commonly used for bread, although people would also place other edibles, such as fruit, in a *silita*.



Mosaic from late antiquity depicting a basket used in the grape harvest

**Natron vessels** – נָטָרָן: Natron is a type of sodium carbonate, Na<sub>2</sub>CO<sub>3</sub>. It occurs naturally in colorless deposits in desert plains, and in ancient times it was often produced from seaweed as well. The Gemara elsewhere (*Avoda Zara* 33b) indicates that people would craft vessels from excavated mixtures of earth and natron. These vessels could not normally be used to hold liquids, but in a dry climate, it is conceivable that they could have done so for a limited time.

**Ra'atan** – רַאֲתָן: This disease, mentioned in the Talmud and various *midrashim*, has not been definitively identified, and there are several theories as to its nature. The most likely explanation is that it refers to Hansen's disease, colloquially known as leprosy, which is distinct from *tzara'at*, the biblical disease discussed at length in the Talmud, which has commonly been translated as leprosy.

Hansen's disease appears in different forms, one of which is in line with the descriptions of the disease in the Talmud. In addition to a severe toughening of the skin that causes a loss of feeling in that area or to the entire limb, the ailment also causes a great deal of mucus to flow from the nose. For various reasons, in later stages this illness causes serious wounds and gangrene, which rots away the external limbs. The disease is infectious but it requires close, prolonged contact for contagion to occur. Nevertheless, due to the severity of this illness and the inability of those in talmudic times to treat it, they were extremely careful about any kind of contact, which included not only direct contact with the infected patient but even with flies that touched their secretions, or anything the patient may have touched.

## LANGUAGE

**BACKGROUND**

**King Munbaz – מונבז המלך:** Munbaz was the king of Adiabene at the end of the Second Temple period. This tiny principality, located in northern Aram Naharaim, in the area of modern-day Kirkuk and Mosul, was a functionally independent vassal of the Parthian empire. Members of the royal family of Adiabene, and some of the military, joined the rebels against Rome during the Great Rebellion before the destruction of the Temple. Queen Helene and her two sons, Munbaz and Izitus, called Zutus in the talmudic sources, converted to Judaism and scrupulously kept the mitzvot (see *Bereshit Rabba* 46). Initially, Munbaz abdicated the throne in favor of his brother, but he accepted the kingship upon his brother's death.



Sarcophagus of Queen Helene, mother of Munbaz

**NOTES**

And they would practice ritual impurity and purity with regard to snow – **וְנֹהֲגִין טָמֵאָה וּטְהָרָה בְּשָׁלָטָם**: The later commentaries suggest an explanation of the praiseworthy practice: Although the *halakha* is that snow is susceptible to ritual impurity only if one intended to drink it, nevertheless the members of the household of King Munbaz would apply the *halakhot* of impurity and purity to all snow, as there is no way to discern whether someone had intended to use the snow for drinking.

As at night there is a risk of being overcome by sleep and consequently she might be repulsive to him – **דָּאַבְדָּאֵיכָא אָוָס שִׁיחָה בְּנֵי נָחָרָה**: The commentaries explain that even according to this suggestion, this conduct is considered praiseworthy only in the case of the household of King Munbaz, who were occupied with royal matters all day and were therefore too tired at night to engage in intercourse. The same applies to Torah scholars, who learn Torah day and night, but not to ordinary people (*Ya'avet*).

One may examine a bed only with a cloth of linen or...clean and soft wool – **אַיִן בּוֹקָרֶן אֶת הַפְּשָׁה אֶלְאָה**: The commentaries explain that one is not required to examine with these particular cloths. Rather, all types of cloths are fit for this purpose provided that they have been checked to see that they absorb blood. This excludes cloths made of synthetic materials that do not absorb blood, such as nylon (*Shiurei Shevet HaLevi*).

אמֶר רַבָּא: וְאִם הַיּוֹתְבָּה בֵּית אַפְלָל – מוֹתָר.  
וְתַלְמִיד חָכָם – מְאַפֵּל בְּכָסֹתָו וּמְשִׁימָשׁ.

תָּנוּ: אָו תְּשַׁמֵּשׁ לְאֹור הַנְּרָא אִימָא: תִּבְדֹּק  
לְאֹור הַנְּרָא.

חָא שְׁמַעַנְיָה: אָף עַל פִּי שָׁאַמְרוּ הַמְשֻׁבְשָׁשׁ מְטוּחוֹ  
לְאֹור הַנְּרָא הַרִּי וְהַמְּגֻנָּה! אִימָא: "הַבּוֹדֵק  
מְטוּחוֹ לְאֹור הַנְּרָא הַרִּי וְהַמְּגֻנָּה".

**Rava says:** And if the house is dark, it is permitted to engage in intercourse by day there. And in the case of a Torah scholar, he may cause darkness with his garment and engage in intercourse even during the daytime, as he will certainly do so with modesty.

The Gemara challenges: We learned in the mishna: Or she must engage in intercourse by the light of a lamp. This indicates that one may engage in intercourse in the light. The Gemara answers: Say that the mishna reads: She must examine the cloth by the light of a lamp, but not engage in intercourse in this manner.

The Gemara cites a relevant source. **Come and hear a baraita:** Even though the Sages said that one who engages in intercourse by the light of a lamp is repulsive, nevertheless Beit Shammai say: Or she must engage in intercourse by the light of a lamp and inspect the cloths before and after each act of intercourse. The Gemara similarly explains: Say that the baraita reads: One who examines herself before or after intercourse by the light of a lamp is repulsive, as this examination would not be conducted properly, since the light of the lamp may not be sufficient. Nevertheless Beit Shammai say that a woman who engages in many acts of intercourse in one night must examine the cloth by the light of a lamp.

The Gemara further suggests: **Come and hear a baraita:** And the household of King Munbaz<sup>8</sup> would perform three matters, and the Sages would mention them favorably for their behavior in this regard. They would engage in intercourse by day; and they would examine before and after intercourse with wool [*bemeila*]<sup>1</sup> of Parhava, which is very white and would show any stain; and they would practice ritual impurity and purity with regard to snow.<sup>9</sup> Regardless of the meaning of the last two matters, in any event this baraita teaches that they would engage in intercourse by day, which indicates that this practice is not prohibited.

חָא שְׁמַעַנְיָה: וְשַׁלְבָּה בֵּית מִונְבָּה הַפְּלָל הַיּוֹשָׁבָן  
שְׁלָשָׁה זְבָרִים וּמוֹכְרִין אֹתוֹן לְשִׁבָּה. הַיּוֹ  
מְשֻׁבְשָׁשָׁן מְטוּחוֹתָם בַּיּוֹם, וּבוֹדֵק מְטוּחוֹתָם  
בְּמִילָא פֿרְהָבָא. וְנוֹהֲגִין טָמֵאָה וּטְהָרָה  
בְּשָׁלָטָם. קָתְנִי מִהָּא "מְשֻׁבְשָׁשָׁן מְטוּחוֹתָה  
בַּיּוֹם"!

איִמָּא: "בוֹדֵק מְטוּחוֹתָם בַּיּוֹם". הַכִּי נָמֵי  
מְסִתְבָּרָא. דָּאִי סְלָקָא דְּעַתָּךְ מְשֻׁבְשָׁשָׁן –  
מוֹכְרִין אֹתוֹן לְשִׁבָּה? אַיִן הַכִּי נָמֵי – דְּאַגְּבָה  
דְּאִיכָּא אָוָס שִׁיחָה מְגֻנָּה בְּאַפְיָה.

צְבּוֹדְקִין מְטוּחוֹתָה בְּמִילָא פֿרְהָבָא. מְסִיעָנָה  
לִיה לְשָׁמְוֹאָל, דְּאַמְרָר שְׁמוֹאָל: אַיִן בּוֹדְקִין  
אֶת הַמְּטָה אֶלְאָה בְּפָקָולִין, או בְּצָמָר נְקִי?  
וּנְזָהָר אֶמְרָר וּבָ: הַיּוֹנָה דְּכִי תְּוֹאֵה הַתָּם בְּעַרְבִּי,  
שְׁבָתוֹת הַוּא אֶמְרָר "מְאָן בְּשִׁעְפָּקָולִי בְּנֵהָמָא",  
וְלֹא יְعַנְּנָא מָאִי קָאָמָרִי.

The Gemara further analyzes the baraita, which teaches: **And the household of King Munbaz would examine before and after intercourse, with wool of Parhava.** The Gemara notes: This statement supports the opinion of Shmuel, as Shmuel said: One may examine a bed, i.e., use an examination cloth for intercourse, only with a cloth made of linen [*befakolin*],<sup>1</sup> or with one made of clean and soft wool.<sup>9</sup> Rav says: This is the explanation of that which I heard when I was there, in Eretz Yisrael, on Shabbat evenings,

which is the time when Torah scholars engage in intercourse with their wives; people would offer and say: Who needs linen cloths for eating bread [*benahama*],<sup>1</sup> a euphemism for intercourse. And I did not know what they were saying until now.

**LANGUAGE**

**Wool [meila] – מֵילָה:** *Meila*, or *meilat* as it is more commonly known, means soft wool. Apparently, it is from the Greek μηλωτή, *mēlotē*, meaning sheepskin or any rough woolly skin. There are those who say that this word is related to the name of the city of Miletus, which was a center for wool trading.

**Linen [pakolin] – פְּקָולִין:** The word *pakolin* refers to bundles of flax, or linen towels. It may be derived from the Greek φάκελος, *fakelos*,

meaning bundle, and λίνον, *linon*, meaning linen. One who deals with *pakolin* is called a *pakuli*. For example, the *tanna* who arranged the eighteen blessings before Rabban Gamliel, the *Nasi* of the Sanhedrin, was called Shimon HaPakuli, a reference to his profession.

**Bread [nahama] – נְהָמָא:** Bread is used as a euphemism for intercourse in many places in the Bible, e.g.: "Save the bread that he did eat" (Genesis 39:6), which refers to Potiphar's wife (see Rashi there).

**אמר ר' בא:** הַנִּי שְׁחָקֵי דְכִינָתָןָ מַעַלְיָה לְבָדֵיקָה. אַיִם, וְהָא תְּנָא דְבִי מַנֶּשֶׁה: אַיִן בָּזְדִקֵין אֶת הַמְפַתָּה לְאַבְעֵד אֲדוֹם, וְלֹא בַעַד שְׁחוֹר, וְלֹא בַפְּשָׁתָן, אַלְאָ בַפְּקוּלָן אוֹ בָּצָמָר נָקִי וּרוֹךְ!

**ולא קשיא,** הָא – בְכִינָתָןָ, הָא בְמַמְאַת דְכִינָתָןָ. וְאַיְבָעֵת אִימָא: הָא וְהָא בְמַמְאַת דְכִינָתָןָ, הָא – בְחַרְתָּתָן, הָא – בְשַׁחְקָן.

"נוֹתָגֵין טוֹמָא וְטוֹרָה בְשַׁלְגִין". תָּנָן  
הַתָּמָם: שֶׁלֶב אַינוּ לְאַזְכֵל וְלֹא מַשְׁקָה,  
וְחַשְׁבָ עַלְיוֹ לְאַכְילָה – אַינוּ מַטְמָא  
טוֹמָא אַזְכֵלָן, לְמַשְׁקָה – מַטְמָא  
טוֹמָא מַשְׁקָה.

טְמָא מַקְצָתוֹ – לֹא טְמָא כּוֹלָן, נְטוֹרָ  
מַקְצָתוֹ – נְטוֹרָ כּוֹלָן.

הָא גּוֹפָא קְשִׁיא, אַמְרָתָן נְטוֹרָ  
מַקְצָתוֹ – לֹא נְטוֹרָא כּוֹלָן, וְהָדָר תְּנָי  
נְטוֹרָ מַקְצָתוֹ – נְטוֹרָ כּוֹלָן, לְמַיְמָרָ  
דְטְמָא כּוֹלָן!

**אמר אביי:** כִּגּוֹן שְׁהָעֲבִירָו עַל אֹוִר  
תְּנוּר, דְהַתְּרוֹהָ הַעִירָה עַל בְּלִי חָרָס.

**Rava says:** Those worn-out flax clothes are good for examination. The Gemara asks: Is that so? But didn't the school of Menashe teach: One may not examine a bed with a red cloth,<sup>h</sup> nor with a black cloth, nor with flax,<sup>b</sup> but with a cloth made of linen, or with one made of clean and soft wool?

The Gemara answers that this is not difficult, as this statement that one may not examine with flax is referring to flax itself, whereas that statement of Rava, that flax is good for an examination, is referring to flax garments. And if you wish, say instead that both this statement and that statement are referring to flax garments, and the difference is that this ruling that one may not use flax is referring to new garments, whereas that ruling of Rava is referring specifically to worn-out garments,<sup>n</sup> which are brighter.

It was further stated that the household of King Munbaz was praised by the Sages because its members would practice ritual impurity and purity with regard to snow. The Gemara comments: We learned in a baraita there (see Tosefta, Taharot 2:5): Snow is neither food nor drink<sup>h</sup> with regard to ritual impurity. If one designated it for consumption, his intention is disregarded, and it does not impart the ritual impurity of food. But if one planned to use it as a drink, it imparts the ritual impurity of liquid.

If part of the snow became impure, it does not all become impure, but only the area that came into contact with the item of ritual impurity, as a pile of snow is not considered a single unit. If impure snow in a vessel is lowered into a ritual bath, even if the waters of the ritual bath touched only the snow on the mouth of the vessel, since part of the snow is purified, all of it is purified.

The Gemara analyzes the baraita: This baraita itself is difficult. You initially said that if part of the snow became impure, it does not all become impure, and then the baraita teaches that if part of the snow is purified, all of it is purified, which is to say that all of it became impure. In other words, the last clause of the baraita is dealing with a lump of snow all of which is ritually impure, whereas according to the previous clause this is impossible: How could the source of the impurity have touched all of the snow?

**Abaye says:** It is possible for all the snow to become impure, in a case where one passed the snow within the airspace of an earthenware vessel, such as an oven, in which the source of impurity was located. This renders the entire lump of snow impure, as the Torah testifies with regard to an earthenware vessel that contains a source of impurity that all items inside its airspace are rendered impure, as the verse states: "Whatever is in it shall be impure" (Leviticus 11:33).

## HALAKHA

One may not examine a bed with a red cloth, etc. – אין בָזְדִקֵין אֶת הַמְפַתָּה לְאַבְעֵד אֲדוֹם וּכְיַם: For all her examinations, a woman should use a piece of old white flax clothing, cotton wool, or white, clean, soft wool. The halakha is in accordance with the opinion of the school of Menashe (Rambam Sefer Kedusha, Hilkhos Issurei Bia 4:15; Shulhan Arukh, Yoreh De'a 196:6).

Snow is neither food nor drink, etc. – שלג אַיִן לְאַא אָכֵל: Snow is considered neither food nor drink with regard to ritual impurity. If one intended to use it for food his intention is disregarded. If one planned to use it as a drink, it is susceptible to ritual impurity as a liquid. If part of the snow became impure, it does not all become impure. But if one passed the snow within the airspace of an earthenware vessel containing a source of impurity it is all rendered impure. The halakha is as stated in the Tosefta in Oholot, in accordance with the explanation of Abaye (Rambam Sefer Tahara, Hilkhos Tumat Okhalin 1:22).

## BACKGROUND

**Flax – פְּשָׁתָן:** Cultivated flax, *Linum usitatissimum* L., is an annual plant that grows to a height of 40–120 cm. Its flowers are blue or white. Its stiff stalks contain flax fibers, and oil is extracted from its seeds. After the plant is cut, the stalks are soaked in water for several days. Various bacteria cause the materials that attach the fibers to the stalks to decompose. Afterward, the shell is beaten and opened and the fibers are extracted, to be used in weaving linen.

## NOTES

This ruling is referring to new garments whereas that ruling is referring specifically to worn-out garments – **הָא בְּחַרְתִּי הָא בְשַׁחְקִי**: The Gemara does not provide the reason for this difference. Various explanations are suggested by the early commentaries. Some say that worn-out clothes are very white, which aids the examination (Rashi; see Tosafot). Others state that it is not easy to fold new clothes, and therefore they are not as convenient for such examinations as softer, worn-out clothes are (Tosafot; Maharam of Rothenburg). Furthermore, new clothes, being hard, might scratch the skin and cause an emission that is not menstrual blood, which would mislead the woman (Rashba).

**LANGUAGE**

**Corridor [perozdor]** – פְּרוֹזְדוֹר: From the Greek, although there is no consensus as to its exact source. Some maintain that it is from προστάδος, *prostados*, which is the genitive case of προστάς, *prostas*, meaning entrance or corridor. Alternatively, it may be from πρόθυρον, *prothuron*, which has a similar meaning. *Perozdor* is a euphemism for the vaginal canal.

**BACKGROUND**

**Upper story – עלייה:** In the talmudic period buildings were often two stories tall. They consisted of an entrance hall, or corridor, interior rooms, and an upper story. Sometimes the size of the upper story was equal to that of the house underneath, while in other cases it occupied only part of the area of the house.



Facade of a two-story villa in Pompeii

**Vestibule [lul]** – לָל: A *lul* is an opening that connects the upper and lower stories, usually by means of a ladder. A *lul* can also be a space in the earth for transporting items above or below ground, as in the verse: "And they went up by vestibules [*lullim*] into the middle row, and out of the middle into the third" (I Kings 6:8).

מַתְנִי מִשְׁלֵל מִשְׁלֵל חֲכִים בְּאֶשְׁתָּה:  
הַחֶדֶר וְהַפְּרוֹזְדוֹר וְהַעַלְיָה.

– דָם הַחֶדֶר – טָמֵא, דָם הַעַלְיָה  
שָׁחוֹר, נִמְצָא בְּפְרוֹזְדוֹר – סְפֻקָּו טָמֵא,  
לִפְיֵי שְׁחוֹקְתָו מִן הַפְּקוֹר.

גַּמְ' רַמִּי בֶּר שְׁמוּאֵל וּרְבָב יִצְחָק בְּרִיה  
דָּרְבָּ יְהוּדָה תָּנוּ נְדָה בֵּי רַב הַונָּא.  
אֲשֶׁר בְּחִינָה רַבָּה בָּר וּבָהָן אֲדִיבָה  
וְקָאָמָרִי הַחֶדֶר מִבְּפָנִים, וְהַפְּרוֹזְדוֹר  
מִבְּחֹוץ, וְעַלְיָה בְּנוֹתָה עַל שְׁתִּיחָן,  
וְלֹא לְפָטוּחָ בֵּי עַלְיָה לְפְרוֹזְדוֹר.

נִמְצָא מִן הַלְּוִיל וּלְפָנִים – סְפֻקָּו טָמֵא,  
מִן הַלְּוִיל וּלְחוֹזֵן – סְפֻקָּו טָהָר.

**MISHNA** A woman's reproductive organs are composed of different parts, and the halakhic status of blood that emerges from one part differs from the halakhic status of blood that emerges from another part. **The Sages stated a parable with regard to the structure of the sexual organs of a woman,**<sup>H</sup> based on the structure of a house: **The inner room**<sup>N</sup> represents the uterus, **and the corridor [perozdor]**<sup>LN</sup> leading to the inner room represents the vaginal canal, **and the upper story**<sup>BN</sup> represents the bladder.

**Blood from the inner room**<sup>H</sup> is ritually impure. **Blood from the upper story is ritually pure.** If blood was found in the corridor, there is uncertainty whether it came from the uterus and is impure, or from the bladder and is pure. Despite its state of **uncertainty**, it is deemed definitely **impure**, due to the fact that its **presumptive status** is of blood that came **from the source**, i.e., the uterus, and not from the bladder.

**GEMARA** Rami bar Shmuel and Rav Yitzhak, son of Rav Yehuda, were learning tractate *Nidda* in the study hall of Rav Huna. Rabba bar Rav Huna found them sitting and saying an interpretation of this mishna: The room, i.e., the uterus, is the **inner part** of the reproductive organs, **and the corridor** is the **outer part**. And the **upper story**, the bladder, is built, i.e., found, **above them both**. And there is an **open vestibule**<sup>B</sup> between the **upper story** and the **corridor**.

They continued: If blood is found from the opening of this **vestibule and inward** toward the uterus, i.e., inside the vagina, there is uncertainty whether it came from the uterus and is impure, or from the bladder and is pure, but its state of **uncertainty** renders it definitely **impure**.<sup>N</sup> If it is found in the area **from the opening of this vestibule and outward**, on the outer surface of the vulva, the blood is more likely to have come from the bladder, through the urethra, and therefore its state of **uncertainty** renders it **pure**.

**HALAKHA**

The Sages stated a parable with regard to the structure of the sexual organs of the woman, etc. – **מִשְׁלֵל מִשְׁלֵל חֲכִים בְּאֶשְׁתָּה וּכְאֶשְׁתָּה:** The Sages compared the structure of the reproductive organs of the woman to a building: The inner room represents the uterus, which is the source from which the blood of a menstruating woman and a *zava* flow. The corridor leading to the inner room represents the entire vaginal canal, which leads to the uterus. Above the room and the corridor, situated between them, is the upper story, with the woman's two ovaries. Lastly, there is a kind of hole between the upper story and the roof of the corridor, which is called the vestibule (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 5:3–4).

**Blood from the inner room, etc. – דָם הַחֶדֶר וּכְאֶשְׁתָּה:** If a woman experienced a flow of blood from her source she is impure

and must observe seven clean days. This *halakha* applies if she sensed the emission of the blood, or even if she sensed its movement, despite the fact that it did not emerge. With regard to blood found in the corridor, if it was found from the vestibule and inward, it is ritually impure, as it is presumed to come from the room. Therefore, one burns any *teruma* that came into contact with it or with the woman, and she must bring an offering if she enters the Temple in that impure state. If the blood was found in the corridor outward of the vestibule it is impure as a matter of uncertainty, as it might have come from the room, in which case it is impure, or it might have flowed from the upper story by way of the vestibule, and therefore is pure. Due to the uncertainty, she does not bring an offering if she enters the Temple, and one does not burn *teruma* due to it (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 5:5; *Shulhan Arukh, Yoreh De'a* 183).

**NOTES**

**The inner room – החדר:** The blood of a menstruating woman is impure only if it comes from the source, i.e., the uterus, as it is stated: "And she shall be purified from the source of her blood" (Leviticus 12:7; *Torat Kohanim*).

**And the corridor – הַפְּרוֹזְדוֹר:** The precise identification of this corridor is a matter of much dispute among the early commentaries. The *Hatam Sofer* writes that he conducted extensive investigation of written and oral sources and found that the explanations of Rashi and *Tosafot* do not accord with the physical reality. He concludes: We must rely on the interpretation of the Rambam in his ruling of *halakha* (*Sefer Kedusha, Hilkhot Issurei Bia* 5:3–4) as well as in Rambam's Commentary on the Mishna. The Rambam's opinion is that the corridor represents the entire vaginal canal, possibly including the vulva, and it is called a corridor because it leads to the uterus. Alternatively, it refers to the cervix (*Hatam Sofer*). Some commentaries claim

that Rashi and *Tosafot* do not disagree with the Rambam in this regard (*Hazon Ish*).

**And the upper story – העליה:** There are various opinions among the early commentaries with regard to the precise identification of the upper story. The Rambam claims that it refers to a woman's ovaries (*Sefer Kedusha, Hilkhot Issurei Bia* 5:4). Others contend that it is the bladder (*Arukha*).

**From this vestibule and inward its uncertainty renders it definitely impure – מִן הַלְּוִיל וּלְפָנִים סְפֻקָּו טָמֵא:** Rashi explains that if this blood came from the upper story it should be found from the vestibule and outward. The reason is that when the blood flows from the upper story through the vestibule to the corridor it is found on the outside and does not return inside. Rashi notes that according to this reasoning it is unclear why the blood is only impure as a matter of uncertainty and not definitely impure.

אתא ואמר ליה לאבוה: ספקו טמא  
אמרות לו מך? וזה און "שחיקתו מן  
המקור" תנן!

אמר ליה, אנחנו ה'י קאמינא: מן הולול  
ולפניהם - וראי טמא, מן הולול ולחווץ  
ספקו טמא.

אמר אביי: מי שנא מן הולול ולחווץ  
דספיקו טמא - דרבנן שחיתה, ומחרור  
אתא: מן הולול ולפניהם נמי, אימנא  
אוודקה - ומעליה אטה!

אללא אמר אביי: אי בתר חששא  
אילות - אוידי אוידי פסק חז"ר, אי בתר  
חוואה אילות - מן הולול ולפניהם - וראי  
טמא, מן הולול ולחווץ - וראי טהור.

תני רבי חייא: דם הנמצא בפרוזדור  
חייב עליו על בית מקדש, ושורפני  
עליו את התרומה. ובכ Ketina אמר:  
אין חייבין עליו על בית מקדש, ואין  
שורפני עליו את התרומה.

להך לישנא דאמר אביי אי בתר  
חששא אילות - מסיע ליה לרוב קטינה  
ופליאו רובי חייא,

להך לישנא דאמרת אי בתר חזקה  
אילות - מסיע ליה לרובי חייא.

Rabba came and said to his father, Rav Huna: With regard to the halakha of blood that is found from the vestibule and inward, did the Master say to us that its state of uncertainty renders it impure, as I heard in the study hall, from which it may be inferred that this is a case of uncertain impurity? But didn't we learn in the mishna: The blood is impure due to the fact that its presumptive status is of blood that came from the source,<sup>N</sup>i.e., the uterus? This indicates that it is a case of definite impurity. If so, the mishna cannot be referring either to blood found from the vestibule and inward or from the vestibule and outward.

Rav Huna said to his son Rabba: This is what I said:<sup>N</sup> If the blood was found from the vestibule inward it is definitely impure, as it is presumed to come from the uterus. This is the case mentioned in the mishna. If the blood was found from the vestibule outward its state of uncertainty renders it impure. Although it can be claimed that if this was blood from the uterus it would not have been found in this area, it is possible that when the woman bent over, the blood went from the uterus into this area. Consequently, she is impure due to the uncertainty.

Abaye says: What is different about a situation where the blood was found from the vestibule outward, where its state of uncertainty renders it impure? The reason for that halakha is that perhaps the woman bent over and leaned forward, and the blood came from the room, i.e., the uterus. If so, in the case where the blood was found from the vestibule inward, concerning which you ruled that she is definitely impure, you can also say that it is possible that the woman staggered backward and as a result the blood came from the upper story to the back of the canal. Accordingly, she should be impure merely out of uncertainty.

Rather, Abaye says: If you follow the concern, i.e., if your ruling of halakha is based on a concern that the blood might have moved due to the woman leaning forward or backward, then in both this case and that, whether the blood is found in the inner or outer section of the canal, the source of the blood is uncertain. And if you follow the presumption based on where the blood found in a particular place is usually from, then blood found from the vestibule inward is definitely impure, whereas blood found from the vestibule outward is definitely pure.

Rabbi Hiyya teaches: Blood that is found in the corridor is considered definite menstrual blood, and therefore if she engages in intercourse, both she and her partner would be liable as a result of this blood to receive karet for entering the Temple intentionally when ritually impure, or to bring an offering for entering unwittingly. And one burns teruma due to it, if the woman touches such produce. And Rav Ketina says: It is impure merely as a matter of uncertainty; therefore, the woman is not obligated, due to that blood, to bring an offering for entering the Temple when ritually impure, and one does not burn teruma on its account.

The Gemara discusses the relationship between this dispute and the previous statements of *amora'im*. According to this formulation, i.e., option, that Abaye stated: If you follow the concern that the blood might have moved due to the woman leaning forward or backward, there is uncertainty whether the blood was found in the inner or outer section of the canal, this supports the opinion of Rav Ketina, who likewise deems blood found in the canal impure due to uncertainty. And this option suggested by Abaye contradicts the opinion of Rabbi Hiyya, who deems the blood definitely impure.

According to that formulation that Abaye stated: If you follow the presumption that blood found in the inner section is definitely impure, while blood found in the outer section is definitely pure, this supports the opinion of Rabbi Hiyya, whose ruling that the blood is definitely impure is understood as referring to blood found in the inner section.

## NOTES

Didn't we learn in the mishna: It is impure due to the fact that its presumptive status is of blood that came from the source – **הנה אם שזרקתו מן המקור תן**: The early commentaries are puzzled by this question of Rabba, son of Rav Huna, as the mishna also states that its impurity is uncertain, similar to the comment of Rami bar Shmuel and Rav Yitzhak, son of Rav Yehuda. What, then, is the difficulty from the mishna? Perhaps his statement also meant that the blood is definitely impure, as explained in the mishna. One explanation is that the mishna indicates that it is definitely impure when it is found from the vestibule and inward, as the term: Its presumptive status, is indicative of definite impurity (Rashi).

This is what I said – **אננא ה'י קאמינא**: According to Rav Huna, the mishna is not in accordance with the opinion of Rami bar Shmuel and Rav Yitzhak, son of Rav Yehuda. Some commentaries explain the mishna according to Rami bar Shmuel and Rav Yitzhak, son of Rav Yehuda, as follows: The mishna is referring only to a case where the blood is found on the floor of the corridor, i.e., the lower part of the vaginal canal, whereas they are speaking of a case where it is found on the roof of the corridor (Rashi).

## Perek II

## Daf 18 Amud a

וְפָלַגְנָא דָרְבָּ קֶטִינָא.

לֹרֶב הַוְנָא - לֹא פְלִיגִי, בָּאָן - מִן הַלְּלָא  
לְפָנִים, בָּאָן - מִן הַלְּלָא וְלְחֵזָז.

אֲלֹא לְמִי בָּר שְׁמוּאֵל וְלֹרֶב יִצְחָק בֶּרֶיה  
- דָרְבָּ הַוְנָה, דָאָמְרִי מִן הַלְּלָא וְלְחֵזָז -  
סְפָקָן טָהָר, מִן הַלְּלָא וְלְפָנִים - סְפָקָן  
טָמֵא הַנִּי בְּמַאי מַתּוֹקְמָא - מִן הַלְּלָא  
וְלְפָנִים.

לִימָא פְלִינְיאָ דָרְבָּ חִיאָא!

לֹא קָשִׁיא, בָּאָן - כְּשֶׁנֶּמֶצָא בְּקָרוּע  
פָּרוֹזָדָו, בָּאָן - שֶׁנֶּמֶצָא בְּגַג פָּרוֹזָדָו.

And this option contradicts the opinion of Rav Ketina, who deems the blood impure due to uncertainty.

And according to the opinion of Rav Huna, who said that if the blood was found in the inner section it is definitely impure, as it is presumed to come from the uterus, and if the blood was found in the outer section it is impure due to uncertainty, one can say that Rabbi Hiyya and Rav Ketina do not disagree, as they were referring to different cases. Here, where Rabbi Hiyya deems the blood definitely impure, he is speaking of blood found from the vestibule and inward, whereas there, Rav Ketina deems it impure due to uncertainty when it is found from the vestibule and outward.

But according to the opinion of Rami bar Shmuel<sup>N</sup> and Rav Yitzhak, son of Rav Yehuda, who say that if the blood is found from the vestibule and outward, its state of uncertainty renders it pure, whereas if it is found in the area from the vestibule and inward, its state of uncertainty renders it impure, with regard to what case can the dispute between these Sages, Rabbi Hiyya and Rav Ketina, be interpreted? It must be referring to a situation where the blood was found from the vestibule and inward, as according to Rami bar Shmuel and Rav Yitzhak, son of Rav Yehuda, if the blood is found from the vestibule and outward it is pure.

If so, shall we say that Rami bar Shmuel and Rav Yitzhak, son of Rav Yehuda, disagree with the opinion of Rabbi Hiyya, who deems the blood definitely impure, whereas they maintain that it is impure merely due to uncertainty?

The Gemara answers: This is not difficult. It is possible that Rami bar Shmuel and Rav Yitzhak, son of Rav Yehuda, agree with the opinion of Rabbi Hiyya, as they maintain that there is no dispute between Rav Ketina and Rabbi Hiyya. Once again the reason is that Rav Ketina and Rabbi Hiyya might be referring to two different cases: Here, Rabbi Hiyya deems the blood definitely impure because he is speaking of a case where it is found on the floor of the corridor, in which case the blood is presumed to come from the uterus rather than the bladder. And there, Rav Ketina, who deems the blood impure due to uncertainty, is referring to blood that is found on the roof of the corridor,<sup>N</sup> and therefore it is uncertain whether the blood came from the bladder or the uterus.

## NOTES

But according to the opinion of Rami bar Shmuel – אֲלֹא לְמִי בָּר שְׁמוּאֵל: This passage presents four different opinions of Sages with regard to the status of blood found in the corridor and the resulting impurity of the woman, with differentiations based on whether the blood was found from the vestibule and inward or from the vestibule and outward. The Gemara further offers various suggestions concerning the relationship between these opinions and the dispute between Rabbi Hiyya and Rav Ketina, which accounts for the complexity of this discussion; see the chart below.

Here a case where it is found on the floor...and there is referring to blood that is found on the roof of the corridor – בָּאָן כְּשֶׁנֶּמֶצָא בְּקָרוּע פָּרוֹזָדָו: The early commentaries are puzzled as to why this distinction is not mentioned earlier, where the Gemara discusses the relationship between Abaye's first proposal and the dispute of Rabbi Hiyya and Rav Ketina. Instead of determining that this suggestion of Abaye is in conflict with the opinion of Rabbi Hiyya, the Gemara could have said that Abaye is referring to the roof of the corridor, which is why the blood is impure due to uncertainty, whereas

Rabbi Hiyya is referring to blood found on the floor of the corridor, and therefore it is definitely impure. The commentaries explain that this distinction cannot be applied to the opinion of Abaye, as he said that there is a concern that the blood might have reached its current location due to the woman's movement. This possibility applies to blood found on the floor of the corridor as well, and therefore Abaye would maintain that this blood is also impure only due to uncertainty (Rashi).

	From the vestibule and inward	From the vestibule and outward	Rabbi Hiyya: Definitely impure	Rav Ketina: Impure as a matter of uncertainty
Rami bar Shmuel and Rav Yitzhak, son of Rav Yehuda	The item's uncertain impurity renders it impure	The item's uncertainty leaves it pure	Refers to the floor of the corridor	Refers to the roof of the corridor
Rav Huna	Definitely impure	The item's uncertain impurity renders it impure	Refers to the area from the vestibule and inward	Refers to the area from the vestibule and outward
Abaye's first formulation: Concern of bending over or straightening	The item's uncertain impurity renders it impure	The item's uncertainty leaves it impure	Disagrees with his opinion	Agrees with his opinion
Abaye's second formulation	Definitely impure	Definitely pure	Refers to the area from the vestibule and inward	Disagrees with his opinion

אָמַר רַבִּי יְהוֹנָן: בְּשֶׁלֶשָׁה מִקְומּוֹת  
הַלְּכֵי בּוּ חֲכָמִים אַחֲרַ הַרְבָּה וְעַשָּׂוּם -  
בָּנוּדָא: מַקוּר, שְׁלִיא, חֲתִיכָה. מַקוּר -  
הָא דְּאָמַרְן

שְׁלִיא - דָּתָן: שְׁלִיא בָּבִית - הַבָּיִת  
טַמֵּם, וְלֹא שְׁחַטְלִיא וְלֹא אַלְאָשָׁין  
שְׁלִיא בָּלָא וְלֹד. רַבִּי שְׁמֻעוֹן אוֹמֵר:  
נָמוֹךְ הַוָּלֵד עַד שְׁלִיא זָאָה.

חֲתִיכָה - דָּתָן: הַפְּלִלָּת יַד חֲתִיכָה  
וְגַלְגַּל חֲתִיכָה - אַמְּנוּ טָמֵא לִידָה, וְאַיִן  
חוֹשְׁשִׁין שְׁמָא מְגַנֵּף אַטּוֹם בָּאָתָה.

## BACKGROUND

**Afterbirth – שליל:** The placenta is a mass filled with blood vessels affixed to the wall of the uterus, through which the fetus is nourished, by way of the umbilical cord. Shortly after birth, usually within the first hour, the placenta separates from the uterus and is expelled from the body, but there are cases where the placenta is retained in the body for periods of up to several days, which is potentially life-threatening to the mother. The existence of a placenta is clear evidence that a woman or a female animal was pregnant. Such a sign is important when there is uncertainty whether there was a birth, which is relevant for the halakhot of impurity and for defining whether the subsequent offspring will have the status of a firstborn. If a placenta is expelled, even if there is no fetus present it is assumed that it was either delivered and then taken away, or that it did not develop properly and therefore is not discernible.

If it separated from its fixed location it is presumed to have separated from the majority – **כל בָּרָשָׁת שְׁרָבָא פְּרִישָׁת:** This principle applies to many dilemmas with regard to the halakhot of forbidden and permitted mixtures. If an item or person whose status is unclear is found separated from a group, it can be assumed that it shares common status with the majority of items in that group. One may rely on this principle only in cases where the item spontaneously emerged from a mixture whose proportions are known. That is not the case when the item remains in the mixture. In that case, the sample is flawed and there is room for concern that the item in question is not really from the majority component. Then the principle is: Anything that is fixed, i.e., anything that remains in the mixture, is considered part of an evenly balanced uncertainty, and the item is not attributed to the majority.

## HALAKHA

**שְׁלִיא בָּבִית וּכְיַ**: The afterbirth is in the house, etc. – If a woman miscarried an afterbirth inside a house, that house is definitely impure, as there is a presumption that there is no afterbirth without a fetus (Rambam Sefer Tahara, Hilkhos Tumat Met 25:10, and see Sefer Kedusha, Hilkhos Issurei Bia 10:14).

**הַפְּלִלָּת יַד חֲתִיכָה וְגַלְגַּל חֲתִיכָה:** If a woman miscarries a hand or a shaped foot, etc. – **הַפְּלִלָּת יַד חֲתִיכָה וְגַלְגַּל חֲתִיכָה:** If a woman miscarried a hand with distinctly formed fingers or a foot with distinctly formed toes, the presumption is that it came from a whole fetus, and therefore she is impure as a childbearing woman (Rambam Sefer Kedusha, Hilkhos Issurei Bia 10:11).

**Nine stores, etc. – תשע חֲנִיוֹת וּבוּ:** If the majority of stores in a city sell kosher meat and a minority sell non-kosher meat, and someone entered one of the stores and purchased meat and does not know which store he entered, as there is a fixed majority the meat's halakhic status is that of having a balanced uncertainty, and the meat is prohibited. If the meat was found in the marketplace or in the hands of a gentile, it is permitted, as most of the stores sell kosher meat, and there is a principle that any item separated, i.e., not fixed in its place, is presumed to have been separated from the majority. This is the halakha by Torah law, but the Sages prohibited this meat even if all the slaughterers and all the sellers are Jews. The Rema explains that one follows the principle: Any item separated is presumed to have been separated from the majority, only when the item was not separated in one's presence, but if it was separated in his presence or if he saw the gentile take it, it is considered as if he himself separated it from there, and it is prohibited (Rambam Sefer Kedusha, Hilkhos Ma'akhalot Assurot 8:11 and Sefer Tahara, Hilkhos She'ar Avot HaTumot 17:8; Shulhan Arukh, Yoreh De'a 110:3).

## LANGUAGE

Afterbirth [shilya] – שליל: In modern Hebrew, the word *shilya* refers specifically to the placenta, but in the Gemara the term refers to the placenta, the fetal membranes, and the umbilical cord that are expelled from a woman's body following delivery (see 26a and

Tosefta 4:9). For this reason, the translation used here is afterbirth. See also the verse: "And against her afterbirth [uveshilyatah] that comes out from between her feet" (Deuteronomy 28:57). The term is derived from the Akkadian word *elitu*.

בְּבִנְמַצָּא - הַלְּכֵי אַחֲרַ הַרְבָּה.

The *baraita* continues: **And in the case of meat found in the street, outside the stores, follow the majority of stores.** If most stores in the city sell kosher meat one can assume that the meat he found is kosher, based on the principle: Any item separated, i.e., not fixed in its place, is presumed to have been separated from the majority. Similar to the previous cases, this meat is treated as certainly kosher on the basis of a majority.

### HALAKHA

Nine frogs, etc. – **תְשׁוּעַ צְפִרְדָּעִין וּכְרִיְמָנִין**: If there were nine frogs and one ritually impure creeping animal in the private domain, and a person touched one of them but he does not know which, he is ritually impure, as uncertain ritual impurity in the private domain is deemed ritually impure (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 18:2).

### NOTES

In the private domain the item's uncertain impurity renders it impure, etc. – **בְּרִשות הַיָּחִיד סְפָקָה טְפֵאָה וּכְרִיְמָנִין**: The halakhot of the uncertain transmission of ritual impurity are derived from the case of the woman suspected by her husband of having been unfaithful [sota], which is the paradigm of a situation in which there is uncertainty as to whether or not a person has become defiled. Since a sota is rendered prohibited to her husband due to suspicion only if she secludes herself with another man in a private domain, in other cases too, people are rendered impure based on a suspicion only if the potential impurity was contracted in a private domain. Although the case of a sota involves her being prohibited to her husband, i.e., it does not involve ritual impurity, cases of ritual impurity are nevertheless derived from it since the Torah uses the term "impurity" with regard to a sota (see, e.g., Numbers 5:14).

**תוֹמָאָה - קָאָמְרִין, אַיסּוֹר - לֹא קָאָמְרִין**

The Gemara answers: We say that this list of cases mentioned by Rabbi Yoḥanan is referring to matters of **ritual impurity**, whereas we do not say that the list includes cases that involve **prohibitions**, such as that of non-kosher meat.

**וְהִיאָּכָא, תְשׁוּעַ צְפִרְדָּעִין וּשְׂרָץ אֶחָד בְּיִתְחָם, וְגַעַב בְּאֶחָד מֵהֶן וְאַיִל יוֹדֵעַ - בְּאַיִלָּה מֵהֶן גָּעַב, בְּרִשות הַיָּחִיד - סְפָקָה טְמָא, בְּרִשות הַרְבִּים - סְפָקָה טְהָר,**

The Gemara further asks: But isn't there the case where there were **nine dead frogs**,<sup>h</sup> which do not impart ritual impurity, and **one carcass of a creeping animal among them**, which does impart impurity, and someone **touched one of these ten dead creatures, and he does not know which of them he touched?** The halakha is as follows: If this occurred in the **private domain** the item's **uncertain impurity** renders it **impure**,<sup>n</sup> as it is derived from the Torah that in cases of uncertainty with regard to ritual impurity in the private domain, the item is deemed impure. If the contact occurred in the **public domain**, the item's **uncertainty** leaves it **pure**.

**וּבְנִמְצָא - הַלְּךָ אַחֲרַ הַרוֹב!**

The Gemara continues: And in a case where one of these creatures was separated from the rest and was found elsewhere, and the person touched it there, follow the majority. Since most of the animals do not impart ritual impurity, this individual remains pure. This is another case involving uncertain impurity where the Sages established the halakha as certain based on the majority.

**תוֹמָאָה דְּאַשָּׁה - קָאָמְרִין, תְוֹמָאָה בְּעַלְמָא - לֹא קָאָמְרִין.**

The Gemara explains: We say that Rabbi Yoḥanan's list is referring to matters of **ritual impurity of a woman**, whereas we do not say that the list includes cases that involve **ritual impurity in general**.

**וְהִיאָּכָא הָא דָאָמֵר רַבִּי יְהוֹשֻׁעַ בֶּן לֹוי: עֲבָרָה בְּנָהָר**

The Gemara further asks: But isn't there that which Rabbi Yehoshua ben Levi said: With regard to a pregnant woman who passed across a river

### Perek II

#### Daf 18 Amud b

**וְהַפִּילָה - מִבְיאָה קָרְבָּן וּנְאָכֵל,**

and she miscarried<sup>h</sup> her fetus into the river, but she does not know whether or not the fetus was fully formed, she brings the offering of a woman after childbirth, i.e., a burnt offering and a sin offering. And the sin offering, which is a bird, is eaten after the nape of its neck has been severed, in the manner of a regular bird sin offering. This is the halakha despite the uncertainty, i.e., this fetus might not have been fully formed, in which case the woman is not obligated to bring this offering, and a bird that is not an offering may not be eaten if its nape was severed.

**הַלְּךָ אַחֲרַ רׁוֹב נְשִׁים, וּרׁוֹב נְשִׁים וְלֹא מַעֲלֵיא לִדוֹן.**

Rabbi Yehoshua ben Levi explains the reasoning behind this ruling: One must follow the majority of pregnant women, and most pregnant women give birth to full-fledged offspring. If so, this is another case involving an uncertainty where the Sages established the halakha as a certainty based on the majority. Furthermore, this case involves the ritual impurity of a woman. Why then did Rabbi Yoḥanan list only three cases of this kind?

**מִתְנִיתִין קָאָמְרִין, שְׁמַעְתָּה - לֹא קָאָמְרִין.**

The Gemara answers: We say that only cases taught in the Mishna or a baraita are included in this list, whereas we do not say that those derived from an amoraic halakhic statement, e.g., the statement of Rabbi Yehoshua ben Levi, are included.

### HALAKHA

Passed across a river and she miscarried – **עֲבָרָה בְּנָהָר וְהַפִּילָה**: If a woman was known to be pregnant, and she gave birth but did not know the form of what she birthed, e.g., if she miscarried into a river, she is presumed to have given birth to a fully formed child, and she is ritually impure as a woman after childbirth. Since she does not know whether the child was male or female, she must accept the stringencies of both the

birth of a male child and a female child, i.e., a longer period of impurity and a shorter period of purity. Since she is considered a definite childbearing woman, she must bring the offerings of a woman who has given birth, and her sin offering is eaten. The halakha is in accordance with the opinion of Rabbi Yehoshua ben Levi (Rambam Sefer Kedusha, Hilkhos Issurei Bia 10:19 and Sefer Korbanot, Hilkhos Mehusrei Kappara 1:6).

וזה כי אתה רבין אמרת מטיב רב יוסי בר רב חנינא טעונה ולא ידענו מאוי היובתיה,

**NOTES**

**Unsure woman – טעונה:** The Gemara here alludes to a discussion that is cited in full on 29b. There, the Gemara cites a *baraita* that deals with a woman who left her house when she was pregnant and returned a long while afterward, no longer pregnant. The problem is that she knows nothing about when she gave birth or the nature of the child. Furthermore, since her return, three weeks of purity passed, i.e., three weeks without her experiencing a blood flow, after which there was another ten-week period that consisted alternately of a week where she experienced bleeding every day, followed by a week in which she did not experience bleeding at all. The *halakha* is that this woman may engage in intercourse with her husband only on the thirty-fifth day from her arrival, which is the end of the fifth week.

**What his objection was – מאוי היובתיה:** Rabbi Yosei bar Rabbi Hanina's objection is explained in the Gemara on 29b. He asked: Why does the *baraita* teach that the woman may engage in intercourse with her husband only at the end of the fifth week from her arrival? It is clear that she is not permitted to him in the first week, as she might have given birth to a male child just before she arrived, in which case this week is included in the seven days of impurity a woman must observe upon the birth of a male child. Likewise, she may not engage in intercourse with her husband in the second week, in case she gave birth to a female just before her return, and she must therefore observe two weeks of impurity. Furthermore, they are forbidden to each other in the third week of her return as well, as she might have given birth to a female while in a state of a *zava*, i.e., she might have experienced a blood flow for three days before the birth that was not due to childbirth. In such a case she must count the seven pure days of a *zava* after the two weeks of impurity for the birth of a female. But why is she prohibited to her husband in the fourth week following her return? Even if she experiences bleeding that week, it should be considered ritually pure. The reason it should be considered ritually pure is that the majority of women give birth to fully formed children, and therefore this woman should also be treated as one who gave birth to a fully formed child, which means that she has a period of purity during which her blood is ritually pure. The fact that the *baraita* does not accept this opinion is a proof against the claim of Rabbi Yehoshua ben Levi that one follows the majority of women, who give birth to fully formed children.

**But provides support – לא סיעיטה:** This interpretation of Ravin's statement is not discussed by the Gemara on 29b, which deals with this *baraita* in detail. The early commentaries explain why the *baraita* could be understood as providing support of Rabbi Yehoshua ben Levi's ruling: If the *baraita* did not accept Rabbi Yehoshua ben Levi's opinion that one follows the majority of women, who give birth to fully formed children, then this woman who returned no longer pregnant should not be considered impure at all. The reason is that there is a compound uncertainty here: Perhaps she did not give birth to a fully formed child, and even if she did, perhaps she gave birth long before her arrival, in which case all the days of her impurity have ended. Once Rabbi Yehoshua ben Levi's opinion has been accepted, there is only one uncertainty left, which is that she might have given birth just before her arrival, and therefore she is considered impure, in accordance with the principle that the *halakha* is stringent when only one uncertainty is involved.

The Gemara raises a difficulty with regard to this explanation: **But when Ravin came from Eretz Yisrael to Babylonia he said that Rabbi Yosei bar Rabbi Hanina raises an objection against the opinion of Rabbi Yehoshua ben Levi from a *baraita* that deals with an unsure woman**,<sup>N</sup> i.e., one who does not know when she gave birth. Ravin added: **And I do not know what his objection was** from that *baraita*.

מאי לאו: לא היובתיה אלא סייעטה?

The Gemara discusses Ravin's statement: **What, is it not correct to say that Ravin meant that this *baraita* is not a refutation of the opinion of Rabbi Yehoshua ben Levi but actually provides support<sup>N</sup> for that opinion?** If so, that would mean that Rabbi Yehoshua ben Levi's opinion is effectively taught in a *baraita* as well, and therefore according to the above consideration Rabbi Yohanan should have included it in his list.

לא, דילמא: לא היובתיה ולא סייעטה.

The Gemara answers: This is **not necessarily the correct inference**, as **perhaps** Ravin meant simply that the ruling of this *baraita* is **neither a refutation nor a support** for the opinion of Rabbi Yehoshua ben Levi.

למעוט מי?

**§ When Rabbi Yohanan says that in three places where there is uncertainty the Sages followed the majority and established the *halakha* as though it involved a certainty, he is clearly indicating that some cases are excluded from this category. The Gemara asks: Rabbi Yohanan says this to exclude what?**

אלימא למעוט רובה דאייכא חזקה בחדרה, דלא שרפין עליה את התרומה – וזה אמרה רב יוחנן חדרא זימנא!

If we say that he says this to exclude an uncertain case where on the one hand there is a **majority** that indicates the woman should be deemed ritually impure and on the other hand **there is a presumptive status along with it** that opposes that majority, **which is why the uncertainty is not treated as a certainty, and therefore one does not burn teruma due to contact with that impurity**, this cannot be the case. The reason is that Rabbi Yohanan already **said it on another occasion**, with regard to other cases of ritual impurity, that if the consideration of a majority indicates that an item should be impure while its presumptive status indicates that it should be pure, it is not considered definitely impure.

דתנן: תינוק הנמצא בצד העיסקה ובצק בידך – רבבי מאיר מטהר, ותchkimim מטמאין, שודרכו של תינוק לטפה.

The Gemara cites the source for Rabbi Yohanan's opinion in this regard. As we learned in a mishna (*Teharot* 3:8): If a ritually impure child is found alongside ritually pure started dough that has not yet risen, and he has **risen dough in his hand**<sup>H</sup> that may have been removed from the larger portion of started dough, **Rabbi Meir deems the started dough pure**, since there is no proof the child touched it, as he might have been given the piece by someone else. **And the Rabbis deem it impure**, as they assume that he touched the started dough. The child is presumed to be impure, **because it is the norm of a child to handle items**.

ואמרין: מאי טעמא דרבבי מאיר – קסביר: רוב הינוקות מטפחים, ומיעוט און מטפחים, עיסקה זו בחזקת טהורה עזמות, סמוך מיעוטא לחזקה – ואיתרעו לה רובה.

And we say with regard to this dispute: **What is the reason for the opinion of Rabbi Meir? He holds that a majority of children handle items that are within reach, in this case the dough, and a minority do not handle items within reach, and this dough retains a presumptive status of purity**, since its impurity has not been definitively determined. Therefore, one should append the fact that the **minority of children do not handle items within reach to the presumptive status of purity of the dough, and the force of the majority of children who handle items within reach is weakened**. Therefore, the dough is considered pure.

**HALAKHA**

If a ritually impure child is found alongside ritually pure started dough and he has **risen dough in his hand** – *תינוק הנמצא בצד העיסקה*: If an impure child is found alongside a started dough while holding a piece of risen dough, the entire dough is impure, as the presumption is that a child will handle items within

reach. Nevertheless, if the dough was *teruma* it is not burned based on this presumption, in accordance with the opinion of the Rabbis, as explained by Rabbi Yohanan (*Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot* 16:3).

**NOTES**

**The majority takes precedence – ר' מאיר עדרף:** The dispute between Rabbi Meir and the Rabbis concerns the basic question of which factor takes precedence in a conflict between a majority and a presumption. What weight is granted to the minority, which supports the presumption? According to the Rabbis the minority is entirely discounted, and therefore there is simply a majority versus a presumption, in which case the majority takes precedence. Rabbi Meir contends that the minority is not completely negated; it combines with the presumption to override the majority, as two factors are more powerful than one (Rashi). If so, this preference of a presumption and a minority over a majority applies by Torah law, not rabbinic law.

**HALAKHA**

**One who miscarries a piece, etc. – הַמְּפֻלָּת חֲטִיכָה וּכְ'**: With regard to a woman who miscarries a piece of flesh, even if it is red she is ritually impure only if there is blood with it. Furthermore, even if the piece of flesh was torn open and discovered to be full of blood, she is pure, as this is not the blood of her menstruation but the blood of the piece of flesh (Rambam). Others hold that as the Rabbis maintain that there is always an emergence of blood when the uterus opens, and the halakha is in accordance with their opinion, she must certainly have experienced bleeding when she miscarried (Ra'avad). Consequently, she is ritually impure (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:13, and see Maggid Mishne there).

וּרְבָּן - מִיעוּטָא - כְּמֵאָן דְּלִיתָה דְּמֵי  
וּרְבָּא וְחַזְקָה - רֹבָּא עֲדִיף.

וְאָמֵר רִישׁ לְקַיֵּשׁ מִשּׁוּם רַבְּי אָוֹשְׁעָנָא:  
וְהִיא חֲזָקָה שְׁשׂוֹרְפִין עַלְיהָ אֶת  
הַתְּרוּמָה, וּרְبִי יוֹחָנָן אָמָר: אֵין זוּ חֲזָקָה  
שְׁשׂוֹרְפִין עַלְיהָ אֶת הַתְּרוּמָה.

אֵלָא לְמַעַטִּי רֹבָּא דָרְבִי יְהוּדָה. דָתָן,  
הַמְּפֻלָּת חֲטִיכָה, אֵם יְשִׁיעָמָה דָם –  
טְמָאָה, וְאֵם לֹא – טְהָרָה. דָרְבִי יְהוּדָה.  
אָמָר: בֵּין קָדָן וּבֵין קָדָן טְמָאָה.

וְאָמֵר רַב יְהוּדָה, אָמָר שְׁמוּאֵל: לֹא  
טִימָא רַב יְהוּדָה אֵלָא בְּחַטִּיכָה שֶׁל  
אַרְבָּע מִינֵּי דָמִים, אַכְלָל שֶׁאָרְבָּע  
דָמִים – טְהָרָה, וּרְבִי יוֹחָנָן אָמָר: שֶׁל  
אַרְבָּע מִינֵּי דָמִים – דָרְבִי הַכְלָל טְמָאָה,  
וְשֶׁל שֶׁאָרְבָּע דָמִים – דָרְבִי הַכְלָל טְהָרָה.  
לֹא נְחַלְקָו אַלְאָ בְּשַׁהֲפִילָה.

**And the Rabbis contend that in a case where the majority is followed, the minority is considered like it does not exist. And consequently, there is a conflict between the determining factors of the majority of impure children who handle items within reach and the presumptive status of purity of the dough. Therefore, the majority takes precedence.**<sup>N</sup>

**And Reish Lakish says in the name of Rabbi Oshaya:** This halakha of a child is an example of a presumption, that children handle items within reach, over which teruma is burned, as the Rabbis hold that it is sufficiently certain that the dough has become impure to allow it to be burned. **And Rabbi Yoḥanan says:** This is not a presumption over which teruma is burned. Rather, the dough is left aside, and can be neither eaten nor burned, due to the uncertainty whether it is impure. In this context, Rabbi Yoḥanan has already stated that when a majority is contradicted by a presumption, the status of uncertainty applies. Therefore, there was no need for him to specify the three cases he mentioned in order to exclude situations of this kind.

Rather, Rabbi Yoḥanan's statement that there are only three cases in which uncertainty is treated as certainty is meant to exclude a specific situation involving a majority, as discussed by Rabbi Yehuda. As we learned in a mishna (21a): In the case of a woman who miscarries an amorphous piece<sup>H</sup> of flesh, if there is blood that emerges with it, the woman is ritually impure with the impurity of a menstruating woman. **And if not, she is pure**, as she is neither a menstruating woman nor a woman after childbirth. **Rabbi Yehuda says:** In both this case, where blood emerged, and that case, where no blood emerged, the woman is impure with the impurity of a menstruating woman, as there was certainly undetected blood that emerged with the flesh.

**And Rav Yehuda says that Shmuel says:** Rabbi Yehuda deemed the woman impure, despite the fact that no blood emerged, only in the case of a piece of flesh that has the color of one of the four types of ritually impure blood, as stated in the mishna below (19a). But if it has the color of other types of blood, the woman is pure. **And Rabbi Yoḥanan says:** If a woman miscarries a piece of flesh that has the color of one of the four types of ritually impure blood, all, i.e., Rabbi Yehuda and the Rabbis, agree that she is impure. And likewise, if the piece has the color of other types of blood, all agree that she is pure. The Rabbis and Rabbi Yehuda disagree only with regard to a case where the woman miscarried an amorphous piece of flesh,

**Perek II****Daf 19 Amud a**

וְאֵינֶה יְדַעַת מֵה הַפִּילָה. דָרְבִי יְהוּדָה  
סְבָר: זַיְל בְּתַר וּרְבָּתִים, וּרְבָּתִים  
חֲתִיכָות שֶׁל אַרְבָּע מִינֵּי דָמִים הַרְיִין.  
וּרְבָּן סְבָר: זַיְל בְּתַר וּרְבָּתִים חֲתִיכָות  
לֹא אָמְרִין.

and she herself does not know exactly what the appearance of the piece of flesh that she miscarried was, e.g., if it was lost. In this case Rabbi Yehuda holds: Follow the majority of miscarriages of amorphous pieces of flesh, and the majority of pieces of flesh have the appearance of one of the four types of impure blood. And the Rabbis hold: We do not say: Follow the majority of miscarriages of amorphous pieces of flesh. Therefore, Rabbi Yoḥanan's mention of three cases is meant to exclude this statement of Rabbi Yehuda, who rules that the woman is definitely impure based on a majority.

**מתני'** חמשה דמים טמאים באשה:  
האדום, והשחור, ובקרון ברכום, וכמיימי:  
אדמה, ובכוגג. בית שמאוי אומרים:  
אך כמיימי תלתן, וכמיימי בשר צלי,  
ובית הילל מטהרים. היוך, עקיבאי בן  
מחאלל אל מטמא, וחכמים מטהרין.

אמר רבי מאיר: אם אין מטמא מושם  
בתחם - מטמא מושום משקה. רבי יוסי  
 אומר: לא לך ולא לך.

איזהו אדום? כדם הפה. שחור?  
בחרת. עמוק מכון - טמא. דינה מכון –  
שחור. ובקרון ברכום? בברור שבו.

**MISHNA** There are five distinct colors of ritually impure blood in a woman:<sup>H</sup> Red, and black, and like the bright color of the crocus [karkom]<sup>L</sup> flower,<sup>BN</sup> and like water that inundates red earth, and like diluted wine. Beit Shammai say: Even blood like the water in which a fenugreek<sup>B</sup> plant is soaked, and like the liquid that drips from roast meat, are ritually impure, and Beit Hillel deem blood of those colors ritually pure. With regard to blood that is green,<sup>BN</sup> Akavya ben Mahalalel deems it impure and the Rabbis deem it pure.

**Rabbi Meir said:** Even if the green blood does not transmit impurity due to the halakhot of a blood stain or the blood of a menstruating woman, it is blood in that it renders food susceptible to ritual impurity due to its status as one of the seven liquids that render food susceptible to impurity. **Rabbi Yosei says:** Neither in this sense, as the blood of a menstruating woman according to Akavya ben Mahalalel, nor in that sense, as a liquid that renders food susceptible to impurity according to Rabbi Meir, is green blood considered blood.

The mishna asks: What is the red color that is impure?<sup>H</sup> It is as red as the blood that flows from a wound. What is the black color that is impure? It is blood as black as *heret*.<sup>N</sup> If the black is deeper than that, the blood is ritually impure; if the black is lighter than that, the blood is ritually pure.<sup>HN</sup> And what is the color that is like the bright color of the crocus flower that is impure? It is like the brightest part in the flower, which is harvested to produce the orange-colored spice saffron.

**HALAKHA**

There are five distinct colors of ritually impure blood in a woman – **חמשה נינים טמאים באשה:** All types of red blood that flow from a woman, whether they are very dark or deep, are ritually impure. The same applies to all forms of black blood (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:7; Shulhan Arukh, Yoreh De'a 188:1).

**Green – יירוק:** If white or green fluid flowed from a woman, even if it is similar to wax or to gold in color, it is pure, and all the more so if it is green like a leek or like grass. Some claim that blue blood is considered like green blood (Rema). The halakha is in accordance with the opinion of the Rabbis (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:6 and Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 1:8; Shulhan Arukh, Yoreh De'a 188:1).

**NOTES**

And like the bright color of the crocus flower [keren karkom] – **בקרון ברכום:** All the commentaries agree that *karkom* refers to the crocus flower. With regard to *keren*, Rashi suggests two possible explanations: First, that it means a corner, as in the common talmudic expression *keren zavit*, the angle of a corner. In this context, it is the color of a crocus flower in the corner of a garden, not one in the center of the garden. Second, that it means shining and brightness, as in the verse: "The skin of his face sent forth beams [karan]" (Exodus 34:29); in other words, the phrase means: The bright color of the crocus flower.

**Blood that is green [yarok] – יירוק:** There are various opinions with regard to the precise nature of this green that is the subject of the dispute between the Rabbis and Akavya ben Mahalalel. Some say that their dispute applies only to the green color of an *etrog* fruit, which has a reddish tinge, but that if it is leek green, even Akavya ben Mahalalel concedes that it is pure (*Tosafot*). The commentaries infer from here that all shades of *yarok* are

**What is the red color that is impure – איזהו אדום:** The red color of blood that the Sages said is impure in a woman is like the first flow of blood from someone's wound, as explained by Rav Nahman in the Gemara later (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:8).

**If the black is deeper than that it is ritually impure, if the black is lighter than that it is ritually pure – עמוק מכון טמא. דינה מכון – שחור:** With regard to a woman who saw one of the types of blood listed in the mishna, if it was the same as described in the mishna or deeper, it is impure; if it was lighter, it is pure. How so? If black blood was darker than dried ink, she is impure. If it was lighter than that, e.g., if it was like a black olive, or tar, or the black of a raven, it is pure (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:9).

**pure, even one that is waxy green, greenish gold, or similar in appearance to the yolk of an egg (Tur, Yoreh De'a 188; Shulhan Arukh, Yoreh De'a 188:1).**

**Heret – בחרת:** This refers to an extremely dark black, like the color used by tanners and shoemakers to dye hides.

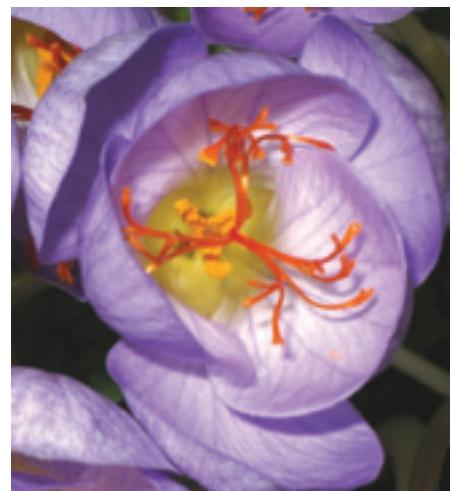
**If the black is deeper than that it is ritually impure, if the black is lighter [deiha] than that it is ritually pure – עמוק מכון טמא. דינה מכון – שחור:** The early commentaries disagree as to the meaning of this statement. Some say that the clause: If the black is deeper than that the blood is ritually impure, means that it is deeper than ink, whereas *deiha* means that it is a lighter black (Rashi; Ramban; Rashba). Others maintain the reverse, that the term: Deeper, means that it is less black, whereas *deiha* means that it is very black (Ramban, citing Rabbeinu Shmuel). The Ramban rejects this opinion, claiming that the stronger shade of any color is always described as deeper.

## LANGUAGE

**Crocus [karkom] – בקרון:** The earliest source for this word is apparently the Sanskrit *kunkuma*, which found its way into many other languages with a shift from the letter *n* to *r*, in forms such as *karkom* and the Latin word *crocus*.

## BACKGROUND

**Crocus flower – ברכום:** Saffron crocus, *Crocus sativus* L., is a plant of the Iridaceae family. The plant is notable for the fact that it flowers early in the winter, and for its flowers, from which the orange-colored spice saffron is extracted. Due to its pleasant odor it is mentioned in the Bible and in rabbinic sources as being a source of perfume.



Crocus flower with saffron-producing stigmata and styles

**Fenugreek – הילבֶּה:** *Trigonella foenum-graecum* L., known in modern Hebrew as *hilbe*, belongs to the legume family. It is a short plant, growing to less than 1 m high. The plant has hollow, hairy stems, light green leaves arranged in threes, and white flowers. The fruit is found in small pods that are up to 15 cm long and contain flat seeds about 5 mm long. While the plant is generally grown for its seeds, which are used as a spice for food, the shoots are also edible when cooked. In some countries, fenugreek is used as animal fodder and as fertilizer.



Fenugreek

**Green [yarok] – יירוק:** Green is not a primary color; it is located between blue and yellow on the spectrum of visible light. The term *yarok*, as it is used by the Sages, includes a wide variety of shades, from dark green to yellow. For this reason there are numerous opinions with regard to the precise definition of *yarok* in different areas of halakha.

**BACKGROUND**

**Beit Kerem Valley – בֵּית הַקֶּרֶם:** The Beit Kerem Valley is in the Lower Galilee. Some say it is the Shagor stream, between Majd al-Krum and Carmiel. This identification is based on the *baraita* cited later, which states: In order to examine blood that is like water that inundates red earth, one brings fertile earth from the Beit Kerem Valley and inundates the earth with enough water until it pools on the surface; this is the statement of Rabbi Meir. Rabbi Akiva says: One brings earth from the Yodfat Valley. Rabbi Yosei says: From the Sikhnei Valley. Rabbi Shimon says: One can even bring earth from the Genosar Valley or from similar places. These valleys mentioned in the *baraita* are all in the Lower Galilee.

This Beit Kerem Valley, like the surrounding valleys, was known for its fertile soil. It is not the same as the Beit Kerem mentioned in *Middot* 3:4, which is near Jerusalem and which was renowned for the quality of its stones.

ובְּמִימִינֵי אָדָמָה? מִבְּקֻעַת בֵּית כֶּרֶם  
וּמִצְרֵי מִים. וּכְמַוְגֵּן שֶׁנְּחַלְקִים מִים  
אַחֲרֵי יָם, מִן הַיָּם הַשָּׂרוֹן.

גַּם' מִנְלָן דָּאִיבְּפָא דָם טָהוֹר בְּאָשָׁה?  
דְּלִמְאָבָל דָם דָאִתִּי מִינָה טָמֵא!

אָמָר רַבִּי חַמְאָה בֶּן יוֹסֵף אָמָר רַבִּי  
אוֹשְׁעִיאָה, אָמָר קְרָא: "בַּיּוֹפְלָא מִמְךָ  
דְּבָר לְמַשְׁפַּט בֵּין דָם לְדָם" – בֵּין דָם  
טָהוֹר לְדָם טָמֵא.

אֲלֹא מִעֵדָה "בֵין נָגָע לְנָגָע", הֲכִי גַּמְיָי:  
בֵין נָגָע טָמֵא לְנָגָע טָהוֹר? וּכְיַתְּמָא:  
הֲכִי גַּמְיָי – נָגָע טָהוֹר מֵאִיבְּפָא? וּכְיַתְּמָא:  
תְּמִימָא: "בְּלֹא הַפְּקָד לְבַנְן טָהוֹר הוּא" –  
הַהוּא "בַּוְתָּק" מִקְרָא!

אֲלֹא: בֵין גַּמְיָי אָדָם לְגַמְיָי בְּתִים  
וּלְגַמְיָי בְּגָדִים – וּכְלִילָן טָמֵאִין, הַכָּא  
גַּמְיָי – בֵין דָם נָהָר לְדָם זִבְחָה – וּכְלִילָן  
טָמֵאִין!

And what is the color that is like water that inundates red earth that is impure? It is specifically earth from the Beit Kerem Valley<sup>8</sup> and specifically when one inundates the earth with enough water until it pools on the surface. And what is the color that is like diluted wine that is impure? It is specifically when the dilution consists of two parts water and one part wine, and specifically when it is from the wine of the Sharon region in Eretz Yisrael.

**GEMARA** The fact that the mishna discusses the colors of ritually impure blood in a woman indicates that there is blood that is not impure. The Gemara asks: From where do we derive that there is pure blood in a woman?<sup>9</sup> Perhaps any type of blood that emerges from a woman is impure?

Rabbi Hama bar Yosef says that Rabbi Oshaya says: The verse states with regard to those who come before the court: “If there arise a matter too hard for you in judgment, between blood and blood, between plea and plea, and between leprous mark and leprous mark, even matters of controversy within your gates, then you shall arise, and get up unto the place that the Lord your God shall choose” (Deuteronomy 17:8). When the verse states: “Between blood and blood,” it means between pure blood and impure blood,<sup>10</sup> which demonstrates that there must be types of pure blood that are emitted by a woman.

The Gemara raises a difficulty: If that is so, then does the other expression in the verse: “Between leprous mark and leprous mark,” also mean: Between a pure leprous mark and an impure leprous mark? And if you would say that indeed, this is what it means, is there a type of pure leprous mark? And if you would say that there is in fact a pure leprous mark, according to the verse: “Then the priest shall look; and behold, if the leprosy has covered all his flesh, he shall pronounce pure the one that has the leprous mark; it is all turned white: He is pure” (Leviticus 13:13), that mark is not classified as a leprous mark; rather, it is called a paleness, as a leprous mark is by definition impure.

Rather, the phrase “between leprous mark and leprous mark” must mean the following: Between the leprous marks that afflict man (see Leviticus 13:1–46) and the leprous marks of houses (see Leviticus 14:33–53) and the leprous marks of garments (see Leviticus 13:47–59), as different halakhot pertain to these categories of leprous marks, and yet they are all ritually impure. Therefore, here too, when the verse states: “Between blood and blood,” it means: Between the blood of a menstruating woman and the blood of a discharge [ziva], and they are all ritually impure. If so, this verse cannot be cited as proof that there is a type of blood emitted by a woman that is pure.

**NOTES**

**That there is pure blood in a woman – דָאִיכָא דָם טָהוֹר בְּאָשָׁה:** The early commentaries disagree as to the reason all other types of blood, i.e., those not listed in the mishna, are pure. Some say that even those types of blood come from the uterus, but the Torah declared them pure (see Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 5:6–7). The *Tur* likewise writes: Not all blood from the source is impure, but only these five types (see *Terumat HaDeshen*). Others state that the difference between the types of blood listed in the mishna and all other types is that those other types do not come from the uterus (*Smag; Sefer HaHinnukh; Tosefot Rid*), but are caused by wounds (Abravanel's Commentary on the Torah).

**Between pure blood and impure blood – בֵין דָם טָהוֹר לְדָם טָמֵא:** The commentaries state that only the greatest of Sages are qualified to rule with regard to the differences between these types of blood. Similarly, the Jerusalem Talmud (2:7) cites Rav's statement that one may issue rulings with regard to the types of blood only if he is an expert in their appearances and in their names. Even in talmudic times there were Sages who would refrain from examining blood. Nowadays, when people have less understanding (*Smak*), the requisite expertise is lacking (*Meiri; Tur*), and people are unable to discern properly the differences between the types of blood (*Sefer HaEshkol*), one may not rely on his own judgment to distinguish between the impure and pure shades of red; all shades of red blood must be treated as impure.

הָאֵי מְאֵי? בְּשַׁלְמָא דָתָם - אִיכָּא  
לְאַפְלוֹגִי בְּנֵגֶשׂ אָדָם, וּבְפִלְגָתָא דָרְבִּי  
יְהוֹשֻׁעַ וּוּבָנָן,

דָתָן, אִם בְּהֹתָה קָודָם לְשָׁעָר לְבָנָן  
טָמָא, וְאִם שָׁעָר לְבָנָן קָודָם לְבְהֹתָה  
טָהֹר, סְפָק - טָמָא, וּרְبִי יְהוֹשֻׁעַ אוֹמֵר:  
בְּהֹתָה. וְאִם רְבָה: בְּהֹתָה וּטָהֹר.

בְּנֵגֶשׂ בְּתִים - פִּי הָא פְּלוֹגָתָא דָרְבִּי  
אַלְשׁוֹר בְּרֵבִי שְׁמַעַן וּוּבָנָן, דָתָן, וּרְבִי  
אַלְשׁוֹר בְּרֵבִי שְׁמַעַן אָוָם: לְעֹלָם אֲנֵין  
הַבַּיִת טָמָא עַד שִׁירָאָה בְּשַׁנִּי גּוּסִין  
עַל שַׁנִּי אֲבָנִים, בְּשַׁנִּי כּוֹתְלִים, בְּגַעַן  
זֹוּת, אַרְכּוֹ בְּשַׁנִּי גּוּסִין וְחַבּוּ בְּגַרְבִּים.

מַאי טָמָא דָרְבִי אַלְשׁוֹר בְּרֵבִי שְׁמַעַן?  
בְּתִיב: "קִיר" וּבְתִיב: "קִירוֹת", אֵינוֹ  
קִיר שֶׁהוּא בְּשַׁנִּי קִירוֹת - הַזֶּה אָוָם:  
זֶה קָנוּ זָוִית.

בְּנֵגֶשׂ בְּנִידִים - בְּפִלְגָתָא דָרְבִּי יְוֹנָתָן בְּנִי  
אַבְטוֹלְמוֹס וּוּבָנָן. דָתָנָא, וּרְבִי יְוֹנָתָן בְּנִי  
אַבְטוֹלְמוֹס אָוָם: מִנָּן לְפָרִיחַת בְּגַרְבִּים  
שַׁהְיָה טָהֹרָה?

נִאָמֵר "קָרְחַת" וּ"גַבְחַת" בְּבָגְדִים,  
וְנִאָמֵר "קָרְחַת" וּ"גַבְחַת" בְּאָדָם,

The Gemara questions this interpretation: This verse serves as the source for the areas of *halakha* for which a rebellious elder is liable to receive the death penalty for publicly ruling in contradiction to a decision of the Sanhedrin, as it states: “And the man who does presumptuously, in not listening to the priest that stands to minister there before the Lord your God, or to the judge, that man shall die; and you shall exterminate the evil from Israel” (Deuteronomy 17:12). With this in mind, the Gemara asks: **What is this explanation? Granted, there, with regard to leprosy marks, even if all the leprosy marks are impure, one can disagree with the Sanhedrin with regard to the leprosy marks that afflict man, and therefore the rebellious elder could potentially disagree with the court with regard to the issue that is the subject of the dispute of Rabbi Yehoshua and the Rabbis.**

**As we learned in a mishna (*Nega'im* 4:11): If the snow-white leprosy mark [*baheret*], which is one sign of leprosy, preceded the white hair, which is another sign, he is ritually impure, as stated in the Torah (see Leviticus 13:3). And if the white hair preceded the *baheret* he is pure, as this is not considered a sign of impurity. If there is uncertainty as to which came first, he is impure. And Rabbi Yehoshua says: It is dull [keha].<sup>1</sup> And Rabba says, explaining the statement of Rabbi Yehoshua: In the case of uncertainty, the leprosy mark is deemed as though it is of a dull shade, and therefore the person is ritually pure.**

Likewise, **with regard to the leprosy marks of houses** one can find a case where the rebellious elder might dispute the ruling of the Sanhedrin, such as that dispute between **Rabbi Elazar, son of Rabbi Shimon, and the Rabbis**. As we learned in a mishna (*Nega'im* 12:3): **Rabbi Elazar, son of Rabbi Shimon, says: A house is never deemed impure<sup>2</sup> with leprosy unless the leprosy mark will be seen to be the size of two split beans,<sup>3</sup> and it is found on two stones on two walls in a corner between two walls. The length of the mark is that of two split beans, and its width is that of one split bean.**

The Gemara explains: **What is the reason for the opinion of Rabbi Elazar, son of Rabbi Shimon?** The word “wall” is written in the verse, and the word “walls” is written in the same verse: “And he shall see the leprosy mark ... in the walls of the house with hollow streaks, greenish or reddish, and their appearance is lower than the wall” (Leviticus 14:37). **Which is one wall that is like two walls? You must say: This is a corner between two walls.**

Similarly, **with regard to the leprosy marks on garments**, it is possible that the rebellious elder disputed the ruling of the Sanhedrin **with regard to** the issue that is the subject of the **dispute between Rabbi Yonatan ben Avtolemos<sup>1</sup> and the Rabbis**. As it is taught in a *baraita* that **Rabbi Yonatan ben Avtolemos says: From where is it derived with regard to a case where there is a spread of leprosy in garments that culminates with the garment's being completely covered with leprosy marks, that the garment is pure, just as the *halakha* is with regard to a leprosy mark that fully covers a person?**

It is derived via a verbal analogy: **A bareness within** [*karahat*] **and a bareness without** [*gabbahat*] **are stated with regard to leprosy of garments:** “And the priest shall look, after that the mark is washed; and, behold, if the mark has not changed its color, and the mark has not spread, it is impure; you shall burn it in the fire; it is a fret, whether the bareness be within or without” (Leviticus 13:55); **and a bald head** [*karahat*] **and a bald forehead** [*gabbahat*] **are stated with regard to leprosy of a person:** “But if there is in the bald head, or the bald forehead, a reddish-white mark, it is leprosy breaking out in his bald head, or his bald forehead” (Leviticus 13:42).

## LANGUAGE

Dull [keha] – בְּקָה: Rashi cites a version that reads *keha* with the letter *kuf* instead of *kaf*. This term may indicate that Rabbi Yehoshua doubted the matter or was uncomfortable with it. Since the meaning of this term was unclear, it was necessary for Rabba to explain that Rabbi Yehoshua's ruling was that the leprosy mark is pure.

Avtolemos – אַבְטָלְמוֹס: Some say that this name is from the Greek εὐτόλμος, *eutolmos*, meaning brave or a mighty warrior.

## BACKGROUND

Split bean [*geris*] – גְּרִיס: A *geris* is a broken grain or bean. When a bean or a grain is broken in half, its inner surface is flat and convenient for use in measuring. The Sages defined the bean mentioned here with regard to the leprosy mark as the split bean (*Kelim* 17:12), now known as the broad bean or fava bean. The area of this bean, which is considered particularly great, is equal to a square made up of nine lentils, i.e., three lentils by three lentils, which is the same as six barley grains by six barley grains (*Nega'im* 6:1). In the Jerusalem Talmud (*Ma'asrot* 5:3), Rabban Shimon ben Gamliel is cited as saying that this bean was square shaped.

## HALAKHA

A house is never deemed impure, etc. – לְעֹלָם אֲנֵין הַבַּיִת טָמָא  
לְעֹלָם אֲנֵין הַבַּיִת טָמָא, וְכִי: For a house to have the potential to become impure with leprosy it must contain at least eight stones, two for each wall. The reason is that a house is rendered impure only if the leprosy

mark is the size of two split beans, on two stones, as indicated by the plural form in the verse: “The stones in which the leprosy mark is” (Leviticus 14:40). If the leprosy mark is smaller the house is not impure (Rambam *Sefer Tahara, Hilkhot Tzara'at* 14:7).

## BACKGROUND

Blackens only when it is removed from the body – **כִּשְׁנַעֲקֵר הָא מְשֻׁחָר**: When blood is inside the body it does not receive enough oxygen to oxidize its hemoglobin. Once the blood flows from the body, the oxygen in the air oxidizes the iron in the hemoglobin, causing the blood to blacken.

מֵה לֹהֶל – פָּרָח בְּכָלֹו טָהָר, אֲךָ בָּאוּ  
נְמִי – פָּרָח בְּכָלֹו טָהָר.

אֲלָא הַבָּא, אֵין דָם שְׁחוֹר לִיכָּא, בְּמַאי  
פְּלִיגִי?

וּמְמַאי דָּהַנִּי טָהָרִין וְהַנִּי טְמַאִין? אָמַר  
רַבִּי אַבְּהוּ, דָּאָמַר קָרְאָ: "וַיַּאֲרֵן מוֹאָב  
אֶת הַפִּים אַדְמִים פְּדָם." לְמִמְּרָא דָם  
אֲדֹם הוּא, אַיִמָּא אֲדֹם וְתוּלָא!

אָמַר רַבִּי אַבְּהוּ, אָמַר קָרְאָ "דְּמִיחָה"  
"דְּמִיחָה" – חֲרֵי בָּאָן אַרְבָּעָה.

וְהַזָּא אָנָן "חַמְשָׁה" תָּנוּןָ אָמַר רַבִּי חַנִּינָא:  
שְׁחוֹר – אֲדֹם הוּא, אֲלָא שְׁלִיקָה.

תָּנוּןָ נְמִי הַכִּי, שְׁחוֹר – בְּחֻרָת, עַמְוקָה  
מִבֵּן – טְמָא, דָּהַה אַפְּלָו בְּכָהָל – טָהָר.  
שְׁחוֹר זוּ, לֹא מִתְחַלְתּוּ הוּא מְשֻׁחָר,  
אֲלָא כִּשְׁנַעֲקֵר הוּא מְשֻׁחָר, מִשְׁלָל לְדָם  
מִכְּה – לְכִשְׁנַעֲקֵר הוּא מְשֻׁחָר.

"בֵּית שְׁמָאי אָמְרִים: אֲנֵף בְּמִימִי תְּלִקְוָן".  
לְלוֹת לְהֹו לְבֵית שְׁמָאי "דְּמִיחָה" "דְּמִיחָה"  
חֲרֵי בָּאָן אַרְבָּעָה?

Just as there, with regard to a person, if the leprosy spread to his entire body he is **pure**, as the verse states: “Then the priest shall look; and behold, if the leprosy has covered all his flesh, he shall pronounce pure the one who has the leprous mark; it is all turned white: He is pure” (Leviticus 13:13), so too here, with regard to garments, if the leprosy spread to the entire garment<sup>4</sup> it is **pure**.

The Gemara concludes: **But here**, concerning the phrase “between blood and blood,” if there is no type of **pure** blood at all, with regard to what issue could the rebellious elder **disagree** with the Sanhedrin? It must be that this verse is alluding to the fact that there is a type of blood of a woman that is pure.

§ Once it has been established that there are types of blood that are **pure** and other types that are impure, the Gemara asks: **And from where** is it derived that those types of blood that are not listed in the mishna are **pure**, and these ones that are mentioned in the mishna are **impure**? Rabbi Abbahu said that the verse states: “And the sun shone upon the water, and the Moabites saw the water some way off as red as blood” (II Kings 3:22), which indicates that blood is red. The Gemara asks: **Is this to say that blood is red?** If so, one can say that only blood that is **red** like the blood of a wound is ritually impure, and **no more** colors of blood are impure.

Rabbi Abbahu said in response: **The verse states**, with regard to a menstruating woman: “And she shall be purified from the source of her blood [dameha]” (Leviticus 12:7). The plural form of the word blood, *dameha*, indicates at least two types of blood. And another verse states: “And if a man shall lie with a woman having her sickness, and shall uncover her nakedness, he has made naked her source, and she has uncovered the source of her blood [dameha]; both of them shall be cut off from among their people” (Leviticus 20:18). The use of the plural form of blood once again indicates another two types, which means that **there are four** types of blood stated here.

The Gemara asks: **But didn't we learn** in the mishna that there are five types of impure blood in a woman, whereas the verses indicate that there are only four? Rabbi Hanina says: The black blood mentioned in the mishna is actually **red**, but its color has faded, which is why it looks black. Therefore, although the mishna lists five kinds of blood, there are only four basic types.

This opinion, that black blood is actually red blood, is also taught in a *baraita*: The black color of blood that is impure is blood as black as *heret*. If the black is **deeper than that**, the blood is **ritually impure**; if the black is **lighter than that**, even if it is still as dark as blue, the blood is **ritually pure**. **And this black blood does not blacken from its outset**, when it is inside the body; **rather**, it **blackens only when it is removed from the body**.<sup>5</sup> This is **comparable to the blood of a wound**, which is initially red, but **when it is removed from the body it blackens**.

§ The mishna states that **Beit Shammai** say: Even blood like the water in which a fenugreek plant is soaked, and like the liquid that drips from roast meat, are ritually impure. The Gemara asks: **But do Beit Shammai not accept** the exposition of Rabbi Abbahu that the two mentions of the plural form of blood: “*Dameha*” (Leviticus 12:7), and “*Dameha*” (Leviticus 20:18), indicate that **there are four** types of blood **here**?

## HALAKHA

If the leprosy spread to the entire garment – **פָּרָח בְּכָלֹו**: If a garment was quarantined by a priest due to a possible leprous mark, and the mark spread throughout the entire garment, which turned greenish or reddish, the garment is pure. If it spread

throughout the entire garment after he washed the garment, the garment must be burned. The *halakha* is in accordance with the opinion of Rabbi Yonatan ben Avtalemos (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 12:8).

**איבעית אימא:** לית להו. **ואיבעית אימא:** אית להו, מילא אמר רבי חנינה שחור – אדם הו, אלא שלקה, הכא נמי – מלקא הו דלקין.

The Gemara answers: **If you wish, say that Beit Shammai do not accept** this opinion of Rabbi Abbahu, and they maintain that there are more than four types of blood in a woman. **And if you wish, say instead that Beit Shammai do accept** Rabbi Abbahu's exposition, and the apparent contradiction can be resolved as follows: Didn't Rabbi Hanina say with regard to the **black** blood mentioned in the mishna that it is not an additional type, as it is actually **red but its color has faded?** So too, with regard to the colors of blood mentioned by Beit Shammai, that of water in which a fenugreek plant is soaked, and that of the liquid that drips from roast meat, one can say that these are not additional types of blood. Rather, they too were initially red but their color **faded**.

**זביה הלל מטהרין.** הינו תנא קמ�!

§ The mishna states: **And Beit Hillel deem** blood of those colors, i.e., the color of water in which a fenugreek plant is soaked or of the liquid that drips from roast meat, **ritually pure**. The Gemara asks: **Isn't this opinion of Beit Hillel identical to the opinion of the first tanna?**

**אי פא ביניידן**

The Gemara explains: **There is a practical difference between them**

## Perek II

### Daf 19 Amud b

#### להלוות

with regard to whether **to leave in abeyance**, i.e., to treat as uncertain, blood the color of water in which a fenugreek plant is soaked, or the color of the liquid that drips from roast meat. According to the first *tanna* of the mishna there are five types of blood that are definitely impure, whereas other types, such as those mentioned by Beit Shammai, are deemed impure due to uncertainty. By contrast, Beit Hillel maintain that blood of these colors is entirely pure.

**דיווק עקיבא בן מהלאל מטמא. ולית  
לייה לעקיבא "דמיה" "דמיה" הרי פאן  
ארבעה?**

§ The mishna states: Blood that is **green**, Akavya ben Mahalalel **deems it impure**.<sup>n</sup> The Gemara asks: **But does Akavya ben Mahalalel not accept** the exposition of Rabbi Abbahu that the two verses: "*Dameha*" (Leviticus 12:7), and: "*Dameha*" (Leviticus 20:18), indicate that **there are four types of blood here?**

**איבעית אימא:** לית לייה, **ואיבעית אימא:** אית לייה, מילא אמר רבי חנינה שחור – אדם הו, אלא שלקה, הכא נמי – מלקא הו דלקין.

The Gemara answers: **If you wish, say that Akavya ben Mahalalel does not accept** this opinion of Rabbi Abbahu, as he maintains that there are more than four types of blood in a woman. **And if you wish, say instead that Akavya ben Mahalalel accepts** Rabbi Abbahu's exposition, and the apparent contradiction can be resolved as follows: Didn't Rabbi Hanina say, with regard to the **black** blood mentioned in the mishna, that it is actually **red but its color has faded?** Here too, with regard to the green mentioned by Akavya ben Mahalalel, one can say that it was initially red but its color **faded**<sup>n</sup> and turned green.

**זחכמים מטהרין.** הינו תנא קמما!  
**אי פא ביניידן להלוות**

§ The mishna states with regard to blood that is green: **And the Rabbis deem it pure.** The Gemara asks: **Isn't this opinion of the Rabbis identical to the opinion of the first tanna?** The Gemara answers: **There is a practical difference between them** with regard to whether **to leave in abeyance** blood that is green. According to the first *tanna* of the mishna there are five types of blood that are definitely impure, whereas other types, such as green, are impure due to uncertainty. By contrast, the Rabbis maintain that green blood is entirely pure.

**"אמר רבי מאיר: אם אין מטמא משום  
כתם" כו."**

§ The mishna states that **Rabbi Meir said:** Even if the green blood **does not transmit impurity due to the halakhot of a blood stain** or the blood of a menstruating woman, it is blood in that it renders food susceptible to ritual impurity due to its status as one of the seven liquids that render food susceptible.

#### NOTES

**Blood that is green** Akavya ben Mahalalel deems it impure – **היווק שקביא בן מהלאל מטמא**: Some early commentaries cite the opinion of Akavya ben Mahalalel as proof that the green discussed here is similar in color to the *etrog* fruit, i.e., yellow with a reddish tinge, rather than the color of a leek. Their reasoning is that it is unlikely that Akavya ben Mahalalel would deem impure even blood of a shade of green that has no reddish tinge at all (*Tosafot*).

**Here too it faded** – **הכא נמי מלקא הו דליך**: According to this answer, Rabbi Hanina's statement that the color of deteriorated blood can change applies also to a change from red to green. Some commentaries differentiate between various shades of red in this regard, claiming that when there is a deterioration of blood that was like the bright color of the crocus flower, it will turn green (*Rambam's Commentary on the Mishna*).

אמֵר רַבִּי יוֹחָנָן: יְד וּבַי מְאֵיר לְשִׁיטָת  
עֲקֵבָיَا בֶן מַהְלָלֵל וְטִימָא. וְהִכְיָא אָמָר  
לְהוּ לְרַבְּנָן: נָהִי דְּהִיכָּא דְּקָא מִשְׁבְּחָת  
בְּתַם יְרוֹק דִּס יְרוֹק מַגּוֹפָה – טַפְּמָא.  
דְּקָחָנִיא דִּס יְרוֹק מַגּוֹפָה – טַפְּמָא.

אֵי הַכְּיָא, "אָמֵן אִינּוּ מַטְפָּמָא מִשּׁוּם כְּתָם,  
מַטְפָּמָא מִשּׁוּם מִשְׁקָה", "מִשּׁוּם רֹאָה"  
מִבְּשִׁיא לְהָיָה!

אֵלֹא הַכְּיָא קָאָמָר לְהוּ: נָהִי דְּהִיכָּא דְּקָא  
חִזְיאָא דִּס יְרוֹק מַעֲיקָרָא לֹא מַטְפָּמָא יְהוּגָה,  
הִיכָּא דְּחִזְיאָא דִּס אֲרוֹם וְנָדָר חִזְיאָא דִּס  
יְרוֹק – טַפְּמָא, מִידִי דְּהָה אַמְשָׁקָה וּבָ  
וּבָה.

וּרְבָּנָן – דְּכוּמִיא דְּרוֹקָה, מָה רַוֵּק שְׁמַתְעָגָל  
וּזְוֹצָא, אָרֶף בְּלִשְׁמַתְעָגָל וּזְוֹצָא. לְאָפָוקִי  
הָאֵי – דְּאַיִן מַתְעָגָל וּזְוֹצָא. אֵי הַכְּיָא –  
שְׁפִיר קָאָמָרְיוֹ לְיהָ רַבְּנָן לְרַבִּי מְאֵיר!

אֵלֹא הַכְּיָא קָאָמָר לְהוּ: לְהָוִי בְּמִשְׁקָה  
לְהַכְשִׁיר אֶת הַזְּרוּעִים. וּרְבָּנָן – בָּעֵי "דִּס  
חַלְילִים" וְלִיכָּא. אֵי הַכְּיָא, שְׁפִיר קָאָמָרְיוֹ  
לְיהָ רַבְּנָן לְרַבִּי מְאֵיר!

אֵלֹא הַכְּיָא קָאָמָר לְהוּ – אַלְפּוּה בְּגֻרוֹה  
שָׂוָה, בְּתִיב הַכְּיָא: "שְׁלַחְיַךְ פְּרָדָס  
רַמּוֹנִים" וּבְתִיב הַתָּם: "וַיְשַׁלַּח מִים עַל  
פְּנֵי חֻזּוֹת".

Rabbi Yoḥanan says: Rabbi Meir accepted the opinion of Akavya ben Mahalalel and deemed green blood impure as blood of a menstruating woman. And as for his statement in the mishna, this is what Rabbi Meir was saying to the Rabbis: Granted that in a case where a woman finds a green stain on an article of clothing you do not deem her ritually impure, as its greenness is an indication that it did not come from her body. But in a case where she actually sees green blood come from her body, she shall be impure.

The Gemara raises a difficulty with this interpretation: If so, why did Rabbi Meir say: Even if it does not transmit impurity due to the halakhot of a blood stain, it renders food susceptible to ritual impurity due to its status as a liquid? According to the above explanation, he should have said: If the woman saw the emission of this blood, she is impure as a menstruating woman.

Rather, this is what Rabbi Meir was saying to the Rabbis: Granted that in a case where the woman sees green blood from the outset you do not deem her ritually impure, but in a case where she sees red blood and then sees green blood, she shall be impure. This is just as it is with regard to the halakha of the fluids of a man who experiences a gonorrhea-like discharge [zav] and a woman who experiences a discharge of uterine blood after her menstrual period [zava]. All fluids emitted by a zav or zava, such as saliva and urine, are impure. Likewise, green blood that is emitted by this woman who has already emitted red blood should be impure.

The Gemara asks: And how would the Rabbis respond to this? The Gemara answers: They maintain that the impure fluids of a menstruating woman are only those that are similar to saliva: Just as when saliva leaves one's mouth it is first gathered together and then expelled<sup>14</sup> from the body, so too, all impure fluids are those that are gathered together and then expelled. This definition serves to exclude this green blood, which is not gathered together and expelled. The Gemara asks: If so, the Rabbis spoke well to Rabbi Meir, i.e., their answer is convincing. Why does Rabbi Meir deem green blood impure?

Rather, this is what Rabbi Meir was saying to the Rabbis: Let green blood be at least like one of the seven liquids that render seeds upon which they fall susceptible to ritual impurity. Why is green blood deemed pure even with regard to this matter? And the Rabbis disagree because they require that every type of blood that renders food susceptible to ritual impurity be like that mentioned in the verse: "And drink the blood of the slain" (Numbers 23:24), i.e., the blood that flows at the time of death; and green blood is not the type that flows at the time of death. Therefore, it does not render food susceptible to ritual impurity. The Gemara again asks: If so, the Rabbis spoke well to Rabbi Meir. Why does he disagree with them?

Rather, this is what Rabbi Meir was saying to the Rabbis: Learn this halakha that green blood renders food susceptible to ritual impurity from the following verbal analogy: It is written here, in a description of the beloved woman that alludes to her menstrual blood: "Your shoots [shelahayikh] are an orchard of pomegranates" (Song of Songs 4:13), and it is written there: "Who gives rain upon the earth, and sends [veshole'ah] waters upon the fields" (Job 5:10). This verbal analogy indicates that menstrual blood is similar to water in that both render food susceptible to ritual impurity.

#### HALAKHA

Just as saliva is first gathered together and then expelled, as saliva is gathered together before it is expelled, whereas this etc. – If a woman saw green blood, it is green blood flows from her body (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 1:8).

וּבָנִים – אֲדָם זֶן קָל וְחוֹמֵר בְּעַצְמוֹ, וְאֵין  
אֲדָם דָּן גָּרוֹה שָׂוָה בְּעַצְמוֹ.

רַבִּי יוֹסֵי אָוֹרֶר לְאַכְּנָן וּכְוֹ. הַיּוֹנוֹ תְּנָא  
קְפָמָא! הָא קָא מְשֻׁמָּעַ לָן: מִאֵן תְּנָא  
קְפָמָא – רַבִּי יוֹסֵי, וְכָל הַאֲוֹרֶר דָּבָר בְּשָׁמָן  
אָוֹרֶר מִבְּיאָגָא לְאַיִלָּה לְעַלְלָם.

אֵי יְהוָה אֲדוֹם בְּרֵם הַמְּפָכָה. מַיִּ "בְּרֵם  
הַמְּפָכָה"? אָמָר רַב יְהוּדָה, אָמָר שְׁמוּאֵל.  
בְּרֵם שׁוֹר שְׁחוֹת.

וְלִימָא: בְּרֵם שְׁחִיטָה! אֵי אָמָר בְּרֵם  
שְׁחִיטָה – הַוָּה אַמְּנִיאָא כְּכָלָה שְׁחִיטָה,  
קָא מְשֻׁמָּעַ לָן בְּרֵם הַמְּפָכָה – כְּתִיחִילָת  
הַכְּאָה שֶׁל סְפִינָן.

עֲוִילָא אָמָר: בְּרֵם צְפּוֹר חַיָּה. אַיְבָעֵיא  
לְהָזֶה: חַיָּה – לְאַפְוקִי שְׁחוֹת, אוֹ דְלִמְאָה  
לְאַפְוקִי בְּחוֹשָׁן? תִּיקְוָן.

וְעִירָא, אָמָר רַבִּי חָנִינָא: בְּרֵם מְאַכְּלָת  
שֶׁל רָאשׁ. מִתְּחִיבִי: הַרְגָּה מְאַכְּלָת  
הַרְגָּה זוֹה תֹּולָה בָּה, מַאי לְאוֹ – דְכֹלְיָה  
גּוֹפָה! לְאָ, דְרָאָשָׁה.

**And the Rabbis disagree with Rabbi Meir, as they do not have a tradition that this is an accepted verbal analogy, and there is a principle that although a person may derive an *a fortiori* inference on his own, i.e., even though he was not taught that particular logical argument by his teachers, a person may not derive a verbal analogy on his own,<sup>N</sup> but only if he received it by tradition.**

**§** The mishna states that **Rabbi Yosei says: Neither in this sense, as the blood of a menstruating woman according to Akavya ben Mahalalel, nor in that sense, as a liquid that renders food susceptible according to Rabbi Meir, is green blood considered blood.** The Gemara raises a difficulty: Isn't this the same as the opinion of the first *tanna*? The Gemara answers that this is what the mishna is teaching us: Who is the first *tanna*? **Rabbi Yosei.** And the reason Rabbi Yosei's name is mentioned is due to the principle that anyone who reports a statement in the name of the one who said it brings redemption to the world.

**§** The mishna states: What is the red color of blood that is impure? It is as red as the blood that flows from a wound.<sup>N</sup> The Gemara asks: What is the meaning of the phrase: As the blood that flows from a wound? **Rav Yehuda says that Shmuel says: Like the blood of a slaughtered ox.**

The Gemara inquires: But if so, let the *tanna* of the mishna say explicitly that it is as red as the blood of slaughter. The Gemara explains: If the *tanna* had said that it is as red as the blood of slaughter, I would say that it means as red as the blood that flows throughout the entire slaughter, and it would apply to the shades of all blood emitted during the process. Therefore, the *tanna* teaches us that it is as red as the blood that flows from a wound, i.e., as the blood that flows at the beginning of the slitting with the slaughtering knife.

The Gemara cites other definitions of the color described in the mishna as: Red as the blood that flows from a wound. **Ulla says:** It is red like the blood that flows from a living bird that was wounded. A dilemma was raised before the Sages: When Ulla specified that the bird is living, did he mean that it was not dead, to exclude the blood of a slaughtered bird? Or perhaps he meant that the bird was healthy, to exclude the blood of a weak bird. No answer was found, and therefore the Gemara concludes that the dilemma shall stand unresolved.

The Gemara cites another definition: **Ze'eiri says that Rabbi Hanina says:** It is red like the blood that comes from a squashed head louse. The Gemara raises an objection from a mishna that discusses a stain found on a woman's garment (58b): If a woman killed a louse<sup>H</sup> and subsequently found a blood stain on her garment or body, this woman may attribute the stain to that louse, and she remains pure. The Gemara explains the objection: What, is it not correct to say that this is referring to a louse from all parts of her body, not just the head, as claimed by Rabbi Hanina? If so, the color of impure blood is like the color of the blood of a louse from anywhere on the body. The Gemara answers: No; this halakha is referring specifically to a louse that was on her head.

### HALAKHA

If a woman killed a louse – **הַרְגָּה מְאַכְּלָת**: If a woman killed an insect and subsequently found a blood stain up to the size of a lupine to that creature. The halakha is in accordance with the ruling of the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:23; Shulhan Arukh, Yoreh De'a 190:7, and see 190:26).

### NOTES

A person may not derive a verbal analogy on his own – **אֵין בְּרֵם זֶן גָּרוֹה שָׂוָה בְּעַצְמוֹ:** The verbal analogy is one of the hermeneutical principles of the Torah and is included in all the lists of these principles, e.g., the seven principles of Hillel the Elder, the thirteen principles of Rabbi Yishmael, and the thirty-two principles of Rabbi Elazar, son of Rabbi Yosei HaGelili. A verbal analogy may be drawn only if a Sage received it as a tradition from his teachers that was passed down from one generation to another as a halakha transmitted to Moses from Sinai (Rashi; see Rashi on *Sukka* 11b).

As the blood that flows from a wound – **בְּרֵם הַמְּפָכָה:** The early commentaries explain that these *amora'im* who offer various descriptions of this blood are not in dispute. Rather, each was familiar with a particular appearance of blood, all of which are included in the category of blood that is red as the blood that flows from a wound (Ramban; Rashba; Ritva). The Rambam cites one definition alone, that of Rav Nahman (Sefer Kedusha, Hilkhot Issurei Bia 5:8, 11).

**PERSONALITIES**

**Ami of Vardina – עמי ורדיינה:** Ami of Vardina, from the third generation of *amora'im* in Eretz Yisrael, is mentioned in several places in the Talmud. He taught in the household of the *Nasi*. According to Rashi, he is also known as Ami the Handsome [*Shefir Na'eh*], which is possibly a translation of Vardina or an analogous name. Others say that the name alludes to the idea that he was as beautiful as a rose [vered].

**HALAKHA**

She may attribute a blood stain she finds on her garment to her son or to her husband – תולָה בְּבִנָה וּבְבָעֵלָה: If a woman's son or husband had been in contact with blood stains or had suffered an injury, she may attribute a blood stain on her clothing to them. But if there were no stains on their persons, she may not attribute her stain to them, unless their activity was such that the blood would have sprayed, e.g., the act of slaughter (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 9:24; *Shulhan Arukh, Yoreh De'a* 190:19).

אמִי וַרְדִינָה, אָמָר רַבִי אֲבָהָה: כְּרֹם  
אֶצְבָע קְטֻנָה שֶׁל יָד, שְׁגַנְפָה וְחַיִתָה  
וְחוֹרָה וְגַנְפָה, וְלֹא שֶׁל בָּל כָּל אָדָם אֶלָּא  
שֶׁל בָּחוֹר שֶׁלֹּא נִשְׁאָה אֲשֶׁר. וְעַד בָּמָה?  
עד בָּן עֲשָׂרִים.

The Gemara cites yet another definition of the color described in the mishna as: Red as the blood that flows from a wound. The Sage Ami of Vardina<sup>9</sup> says that Rabbi Abbahu says: It is red as the blood that flows from the **smallest finger of the hand, which was wounded and later healed and was subsequently wounded again**. And this is not referring to the finger of any person, but specifically to the finger of a young man who has not yet married a woman. And furthermore, this does not mean any young man; rather, until what age must he be? Until twenty years old.

מִתְיָבֵב: תֹּולָה בְּבִנָה וּבְבָעֵלָה, בְּשָׁלְמָא  
- בְּבִנָה - מִשְׁבְּחָת לָה, אֶלָּא בָעֵלָה -  
הַיְכִי מִשְׁבְּחָת לָה?

The Gemara raises an objection from the aforementioned mishna (58b): If the woman's husband or son suffered an injury, she may attribute a blood stain she finds on her garment to her son or to her husband,<sup>10</sup> and she remains pure. The Gemara analyzes this halakha: Granted, with regard to the ruling that she may attribute it to her son, you can find a case where this meets all the requirements specified by Rabbi Abbahu, i.e., he could be younger than twenty and unmarried. But with regard to the ruling that she may attribute it to her husband, how can you find a case where her husband is unmarried?

אָמָר וּבְנַחֲמָן בָּר יִצְחָק: בְּגּוֹן שְׁנִכְנָסָה  
לְחוֹפֶה וְלֹא גַּבְעֵלָה.

Rav Nahman bar Yitzḥak says: It is possible in a case where this woman entered the marriage canopy but has not yet engaged in intercourse with her husband. In such a situation, although he is her husband he is physically akin to an unmarried young man. Therefore, she can attribute the blood stain to his wound.

רַב נַחֲמָן אָמָר: כְּרֹם הַקּוֹה. מִתְיָבֵב:  
מִשְׁעָה וְתֹולָה רַבִי מֵאִיר

Rav Nahman says: This red is like the blood spilled in the process of bloodletting. The Gemara raises an objection from a *baraita*: An incident occurred involving a blood stain found on a woman's garment, and Rabbi Meir attributed

**Perek II****Daf 20 Amud a****LANGUAGE**

Eye salve [kilor] – קִילָר: From the Greek κολλύριον, *kollurion*, meaning a salve for the eyes.

בְּקִילָר, וּרְבִי תֹּולָה בְּשָׁרָף שְׁקָמָה. מַאי  
לֹא – אֶאָדוּם?

it to an eye salve [bekilor],<sup>11</sup> which the woman had previously handled. And likewise, Rabbi Yehuda HaNasi attributed a stain to the sap of a sycamore<sup>12</sup> tree the woman had touched. The Gemara explains the objection: What, is it not the case that Rabbi Meir and Rabbi Yehuda HaNasi attributed red bloodstains to these causes because they are red, albeit not as red as blood? Evidently, the color of impure blood can be similar to such shades of red as well, which means that all these distinctions mentioned by the *amora'im* above are irrelevant.

לֹא, אֲשֶׁר דְמִים.

The Gemara answers: No; Rabbi Meir and Rabbi Yehuda HaNasi attributed stains to an eye salve and the sap of a sycamore tree because those stains were like the other types of blood mentioned in the mishna.

**BACKGROUND**

Sycamore – שְׁקָמָה: The sycamore, *Ficus sycomorus* L., is a tall, wide tree similar to a fig tree. Although it is possible to eat the fruits of a sycamore tree, it is usually grown for its wood, as the trunk is wide, large, and relatively light. Typically, a sycamore is

left to grow until it reaches a significant size, at which point it is chopped down. The remaining part of the tree grows again, and it is chopped down every few years. Sycamore trees thrive in heat and grow primarily in plains, not in mountainous regions.

אמימר ומור וטרא ורב אשיה הוו יתבי  
קמיה אומנא. שקליליה קרנא קמיטא  
לאםימה, חיזיה, אמר לה: אדרום דתנן –  
בי' הא. שקליליה אהתרוי, אמר לה:  
אשטע. אמר רב באש: בגון אנא. דלא  
ירענאנ בון הא ליה – לא מבעי לי  
למחזי דמא.

"שחור בחרות". אמר רב בר רב הונא:  
חרות שאמרו – דיו. תניא נמי הבי.  
שחור – בחרות, ושחור שאמרו – דיו.  
ולימא דיו! אי אמר דיו – זהה אמרינא:  
כיפכהוּתא דרייטה, קא משמען – כי  
חרותא דרייטה.

איבעניא להו: בלחה או ביבשתא? פה  
שמע: רביامي פלי קירטה דרייטה  
ובידיק בה.

אמר רב יהודה, אמר שמואל: בקיר,  
בדיו, ובעגב – טמאה, וזה שׁנינו  
עמוק מבן – טמאה". אמר רבי אלעזר:  
כוית, בזפת, ובערוב – טהור, וזה  
שׁנינו "דיהה מבן – טהור."

The Gemara relates that **Ameimar and Mar Zutra and Rav Ashi were sitting before a bloodletter**,<sup>b</sup> to receive treatment. The bloodletter removed blood in a bloodletter's **horn**<sup>b</sup> from Ameimar for his first treatment. Ameimar saw the blood and said to his colleagues: The red color that we learned about in the mishna is like this blood in the horn. The bloodletter again removed blood from Ameimar, this time using another horn. Upon seeing the blood in this horn, Ameimar said to them: The color of this blood has changed compared to the blood in the first horn. Rav Ashi, who saw both types of blood, said: Any Sage such as myself, as I do not know how to distinguish between this blood and that blood, should not see, i.e., examine, different types of blood to issue a ruling as to whether they are pure or impure.

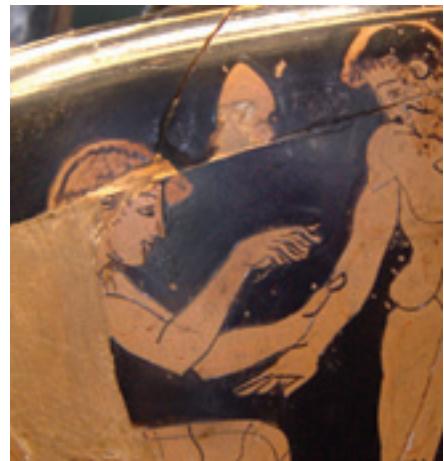
**§** The mishna teaches: What is the black color that is impure? It is blood as black as *heret*. **Rabba bar Rav Huna says:** This *heret* of which the Sages spoke is ink.<sup>bh</sup> The Gemara notes that this opinion is also taught in a *baraita*: This black color is like *heret*, and the black of which the Sages spoke is ink. The Gemara asks: But if so, why does the *tanna* of this *baraita* mention both terms? Let him say simply: Ink. The Gemara explains: If the *tanna* had said only: Ink, I would say that he means that it is like the clear part of the ink, i.e., the upper portion of ink in an inkwell, which is very bright. Therefore, the *tanna* of the *baraita* teaches us that it is like the blackness [*haruta*] of the ink, the lower part of the inkwell, which is darker.

**A dilemma was raised before the Sages:** To which type of *heret* were the Sages referring? Were they referring to moist or dry *heret*? Come and hear a resolution from a practical ruling, as when black blood was brought before Rabbi Ami he would break up pieces of dried ink and examine blood with it.

**§** The mishna states that if the blackness of the blood is deeper than ink, it is impure, whereas if it is lighter it is pure. In this regard, **Rav Yehuda says that Shmuel says:** If a woman saw blood whose color was like black wax [*kekir*]<sup>l</sup> or like black ink<sup>n</sup> or like a black grape, she is ritually impure. And this is the meaning of that which we learned in the mishna: If the black is deeper than that, it is ritually impure. **Rabbi Elazar says:** If a woman saw blood whose color was like a black olive, or like black tar,<sup>bh</sup> or like a black raven,<sup>b</sup> this blood is pure. And this is the meaning of that which we learned in the mishna: If the black is lighter than that, it is ritually pure.

## BACKGROUND

**Bloodletter – אומנָא:** This was a quasi-medical profession. Typically a bloodletter performed only the letting of blood, which was considered for many generations a healing treatment for various ailments and a method of ensuring general health. On occasion, a bloodletter would also perform simple surgeries such as circumcision (see, e.g., *Shabbat* 133b).



Bloodletting scene depicted on a Greek earthenware vessel

**Horn – קרנא:** According to Rashi, blood was drawn from incisions in the flesh, into a ram's or cow's horn, by creating a vacuum through heating, or by sucking. It is also possible that these horns were used for storing the blood.

**Ink – דיו:** In the talmudic period, ink was primarily a combination of soot and oil, and various substances were added to it before it was mixed with water. Although it came in different colors, ink was generally black. On most parchment, this ink was erasable and could be blotted out with water. Certain substances, e.g., copper sulfate, were occasionally used to render the ink more permanent.

**Tar – פט:** In ancient times tar was prepared by slowly burning wood, which would transform into charcoal while releasing various fluids, from which tar and pitch would be made. Tar is the thicker of the two, and its foul odor is due to additional materials found in the fluid. Tar was sometimes made from naturally occurring asphalt.

**Raven [orev] – עורב:** The word *orev* is an umbrella term for a group of birds characterized by their large bodies and powerful cries. This group includes the black *orev*, or raven, all of whose feathers are black. Due to its color, the raven is used in the imagery of items that are thick black, as in the verse: "His locks are curled, and black as a raven" (*Song of Songs* 5:11).



Black raven

## LANGUAGE

**Wax [kir] – כיר:** From the Greek κηρός, *kēros*, or the Latin *cera*, meaning wax.

Like black ink – **כדי:** The commentaries are puzzled by this statement of Rav Yehuda citing Shmuel, as a *baraita* quoted earlier says the black mentioned in the mishna is like ink, whereas here Rav Yehuda says that ink is blacker than that. They explain

that there is a difference between fresh ink, which is what the black referred to in the mishna is like, and old ink, which is very black (Rashba).

## HALAKHA

This *heret* of which the Sages spoke is ink – **כדי:** The black color of blood that the Sages said is impure in the case of a woman is like dried ink, as stated by Rabba bar Rav Huna (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 5:8).

**כיפת כופת וכו':** If the blood was blacker than dried ink it is impure. If it was less black than that, e.g., it was like a black olive, or tar, or a raven, it is pure. An analogous *halakha* applies to the other colors of impure blood (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 5:9).

### LANGUAGE

**Arab** [tayya'a] – طَيْعَة: This word is similar to the name of the Arab nomadic tribe طائی, tā'i. Apparently, the members of this tribe were so common in the area close to Babylonia at that time that any unidentified Arab was referred to as *tayya'a*.

**Bath attendants** [olyarin] – אֲוֹלַיְרִין: The origin of this word and its meaning are unclear. Its root might be from the Latin olearius, which relates to oil. Since the garments of bath attendants were imported from overseas and were not familiar to all, there were disputes with regard to their color. Some commentaries state that the term is from the Greek ὄλερόν, oleron, meaning unclean or faded.

### NOTES

Not...in black cloths nor in white cloths – לא בלבילים שחורים ולא בלבילים לבנים: Although certain Sages, such as Rabbi Yannai here, commanded their descendants not to bury them in white, other Sages, e.g., Rabbi Yoshiya, expressed a desire to be buried specifically in white. This is the practice nowadays as well, and it is the proper custom (Rambam Sefer Shofetim, Hilkhot Evel 4:1; Shulchan Arukh, Yoreh De'a 352:2).

Lest I be acquitted...lest I not be acquitted – שָׁמַא אֶזְכָּה...שָׁמַא לֹא אֶזְכָּה: Rashi explains that this refers to the judgment with regard to receiving a portion in the World-to-Come. The grooms are the righteous, while the mourners are the wicked in Gehenna.

With regard to all of these, if it is deeper than that in the mishna it is ritually impure; if it is lighter...it is ritually pure – בְּלֹא עַטְבָּק בֵּין טָמֵא וְטָהוֹר...תְּהִיא: The early commentaries explain that although the color that is lighter than red is deeper than the bright color of the crocus flower, and the color that is lighter than the bright color of the crocus flower is deeper than the color of water that inundates red earth, all these intermediate shades are ritually pure. The reason is that it is derived from the verses that there are four types of blood, and the Sages have a tradition that women see only these four types during menstruation, and not in-between shades (*Tosefot HaRosh*).

ולְאָמָר: כְּלֹבֶשֶׂא סְיוֹאָה. עַוְלָא אֲקָלָע  
לְפָוְמְבָדִתָּא, חִוְיהַ לְהַהְוָא טִיעָא דְּלָבָושׁ –  
לְבָשָׂא אֲוֹכָמָא. אָמָר לְהָוָה: "שְׁחוֹר" דַּתָּנָן –  
כִּי תְּאִי. מַרְטוּ מִינְהָ פּוֹרְתָּא פּוֹרְתָּא, יְהֻבוֹ  
בֵּיהְ אַרְבָּעָ מְאָה זָוִי.

רַבִּי יוֹחָנָן אָמָר: אֵלּוּ בְּלִים הָאֲוֹלִירִין הַבָּאִים  
מִמְּדִינַת הַיּוֹם. לְמִימְרָא דְּאוֹכְמִי נִנְהָוָה?  
הַדָּא מַרְטוּ לְהַוְבִּי נִיְאַי לְבִינוֹ: בְּנִי, אֲלֵל תְּקִבּוֹנִי  
לֹא בְּכָלִים שְׁחוֹרִים וְלֹא בְּכָלִים לְבִנִים.  
שְׁחוֹרִים – שְׁמָא אֶזְכָּה, וְאֶהָהִיא בְּאַבְלָבִין  
הַחֲתִים, לְבִנִים – שְׁמָא לֹא אֶזְכָּה, וְאֶהָהִיא  
בְּחַדְנָן בֵּין הַאֲבִילִים, אֵלּוּ בְּכָלִים הָאֲוֹלִירִין  
הַבָּאִים מִמְּדִינַת הַיּוֹם.

אֵלּוּ מְאָה – לֹא אָוֹכְמִי נִנְהָוָה לְאַקְשִׁיא, הָא  
בְּגִילִמְאָה, הָא – בְּפַתּוֹרָא.

אָמָר וּבְיִהוּדָה, אָמָר שְׁמוּאֵל: וְכָלִם אֵין  
בּוֹדְקִין אֵלּוּ עַל גַּבְיוֹ מִטְלִית לְבִנָה. אָמָר וּבְ  
יעַצְקָבָר אֶבְוּדִים: וְשָׁחֹר – עַל גַּבְיוֹ אֲדוֹם.

אָמָר וּבְיִרְמְeyeָה מִדְפְּתִי: וְלֹא פְּלִיגִין, הָא  
בְּשָׁחֹר, הָא – בְּשָׁאָר דְּמִים. מוֹתְקִיר לְהָ  
רַב אֲשִׁי: אֵי הַכִּי, לִימָא שְׁמוֹאֵל "חוֹזֵ  
מְשָׁחָרוֹ?" אֵלּוּ אָמָר רַב אֲשִׁי: בְּשָׁחֹר גּוֹפִיה  
קְנִימִפְּלִגִין.

אָמָר עַוְלָא: כּוֹלָן – עַמּוֹק מִכְּנָן – טָמֵא, דִּיְהָ  
מִכְּנָן – טָהוֹר, בְּשָׁחֹר.

**Ulla** says: When the mishna states that black blood is impure, it means like the garments of the inhabitants of Siva'a, which were extremely black. The Gemara relates that when Ulla happened to go to Pumbedita, he saw a certain Arab [tayya'a]<sup>L</sup> who was dressed in a black garment. Ulla said to the Sages of Pumbedita: The black color that we learned about in the mishna is like this color. Since people wanted a sample of the shade of blood mentioned in the mishna, they tore the Arab's garment from him bit by bit, and in recompense they gave him four hundred dinars.

**Rabbi Yoḥanan** says: The black blood that the mishna says is impure is like these cloths of the bath attendants [haolyarin]<sup>L</sup> who come from overseas. The Gemara asks: Is that to say that these are black cloths? But didn't Rabbi Yannai say to his sons: My sons, do not bury me in black cloths nor in white cloths.<sup>N</sup> Not in black, lest I be acquitted in judgment and I will be among the righteous like a mourner among the grooms. And not in white, lest I not be acquitted<sup>N</sup> in judgment and I will be among the wicked like a groom among the mourners. Rather, bury me in the cloths of the bath attendants who come from overseas, which are neither black nor white. Apparently, these cloths of the bath attendants are not black.

The Gemara answers: This is not difficult, as a distinction can be made. When Rabbi Yannai indicates that they are not black, that is referring to a regular garment, whereas with regard to the statement of Rabbi Yoḥanan that indicates that they are black, that is referring to a cloth placed on an item such as a table or a bed.

§ With regard to the examination of the five types of blood mentioned in the mishna, Rav Yehuda says that Shmuel says: And with regard to all of them, in their various shades, one examines them only when they are placed on a white linen cloth,<sup>H</sup> as only in this fashion can one properly discern the precise color of the blood. Rav Yitzḥak bar Avudimi says: And in the case of black blood, one must place it on a red linen cloth.

**Rav Yirmeya of Difti** says: And Shmuel and Rav Yitzḥak bar Avudimi do not disagree, as this statement of Rav Yitzḥak bar Avudimi is referring specifically to black blood, whereas that ruling of Shmuel that one must use a white cloth is referring to the other four types of blood listed in the mishna. **Rav Ashi objects to this interpretation:** If so, let Shmuel say: With regard to all of them except for black, one examines them only when they are placed on a white linen cloth. **Rather, Rav Ashi says:** Shmuel and Rav Yitzḥak bar Avudimi disagree with regard to black blood itself, whether it should be examined against the background of a white or a red cloth.

**Ulla** says: With regard to all of these five types of blood enumerated in the mishna, if the color is deeper than that which is described in the mishna the blood is ritually impure; if it is lighter than it, the blood is ritually pure,<sup>NH</sup> as explicitly stated in the mishna with regard to black.

### HALAKHA

One examines them only when they are placed on a white linen cloth – אֵין בּוֹדְקִין אֵלּוּ עַל גַּבְיוֹ מִטְלִית לְבִנָה: One must place the blood on a white linen cloth in order to examine it, as stated by Rav Yehuda, citing Shmuel (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:12).

If the color is deeper than that which is described in the mishna it is ritually impure; if it is lighter than it, it is ritually pure – עַמּוֹק – מִכְּנָן דִּיְהָ מִכְּנָן טָהוֹר: With regard to the colors of impure blood,

if a woman saw blood that was the same or deeper than the shade mentioned in the mishna, the blood is impure. If it was lighter than that, it is pure. How so? If the blood was blacker than dried ink, it is impure. If it was less black than that, e.g., like a black olive, or tar, or a raven, it is pure. An analogous halakha applies to the other colors of impure blood, in accordance with the opinion of bar Kappa (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:9).

ואלא מאי שנא שחור דקתק? סלקה דעתך  
 אפיקניא: הואיל ואמר ובי חנינא שחור -  
 אידום הוא, אלא שלקה, הילך - אפיקו  
 ר' יוחה בגין נמי ליטמא, קמישמע לו.

The Gemara asks: But if so, what is different about black, that the mishna mentions this *halakha* only with regard to that color? The Gemara answers: The reason is that it might enter your mind to say that since Rabbi Hanina says: The black blood mentioned in the mishna is actually red but its color has faded, therefore, even if it is lighter than that which is described in the mishna, it should also be impure. Consequently, the mishna teaches us that even with regard to black blood, if the color is lighter than the shade mentioned in the mishna, it is pure.

רביAMI בר אבא אמר: ובולן, עמוק בגין -  
 טמא, ר' יוחה בגין - נמי טמא, חוץ מטהר.  
 אלא מאי אהני שיעוריה דרבנן? לא פוקוי  
 ר' יוחה דר' יוחה.

Rabbi Ami bar Abba says: And with regard to all of these five types of blood, if the color is deeper than that which is described in the mishna, the blood is ritually impure; if it is lighter than that which is described in the mishna, it is also ritually impure, except for black, which is pure if it is lighter. The Gemara asks: But if these types of blood, except for black, are impure whether they are deeper or lighter than the specific shade described in the mishna, what purpose do the measures specified by the Sages in the mishna serve? The Gemara answers that these descriptions are to the exclusion of a color that is lighter than lighter, i.e., the color is so faint that it does not qualify as impure blood.

ואיבא דאמרין רמי בר אבא אמר: ובולן,  
 עמוק בגין - טהור, ר' יוחה בגין - טהור, חוץ  
 מטהר. ולחייב מחייב שיעוריה דרבנן.

And there are those who say a different version of the above statement. Rami bar Abba says: And with regard to all of these five types of blood, if the color is deeper than that which is described in the mishna, it is ritually pure; if it is lighter than that, it is also ritually pure, except for black, which is impure if it is deeper. And for this reason the measures, i.e., descriptions, of the Sages are effective, as any discrepancy from these descriptions means that the blood is pure.

בר קפרא אמר: ובולן, עמוק בגין - טמא.  
 ר' יוחה בגין - טהור. חוץ מטמג, שעומוק  
 בגין - טהור, ר' יוחה בגין - טהור. בר קפרא  
 אמר ר' יוחה ליה - ורבבי, אעמיקו ליה - ורבבי.  
 אמר רבי חנינא: במה נפש גברא דלביה  
 קמישמעתיה!

Bar Kappara says: And with regard to all of them, if the color is deeper than that, the blood is impure; if it is lighter than that, it is pure, except for blood the color of diluted wine,<sup>4</sup> with regard to which if the color is deeper than that, the blood is pure, and if it is lighter than that, it is also pure. The Gemara relates that in an effort to test bar Kappara, the Sages brought before him blood that had the appearance of diluted wine and they lightened it, and bar Kappara deemed it pure. On another occasion they deepened the color of blood that looked like diluted wine, and again bar Kappara deemed it pure. Rabbi Hanina says in astonishment: How great is this man whose heart, which is so sensitive it can distinguish between such similar shades of blood, is in accordance with his ruling of *halakha*.

ובקמן ברכות. תנא: לח ולא יבש.

§ The mishna teaches, with regard to the colors of impure blood: And what is the color that is like the bright color of the crocus flower that is impure? It is like the brightest part of the flower, which is used to produce the orange-colored spice saffron. The Sages taught: This is referring to the appearance of moist saffron that is still fresh and not to its dry counterpart.

המי חרדא: בתחתון לא בעליין, ותנייא אידע:  
 בעליין ולא בתחתון, ותנייא אידע: בעליין,  
 וכל שכן בתחתון, ותנייא אידע: בתחתון  
 וכל שכן בעליין.

With regard to this color, it is taught in one *baraita* that it is like the lower part of the crocus flower, not like its upper part; and it is taught in another *baraita* that it is like the upper part of the flower and not like its lower part; and it is taught in another *baraita* that it is like its upper part, and all the more so blood whose color is like its lower part is impure; and it is taught in yet another *baraita* that it is like its lower part, and all the more so blood whose color is like its upper part is impure.

#### HALAKHA

Except for diluted wine – **חוץ מטמג**: How does one examine blood that is similar in appearance to diluted wine? One mixes one part fresh undiluted wine from the Sharon region in Eretz Yisrael with

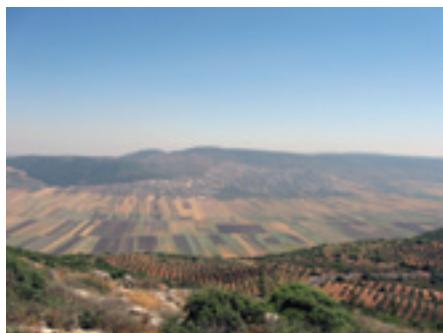
two parts water. If the blood was deeper or lighter than this mixture, it is pure, as stated by bar Kappara (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 5:10).

## BACKGROUND

**Yodfat Valley – בקעת יודפת:** Like the other valleys mentioned here, the Valley of Yodfat, or Yotvat, is located in the Lower Galilee. As for its precise location, some say that it is in the upper wadis of the Yodfat River. Others maintain that the reference is to the delta of the Yodfat River, which is near Khirbet Qana. Yet others identify the Valley of Yodfat with Beit Netofa Valley.



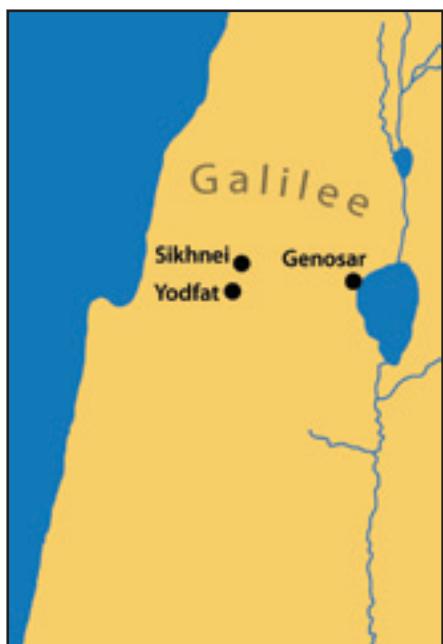
Yodfat Valley



Beit Netofa Valley

**Sikhnei Valley – בקעת סכני:** The Sikhnei Valley is somewhere near Sakhnin, with the Shagor mountain range to the north and the Yodfat range to the south.

**Genosar Valley – בקעת גנוסר:** This valley has been identified as the delta of the Tzalmon River, in the Lower Galilee. Like the other valleys listed here, it is named after a nearby settlement, in this case Genosar, which is probably the site occupied later by the Arab village Ghuwayr Abu Shusha.



Locations of Yodfat, Sikhnei, and Genosar

אמור אבוי: תְּלַתָּא דָּרִי וְתְּלַתָּא טְרֵפָן

חוֹזֶן

נְקוֹט דָּרָא מִצְעָה וְטוֹפָא מִצְעָה

בִּידָּה

Abaye says that these *baraitot* do not contradict one another, as the crocus has three layers of the brightly colored parts of the crocus flower harvested for saffron, one above the other, and in each layer there are three leaves,<sup>h</sup> i.e., styles or stigmata.

In order to examine blood whose color is similar to saffron, you should grasp the middle leaf of the middle layer in your hand and compare it to the blood. If they are similar, the blood is impure. Consequently, the four *baraitot* do not contradict one another: The first two *baraitot* are referring to the layer of leaves that must be examined. The first *baraita* says that it is the lower one, as the middle layer is lower than the upper one, while the second *baraita* states the reverse because the middle layer is higher than the lower one. Meanwhile, the last two *baraitot* are dealing with the leaves within the middle layer. The *baraita* that states: Like its lower part, and all the more so like its upper part, means: Like the lowest of the three leaves and all the more so like the middle leaf, which is above that leaf, while the other *baraita* states a similar idea with regard to the upper and middle leaves. In any event, all four *baraitot* are referring to the part of the crocus flower that is called by the mishna its brightest part.

כִּי אָתוּ לְקַמְיהָ דָּרְבֵי אֲבָהוָגָן אָמָר לְהָנָה  
בְּגַשְׁיָהוּ שְׁנִינוּ.

The Gemara relates: When people would come before Rabbi Abbahu for him to examine blood whose color was similar to saffron, he would say to them: We learned that the mishna is referring specifically to crocus flowers that are still in their clumps of earth in which they grew, as once they are detached from that earth their color changes.

וּכְמַיִם אַדְמָה". תָנוּ רַבָּנָן: כְּמַיִם  
אַדְמָה – מַבְיאָ אַדְמָה שְׂמָנָה מִבְּקֻעַת  
בֵּית כֶּרֶם, וּמַצִּיר עַלְּחָה כַּיִם, דָּרְבֵי  
מַאֲיר. רַבִּי עֲקִיבָּא אָוֹמֵר: מִבְּקֻעַת  
יּוֹדְפָת. רַבִּי יוֹסֵי אָוֹמֵר: מִבְּקֻעַת סְכִינָה.  
רַבִּי שְׁמֻעוֹן אָוֹמֵר: אָרֶף מִבְּקֻעַת גְּנוּסָר  
כְּבוֹזִיא בְּחָן.

תָנִיא אִיךְ: וּכְמַיִם אַדְמָה – מַבְיאָ  
אַדְמָה שְׂמָנָה מִבְּקֻעַת בֵּית כֶּרֶם, וּמַצִּיר  
עַלְּחָה מִים בְּקַלְיפַת הַשּׁוֹם, וְאֵין שְׁיוּר  
לְמִים – מִשׁוּם דְּאֵין שְׁיוּר לְעַפְרָה. וְאֵין  
בּוֹדֶקְנִי אָתוּן צְלָולִין אֶלָּא עֲכֹרִין.  
אֶלָּלו – חֹזֵר וּזֹכְרָן. וּכְשֶׁהוּא עֲכֹרָן –  
אֵין עֲכֹרָן בַּיד אֶלָּא בְּכֶל.

The mishna states: And what is the color that is like water that inundates red earth that is impure? In this regard the Sages taught in a *baraita*: In order to examine blood that is like water that inundates red earth, one brings fertile earth from the Beit Kerem Valley and one inundates the earth with enough water until it pools on the surface; this is the statement of Rabbi Meir. Rabbi Akiva says: One brings earth from the Yodfat Valley.<sup>b</sup> Rabbi Yosei says: From the Sikhnei Valley.<sup>bh</sup> Rabbi Shimon says: One can even bring earth from the Genosar Valley<sup>b</sup> or from similar places.

It is taught in another *baraita*: And to test whether blood is like water that inundates red earth, one brings fertile earth from the Beit Kerem Valley and one inundates the earth with an amount of water that rises above the earth by the thickness of the husk of garlic. And there is no required measure for the water, because there is no required measure for the earth with which the examination must be performed; it is sufficient to use a small amount of earth with a small amount of water. And one does not examine it when the water is clear, as it does not have the color of the earth, but rather when it is muddy from the earth. And if the water became clear because the earth settled, one must muddy it again. And when one muddies it he does not muddy it by hand but rather with a vessel.

## HALAKHA

תְּלַתָּא דָּרִי וְתְּלַתָּא טְרֵפָן – Three layers and...three leaves, etc.

How does one examine blood that is similar in appearance to the bright color of the crocus flower? One brings a moist crocus flower still attached to its clump of earth, and takes the brightest part of the plant. This is the middle leaf of the middle layer, as there are three layers, each of which contains three leaves. One places the blood next to that leaf and compares their appearances. The halakha is in accordance with the opinion of bar Kappa (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:8).

From the Sikhnei Valley – בְּגַשְׁיָהוּ: How does one examine blood that is similar in appearance to water that inundates red earth? One brings earth from the Sikhnei Valley, or from a location where the earth is similarly red, and one places water in a vessel until it covers the earth by the thickness of a garlic husk. There is no requisite amount for the water or the earth. Then, one muddies the water in the vessel for the examination. This examination is effective only in the location the earth was taken, and right after it was taken. If the water cleared, one must muddy it again. The halakha is in accordance with the opinion of Rabbi Yosei (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:8).

אִבְשָׁעָא לְהֹה: אֵין עֲכַרְיוֹן אֶזְתָּן בַּיְדِ אֶלְאָ  
בְּכֶל – דְּלֹא לְמִקְהָה בַּידְיהָ וְלַעֲכַרְיוֹנָה,  
אֶבְלָה בְּמִנְאָה, כִּי עַכְרָה לְיָדְהָ – שְׁפִיר  
דְּמִי, אָוּ דְּלָמָא: דְּלֹא לְעַכְרַיְנָה בַּידְיהָ,  
אֶלְאָ בְּמִנְאָ?

תֵּא שָׁמַע: כַּשְׁחוֹא בְּזַרְקָן – אֵין בְּזַרְקָן  
אֶלְאָ בְּפּוֹטָס. וְעַדְיוֹן תְּבַשֵּׁל: בְּדִיקָה –  
בְּכֹס, עַכְרָה בְּמַאי? תִּיקָּן.

כִּי אֶתְנוּ לְקִמְהָה דָּרְבָה בַּר אָבוֹה, אָמַר לְהֹה:  
בְּמִקְומָה שְׁנִינוּנוּ. רַבִּי חַנִּינָא פָּלִי קְרוּטָא  
גְּנוּגְשָׁתָא וּבְדִיקָה, לְיִטְעַלְתָּא עַלְיהָ רַבִּי  
שְׁמֻעָאָל בְּרַבִּי יוֹסֵי בְּאַסְכָּרָה.

A dilemma was raised before the Sages: Does the statement that one does not muddy it by hand but rather with a vessel mean that one should not put the dirt into his hand and muddy the water with dirt in his hand, but in a case where the earth is in a vessel, when one muddies it by mixing the earth and water with his hand one may well do so? Or perhaps the *baraita* means that even when the earth is in a vessel one should not muddy the water by mixing it with earth with his hand, but rather with a vessel?

The Gemara suggests: Come and hear a *baraita*: When one examines this water, he examines it only with a cup. Evidently, it is necessary to use a vessel. The Gemara rejects this proof: But you still have a dilemma. This *baraita* merely states that the examination must be performed while the water is in a cup, but with what is the muddying performed? Must this be done by means of a vessel alone, or may one use his hand as well? The Gemara concludes: The dilemma shall stand unresolved.

**BACKGROUND**  
Diphtheria [askara] – אַסְכָּרָה: Askara is diphtheria, an infectious disease of the throat that causes the mucous membrane in the throat to swell, bringing on a choking sensation. Diphtheria was once very common among children, and until the discovery of a vaccine against it, the disease was extremely common and very deadly; those who contracted the illness would die of asphyxiation. During the Second Temple period, members of the non-priestly watch would fast once a week so that *askara* would not befall young children.

§ The Gemara relates: When people would come before Rabba bar Avuh to examine blood that is similar to water that inundates red earth, he would say to them: We learned that the examination must be conducted in its place, i.e., the location the earth was taken from. But if the earth was transported elsewhere, the examination is no longer effective. The Gemara further relates that Rabbi Hanina would break up a clump of earth and examine with it, without mixing it in water. Rabbi Yishmael, son of Rabbi Yosei, would curse anyone who used this method that they should be punished with diphtheria.<sup>8</sup>

## Perek II

### Daf 20 Amud b

רַבִּי חַנִּינָא הוּא דְּחַכִּים, כָּלִיל עַלְמָא – לֹא  
חַכִּימִי הַכִּי.

Rabbi Yishmael, son of Rabbi Yosei, explained: It is only Rabbi Hanina who is permitted to examine the blood in this fashion, as he is wise, but everyone else is not so wise that they can successfully perform the examination without water.

אָמַר רַבִּי יוֹחָנָן: חַכְמַתָּא דְּרַבִּי חַנִּינָא גַּרְמָא  
לֹא, דְּלֹא אֲחַזְזָה דְּמָא, מַטְמִינָא – מַטְהָרָה,  
מַטְהָרָנָא – מַטְמִינָא. אָמַר רַבִּי אֱלָזָר:  
עֲנוּנוֹתָוֹתָא דְּרַבִּי חַנִּינָא גַּרְמָא לִי דְתַחַזְתִּי  
דְּמָא, וּמָה רַבִּי חַנִּינָא דְּעֲנוֹתָן הוּא – מַחְיתָה  
נְפִשְׁתָה לְסַפְקָה וְחַי, אַנְנָא לֹא אֲחַזְזָה?

Rabbi Yohanan says: Rabbi Hanina's wisdom causes me not to see blood for a halakhic examination. When I would examine blood and deem it impure, he would deem it pure, and when I would deem it pure, he would deem it impure. Conversely, Rabbi Elazar says: Rabbi Hanina's humility causes me to see blood, as I reason to myself: If Rabbi Hanina, who is humble, places himself into a situation of uncertainty and sees various types of blood to determine their status, should I, who am not nearly as humble, not see blood for an examination?

אָמַר רַבִּי זֵירָא: טְבַעָא דְּבָבָל גַּרְמָא לִי דְלֹא  
חוֹא דְּמָא, דְּאַמְנָא: בְּטְבַעָא לֹא יַדְעַנָּא.  
בְּרַמָּא יַדְעַנָּא?

Rabbi Zeira says: The complex nature of the residents of Babylonia causes me not to see blood for a halakhic examination, as I say to myself: Even matters involving the complex nature of people I do not know; can I then claim that I know about matters of blood?

לְמִימְרָא דְּבַטְבַּעָא תְּלִיא מִלְתָא, וְהָא רַבָּה  
הָוּא דְּיַדְעַ בְּטַבְעָא וְלֹא יַדְעַ בְּרַמָּא! כֹּל  
שְׁבַן קָאָמָר, וּמָה רַבָּה דְּיַדְעַ בְּטַבְעָא – לֹא  
חוֹא דְּמָא, וְאַנְנָא אֲחַזְזָה?

The Gemara asks: Is this to say that the matter of the appearance of blood is dependent on the nature of people, i.e., that it changes in accordance with their nature? But Rabba is an example of someone who knew about the complex nature of the people of Babylonia, and yet he did not know how to distinguish between different types of blood. The Gemara answers: Rabbi Zeira took this factor into account and said to himself: All the more so; if Rabba, who knew about the complex nature of these people, nevertheless would not see blood, should I, who am unknowledgeable about the nature of these people, see blood for examination?

**PERSONALITIES**

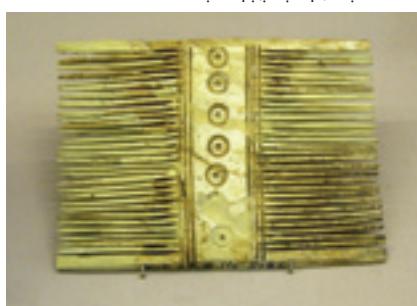
**Rabbi Elazar – רבי אלעזר:** This is Rabbi Elazar ben Pedat, an *amora* from the third generation of *amoraim* of Eretz Yisrael. Rabbi Elazar ben Pedat, who was probably a priest, was born in Babylonia, where he studied Torah from Rav and Shmuel. Later, he ascended to Eretz Yisrael and learned from the Sages there. His primary teacher was Rabbi Yohanan. When Rabbi Elazar stated the *halakhot* of Rabbi Yohanan he did not deem it necessary to attribute them directly to Rabbi Yohanan, as it was obvious that he was citing his teacher. Accordingly, there are disputes with regard to certain statements as to whether they were formulated originally by Rabbi Yohanan or were stated by Rabbi Elazar himself. Rabbi Elazar ben Pedat was considered Rabbi Yohanan's greatest student. After Rabbi Yohanan passed away, Rabbi Elazar took over his post as head of the academy at Tiberias, and was called the master of Eretz Yisrael, as stated here. According to the epistle of Rav Sherira Gaon, Rabbi Elazar died in the same year as Rabbi Yohanan. Little is known of Rabbi Elazar's private life other than the fact that he was very poor, to the extent that he often went hungry, yet he still refused to accept charity from others. It is also known that he had at least one son, called Rabbi Pedat, after Rabbi Elazar's father.

**Ifera Hurmiz – אפרה הורמי:** Queen Ifera Hurmiz was the mother of Shapur II, king of Persia, who ruled between 309 and 379 CE. Since Shapur became king as a child, his mother maintained considerable influence over him for many years. Ifera Hurmiz is mentioned on several occasions in the Gemara as an admirer of Judaism and its Sages, and she even gave money to several Sages to distribute as charity and for the performance of mitzvot.

**King Shapur – שבור מלכה:** King Shapur, or Shavor Malka, was the name of several Persian kings. The Gemara is apparently referring to the second King Shapur, who lived 303–380 CE, during the period of the third and fourth generations of *amoraim* in Babylonia. He was a zealous supporter of Zoroastrianism, a religion he tried to impose on the minorities under his rule, especially Christians. During his reign, the Jewish community suffered from taxes, levies, and various decrees. When the Persian army was stationed in the city of Mehoza, the local population, most of which was comprised of Jews, was obliged to maintain it.

**BACKGROUND**

Comb for killing lice – מנקטלא כלמי – סרקיוטא ומקטלא כלמי:



Ancient lice comb

עולה אקלע לפומבדיתה, איתו לקמיה דמאנ' ולא חוא. אמר: ומה רב אלען דמרא דארעא דישראל הוה, כי מקלע לאחרוא דרביה יהודה – לא חוי דמא, אלא אוחזין?

ואמאיך רוליה "ברא דארעא דישראל"? דההיא אמתנא דאייתא דמא לקמיה דרבי אלען, הויה יתיב רב אמי קמיה. אORTHיה, אמר לה: האי דם חממוד הוא. בתר דנפקה אטפל לה רב אמי. אמרה ליה: בעיל היה בדורך וחומרתי. קרי עליה: סוד ה לרואו.

אפרא הזרמי אמיה דשבור מלכאה שדרה דמא לקמיה דרבא, הויה יתיב רב עובדיה קמיה, אORTHיה, אמר לה: האי דם חממוד הוא. אמרה ליה לריה: תא חוי בפה תכימי יהודאי אמר לה: דלמא בסומא בארובה?

הדר שדרה ליה שטין מני דמא, וכולחו אסמיינזה. ההוא בתרוא דם כנים הויה, ולא יעד, אסתיע מילאת ושור ליה סוקיותא דמקתלא בלמי. אמרה יהודאי, בתווע דלבא יתביהו!

אמר רב יהודה: מושא הויה חיינא דמא, כיון דאמירה לי אמיה דיצחק בר' חי טיפתא קמיה לא מיתיק לה קמיה זו. רבנן, משום דזהימא – לא חיינא.

The Gemara relates that Ulla happened to come to Pumbedita, where they brought blood before him for an examination, but he would not see it, as he said: If Rabbi Elazar,<sup>p</sup> who was the master of Eretz Yisrael in wisdom, when he would happen to come to the locale of Rabbi Yehuda, he would not see blood, shall I see blood here?

The Gemara asks: And why would they call Rabbi Elazar the master of Eretz Yisrael in wisdom? The Gemara explains that there was an incident involving a certain woman who brought blood before Rabbi Elazar for examination, and Rabbi Ami was sitting before him. Rabbi Ami observed that Rabbi Elazar smelled the blood and said to the woman: This is blood of desire,<sup>N</sup> i.e., your desire for your husband caused you to emit this blood, and it is not the blood of menstruation. After the woman left Rabbi Elazar's presence, Rabbi Ami caught up with her and inquired into the circumstances of her case. She said to him: My husband was absent on a journey, and I desired him. Rabbi Ami read the following verse about Rabbi Elazar: "The counsel of the Lord is with those who fear Him; and His covenant, to make them know it" (Psalms 25:14), i.e., God reveals secret matters to those who fear Him.

The Gemara further relates that Ifera Hurmiz,<sup>p</sup> the mother of King Shapur,<sup>p</sup> sent blood before Rava for examination, as she sought to convert and was practicing the *halakhot* of menstruation. At that time Rav Ovadya was sitting before Rava. Rav Ovadya observed that Rava smelled<sup>N</sup> the blood and later said to the woman: This is blood of desire. She said to her son: Come and see how wise the Jews are, as Rava is correct. Her son said to her: Perhaps Rava was like a blind man who escapes from a chimney, i.e., it was a lucky guess.

Ifera Hurmiz then sent Rava sixty different types of blood, some impure and others pure, and with regard to all of them Rava accurately told her their origin. The Gemara adds: That last sample of blood sent by Ifera Hurmiz was blood of lice, and Rava did not know what it was. He received support in this matter in the form of heavenly guidance, as he unwittingly sent her as a gift a comb for killing lice.<sup>B</sup> She said in exclamation: Jews, you must dwell in the chamber of people's hearts.

**S** The Gemara cites more statements of the Sages with regard to the examination of blood. Rav Yehuda says: At first I would see blood, i.e., perform examinations of blood, but I changed my conduct when the mother of my son Yitzhak, i.e., my wife, said to me that she acts as follows: With regard to this first drop of blood that I see, I do not bring it before the Sages, because it is not pristine blood, i.e., other substances are mixed with it. After hearing this, I decided I would no longer see blood, as it is possible that the first drop, which I do not get to see, was impure.

**NOTES**

**This is blood of desire – הויה חיינא דמא:** Rabbi Elazar merely stated that this blood resulted from the woman's desire for her husband; he did not say if it was pure or impure. The early commentaries engage in a dispute concerning this matter. Some claim that the Sages had a tradition that such blood of desire is pure, as it does not come from the uterus (*Heshek Shlomo*; see *Hazon Ish*). One difficulty with this opinion is that the Gemara (66a) states that if a woman is asked for her hand in marriage and she accepts, she must observe seven clean days after she accepts, as she might have experienced bleeding due to her desire for the man. This indicates that a woman's desire can cause an emission of menstrual blood. The commentaries explain that the blood of desire itself is pure, but it is possible that a woman's desire might lead to the emission of menstrual blood as well, which was not

observed in the case examined by Rabbi Elazar (Ran; see *Hatam Sofer* and *Ma'anah Eliyahu*). Others claim that the blood of desire is in fact impure, and they cite proof for this opinion from that passage on 66a (Rashba; *Tosefot HaRosh*).

**Rav Ovadya was sitting before Rava, he smelled – הויה יתיב חיינא:** It is unclear from the Gemara which of the Sages smelled the blood, whether it was Rava or his student Rav Ovadya. Some say that it was Rava who smelled the blood, whether because he knew how to identify types of blood by this method (*Tosafot*), or because a miracle was performed for him in this case (Rashi), or because the incident involved a particular kind of blood whose odor Rava was able to identify (*Arukha LaNer*).

**בֵּין טמָאָה לְטֹהוֹרָה וְדָאִי חֲזִינָא.**

— והי' עביד ה' ? והתניא: חכם שטימא —  
אין חברו רשי לטער, אסר — אין חברו  
רשי להתר!

**מעיינך טמי הוה מטמי לה,** בין דאמירה ליה: אבל יומא הוה מדכי לי כי הא גוננו, והאיידנא הוא חדש בשנית - **כדי לך.**

**ולמי מה יימני? אין. והתניא: נאמנת אשה לומר "בזה ראיתי ואבדתו".**

**איבעיא לְהוּ "בָּהּ טִיחַר אִישׁ פָּלוֹנִי חֶכְמָה?"**

תא שמע: נאמנת אשה לומר "בזה ראיית  
ואבדתו". שאני הtmp - דליתה להמה.

תא שמע: דילתה איתה רמא ל'קמיה  
דרביה בר בר חנה – וטמי לה. ל'קמיה דרב  
זינק ביריה זרב יהודא – זובי לה. והיכי  
עביד הדק? והתニア: חכם שיטמא אין  
חבירו רשי לעתר וכו'

Rav Yehuda continues: But with regard to the examination of blood that a woman who gave birth emitted after the completion of her days of purity, i.e., at least forty days after giving birth to a male, or eighty after giving birth to a female (see Leviticus, chapter 12), in order to determine whether she is ritually impure or pure, I certainly see this blood and determine her status based on its color. This blood is clean, as the woman has been bleeding for a long period of time.

§ The Gemara relates that Yalta,<sup>p</sup> Rav Nahman's wife, brought blood before Rabba bar bar Ḥana, and he deemed her ritually impure. She then brought it before Rav Yitzḥak, son of Rav Yehuda, and he deemed her pure.

The Gemara asks: But how could Rav Yitzhak, son of Rav Yehuda, act in this manner? But isn't it taught in a *baraita*: In the case of a halakhic authority who deemed an item impure,<sup>H</sup> another halakhic authority is not allowed to deem it pure; if one halakhic authority deemed a matter prohibited, another halakhic authority is not allowed to deem it permitted?

The Gemara explains that initially Rav Yitzhak, son of Rav Yehuda, deemed her impure, but he changed his mind when Yalta said to him: Every day that I bring blood of this kind of color to Rabba bar bar Hana he deems me pure, and specifically now he issued a different ruling, as he feels pain in his eye. Upon hearing this, Rav Yitzhak, son of Rav Yehuda, deemed her pure.

The Gemara asks: But are people deemed credible to present claims such as the one presented by Yalta? The Gemara answers: Yes; and likewise it is taught in a *baraita*: A woman is deemed credible if she says: I saw blood like this color, but I lost it<sup>h</sup> before it could be examined.

**A dilemma was raised before the Sages:** If a woman states to her friend who showed her blood: My blood, which has an appearance like this, so-and-so, the halakhic authority, deemed it pure,<sup>H</sup> what is the halakha?<sup>N</sup> Is she deemed credible concerning its status?

The Gemara suggests: **Come and hear** a resolution to this dilemma from the *baraita* cited above: A woman is deemed credible if she says: I saw blood like this color, but I lost it. This demonstrates that a woman may issue claims of this kind. The Gemara rejects this proof: **There it is different**, as in that case the blood is not before her, and therefore the Sages were lenient. But here, the woman's friend can take her blood to a halakhic authority for examination.

The Gemara further suggests: Come and hear the incident cited above, as Yalta brought blood before Rabba bar bar Ḥana, and he deemed her ritually impure; she then brought it before Rav Yitzḥak, son of Rav Yehuda, and he deemed her pure. And the Gemara asked: How could Rav Yitzḥak, son of Rav Yehuda, act in this manner? But isn't it taught in a *baraita*: In the case of a halakhic authority who deemed an item *impure*, another halakhic authority is not allowed to deem it *pure*?

PERSONALITIES

**Yalta** – יַלְתָּא, Yalta, Rav Nahman's wife, was from the family of the Exilarch, possibly the daughter of the Exilarch himself. Some say that her father was the Sage Rabba bar Avuh, who was from the family of the Exilarch. As indicated from several passages in the Talmud, in addition to hailing from a wealthy family of distinguished lineage, Yalta was a woman of firm opinions. Rav Nahman treated her with great honor, and she herself demanded respect from various Sages. It is related that she would listen and contribute to Rav Nahman's discussions with other Sages, from which it may be inferred that she was well versed in Torah.

HALAKHA

A halakhic authority who deemed an item impure, etc. – **תְּחִמָּה שְׁפִיעָמָא וּכְז'**: If one halakhic authority deemed an item prohibited, another halakhic authority may not deem it permitted based merely on his own reasoning. Some commentaries maintain that this applies even if the second halakhic authority is greater than the first (*Shakh*), while others claim that this is the *halakha* only if the two halakhic authorities are equal, whereas if the second is greater he may permit the item. The commentaries further state that this *halakha* applies only if the ruling of the first authority has already gone into effect, but if they are still in the study hall the second authority may issue a different ruling. If the second halakhic authority claims, based on a tradition, that the first halakhic authority erred, or if the first halakhic authority made a mistake in a matter that appears in the *Mishna*, i.e., an obvious error, the second halakhic authority may deem the item permitted. Some commentaries rule that he may not permit it based on a tradition (*Shakh*; see *Pithei Teshuva*). If the first halakhic authority erred in his reasoning, the second halakhic authority should discuss the matter with him until he retracts his errant ruling. Therefore, if someone asked one halakhic authority and he deemed the item prohibited, the person may turn to another halakhic authority provided that he informs the second halakhic authority of the ruling of the first. This *halakha* applies only if both halakhic authorities are dealing with the same case, but if another incident occurred it is permitted for the second halakhic authority to rule as he sees fit. The *halakha* is in accordance with the ruling of the *baraita* (*Shulhan Arukh*, *Yoreh De'a* 242:31 in the comment of Rema).

A woman is deemed credible if she says: I saw blood like this color but I lost it – נאמנת אשה לא נטיר בפה רגית – If a woman says: I saw blood of this color but I lost it, she is deemed credible. Therefore, if it was white or green, she is pure. This halakha is in accordance with the ruling of the baraita (Rambam Sefer Kedusha, Hil-khot Issurei Bia 5:10; Shulchan Arukh, Yoreh De'a 188:2).

Like this, so-and-so the halakhic authority deemed it pure – פָּלֶנְיָה חֲמֵתָה: In a case where a woman brought blood before a halakhic authority, if he established its presumptive status as impure or even if he was uncertain, and the woman says: So-and-so deemed blood of mine that had a similar appearance pure, her claim is not accepted (*Shulhan Arukh*, *Yoreh De'a* 188:2).

## NOTES

Like this, so-and-so the halakhic authority deemed it pure, what is the *halakha* – בְּהָדַבֵּר הַזֶּה: The commentaries explain that the blood in question was brought before a Sage who was either uncertain as to its status or thought that it was impure. The issue is whether the other woman's statement concerning her own blood can be relied upon to resolve the Sage's uncertainty, or whether her claim is entirely disregarded in

favor of the Sage's inclination to rule that the blood is impure. If blood is not brought before a Sage at all, one may rely upon the other woman's contention that she showed blood of a similar appearance to a certain Sage who deemed it pure, and there is no need to show the blood to another Sage (Rashba; Ritva; Tur; *Beit Yosef* Rab).

ואמרנן טמיין תורה בטעמי לה, בין דאמרה  
לי דכל יומא מדבי לה כי היא גוננא  
והיא קנא הוא והש בעיניה. הדרו רבי לה  
אלמא מה ימנא לה!

And we say in response that initially Rav Yitzhak, son of Rav Yehuda, deemed her impure, but he changed his mind when she said to him that every day that she brings blood of this kind of color to Rabba bar bar Hana he deems her pure, and specifically now he issued a different ruling, as he feels pain in his eye. The Gemara summarizes: The conclusion of the story was that upon hearing this, Rav Yitzhak, son of Rav Yehuda, then deemed her pure. Evidently, when a woman issues claims with regard to blood that is presented, we deem her claims credible.

**רב יצחק בר יהודה – אגדתיה סמן.**

רב ראה דם בלילה – ויטימא, ראה ביום –  
ויטירר, המתיין שעה אחת – חור ויטימא  
אפור: אווי לי שטמא טעתי!

שטמא טעתי?! וראי טעה! דתנייא: לא  
אמור חכם "אי לו היה לח היה וראי טמא",

אליא אמר אין לו לדין אליא מה שעיניו  
רואות. משיקרא אחותקה בטמא. בין דחזר  
לצפרא דאשטע אמור (ליה): וראי טהור  
זהה, בלילה הוא דלא אתחזוי שפיר. בין  
דחזר דהזר אשטעני, אמור: האי – טמא הוא.  
ומפחח הוא דקא מפחח ואיזיל.

רבי בריך לאזר העיר, רבי ישמעאל ברבי  
יוסף ביריך ביום המערןBei עמנדי, אמר  
רב אמי בר שמואל: ובין אין בודקין אותו  
אליא בין חמלה לצל. רב נחמן אמר רבה בר  
אבוה: בחמה, ובצל יוז.

ובמזווג שני חלקים כו. תנא,

The Gemara answers: That incident does not provide proof, as **Rav Yitzhak, son of Rav Yehuda, relied on his studies** in his lenient ruling. At first, he was reluctant to issue his ruling, in deference to Rabba bar bar Hana, who had said the blood was impure. But when he heard Yalta's explanation he deemed the blood pure, as he had originally thought. Therefore, there is no proof from there that a woman's statements of this kind are accepted.

§ The Gemara further relates: **Rabbi Yehuda HaNasi** once saw a woman's blood at night and deemed it impure. He again saw that blood in the day, after it had dried, and deemed it pure. He waited one hour and then deemed it impure again. It is assumed that Rabbi Yehuda HaNasi did not conduct another examination at this point; rather, he reasoned that the previous night's examination had been correct, and the blood's color should be deemed impure because of how it had looked when it was moist. Rabbi Yehuda HaNasi then said: **Woe is me! Perhaps I erred by declaring the blood impure, as based on its color it should be pure.**

The Gemara questions this statement: **Perhaps I erred? He certainly erred, as it is taught in a baraita** that a halakhic authority may not say: If the blood were moist it would certainly have been impure, and yet here, Rabbi Yehuda HaNasi deemed the blood impure based on that type of reasoning.

The Gemara explains that the incident did not unfold as initially assumed. Rather, Rabbi Yehuda HaNasi examined the blood three times, as he said: A judge has only what his eyes see as the basis for his ruling. Initially, Rabbi Yehuda HaNasi established the presumptive status of the blood as ritually impure, but when he saw in the morning that its color had changed, he said: It was definitely pure last night as well, and only because it was at night I thought that it was impure, because it could not be seen well. Subsequently, when he saw after a short while that its color again changed, Rabbi Yehuda HaNasi said: This blood is impure, and it is gradually becoming lighter as its color fades.

With regard to the manner in which the Sages would examine blood, the Gemara relates that **Rabbi Yehuda HaNasi** would examine blood by candlelight. Rabbi Yishmael, son of Rabbi Yosef, would examine blood between the pillars of the study hall even on a cloudy day, despite the fact that it was not very light there. Rav Ami bar Shmuel says: And in all these cases, one examines blood only between sunlight and shade.<sup>h</sup> Rav Nahman says that **Rabba bar Avuh** says: One stands in a place lit by the sun, and he conducts the examination under the shadow of his hand, i.e., he places his hand over the blood. In this manner the color of the blood can be best discerned.

§ The mishna states: **And what is the color that is like diluted wine that is impure?** It is specifically when the dilution consists of two parts water and one part wine, and specifically when it is from the wine of the Sharon region in Eretz Yisrael. The Sages taught in a baraita:

#### HALAKHA

And in all these cases one examines blood only between sunlight and shade. **ככלין אין בודקין אותו אלא בין חמלה לצל** – One must examine blood in sunlight, while forming a shadow over the blood with his hand. The examiner himself stands in the sun, as in this

manner he can best see the color of the blood. The halakha is in accordance with the opinion of Rav Ami bar Shmuel (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:12).

## Perek II

## Daf 21 Amud a

הַשְׁרוֹןִי נִדּוֹן בְּכַרְמֵלִי, חַי – וְלֹא מָוֹן,  
חֲדֵשׁ – וְלֹא יָשֵׁן.

אמֶרْ רַבْ יִצְחָקْ בֶּןْ אַבּוּדִיםִי: וְכֹלָןْ  
אַיִןْ בּוֹדְקִיןْ אָוֹתָןْ אַלְאָ בְּכָסָ טְבָרִיאִי  
פְּשָׁוֹטִי. מָאִי טְעַמְּמָאִי? אָמֶרֶת אַבְּיִי: שֶׁלְּ  
כָּלְ הַעֲלָמָם כָּולָ, מַחְזִיק לֹג – עֹשֵׁין  
אָוֹתָן מְפֻנָּהִים. כָּסָ טְבָרִיאִ פְּשָׁוֹטִי, אַפְּלִוִי  
מַחְזִיק שְׁנִי לְגַיִן – עֹשֵׁין אָוֹתָן מְפֻנָּהִים,  
וְאַיִדִי דְּקָלִישׁ – יַדְעַ בָּהִ טָפִי.

הדרון עלך כל היד

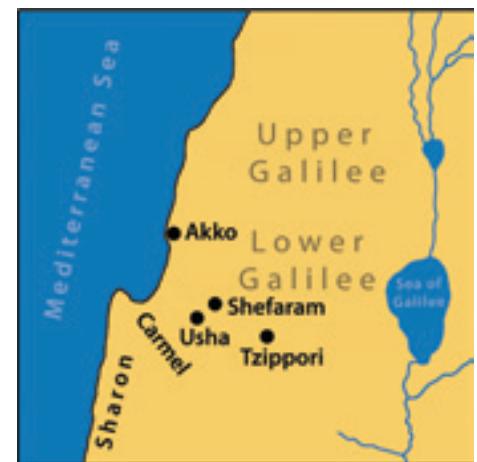
For the purposes of the examination of blood, the wine of the Sharon region<sup>b</sup> in Eretz Yisrael has the same status as undiluted Carmelite<sup>b</sup> wine<sup>n</sup> and not diluted Carmelite wine, new Carmelite wine and not old Carmelite wine.

Rav Yitzhak bar Avudimi<sup>p</sup> says: And in all cases of blood that has the color of diluted wine, one examines blood only with a simple Tiberian cup. The Gemara asks: What is the reason? Abaye says: Containers are designed according to a universal standard, such that a cup that can contain a log<sup>b</sup> of wine, one fashions it from material weighing one hundred dinars,<sup>b</sup> whereas a cup that can contain two log, one fashions it from material weighing two hundred dinars. By contrast, in the case of a simple Tiberian cup, even one that can contain two log, one fashions it from material weighing one hundred dinars. And since the material from which the cup is made is weak, it is more transparent and therefore the redness of the wine inside is more noticeable.<sup>n</sup> Consequently, one must compare the blood to wine in a cup of this kind.

## BACKGROUND

**Sharon region – שָׁרוֹן:** Until the last few centuries, the Sharon region was densely forested. The Sharon is located in the coastal plains and is notable for the many rivers that pass through it, as well as its numerous springs and wells. The Sharon is also known for its fertile soil, especially in its center. The major products of the Sharon include wine, which was named after the region, Sharon wine.

**Carmelite – כַּרְמֵלִי:** The Carmel region is basically a range of mountains with many steep inclines, as well as rocky terrain in the wadis. The climate of the Carmel region is rainy. Consequently, this region is well suited to various agricultural plantations, to the extent that the name Carmel became synonymous with a place of quality fruits, as in the verse: "And I brought you to a land of fruitful fields [HaCarmel]" (Jeremiah 2:7). The wine produced from the vineyards of this region was known as Carmelite wine.



Location of the Sharon and Carmel regions

**Log – לֹג:** This is the basic liquid measure used by the Sages. It is equivalent to the volume of six eggs, one-quarter of a kav, or one twenty-fourth of a se'a. A range of modern opinions estimates this volume at 300–600 ml.

**One hundred dinars [maneh] – מָנֵה:** This refers to a specific weight in silver, equal in value to one hundred dinars. There is a difference between the weight of the Greek and the Roman maneh; here the reference is most likely to the Roman maneh, which weighed about 327 g.

## NOTES

The wine of the Sharon has the same status as undiluted Carmelite wine, etc. – הַשְׁרוֹןִי נִדּוֹן בְּכַרְמֵלִי, חַי וְכֵי: Rashi cites two versions of this statement. According to the version that appears here, the *baraita* is comparing Sharon wine to Carmelite wine. In other words, one may examine blood in comparison to Sharon wine when it is one part wine and two parts water, whether it is old or new. By contrast, an examination with Carmelite wine depends on two factors: The wine must be undiluted and new.

Since the material is weak it is more noticeable – אַיִדִי דְּקָלִישׁ – יַדְעַ בָּהִ טָפִי: The commentaries explain the advantage to performing an examination with a Tiberian cup. Since its glass is thin, to the extent that its weight is half that of other cups that contain a similar volume, the appearance of the wine inside will be clearer (*Heshek Shlomo*, explaining Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 5:11).

## PERSONALITIES

**Rav Yitzhak bar Avudimi – רבֶּןִ יִצְחָקִ בֶּןִ אַבּוּדִיםִי:** The Talmud mentions two Sages of this name. The other Sage lived in the transitional generation between the *tanna'im* and the *amora'im*, whereas the Rav Yitzhak bar Avudimi mentioned here was a third- and fourth-generation Babylonian *amora*. He was probably a disciple-colleague of Rav Hisda, and was famous for his breadth of knowledge of the Bible, as well as for his unique method of study, by which he would seek out and find evidence and allusion to all statements of the Sages in the

Bible itself. Rava said of him that any verse that Rav Yitzhak bar Avudimi did not explain cannot be elucidated (*Zevahim* 43b). Numerous *halakhot* are stated in Rav Yitzhak bar Avudimi's name, and his interpretations of verses appear in many places in the Talmud. Occasionally he disagrees with Rav Hisda with regard to the interpretation of a verse. Apparently, both Abaye and Rava were his disciples concerning matters of biblical explanation, as they attribute various traditions to him.



## Summary of Perek II

Although by Torah law a woman is rendered ritually impure as a menstruating woman only if she experiences bleeding, and no regular examinations are required, the Sages deemed it proper and praiseworthy for a woman to examine herself frequently at times when she might have become impure, to ensure that she does not partake of *teruma* in a state of ritual impurity. This applies only to a woman; a man is prohibited from examining himself for a possible seminal emission in case this examination leads to one. But if the man has experienced a gonorrhea-like discharge and wishes to examine himself in case he experiences three such discharges and is consequently obligated to bring an offering, this too is considered praiseworthy.

A woman who is not halakhically competent can be examined and immersed by a competent woman, and it is thereby permitted for her to partake of *teruma*.

With regard to the proper method of examination, a woman should examine herself only with a white linen cloth, which must be soft enough that it can be inserted into all the crevices without injuring her. If a man and woman examined themselves after engaging in intercourse and blood is found on the man's cloth, they are impure and are each obligated to bring a sin offering. If the blood is found on her cloth after she had examined herself immediately after intercourse, they are likewise impure and must each bring a sin offering. If she waited a little while after intercourse before the examination, they are impure due to uncertainty, and if she conducted the examination a long time after engaging in intercourse, she is retroactively impure by rabbinic law, while the man who engaged in intercourse with her is impure only until the evening.

It is derived from the verse: "Her issue in her flesh is blood" (Leviticus 15:19), that not all fluids that come from the uterus are impure; only blood is. This applies even if a fluid is as thick as blood; any fluid that differs in color from blood is not impure. The Sages derive that there are five types of impure blood in a woman, while all others are pure. They specify which of the various colors and shades are included in the types of impure blood and which are excluded from these categories.

The proper manner for a Sage to examine blood brought to him for examination is to compare the blood to the most similar color listed by the Sages. This examination should be conducted against the background of a white cloth. Various practices of Sages are cited in this chapter concerning the time of day when they would perform the examination, and in which places and under what conditions of light they would look at the blood. It is further stated that under certain conditions a Sage may deem blood pure even after another Sage has deemed it impure.

This chapter also addresses the issue of appropriate modest conduct during sexual intercourse, which leads to a discussion of practices that must be avoided.



*If a woman conceives and gives birth to a male, she shall be impure seven days, as in the days of her menstrual flow she shall be impure. And on the eighth day the flesh of his foreskin shall be circumcised. And she shall continue in the blood of her purification thirty-three days; she shall touch no consecrated item, nor come into the Sanctuary, until the days of her purification are fulfilled. But if she gives birth to a female, then she shall be impure two weeks, as in her menstruation; and she shall continue in the blood of purification sixty-six days.*

(Leviticus 12:2–5)

## Introduction to Perek III

The Torah states that a woman who gave birth is ritually impure whether she bore a male or a female, and whether she gave birth to a viable newborn or to a non-viable newborn, and even if she discharged the fetus at an early stage of her pregnancy. In all of these cases, she has the ritual impurity status of a woman after childbirth.

But if a woman discharged an item that cannot be considered an offspring at all, she does not have the status of a woman after childbirth. This raises questions with regard to the definition of an offspring: Can an item that has the appearance of an animal, or another creature, be considered a human offspring? What if the offspring has some human features but not others? Other problematic cases include a woman who discharged an amorphous piece of tissue or items that have the appearance of hairs or shells; and a woman who discharged a gestational sac or an afterbirth, or a fetus that looks like it was deformed, in the form of a sandal fish. A similar question is, for how long must a woman be pregnant for a miscarriage to render her a woman after childbirth. All of these issues are discussed in this chapter.

Another case addressed in this chapter is an offspring of uncertain sex. This can happen when the fetus is too tiny for its sex to be recognized, when the newborn infant is a hermaphrodite, or when the infant is a *tumtum*, i.e., its sexual organs are indeterminate. In such a situation, it is unclear for how long the woman must observe the *halakhot* of a woman after childbirth, as this depends on the sex of the newborn.

With regard to a case where a woman discharged an item that is not considered a full-fledged fetus and therefore she does not have the status of a woman after childbirth, the chapter examines whether she automatically assumes the impurity status of a menstruating woman, due to the assumption that miscarriage is always accompanied by bleeding, or whether the woman remains pure unless she experienced bleeding.

One tangential issue examined in this chapter is whether a woman who inserted a tube into her vagina and found blood in the tube assumes the impurity status of a menstruating woman. The underlying question here is whether a woman is rendered impure by the emission of menstruation itself, or whether she is rendered impure through the contact between her menstrual blood and her skin. A similar question applies to the bodily emissions of a male that render him impure, i.e., semen and a gonorrhea-like discharge [*ziva*].



## Perek III

## Daf 21 Amud a

**מתני'** המפלת חתיכה, אם יש עפה  
דם – טמאה, ואם לאו – טהורה. רבי  
יהודה אומר: בין גן ובין גן – טמאה.

המפלת במנין קליפה, כמו שערה, כמו  
עפר, במנין יבוחשין אדוומים – תעיל  
לפינים, אם נמושו – טמאה, ואם לאו –  
טהורה.

המפלת במנין דגים, חגבים, שקצים,  
רומשיים, אם יש עמהם דם – טמאה,  
ואם לאו – טהורה.

המפלת מין בהמה חיה ועווף, בין טמאין  
בין טהורין, אם זכר – תשב לזכר, ואם  
נקבה – תשב לנקבה.

אם אין ידוע – תשב לזכר ולנקבה,  
דברי רבי מאיר. וחכמים אומרים: כל  
שאי בו מצורות אנשים – איןו זלה.

**גמ'** אמר רבי יהודה אמר שמואל: לא  
טימא רביה יהודה אלא בחתיכה של  
ארבעת מיני דמים, אבל של שאר מיני  
דם – טהורה.

**MISHNA** In the case of a woman who discharges an amorphous piece of tissue,<sup>4</sup> if there is blood that emerges with it, the woman is ritually impure<sup>5</sup> with the impurity of a menstruating woman. And if not, she is pure, as she is neither a menstruating woman nor a woman after childbirth. Rabbi Yehuda says: In both this case, where blood emerged, and that case, where no blood emerged, the woman is impure with the impurity of a menstruating woman, as there was certainly undetected blood that emerged with the flesh.

In the case of a woman who discharges an item similar to a shell, or similar to a hair,<sup>6</sup> or similar to soil, or similar to mosquitoes, if such items are red,<sup>7</sup> she should cast them into water to ascertain their nature: If they dissolved, it is blood, and the woman is impure with the impurity of a menstruating woman; and if not, she is pure.

In the case of a woman who discharges an item similar to fish or to grasshoppers, repugnant creatures, or creeping animals, if there is blood that emerges with them, the woman is impure with the impurity of a menstruating woman. And if not, she is pure.

With regard to a woman who discharges tissue in the form of a type of domesticated animal, undomesticated animal, or bird, whether it had the form of a non-kosher species or a kosher species, if it was a male fetus, then she observes the periods of impurity, seven days, and purity, thirty-three days, established in the Torah (see Leviticus 12:2–5) for a woman who gives birth to a male. And if the fetus was a female, the woman observes the periods of impurity, fourteen days, and purity, sixty-six days, established in the Torah for a woman who gives birth to a female.

And if the sex of the fetus is unknown, she observes the strictures that apply to a woman who gave birth both to a male and to a female. Accordingly, she is prohibited from engaging in intercourse for fourteen days, but after that, she will be permitted to engage in intercourse despite a discharge of uterine blood until thirty-three days pass after the seven days she would have been prohibited if the fetus were male. The prohibition to enter the Temple will continue until eighty days have passed from the discharge of the fetus. This is the statement of Rabbi Meir. And the Rabbis say: Any fetus that is not of human form is not regarded as an offspring with regard to observance of these periods, and she is permitted to engage in intercourse provided that she does not experience a discharge of uterine blood.

**GEMARA** The mishna teaches that if a woman discharges an amorphous piece of tissue and no blood emerges with it, the Rabbis say that she is pure, whereas Rabbi Yehuda says that she is impure. Rav Yehuda says that Shmuel says: Rabbi Yehuda deemed the woman impure, despite the fact that no blood emerged, only in the case of a piece of tissue that has the appearance of one of the four types of ritually impure blood, as in such a case the piece has the status of blood. But if it has the appearance of other types of blood, the woman is pure.

## NOTES

A woman who discharges an amorphous piece of tissue, if there is blood with it she is ritually impure – **המפלת חתיכה אם יש עפה**: She has the ritual impurity of a menstruating woman. In the Rambam's Commentary on the Mishna, it says that if there is a bone in the piece of tissue, she is impure with the impurity of a woman after childbirth.

A woman who discharges an item similar to a shell or similar to a hair – **המפלת בכמי קליפה בכמי שערה**: In this case, Rabbi Yehuda concedes that if the item is not dissolved in water, the woman is ritually pure. This is because the reason Rabbi Yehuda deems the woman impure in a case where she discharged an amorphous piece of tissue, according to the conclusion of the Gemara, is that he holds that blood automatically emerges when the womb opens. That reasoning is not relevant in these cases, as the items are so small that the womb does not open (early commentaries on 22b, including Tosafot, Ramban, Ran, Rashba, and Ra'avad).

**במי יבוחשין – פירוש:** The commentaries explain that the condition that the item must be red applies not only to when it is similar to a mosquito, but to the previous cases as well, i.e., if it is similar to a shell, hair, or soil. In other words, in all these cases, if the item is not red, there is no need to examine it by casting it into water, as the woman is definitely pure. This is also the ruling of the Rambam (Sefer Kedusha, Hilkhot Issurei Bia 5:14).

## HALAKHA

A woman who discharges an amorphous piece of tissue, etc. – **המפלת חתיכה וכו'**: The Rambam holds that in a case where a woman discharges an amorphous piece of tissue, if blood emerges with it she is impure, but if blood does not emerge with it, even if it is red, she is ritually pure. This is the halakha even if the piece of tissue is torn open and is discovered to be full of blood, as the blood is not menstrual blood, but rather the blood

of the piece of tissue. The Ra'avad writes that since the Rabbis in the *baraita* hold that when the womb opens, blood automatically emerges, the woman is impure in any case, as blood certainly emerged during the miscarriage. The *Maggid Mishne* rules in accordance with the opinion of the Rambam (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:13).

וְרַבִּי יוֹחָנָן אָמָר: שֶׁל אַרְבָּעָת מֵינֵי דָמִים -  
דָבָרִי הַכָּל טְמָאָה, שֶׁל שְׁאֲרָם מֵינֵי דָמִים -  
דָבָרִי הַכָּל טְהֹרָה.

לֹא נְחַלְקָו אֶלָּא שַׁהְפִּילָה וְאַיִנָּה יוֹדְעָת  
מֵה הַפִּילָה. רַבִּי יְהוּדָה סִבְרָה: יוֹלְבָתָר וּבָ  
חַטִּיכּוֹת, וּרֹב חַטִּיכּוֹת שֶׁל (מִינֵי) אַרְבָּעָת  
מֵינֵי דָמִים הוּא יָוֹן, וּרְבָן סִבְרָה: לֹא אָמְרָן רֹב  
חַטִּיכּוֹת שֶׁל אַרְבָּעָת מֵינֵי דָמִים.

איַיִן, וְהָא בַּי אָתָא רַב הַוּשְׁעָיא מִנְהָרְדָעָא,  
אָתָא וְאִיתִי מִתְנִיתָא בִּיהְיָה: הַמְפָלָת  
חַטִּיכָה אֲדוֹמָה, שְׁחוֹרָה, יוֹרָקָה, וְלִבְנָה, אָם  
יש עַמָּה דָם - טְמָאָה, וְאָם לֹא - טְהֹרָה.  
רַבִּי יְהוּדָה אָמָר: בֵּין קָרְבָּן וּבֵין קָרְבָּן טְמָאָה  
קְשִׁיאָה לְשֻׁמוֹאֵל בְּחַדָּא, וּרְבִי יוֹחָנָן בְּתַרְתִּי.

לְשֻׁמוֹאֵל בְּחַדָּא - רֹאשׁוֹר שֻׁמוֹאֵל: לֹא טִימָא  
רַבִּי יְהוּדָה אֶלָּא בְּחַטִּיכָה שֶׁל אַרְבָּעָת מֵינֵי  
דָמִים, וְהָא קָתַני יוֹרָקָה וְלִבְנָה, וּפְלִיגָן רַבִּי  
יְהוּדָה!

וְכִי תִּמְאָא: פִּי פְּלִיגָן רַבִּי יְהוּדָה - אֲאַדוֹמָה  
וְשְׁחוֹרָה, וְאַיוֹרָקָה וְלִבְנָה - לֹא, אֶלָּא יוֹרָקָה  
וְלִבְנָה לְמַאֵן קָתַני לָה?

אִילִימָא רַבָּן - הַשְׁתָּא אֲדוֹמָה וְשְׁחוֹרָה  
מִשְׂהָרִי רַבָּן, יוֹרָקָה וְלִבְנָה מִבְּعִיא? אֶלָּא  
לֹא - לְרַבִּי יְהוּדָה, וּפְלִיגָן

And Rabbi Yoḥanan says there is a different explanation of the dispute: If a woman discharges a piece of tissue that has the appearance of one of the four types of ritually impure blood, everyone, i.e., Rabbi Yehuda and the Rabbis, agrees that she is impure. Likewise, if it has the appearance of other types of blood, everyone agrees that she is pure.

They disagree only with regard to a case where the woman discharged an amorphous piece of tissue, and she herself does not know exactly what was the appearance of the piece of tissue that she discharged, e.g., if it was lost. Rabbi Yehuda holds: Follow the majority of discharges of amorphous pieces of tissue, and the majority of pieces of tissue are of the appearance of one of the four types of impure blood. And the Rabbis hold: We do not say that the majority of pieces of flesh have the appearance of one of the four types of impure blood.

The Gemara asks: Is that so? But when Rav Hoshaya came from Neharde'a,<sup>8</sup> he came and brought a *baraita* with him that states: In the case of a woman who discharges a piece of tissue that is red, black, green, or white, if there is blood that emerges with it, the woman is impure, and if not, she is pure. Rabbi Yehuda says: Both in this case, where blood emerged, and in that case, where no blood emerged, the woman is impure. This *baraita* poses a difficulty to the statement of Shmuel with regard to one aspect of his opinion, and it poses a difficulty to the statement of Rabbi Yoḥanan with regard to two aspects of his opinion.

The Gemara elaborates: It poses a difficulty to the statement of Shmuel with regard to one aspect of his opinion, as Shmuel said that Rabbi Yehuda deemed the woman impure only in the case of a piece of tissue that has the appearance of one of the four types of impure blood, and yet the *baraita* teaches that according to the Rabbis the woman is pure if the piece of tissue is green or white, which are not among the four colors of ritually impure blood, and that Rabbi Yehuda disagrees with their opinion.

And if you would say that when Rabbi Yehuda disagrees with the Rabbis, it is with regard to the case of a red or black piece of tissue, as these are among the four colors of ritually impure blood, but with regard to the case of a green or white piece he does not disagree with them, i.e., he concedes that the woman is pure, this cannot be correct. The Gemara explains why that explanation of the *baraita* is not possible: But if so, for the sake of clarifying whose opinion does the *baraita* teach the case of a green or white piece of tissue?

If we say that it comes to clarify the opinion of the Rabbis, that is unnecessary: Now that in a case of a red or black piece of tissue, which are among the four colors of ritually impure blood, the Rabbis deem the woman pure, is it necessary to state that they deem her pure in a case of a green or white piece? Rather, is it not coming to clarify the opinion of Rabbi Yehuda, teaching that the Rabbis deem the woman pure in this case, but Rabbi Yehuda disagrees with them and deems her impure? This contradicts the explanation of Shmuel.

#### BACKGROUND

Neharde'a – נְהָרְדָעָא: A city on the Euphrates, near the Malka River, Neharde'a was one of the oldest Jewish communities in Babylonia. According to tradition, Jews lived in Neharde'a as early as the First Temple period, in the sixth century BCE, beginning with the exile of King Jehoiachin of Judah. Furthermore, Neharde'a was one of the most important Jewish communities in Babylonia. It was a center of Torah learning from an early period, and its yeshiva was the oldest in Babylonia. Many of the greatest *tannaim* visited Neharde'a, among them Rabbi Akiva, who intercalated the calendar there

(Yevamot 122b). During Rav's time, the first half of the third century CE, the yeshiva in Neharde'a was headed by Rav Sheila, and after him by Shmuel. Since the city lay near the border between the Roman and the Persian Empires, it frequently suffered from the wars between the two, and Pappa ben Nazer Odonathus, king of Tadmor, destroyed it completely in 259 CE. Later, Jews resettled there, and many Torah scholars remained in Neharde'a even after its yeshiva split and was reestablished in Mehoza and Pumbedita.

ותו, לרבי יוחנן דאמרו: של ארבעת  
מיין דמים – דבורי הפל טמאה, הא  
קתני אדרומה ושחוורה, ופלגוי רבען!  
לה?

ובci תיימא: כי פלגי רבען – איזורקה  
ולבנה, אבל אדרומה ושחוורה – לא.  
אלא אדרומה ושחוורה למאן קתני  
לה?

איילקנא רביה יהודא – השיטה ירואה  
ולבנה טמאה, אדרומה ושחוורה  
מייבעיא? אלא לאו – רבען, ופלגין!

אלא אמר רב נחמן בר יצחק: באפסר  
לפתיחה הקבר בלא דם קמיפיגי,  
ובפיגתא דהני תנאים: קשטה  
שנים ולשלישי הפללה, ואינה יודעת  
מה הפללה.

**And furthermore,** the *baraita* poses an additional difficulty to the opinion of Rabbi Yohanan, in addition to the first difficulty explained above, as he said that if the piece of tissue has the appearance of one of the four types of ritually impure blood then everyone agrees that the woman is impure, and yet the *baraita* teaches the case of a red or black piece and states that the Rabbis disagree with Rabbi Yehuda and deem the woman pure.

**And if you would say that when the Rabbis disagree with Rabbi Yehuda, it is with regard to the case of a green or white piece of tissue, but in the case of a red or black piece they do not disagree with him, as they concede that the woman is impure; but if that is so, then for the sake of clarifying whose opinion does the *baraita* teach the case of a red or black piece?**

If we say that it comes to clarify the opinion of Rabbi Yehuda, this is unnecessary: Now that Rabbi Yehuda holds that in a case of a green or white piece the woman is impure, despite the fact that they are not among the four colors of ritually impure blood, is it necessary to state that she is impure in a case of a red or black piece? Rather, is it not coming to clarify the opinion of the Rabbis, teaching that Rabbi Yehuda deems the woman impure in this case, but the Rabbis disagree with him and maintain that she is pure?

Rather, Rav Nahman bar Yitzhak says there is a different explanation of the dispute between the Rabbis and Rabbi Yehuda: They disagree with regard to whether or not opening of the womb is possible without a discharge of blood. And they disagree with regard to the issue that is the subject of the dispute between these *tanna'im*,<sup>n</sup> as it is taught in a *baraita*: If a woman experienced difficulty in labor during which blood emerged on two consecutive days, and on the third day she discharged,<sup>h</sup> but she does not know what she discharged, i.e., whether it was a stillborn human fetus, and whether blood emerged during the miscarriage,

**NOTES**

And they disagree with regard to the dispute between these *tanna'im* – בבלgotaa dach tannai: The early commentators question this comparison between the dispute in the mishna and the dispute in the *baraita*, as in the *baraita* the dispute is whether it is certain or uncertain that the woman is impure, whereas the Rabbis in the mishna hold that she is definitely pure. They answer that the mishna is referring to a case where the woman examined herself and did not find blood. Therefore the Rabbis hold that she is pure for certain (Ramban).

**HALAKHA**

If she experienced difficulty in labor during which blood emerged on two days and on the third day she discharged, etc. – קשטה שנים ולשלishi הפללה וכו': If a woman experienced bleeding on two consecutive days, and on the third day she discharged but does not know whether she discharged a full-fledged fetus, she assumes the status of a woman about whom it is uncertain whether she gave birth, and of an uncertain *zava*, as it is possible for a womb to open up without a discharge of blood. Therefore, she brings an offering, but it is not eaten by the priests. This is in accordance with the opinion of the first *tanna* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 7:4).

Perek III  
Daf 21 Amud b

הרי זו ספק לידה ספק זבה, מביאה  
קורבן ואינו נאכל.

it is uncertain whether that woman has the status of one who gave birth, and it is uncertain whether she has the status of a woman who experiences an irregular discharge of blood from the uterus [ziva].<sup>n</sup> Therefore, she brings an offering, like any woman after childbirth or after *ziva*, but the offering is not eaten by the priests. The reason is that perhaps she neither gave birth nor experienced *ziva*, and is therefore exempt from bringing an offering. Consequently, her bird sin offering is disqualified, and is forbidden in consumption, as a bird offering is killed by pinching its neck, which is not the valid manner of slaughtering a non-sacred bird.

רבי יהושע אומר: מביאה קרבן  
ונאכל, שאי אפשר לפתיחה הקבר  
בלא דם.

**Rabbi Yehoshua says:** The woman brings an offering, and it is eaten. The reason is that she is certainly either a woman after childbirth or a *zava*, as opening of the womb is not possible without a discharge of blood. The *tanna'im* in the *baraita* disagree about whether opening of the womb is possible without a discharge of blood. Rav Nahman bar Yitzhak maintains that this is also the issue in dispute between Rabbi Yehuda and the Rabbis in the mishna.

ליישנא אחרינא אמרו לה, אמר רב  
יהודה, אמר שמואל: לא טימא ובי  
יהודה אלא בחתיכה של ארבעה מיין  
דמים, אבל של שאר מיין דמים –  
שחוורה.

**§ Some say another version<sup>n</sup> of the above discussion. Rav Yehuda says that Shmuel says:** Rabbi Yehuda deemed the woman impure, despite the fact that no blood emerged, only in the case of a piece of tissue that has the appearance of one of the four types of ritually impure blood, but if it has the appearance of other types of blood, the woman is pure.

**NOTES**

It is uncertain whether that woman has the status of one who gave birth and uncertain whether she experiences *ziva* – **הרי זו ספק לידה ספק זבה:** Rashi explains that there are two uncertainties, which lead to three possible outcomes. The uncertainties are whether the woman discharged a full-fledged fetus, and whether or not blood emerged during her miscarriage. If she discharged a full-fledged fetus, she assumes the status of a woman who gave birth, and is impure. She is not considered a *zava* even if blood emerged during the miscarriage and that was the third consecutive day on which she saw blood during her days of *ziva*, as blood that emerges during childbirth does not render a woman a *zava*. If it was not a full-fledged fetus, and blood emerged during the miscarriage, she is a *zava*, as this miscarriage does not have the halakhic status of childbirth. Finally, if it was not a full-fledged fetus and blood did not emerge during the miscarriage, the woman is pure. Consequently, the woman must bring an offering, due to the first two possibilities, but it is not eaten, due to the possibility that she is pure, in which case the offering is disqualified.

**Another version – ליישנא אחרינא:** The only difference between this version and the previous version is that in this version the explanation of Rabbi Yohanan is omitted.

אִם, וְהָא בַּי אֲתָא וְבַזְבֻּנְיָא מִנְהָרְדָעָא,  
אֲתָא וְאֵינוֹ מִתְמִיתָא בִּידָה: הַמְפַלָּת  
חֲתִיכָה אֲדוֹמָה וְשַׁחַרָה יְרוּקָה וְלַבָּנָה,  
אִם יָשׁ עַמָּה דֶם – טְמָאָה, וְאִם לֹא –  
טְהָוָה. וּרְبִי יְהוּדָה אָוֹרָה: בֵּין בָּקָר וּבְנִי  
בָּקָר – טְמָאָה.

**קַתְנִי אֲדוֹמָה וְשַׁחַרָה יְרוּקָה וְלַבָּנָה –  
וּפְלִיגָה רְבִי יְהוּדָה!**

וּכְיַתְמָא: כִּי פְלִיגָה רְבִי יְהוּדָה – אֲדוֹמָה  
וְשַׁחַרָה, אֲבָל יְרוּקָה וְלַבָּנָה – לֹא, אֶלָּא  
יְרוּקָה וְלַבָּנָה מַאן קַתְנִי לָה?

אַיִלְמָא לְרַבֵּן – הַשְׁתָּא אֲדוֹמָה וְשַׁחַרָה  
קָא מִשְׁהָרִי רְבָנָן, יְרוּקָה וְלַבָּנָה מִבְּעַיָּא?  
אֶלָּא לֹא – לְרַבִּי יְהוּדָה, וּפְלִיגָה

אֶלָּא אָמַר וּבַיְהוּדָה: בַּאֲפָשָׁר לְפִתְחָת  
הַקָּבָר בְּלֹא דֶם קְמִילָגָן, וּבַפְּלִגָּה אֶלְהָנִי  
תְּנָאֵי, דְתְנִיא: קַשְׁתָּה שְׁנִים וּלְשָׁלִישִׁי  
הַפְּלִיהָה, וְאַנְהָ יוֹרַעַת מִזְהָבָה הַפְּלִיהָה – הַרִּי  
וּסְפָק לְרִיחָה סְפָק זִיבָה, מִבְּיאָה קְרָבָן  
וְאַינְנוּ נַאֲכָל.

רְבִי יְהוֹשֻׁעַ אָוֹרָה: מִבְּיאָה קְרָבָן וְנַאֲכָל,  
לִפְנֵי שָׁאֵי אָפָשָׁר לְפִתְחָת הַקָּבָר בְּלֹא  
דֶם.

תָּנוּ רְבָנָן: הַמְפַלָּת חֲתִיכָה, סְמָכָס אָוֹרָה  
מִשְׁוּם רְבִי מֵירָה, וּבָנְהִיה רְבִי שְׁמָעוֹן בָּן  
מִנְסָיא אָוֹרָה כְּדָבָרָיו: קְרוּעָה, אִם יָשׁ דֶם  
בְּתוֹכָה – טְמָאָה, וְאִם לֹא – טְהָוָה.

רְבָנָן, וְעַדְפָּא כְּמוֹרְבָּן, בְּרַבָּן – דָּאָמָר  
אָפָשָׁר לְפִתְחָת הַקָּבָר בְּלֹא דֶם, וְעַדְפָּא  
מִרְבָּן – דָּאַינְהוּ סְבָרִי עַמָּה – אַיִן,  
בְּתוֹכָה – לֹא, וּסְמָכָס סְבָר: אָפִילָו  
בְּתוֹכָה.

The Gemara asks: Is that so? But when Rav Hoshaya came from Neharde'a, he came and brought a *baraita* with him that states: In the case of a woman who discharges a piece of tissue that is red, or black, green, or white, if there is blood that emerges with it, the woman is impure, and if not, she is pure. And Rabbi Yehuda says: In both this case, where blood emerged, and that case, where no blood emerged, the woman is impure.

The Gemara concludes its challenge: The *baraita* teaches both a case where the piece of tissue is red or black, and a case where it is not one of the four types of impure blood but it is green or white, i.e., in all of these cases the Rabbis hold that the woman is pure, and yet Rabbi Yehuda disagrees with their opinion.

And if you would say that when Rabbi Yehuda disagrees with the Rabbis, it is with regard to the case of a red or black piece of tissue, but with regard to the case of a green or white piece he does not disagree with them, as he concedes that the woman is pure; but if that is so, for the sake of clarifying whose opinion does the *baraita* teach the case of a green or white piece of tissue?

If we say that it comes to clarify the opinion of the Rabbis, that is unnecessary: Now that in the case of a red or black piece of tissue the Rabbis deem the woman pure, is it necessary to state that they deem her pure in a case of a green or white piece? Rather, is it not coming to clarify the opinion of Rabbi Yehuda, teaching that the Rabbis deem the woman pure in this case, but Rabbi Yehuda disagrees with them and deems her impure? This contradicts the explanation of Shmuel.

Rather, Rav Yehuda says there is a different explanation of the dispute between the Rabbis and Rabbi Yehuda: They disagree with regard to whether or not opening of the womb is possible without a discharge of blood. And they disagree with regard to the issue that is the subject of the dispute between these *tanna'im*, as it is taught in a *baraita*: If a woman experienced difficulty in labor during which blood emerged on two consecutive days, and on the third day she discharged, but she does not know what she discharged, it is uncertain whether she has the status of a woman who gave birth, and it is uncertain whether she has the status of a woman who experienced *ziva*. Therefore she brings an offering, but it is not eaten by the priests.

Rabbi Yehoshua says: The woman brings an offering, and it is eaten. The reason is that she is certainly either a woman after childbirth or a *zava*, as opening of the womb is not possible without a discharge of blood. This is also the matter in dispute between the Rabbis and Rabbi Yehuda.

**§** The Sages taught in a *baraita*: In the case of a woman who discharges an amorphous piece of tissue, Sumakhos says in the name of Rabbi Meir, and likewise Rabbi Shimon ben Menasya would say in accordance with his statement: A Sage who is presented with this piece of tissue should tear it to examine it. If there is blood inside it, the woman is ritually impure, and if not, she is pure.

The Gemara compares this *baraita* to the ruling of the mishna: This statement is basically in accordance with the opinion of the Rabbis in the mishna, but it is more far-reaching, i.e., more stringent, than that ruling of the Rabbis. It is in accordance with the opinion of the Rabbis, as they say that opening of the womb is possible without a discharge of blood, whereas Rabbi Yehuda maintains that opening of the womb is impossible without a discharge of blood. But the ruling of the *baraita* is more far-reaching than that ruling of the Rabbis, as they hold that if blood emerges with the piece of tissue, then yes, the woman is impure, but if blood is found inside the piece of tissue, she is not impure; and Sumakhos holds that even if blood is found inside the piece, the woman is impure.

וְתוֹתְנִיא אֵין, הַמְפָלֶת חֲתִיכָה, רַבִּי אַחָא  
אָוּמֵר: קָרוּעָה, אָם תָּזְכֵה מַאֲדִים -  
שְׁמַמָּה, וְאָם לֹא - טַהּוֹרָה.

**גסומכוס, ועדיפה מסומכוס.**

And it is taught in another *baraita* with regard to a woman who discharges an amorphous piece of tissue, that **Rabbi Aḥa** says: One tears it open, and if its interior looks red, even if it contains no blood, the woman is impure;<sup>N</sup> and if it does not have a red appearance, she is pure.

**אם תוקה**  
**אתוךים טבאה:** The Gemara states that this is at variance with the Rabbis in the mishna. According to this opinion, if the interior of the piece of tissue is red, the woman is impure even if the exterior does not look red. If the exterior looks red, even if the interior is not red, the woman is impure.

Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai...if it contains accumulated blood – **אָפָר רַבִּי** This ruling apparently contradicts Rabbi Yoḥanan's earlier statement (21a), that if the piece of tissue has the appearance of one of the four types of impure blood, the woman is impure, but otherwise the woman is pure. He does not require that the piece of tissue must be torn for examination. Some commentaries explain that Rabbi Yoḥanan's statement here is not his own opinion, but that of Rabbi Shimon ben Yoḥai. Rabbi Yoḥanan's own opinion is cited earlier.

ותתנעו אידך, הפולח חתיכה, רב במנין  
אומר: קורעה, אם יש בה עצם – אמרו  
טמאה לידה. אמרו רב הילא: ובחתיכה  
לבנה. וכן פ' איתא זוגא דמן חריב, איתא  
וזאיית מתניתא ביריה: הפולח חתיכה  
לבה – קורעה, אם יש בה עצם – אמרו  
טמאה לידה.

שםאה לידה.

And it is taught in another *baraita* with regard to a woman who discharges an amorphous piece of tissue, that Rabbi Binyamin says one tears it open to examine it. If it contains a bone, it is considered a fetus, and its mother is impure with the impurity of a woman who gave birth. Rav Hisda says: And this applies in the case of a white piece<sup>41</sup> of flesh; only in such a situation does the existence of a bone render it a fetus. And likewise, when a pair of Torah scholars came from Hadyab,<sup>42</sup> they came and brought a *baraita* with them: In the case of a woman who discharges a white piece of tissue, one tears it open to examine it, and if it contains a bone, its mother is impure with the impurity of a woman who gave birth.

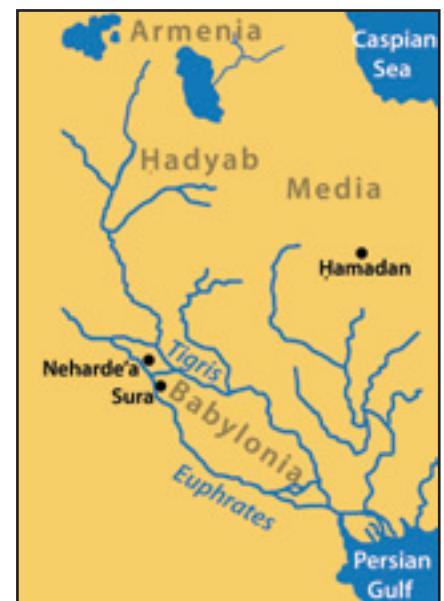
אמור רבי יוחנן משום רבינו שמעון בן יוחנן  
המפלת חתיכה - קורעה, אם יש בה  
דם אגuro - טמאה, ואם לאו - טהורה.  
בנסמכוס וקילא מפולחה.

**נסומכוס וקילא מפולה.**

**Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai:** With regard to a woman who discharges an amorphous piece of tissue, one tears it open to examine it. If it contains a quantity of accumulated blood,<sup>N</sup> the woman is impure; and if not, she is pure. The Gemara comments: This is basically in accordance with the opinion of **Sumakhos**, that blood found inside the piece of tissue renders the woman impure, but it is more lenient than all the previous opinions, i.e., Sumakhos and Rabbi Aḥa, as according to Rabbi Shimon ben Yoḥai the woman is rendered impure only if there is a quantity of accumulated blood.

## BACKGROUND

**Hadyab – חַדְיָבָה:** Hadyab is a region in northern Syria adjacent to the Tigris River. During the period before the destruction of the Second Temple, there existed in the region a small autonomous kingdom under the supreme rule of the Parthian Empire. Its monarchs, Queen Heleni and her sons Munbaz and Izates, converted to Judaism.



Location of Hadyah

בעמא מיעיה רבי ימיה מרבי יזרא: הרואה  
הDIM בשופרת מהו? "בבשורה" אמרו  
ורחמנא - ולא בשופרת, או דלמא  
ההאי "בבשורה" מיבעי ליה - שemptma  
מבוגנים בבחורא?

וְבַפְנֵים בְּבָחוֹץ?

**§ Rabbi Yirmeya asked Rabbi Zeira:** In the case of a woman who inserted a tube into her vagina and sees blood, i.e., she found blood in the tube,<sup>H</sup> what is the halakha? Rabbi Yirmeya clarified his question: Since it is stated: "And if a woman has an issue, and her issue in her flesh is blood, she shall be in her impurity seven days" (Leviticus 15:19), perhaps the Merciful One states in this verse that the woman is impure only if the blood is discharged through "her flesh" and not through a tube. Or perhaps this term: "In her flesh," is necessary to teach the halakha that a woman becomes impure by finding blood inside her vagina just as she becomes impure by experiencing bleeding outside her vagina, i.e., once the blood enters the vaginal canal from the uterus the woman is ritually impure.

HALAKHA

**In the case of a white piece – בְּחַטָּאת בַּבָּה:** In a case where a woman discharges a white piece of tissue, and it is torn open for examination and a bone is found inside, the woman is impure with the status of a woman who gave birth. Since it is uncertain whether the fetus is male or female, she observes the period of impurity established in the Torah for a woman who gives birth to a female (*Shakh*). This is in accordance with the opinion of Rabbi Binyamin, as explained by Rav Hisda (Rambam *Sefer Kedushah*, *Hilkhot Issurei Bia* 10:4, and see *Maggid Mishne* and *Kesef Mishne* there).

**הַרְוָאָה דֶם בְּשִׁפְרָת –** If a woman inserted a tube into her vagina, and blood came out, she is ritually pure. This is because it is derived from the verse: "Her discharge in her flesh is blood," that a woman is impure only if she finds blood in her body, which is the normal way that women find blood, as it is not the norm for a woman to find blood in a tube. This is in accordance with the opinion of Rabbi Zeira (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:16; Shulhan Arukh, Yoreh De'a 188:3).

### HALAKHA

Where the piece of tissue is cracked – **דָּפֶל פְּלוּי**: If a woman discharges an amorphous piece of tissue that has blood in it, even if the piece of tissue is cracked and the blood in the cracks comes in contact with the woman's body, she is pure, as menstrual blood does not normally emerge this way. This is in accordance with the Gemara's interpretation of the opinion of the Rabbis (*Shulhan Arukh, Yoreh De'a* 1883).

**אמָר לִיה:** "בַּבְשָׂרָה" אָמָר רְחוֹמָנָא – וְלֹא בְּשָׁפֹרָת. דָּאֵי "בַּבְשָׂרָה" מִבְּעִילָה שְׁמַטְמָאָה מִבְּפִינִים כְּבָחוֹזָן – אָם כִּן נִמְאָה קָרָא "בַּבְשָׂרָ", מַאי "בַּבְשָׂרָה" – שְׁמַעַן בְּנִיה תְּרִתִּי.

Rabbi Zeira said to Rabbi Yirmeya: The Merciful One states: "In her flesh," meaning that the woman is impure only if the blood is discharged through "her flesh" and not through a tube. As, if the term "in her flesh" is necessary to teach that a woman becomes impure by finding blood inside her vagina just as by seeing blood outside her vagina, if so, let the verse say: In the flesh. What is the significance of the fact that the verse states: "In her flesh"? Conclude two conclusions from the term, both that a woman becomes impure by the presence of blood inside her vagina, and that a woman who experiences bleeding that emerged through a tube is ritually pure.

וְהִיא אָמָר רְבִי יְוחָנָן מִשּׁוּם רְבִי שְׁמֻעוֹן בֶּן יוֹחָנָן: הַמְפָלָת חֲתִיכָה – קָרוּעָה, אָם יִשְׁבַּת בָּה דָּם אָגָוָר – טְמָאָה, וְאָם לֹא – טְהָרוֹת!

The Gemara asks: But doesn't Rabbi Yohanan say in the name of Rabbi Shimon ben Yohai: With regard to a woman who discharges an amorphous piece of tissue, one tears it open to examine it; if it contains a quantity of accumulated blood, the woman is impure, and if not, she is pure? If a woman who sees blood that emerged inside a piece of tissue becomes impure, the same should apply to a woman who sees blood that emerged through a tube.

הַכִּי הַשְׁתָּא? הַתָּם – דָּרְכָה שֶׁל אָשָׁה לְרָאוֹת דָּם בְּחֲתִיכָה, הַכָּא – אֵין דָּרְכָה שֶׁל אָשָׁה לְרָאוֹת דָּם בְּשָׁפֹרָת.

The Gemara responds: How can these cases be compared? There, with regard to a piece of tissue, the woman is impure, as it is the manner of a woman to see blood inside such a piece of tissue. Therefore, this blood fulfills the condition stated in the verse: "In her flesh." By contrast, here, in the case of a tube, the woman should not be impure, as it is not the manner of a woman to see blood that emerged through a tube.

לִימָא שְׁפֹרָת תְּנֵא הַיָּא. דְּתַנְיָא: הַמְפָלָת חֲתִיכָה, אָף עַל פִּי שְׁמַלְאָה דָם, אָם יִשְׁבַּת עַמְּה דָם – טְמָאָה, וְאָם לֹא – טְהָרוֹת. רְבִי אֱלִיעֶזֶר אוֹמֵר: "בַּבְשָׂרָה" – וְלֹא בְּשִׁפְרָה, וְלֹא בְּחֲתִיכָה.

The Gemara suggests: Shall we say that the halakha in the case of a tube is subject to a dispute between *tanna'im*? As it is taught in a *baraita*: With regard to a woman who discharges an amorphous piece of tissue, even though the piece is full of blood, if there is blood on the outside that emerges with it, the woman is impure; and if not, she is pure. Rabbi Eliezer says: The term "in her flesh" teaches that a woman is rendered impure only by blood that emerges through direct contact with her flesh, and not by blood that emerges in a gestational sac, nor by blood that emerges in an amorphous piece of tissue.

רְבִי אֱלִיעֶזֶר הַיָּינוּ תְּנֵא קְמָא! אֵין מָא: שְׁרָבוֹ אֱלִיעֶזֶר אוֹמֵר "בַּבְשָׂרָה" – וְלֹא בְּשִׁפְרָה, וְלֹא בְּחֲתִיכָה.

The Gemara interrupts its citation of the *baraita* and asks: Isn't the opinion of Rabbi Eliezer identical to that of the first *tanna*? The first *tanna* also says that a woman does not become impure due to blood found in a piece of tissue. Rather, the entire *baraita* is the opinion of Rabbi Eliezer, and one must say that the *baraita* should read as follows: Even if the piece of tissue is full of blood the woman is pure, as Rabbi Eliezer says that the term "in her flesh" teaches that a woman is rendered impure only by blood that emerges through direct contact with her flesh, and not by blood that emerges in a gestational sac, nor by blood that emerges in a piece of tissue.

וְחַכְמִים אֹמְרִים: אֵין זוּ דָם נְדָה אֶלָּא דָם חֲתִיכָה. תְּנֵא קְמָא נִמְיָה טְהָרוֹת! אֶלָּא דָפֶל פְּלוּי אִיבָּא בִּינִיה,

The *baraita* continues: And the Rabbis say: If there is blood in the piece of tissue, this is not menstrual blood, but rather the blood of the piece of tissue. The Gemara asks: Doesn't the first *tanna* also deem the woman pure? What is the difference between the opinion of the Rabbis and that of the first *tanna*? The Gemara answers: Rather, the difference between the opinion of the first *tanna* and that of the Rabbis is with regard to a case where the piece of tissue is cracked,<sup>h</sup> and its blood comes in direct contact with the woman's body.

תְּנֵא קְמָא סָבָר: "בַּבְשָׂרָה" – וְלֹא בְּשִׁפְרָה וְלֹא בְּחֲתִיכָה, וְהוּא הַדִּין לְשָׁפֹרָת. וְהִנֵּ – מִילִי – הַיָּא דְשִׁיעָא, אֶכְלָ פְּלוּי פְּלוּי – טְמָאָה, מַאי טְעַמְּיהָ – "בַּבְשָׂרָה" קָרְגָּא בְּנִיה.

The first *tanna* holds that the term "in her flesh" teaches that a woman is rendered impure only by blood that emerges through direct contact with her flesh, and not by blood that emerges in a gestational sac, nor by blood that emerges in a piece of tissue. And the same is true with regard to blood that emerges through a tube. But this statement applies only in a case where the piece of tissue is smooth, but if it is cracked, the woman is impure. What is the reason for this exception? Since the blood comes in direct contact with the woman's flesh, we read the term "in her flesh" with regard to it, i.e., it fulfills that condition.

- ואָתוּ רַבְּנֵן לִמְמוֹר: אֲךָ עַל גַּב דְּפֶלִי פְּלוּי  
 אַיִן זֶה דָם נָדַה אֶלָא דָם חַתִיכָה. הָא  
 דָם נָדַה – וְדָאִ טָמָא, וְאַפְּיָלוּ בְשִׁפְּרוּת  
 גְּמִינִי

אָמַר אֲבִי: בְשִׁפְּרוּת כּוֹלִי עַלְמָא לֹא  
 פְּלוּי דְתָהוּרָה,

**And the Rabbis come to say:** Even though the piece of tissue is cracked, the woman is pure, as this is not menstrual blood but rather the blood of the piece of tissue. It can be inferred from here that if the blood is menstrual blood, the woman is certainly impure, and this is true even if the blood emerges through a tube. Accordingly, the halakha in the case of a tube is subject to a dispute between *tanna'im*.

Abaye says that this suggestion should be rejected: In the case of a tube, everyone agrees that the woman is pure, as derived from the term “in her flesh.”

## Perek III

## Daf 22 Amud a

בַּיְ פְּלוּי – בְּחַתִיכָה. מָר סָבָר דַּרְכָה שֶׁל  
 אַשָּׁה לְרֹאֹת דָם בְּחַתִיכָה, וּמָר סָבָר אַיִן  
 דַּרְכָה שֶׁל אַשָּׁה לְרֹאֹת דָם בְּחַתִיכָה.

רַבָּא אָמַר: דְכּוֹלִי עַלְמָא אֵין דַרְכָה שֶׁל  
 אַשָּׁה לְרֹאֹת דָם בְּחַתִיכָה.

וְהַכָּא בְּאַשָּׁה טָהוֹרָה וּמִקּוֹרָם  
 טֶמֶם קְמִילָגָי. דָרְבִי אַלְיעָזָר סָבָר: אַשָּׁה  
 טָהוֹרָה, וְדָם טָמָא – דָהָא אֲתִי דַרְךָ מִקּוֹרָם  
 (רַבָּן קָבָרִי: אַשָּׁה טָהוֹרָה, וּמִקּוֹרָם  
 טָהוֹרָה).

**When they disagree, it is with regard to the case of blood that is found in a piece of tissue.** One Sage, the first *tanna*, who follows the opinion of Rabbi Eliezer, holds that it is the manner of a woman to see menstrual blood in a piece of tissue that she discharges. Therefore, the term “in her flesh” applies to the blood in the cracks. And one Sage, i.e., the Rabbis, holds that it is not the manner of a woman to see menstrual blood in a piece of tissue that she discharges. Therefore, the blood found in the piece of tissue is not considered menstrual blood, and it does not render the woman impure.

Rava says there is another explanation of this dispute: Everyone, both the first *tanna* and the Rabbis, agrees that it is not the manner of a woman to see menstrual blood in a piece of tissue that she discharges. Consequently, the blood that emerges from the cracks in the piece of tissue is not considered menstrual blood, and it does not render the woman impure.

**And here, they disagree as to whether it is possible that the woman herself is pure but the location of the source, i.e., the uterus, is impure.** As Rabbi Eliezer holds that the woman is pure, i.e., she was not rendered a menstruating woman with the discharge of the blood, but the blood is impure, despite the fact that it emerged in a piece of tissue, as it emerged through the source, which is impure. Therefore, when the blood comes into contact with the woman’s body she contracts first-degree impurity, and the woman subsequently transmits impurity to foods that she touches. **And the Rabbis hold that the woman is entirely pure, and the location of the source is also pure.** Therefore, pure food that she touches is not rendered impure.

בַּעֲמִינְיהָ רַבָּה מִרְבָּה הַונְגָּא: הַרְוֹאָה קָרֵי  
 בְּקִים מַהוּ? מִמְפָנוֹ אָמַר רַחֲמָנוֹ – עַד  
 דְּפִיקָמְבָשָׂרוֹ – וְלֹא בְּקִים. אוֹ דְלָמָא  
 הָאִי מִמְפָנוֹ – עַד שְׁתַצְאָתָם אַתָּה לְחוֹזֵז  
 וְאַפְּיָלוּ בְּקִים נִמְיָה?

**§ Rabba asked Rav Huna a similar question to the case of the tube:** With regard to a man who sees semen<sup>b</sup> by extracting it from his penis with a sliver of wood,<sup>h</sup> what is the halakha? Does he assume the impurity status of one who experiences a seminal emission? The Gemara explains the question. The verse states: “A man from whom the flow of semen emerges” (Leviticus 22:4). Since the Merciful One states: “From whom,” is it derived that the man is not impure unless the semen emerges from his flesh by itself, and not when it is extracted with a sliver of wood? Or perhaps from this term: “From whom,” it is derived merely that the man is not impure unless his impurity, i.e., his semen, emerges outside his body, but he is impure even if this is achieved with a sliver of wood.

## BACKGROUND

A man who sees semen – בַּעֲלָקָר: When a man experiences a seminal emission, whether involuntarily, intentionally, or during sexual intercourse, he becomes ritually impure. To purify himself, he must immerse in a ritual bath, and after nightfall on the day of his immersion he again becomes ritually pure (see Leviticus 15:16–17). While he is ritually impure, it is prohibited for him to enter the Temple Mount and to come in contact with various sacred items such as *teruma*. Ezra instituted that one who experienced a seminal emission was prohibited from engaging in Torah study, praying, or reciting *Shema* until he immersed himself. In subsequent generations that ordinance was repealed, and one who experienced a seminal emission was permitted to engage in all those activities without immersion. This remains the prevalent custom.

## HALAKHA

A man who sees semen with a sliver of wood – הַרְוֹאָה בְּקִים: A man who experiences a seminal emission is impure only if the semen leaves his body and comes in contact with the tip of the penis, as it is stated in the verse: “A man from whom the flow of semen emerges.” Accordingly, one is impure even if he extracted the semen with a needle, provided the semen comes in contact with the tip of the penis. This halakha is in accordance with the opinion of Rav Huna (Rambam *Sefer Tahara, Hilkhot She’ar Avot HaTumot* 5:1, and see Ra’avad there).

### BACKGROUND

Gonorrhea-like discharge [ziva] – זִבָּה: Gonorrhea is a sexually transmitted disease caused by the bacteria *Neisseria gonorrhoeae*. The bacteria causes severe infection of the sexual organs, and one of its primary symptoms is a thin or thick mucous discharge from these organs. Traces of these discharges can also be found in the urine of infected persons. According to some researchers, this is the disease associated with the status known in halakha as zav. It is also possible that the zav is afflicted with a different, similar condition.

### HALAKHA

אַף שְׁכַבַּת וּרְעֵבֶן – סֹוֶת: If a zav experiences a seminal emission during his count of seven clean days, that day alone is negated, after which he completes his count and brings his offering. For example, if he experiences a seminal emission on the fifth day of his count, he counts three days after that day, immerses in a ritual bath on the third day, and brings his offering on the fourth day (Rambam Sefer Korbanot, Hilkhos Mehusrei Kappara 3:2).

### LANGUAGE

Bits of [tzahtzohei] – צַחַצּוּה: Some interpret this word based on the Arabic *dahdah*, which means a tiny amount of liquid.

אמָר לֵיה: תִּפְאַק לִיה דְהֹוא עַצְמֹו אֵינוֹ  
מִטְמָא אֶלָּא בְּתִימָת פִּי הַאֲמָה.

לִמְימָרָא דְנוּגָע חַוִּי? אֶלָּא מִעַתָּה – אֶל  
סִתּוֹר בִּיבָּה!

אַלְמָה תְּנִיא: "זֹאת תּוֹרַת הַזָּב וְאַשְׁר תְּצִיא  
בְּמַנוֹ שְׁכַבַּת וּרְעֵב" מָה זִבָּה סֹוֶת – אַף  
שְׁכַבַּת וּרְעֵב נִמְיָסֹת?

אמָר לֵיה: סִתּוֹר, הַיְנֵטְעָמָא דְסֹוֶת  
לְפִי שָׁאֵי אָפְשָׁר לְהַבְּלָא עַצְצָוִי זִבָּה.

אֶלָּא מִעַתָּה תִּסְתֹּור כָּל שְׁבָעָה! אַלְמָה  
תְּנִיא: "זֹאת תּוֹרַת הַזָּב" וּמָה זִבָּה  
סֹוֶת – אַף שְׁכַבַּת וּרְעֵב סֹוֶת,

אֵי מָה זִבָּה סֹוֶת כָּל שְׁבָעָה, אַף  
שְׁכַבַּת וּרְעֵב נִמְיָסֹת כָּל שְׁבָעָה? תְּלִמוֹד  
לֹאָמָר "לְטַמְאָה בָּה" – אֵין לְקָבָה אֶלָּא  
בָּה שָׁאָמָר בָּה – סֹוֶת יוֹם אֶחָד?

Rav Huna said to Rabba: Derive that the man is pure from the fact that semen itself becomes impure only in a case where the discharge is substantial enough to cause a **blockage of the tip of the penis**.<sup>7</sup> Since this amount cannot be extracted with a sliver of wood, it is not impure.

Rabba replied to Rav Huna: Since a minimum measure is required for this impurity, **is this to say that** the reason a man who experiences a seminal emission is impure is that his penis **touches** the semen after it is emitted? If he was rendered impure merely by the emission of the semen then no minimum measure would apply, as is the halakha with regard to a menstruating woman. But **if that is so**, then a seminal emission **should not negate** the count of seven clean days **for** a man who experienced a gonorrhea-like **discharge** [ziva].<sup>8</sup> A zav does not stop his counting when he touches a source of impurity, e.g., the carcass of a creeping animal.

If so, **why is it taught** in a *baraita*: It is derived from the verse's juxtaposition between a zav and one who experienced a seminal emission: "**This is the law of the zav, and of one from whom the flow of semen emerges**" (Leviticus 15:32), that just as ziva during the seven clean days **negates** the count, **so too, a seminal emission negates**<sup>9</sup> the count. If it is not the emission itself that renders the man impure but only his contact with the semen, why does the emission negate the count of seven clean days?

Rav Huna said to Rabba in response: The halakha of **negation** is not difficult, as **this is the reason** that a seminal emission **negates** the count of seven clean days: **Because it is impossible** for a zav to experience a seminal emission **without** it containing **bits of** [tzahtzohei]<sup>10</sup> ziva.

Rabba further objected: **If that is so**, then a seminal emission **should negate the entire count of seven clean days**, just like an emission of ziva, not merely the day on which the seminal emission occurred. But then **why is it taught** in the *baraita*: It is derived from the verse: "**This is the law of the zav, and of one from whom the flow of semen emerges, so that he is impure by it**" (Leviticus 15:32), that just as ziva during the seven clean days **negates** the count, **so too, a seminal emission negates** the count.

The *baraita* continues: If a seminal emission is compared to ziva, then it might be suggested that **just as ziva negates the entire count of seven days, so too, a seminal emission should also negate the entire count of seven days**. Therefore, the verse states: "**So that he is impure by it**," to teach that in the case of a seminal emission you have a negation of the count that is equivalent **only** to the impurity that is stated by it, i.e., impurity for one day. Accordingly, a seminal emission **negates only one day** of the count, not the entire count. This apparently contradicts Rav Huna's statement that the reason a seminal emission negates the count at all is that the seminal emission of a zav always contains ziva.

### NOTES

That semen itself becomes impure only in a blockage of the tip of the penis – נִטְמָא אֶלָּא בְּתִימָת פִּי הַאֲמָה: The early commentaries disagree with regard to the meaning of this halakha and its ramification in a case where semen is extracted with a needle. Some explain that the minimum amount of semen that is impure is an amount substantial enough to block the tip of the penis. Therefore, since the needle itself takes up part of the area of the tip, the extracted amount is not enough. Accordingly, it makes no difference whether or not there is a hole in the needle

(Rashi; *Hiddushei Tzemah Tzedek*). By contrast, other commentaries explain that for the semen to render the man impure it must touch the tip of the penis. Therefore, if it came out through a hollow needle and did not touch the tip of the penis, the man remains pure. In their opinion, the needle in question is one that has a hole in it through which the semen is discharged. Since the needle interposes between the semen and the tip, the man is not impure (Rashba; Meiri; *Tosefot HaRosh*; *Tosefot Hakhmei Angliya*).

**אמור ליה:** גיורת הכתוב והא, ייבה גמורה  
**ולא ערבה בה שכבת זרע – סותרת כל**  
**שכעה, עצוזה ייבה דערבה בה שכבת**  
**זרע – לא סותרת אלא יום אחד.**

**ביעא מיניה רבוי יוסי ברבי חנינה מרבי**  
**אלישע: דם יבש מהו? כי יוב זוב דמה**  
**אמר רחמנא – עד דמייד בדיב ליה, לח –**  
**אין יבש – לא, או דרמא: האי כי יוב**  
**ב דמה – אורחא דמיילתא היא, ולעולם**  
**אפיקלו יבש נמי?**

**אמור ליה:** תנייתך, דם הנדה ובש  
**לחות – מטמאין לחים יבשים. אמר לך:**  
**לח ונעשה יבש לא קא מבעיא לי, כי**  
**מבעיא לי – יבש מעיקרא.**

**הא נמי תנייתך: המפלת במין קליפה,**  
**במין שערה, במין עפר, במין יבוחשין**  
**אדומין – תפיל למים,**

Rav Huna said to Rabba: It is a Torah edict that an emission that is purely *ziva*, when semen is not mixed in it, negates the entire count of seven days, whereas bits of *ziva* in which some semen is mixed negate only one day of the count.

**§** Rabbi Yosei, son of Rabbi Hanina, asked Rabbi Elazar: If a woman discharges dry blood,<sup>h</sup> what is the halakha? Does she have the status of a menstruating woman? The Gemara explains the dilemma: Since the Merciful One states: “And if a woman has a flow of her blood many days” (Leviticus 15:25), does this indicate that the woman is not impure unless the blood flows, i.e., if it is wet, yes, she is impure, whereas if it is dry she is not impure? Or perhaps this phrase: “If a woman has a flow of her blood,” is merely referring to the normal manner that menstrual blood emerges, but actually even dry blood renders the woman impure.

Rabbi Elazar said to him: You learned the solution to your dilemma in a mishna (54b): The blood of a menstruating woman and the flesh of a corpse<sup>h</sup> impart impurity whether they are wet or dry. Rabbi Yosei, son of Rabbi Hanina, said to him in response: I do not raise the dilemma about blood that was wet when it came out and subsequently dried, as such blood is certainly impure. When I raise the dilemma, it is with regard to blood that was dry at the outset, when it emerged.

Rabbi Elazar responded: You learned the solution to this dilemma as well, in the mishna here: In the case of a woman who discharges an item similar to a shell,<sup>h</sup> or similar to a hair, or similar to soil, or similar to mosquitoes, if these are red, she should cast them into water to ascertain their nature.

#### HALAKHA

**Dry blood – דם יבש:** If a woman experiences a discharge of blood from her uterus, she is impure, whether the blood is wet or dry (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 2:1 and Sefer Kedusha, Hilkhot Issurei Bia 5:14; Shulchan Arukh, Yoreh De'a 188:4).

**And the flesh of a corpse – בשר המת:** An olive-bulk of flesh from a corpse imparts impurity just like a complete corpse, whether it is moist or it is as dry as earthenware (Rambam Sefer Tahara, Hilkhot Tumat Met 2:1).

**A woman who discharges an item similar to a shell, etc. – הפלת בקי קליפה וכו':** A woman who discharges blood, whether it is wet or dry, is ritually impure. Even if a woman discharges a red

item similar to a shell, hair, or mosquito, she is impure, but only if this item can be dissolved within twenty-four hours in lukewarm water that stays lukewarm for that entire period. The required temperature of the water is that of water that was drawn from a river or a well in the summer and was kept indoors. This is the required temperature in the winter as well. It is no higher than the temperature of saliva (*Beit Yosef*, citing *Ritva*). If the discharged item is not dissolved within twenty-four hours, even if one can mash it against his nails, the woman is pure. If one cannot mash it against his nails, the woman is certainly pure, and it is unnecessary to examine the item by soaking it in water (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:14, and see *Maggid Mishne* there; Shulchan Arukh, Yoreh De'a 188:4).

Perek III  
Daf 22 Amud b

**אם נמווחו – טמאה. איזה – בלא נמווחו  
 נמי אמר רביה: כי לא נמווחו – בריה בפניהם  
 עצמה היא.**

If they dissolved, it is blood, and the woman is impure; and if not, she is ritually pure. Evidently, dry blood is impure, as these items are all dry until they are soaked in water. The Gemara asks: If so, that dry blood is impure, these items are impure also in a case where they do not dissolve in water. Why is this examination necessary at all? Rabba says: In a case where they do not dissolve, this indicates that the item is not blood at all; rather, it is a distinct entity.

**BACKGROUND**

Tivin – טבשין: Tivin is identified as modern-day Tivon, in the northern Jezreel Valley, southwest of Tiberias.



Location of Tivin

Yavne – יבנה: Yavne is located slightly more than 1 km from the Mediterranean coast, due west of Jerusalem. It is identified with Yavne'el, mentioned in the Bible as a city in the tribal lands of Judah. It was a Philistine city for many years, and it is listed as one of the cities whose walls were breached by King Uzziah of Judah.

Later Yavne was conquered by Vespasian during the campaign to quash the Great Revolt that culminated in the destruction of the Second Temple. It seems that several Sages who did not support the revolt settled there. When Rabban Yohanan ben Zakkai joined them, Yavne became the spiritual center of Eretz Yisrael and the seat of the Sanhedrin for many years, apparently until the bar Kokheva rebellion. The main yeshiva there was called Kerem BeYavne, meaning the vineyard in Yavne.

**NOTES**

And the Sages asked the doctors – חכמים שאלו רופאים: Some commentaries prove from here that one can rely on the opinion of an expert with regard to matters of ritual law. This applies even in cases of prohibitions by Torah law (*Mekom Shmuel*), and even with regard to prohibitions punishable by *karet* (*Maharik*). There are authorities who infer from the plural term doctors that one should rely only on several doctors, not on one alone. Some of these authorities also require that the doctors be Jewish (Responsa of the *Bah*). Others maintain that two doctors, one Jewish and the other gentile, suffice (*Shevut Yaakov*).

**LANGUAGE**

Lukewarm [poshrin] – פושרין: The original meaning of the root *peh*, *shin*, *reish* is apparently to melt, and it came to refer to any liquid that is neither hot nor cold. Some say that the Hebrew word for soak, *heshra*, is also connected to this root.

ונִי אֵיכָא בַּי הָא גוֹנְטָא? אֲנֵי, וְהַתְּנִיא, אֲמָר  
רְבִי אֶלְזָאָר בֶּן רְבִי צָדוֹק, שְׁנֵי מִעְשִׁים הָעָלָה  
אֲבָא מִשְׁבָּעֵין לְבָנָה.

מִعְשָׁה בְּאִשָּׂה שְׁחִיתָה מְפֻלָּת בְּמִין קְלִיפּוֹת  
אֲרוּפוֹת, וְבָאוּ וְשָׁאלוּ אֶת אֲבָא, וְאֲבָא  
שָׁאַל לְחַכְמִים, וְחַכְמִים שָׁאַל לְרוּפָאים,  
וְאָמְרוּ לְהָם: אִשָּׂה זוֹ מְבַהַי שֶׁלְּבָתוֹן  
מִשְׁיָה שְׁמַמְנָה מְפֻלָּת בְּמִין קְלִיפּוֹת, תְּשִׁיל  
לְפִים, אֲםָן גְּמוּחוֹ – טְמָאָה.

וְשָׁבַע מִעְשָׁה בְּאִשָּׂה שְׁחִיתָה מְפֻלָּת בְּמִין  
שְׁעוּרָת אֲרוּפוֹת, וּבָאה וְשָׁאלה אֶת אֲבָא,  
וְאֲבָא שָׁאַל לְחַכְמִים, וְחַכְמִים לְרוּפָאים,  
וְאָמְרוּ לְהָם: שְׁמָמָא שֶׁלְּבָתוֹן מִשְׁיָה,  
שְׁמַמְנָה מְפֻלָּת בְּמִין שְׁעוּרָת אֲרוּפוֹת, תְּשִׁיל  
לְפִים, אֲםָן גְּמוּחוֹ – טְמָאָה.

אָמָר רִישׁ לְקִישׁ: וּבְפּוֹשָׁרִין. תְּנִיא נִמְיָן  
הַכְּבָשׂ תְּשִׁיל לְפִים, וּבְפּוֹשָׁרִין. רְבָן שְׁמַעוֹן  
בֶּן גַּמְלַיאֵל אָוֹרָה: מִמְעַכְתּוֹ בְּרוּךְ עַל גְּבַי  
הַצְּפּוֹן. מַאי בִּינֵיכֶם? אָמָר רַבִּינָא: מַעֲן  
עַל יָדִי הַדָּחֵק אִיכָּא בִּינֵיכֶם.

הַתָּם תָּנוּ: בְּפִיה הִיא שְׁרִירִין בְּפּוֹשָׁרִין –  
מִשְׁתַּת לְעֵת, הַכָּא מַאי? מַי בְּעֵינָא מִעֵד  
לְעֵת, אוֹ לֹא?

שְׁרִירִין וְגַבְלָה דָּאקוֹשִׁי – בְּעֵינָן מִשְׁתַּת לְעֵת,  
אֲבָל דִּם דָּרְכֵיךְ – לֹא, אוֹ דְלִמְאָה לֹא שְׁנָא?  
תִּיקְּנָה.

The Gemara asks with regard to these instances discussed in the mishna: **But are there actually cases like this?** The Gemara answers: Yes there are, and it is taught likewise in a *baraita* that Rabbi Elazar, son of Rabbi Tzadok,<sup>9</sup> says: My father raised two incidents from Tivin<sup>8</sup> to the Sages in Yavne<sup>8</sup> for discussion.

The first was an incident involving a woman who would repeatedly discharge items similar to red shells, and the local residents came and asked my father whether this rendered the woman impure. And my father asked the other Sages, and the Sages asked the doctors<sup>10</sup> what causes this to happen. And the doctors said to them: This woman has a wound in her womb from which she discharges red items similar to shells. The Sages therefore ruled that the woman should cast them into water to ascertain their nature. If they dissolved, it is blood and the woman is impure.

And again there was a similar incident involving a woman who would discharge items similar to red hairs, and she came and asked my father whether she was impure. And my father asked the other Sages, and the Sages asked the doctors, and the doctors said to them: The woman has a mole in her womb from which she discharges items similar to red hairs. The Sages therefore ruled that the woman should cast them into water, and if they dissolved, she is impure.

**§ Reish Lakish says:** And this examination is conducted only with lukewarm [uvefoshrin]<sup>11</sup> water. This is also taught in a *baraita*: The woman should cast the item into water, and this examination is conducted only with lukewarm water. Rabban Shimon ben Gamliel says: The woman mashes the item with saliva, using the fingers of one hand on a fingernail of her other hand. The Gemara asks: What is the difference between the two opinions? Ravina says: The difference between them is whether an item is considered blood if it can be mashed by pressing on it, or only if the item dissolves by itself.

We learned in the mishna there (54b) with regard to an animal carcass or the carcass of a creeping animal that dried up, which is examined by soaking it in water to determine whether or not it still imparts impurity: For how long is its soaking in lukewarm water necessary? It is for a twenty-four-hour period. The Gemara asks: Here, with regard to the examination of an item discharged by a woman, what is the halakha? Do I need it to be soaked in lukewarm water for a twenty-four-hour period, or not?

The Gemara explains the question: Perhaps with regard to a carcass of a creeping animal and an unslaughtered animal carcass, which are hard when they dry up, we require soaking for a twenty-four-hour period, but blood, which is relatively soft after it dries up, does not need to be soaked for that long. In other words, if the item did not dissolve after even a shorter period of time, it is not blood. Or perhaps the examination of a discharged item is no different, and it also must be soaked for twenty-four hours. The Gemara concludes: The dilemma shall stand unresolved.

**PERSONALITIES**

Rabbi Tzadok – רְבִי צָדוֹק: The reference is apparently to Rabbi Tzadok the priest, who in his later years was one of the greatest Sages of Israel at the time of the destruction of the Second Temple. It is said that he fasted frequently over the period of forty years prior to the destruction of the Temple as a plea that the Temple not be destroyed. The leader of that generation, Rabban Yohanan ben Zakkai, held him in such high regard that he requested of the emperor Vespasian to procure a special doctor to care for him, since he had become so emaciated by his fasts. Rabban Yohanan ben Zakkai also said of Rabbi Tzadok that if there had

been another person as righteous as him, Jerusalem would not have been destroyed.

After the destruction of the Temple, Rabbi Tzadok resided in the town of Tivin. He maintained contact with the Sages of Yavne and would ask them questions and testify before them about various halakhic traditions. It is related that when he would visit Yavne, Rabban Gamliel HaNasi would honor him greatly, as did Rabbi Yehoshua and Rabbi Eliezer, the greatest Sages of Yavne in that generation.

**המפלת במיין דגים.** ולפלו נמי רביה  
יהודה בהא!

אמור ריש לكيיש: במקולות שניה, ורבנן  
היא. ורבי יוחנן אמר: אפיקו פימה רביה  
יהודה. עד כאן לא אמר רביה יהודה הtam  
אלא גבוי חטקה - עיבר זם דקניש והי  
חטקה, אבל בריה - לא הי.

ולהذا לישנא דאמר רבי יוחנן: בא יאפשר  
לפתיחה הקבר בלא זם קמיפלי, לפלו  
נמי רביה יהודה בהא!

מאן דמתני ה' לישנא מותני ה' כי: רבבי יוחנן  
וריש לkeyish דאמר תרוייהו במקולות  
שניה, ורבנן היא.

**המפלת במיין בהמה** [וכו].

אמור רביה יהודה, אמר שמואל: מאוי טעמא  
דרבי מאיר - הזואיל וגנאמה בו יצירה  
באדם.

§ The mishna teaches: In the case of a woman who discharges an item similar to fish<sup>h</sup> or to grasshoppers, repugnant creatures, or creeping animals, if blood emerges with it, the woman is impure, and if not, she is pure. The Gemara asks: **But let Rabbi Yehuda disagree with the Rabbis with regard to this halakha as well**, just as he disagrees with them in the first clause of the mishna, in the case where a woman discharges an amorphous piece of tissue, as he maintains that she is impure whether or not blood emerges with it.

**Reish Lakish says:** This case is also subject to the dispute between Rabbi Yehuda and the Rabbis, and the opinion cited in the mishna is that of the Rabbis. And Rabbi Yoḥanan says: You may even say that the ruling of the mishna is in accordance with the opinion of Rabbi Yehuda, as when Rabbi Yehuda says that the woman is impure even if blood does not emerge, it is only there, in the case of an amorphous piece of tissue, as the blood is likely to dry and turn into the form of a piece of tissue. But blood is not likely to become the form of a creature, such as a fish or a grasshopper.

The Gemara challenges: But this is difficult according to that version in which Rabbi Yoḥanan says that Rabbi Yehuda and the Rabbis disagree with regard to whether opening of the womb is impossible without a discharge of blood<sup>i</sup> (see 21b). Since Rabbi Yehuda holds that blood automatically emerges whenever the womb opens, and therefore the woman is impure even if she did not notice any blood, he should disagree with the Rabbis in this case too, i.e., if a woman discharges an item similar to a fish or one of the other creatures.

The Gemara answers: **The one who teaches that version** of the above discussion **teaches** an alternative version of Rabbi Yoḥanan's opinion here as well, like this: With regard to a woman who discharges an item similar to fish, or to grasshoppers, repugnant creatures, or creeping animals, **Rabbi Yoḥanan and Reish Lakish both say** that this case is subject to a dispute between Rabbi Yehuda and the Rabbis, and the opinion stated in the mishna is that of the Rabbis.

§ The mishna teaches: In the case of a woman who discharges tissue in the form of a type of domesticated animal, undomesticated animal, or bird, whether of a kosher or non-kosher species, if it is male, the woman observes the periods of impurity and purity for a woman who gives birth to a male. If it is female, the woman observes the periods of impurity and purity for a woman who gives birth to a female. And if its sex is unknown, the woman observes the strictures of a woman who gave birth to both a male and a female. This is the statement of Rabbi Meir.

Rav Yehuda says that Shmuel says: What is the reason for the opinion of Rabbi Meir, that a woman who discharges a fetus in the form of an animal has the same status as one who discharges a fetus with human form or gives birth to a human? It is since the Torah uses a similar formulation in the two cases, as a term of formation is stated with regard to the creation of these types of animals, in the verse: "And out of the ground the Lord God formed every animal of the field, and every fowl of the air" (Genesis 2:19), just as it is stated with regard to the creation of man: "And the Lord God formed man" (Genesis 2:7).

## NOTES

Rabbi Yoḥanan says they disagree...whether opening of the womb is impossible without blood – אמרו יוחנן...אי אפשר לפתיחה הקבר בלא זם קמיפלי According to the standard version of the Gemara on 21b, it is Rav Yehuda, not Rabbi Yoḥanan, who says this. Nevertheless, apparently the correct version is that this statement was issued by Rabbi Yoḥanan, as indicated by the Gemara here.

## HALAKHA

A woman who discharges an item similar to fish, etc. – **המפלת במיין דגים וכו'**: If a woman discharged an item similar to a grasshopper, fish, repugnant creature, or creeping animal, the woman is impure only if blood emerged with it; otherwise, she is pure. Nowadays, the woman is considered impure regardless of the

shape of the discharged item, as the halakhic authorities today are not proficient in the differences between the different forms of discharged items (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:15; Shulhan Arukh, Yoreh De'a 194:3).

### BACKGROUND

**Leprosy of houses – נגעי בתים:** By Torah law (see Leviticus 14:33–57), if leprous marks appear in a house, all the items in the house must be removed in order to prevent them from becoming ritually impure in the event that the house is declared impure. A priest is then brought to examine the house. If he confirms that the marks are leprous, the house is left uninhabited for a week, after which it is reexamined. If the leprous marks darken or disappear, the house is declared ritually pure. If the marks are unchanged, the house is quarantined for a second week, after which it is reexamined. If by that point the marks have darkened, the house is ritually impure and must undergo a purification process involving birds, cedarwood, and scarlet thread, similar to the purification process through which a leprous person is purified. But if the marks have remained unchanged, the affected parts of the house are removed and replaced with new construction materials, after which the house is quarantined a third time. If the marks reappear, the entire house must be destroyed, and its stones are disposed of in a ritually impure place. If they do not reappear, the house undergoes a purification process.

### NOTES

And the priest shall return, and the priest shall come – **שֶׁבֶת הַכֹּהן וְבָא הַכֹּהן:** The verses could lead to the conclusion that if the priest comes in the second week after the initial discovery of the leprosy and finds that the leprosy spread through the walls of the house, he orders the demolition of the house. But based on the verbal analogy, it is derived that the priest conducts himself in the second week as he did in the first week: He orders the affected area cut and that area of the wall plastered. The house is then quarantined for another week.

אֲלֹא מִעֵתָה, הַמְפֻלֶּת דְמוֹת תְּנִינָה תְהִא  
אֲפּוֹ טְמֵאָה לִיְדָה הַזָּוְלִין וְנִאמֶר בָּזָה  
צִירָה כָּאָדָם, שֶׁנִּאמֶר "וַיָּבֹרַא אֱלֹהִים  
אֶת הַתְּנִינִים הַגָּדוֹלִים!"

אָמְרִי: דְּנִין יִצְרָה מִצְרָה, וְאַיִן דְּנִין  
בְּרִיאָה מִצְרָה.

מַאי נִפְקָא מִינָה? הָא תְּנָא דְבִי רַבִּי  
שְׁמַעְאָל: יוֹשֵׁב הַכֹּהן וּבָא הַכֹּהן –  
וְהִיא שִׁיבָה וְהִיא בִּיאָה!

וְעַוד: נִגְמָר בְּרִיאָה מִבְּרִיאָה, דְכִתְבֵּב  
וַיָּבֹרַא אֱלֹהִים אֶת הָאָדָם בְּצָלָמוֹ!

אָמְרִי: "וַיָּבֹרַא" – לְגֹפְפִיה, "זִיִּצְרָה"  
לְאַפְנֵי, וְדְנִין יִצְרָה מִצְרָה.

אָמְרָבָה: "וַיִּצְרָר" – לְגֹפְפִיה, "וַיָּבֹרַא" –  
לְאַפְנֵי, וְדְנִין בְּרִיאָה מִבְּרִיאָה!

אֲלֹא: "וַיִּצְרָר" – מוֹפֵנָה מִשְׁנִין צְדִידִין,  
מוֹפֵנָה גַּבֵּי אָדָם וּמוֹפֵנָה גַּבֵּי בָּהָמָה.  
"וַיָּבֹרַא" – גַּבֵּי אָדָם מוֹפֵנָה, גַּבֵּי תְּנִינִים  
אַיִן מוֹפֵנָה.

מַאי מוֹפֵנָה גַּבֵּי בָּהָמָה? אַיִלִים  
מִדְחַטֵּב וּוֹיעַשׂ אֱלֹהִים אֶת חַיֵּת  
הָאָרֶץ וּכְתִיב "וַיִּצְרָר [ה] אֱלֹהִים מִן  
הָאָדָם כֹּל חַיֵּת הַשְׁرָה" – גַּבֵּי תְּנִינִים  
נִמְיָא אַפְנֵי מוֹפֵנָה, דְכִתְבֵּב "וְאַתָּה כָּל  
רַמֵּשׁ הָאָרֶםָה, וּכְתִיב "וַיָּבֹרַא אֱלֹהִים  
אֶת הַתְּנִינִים הַגָּדוֹלִים!"

The Gemara asks: If that is so, then with regard to a woman who discharges an item with the **form of a sea monster**, its mother should be impure with the impurity of a woman after childbirth, since the concept of formation is stated with regard to its creation, just as it is stated with regard to the creation of man. As it is stated: “And God created the great sea monsters” (Genesis 1:21).

The Sages say in response: One derives halakhot of a matter with regard to which **formation** is stated by means of a verbal analogy from another matter with regard to which **formation** is stated, but one does not derive halakhot of a matter with regard to which **creation** is stated from a matter with regard to which **formation** is stated.

The Gemara asks: What difference is there between formation and creation? A verbal analogy can be drawn between different words with similar meanings. For example, the school of Rabbi Yishmael taught a verbal analogy with regard to leprosy of houses.<sup>8</sup> The verse states: “And the priest shall return [veshav] on the seventh day” (Leviticus 14:39), and another verse with regard to the priest’s visit seven days later states: “And the priest shall come<sup>N</sup> [uvat] and look” (Leviticus 14:44). This returning and this coming have the same meaning, and one can therefore derive by verbal analogy that the halakha that applies if the leprosy had spread at the conclusion of the first week applies if it had spread again by the end of the following week.

And furthermore, the halakha of a woman who discharges an item similar to a sea monster, with regard to which **creation** is stated, can be derived by a different verbal analogy from the halakha of human offspring, since here it also states **creation**, as it is written: “And God created man in His own image” (Genesis 1:27).

The Sages say in response: The verse “And God created man” is necessary to teach the matter itself, i.e., the creation of man. By contrast, the term “And the Lord God formed man,” serves to render it free, i.e., the mention of the formation of man is superfluous in its context and was stated for the purpose of establishing a verbal analogy. And therefore one derives the halakhot of animals, with regard to which **formation** is stated, from the halakhot of man, with regard to which **formation** is stated.

The Gemara raises a difficulty: On the contrary, one can say that the verse “And the Lord God formed man” was stated to teach the matter itself, whereas the term “And God created man” serves to render it free; and therefore one derives the halakhot of sea monsters, with regard to which **creation** is stated, from the halakhot of man, with regard to which **creation** is stated.

The Gemara answers: Rather, the reason it is animals and not sea monsters that are compared to man is that the term “and...formed” is free on both sides, i.e., it is free with regard to man and it is free with regard to animals. By contrast, the term “and...created” is free with regard to man, but it is not free with regard to sea monsters.

The Gemara asks: What is the reason that the term “and...formed” that appears with regard to animals is considered free? If we say it is due to the fact that it is written: “And God made the animals of the earth after its kind, and the cattle after their kind, and everything that creeps on the ground after its kind” (Genesis 1:25), and it is similarly written: “And out of the ground the Lord God formed every animal of the field” (Genesis 2:19), and therefore this verse is superfluous, but with regard to the sea monster as well, the expression “and...created” is free, as it is written: “And God made... and everything that creeps on the ground after its kind” (Genesis 1:25), and it is also written: “And God created the great sea monsters.” Consequently, the term “and...created” is also free on both sides of the verbal analogy.

רָמֶשׁ" דְּכַתֵּב הַתָּם - רִיבָּה הוּא. וְמַא  
נַּפְקָא מִינָה בֵין מוֹפֵנָה מִצְדָּחָר לְמוֹפֵנָה  
מִשְׁנִי צְדָדִין?

נַּפְקָא מִינָה דָאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל  
מִשּׁוּם רַבִּי יְשֻׁמְעָאֵל: כָל גּוֹהַ שְׂחוֹ שָׁאַינָה  
מוֹפֵנָה כָל עַיקָּר - אַין לְמִדְרָן הַיּוֹנָה.  
מוֹפֵנָה מִצְדָּחָר אַחֲר, לְרַבִּי יְשֻׁמְעָאֵל - לְמִדְרָן  
אַין מוֹשִׁיבֵין, לְרַבִּן - לְמִדְרָן וּמוֹשִׁיבֵין.  
מוֹפֵנָה מִשְׁנִי צְדָדִין, דְבָרֵי הַכָּל - לְמִדְרָן  
וְאַין מוֹשִׁיבֵין.

רַבִּי יְשֻׁמְעָאֵל, מַا יָאֵיכָא בֵין מוֹפֵנָה מִצְדָּחָר  
אַחֲר לְמוֹפֵנָה מִשְׁנִי צְדָדִין? נַּפְקָא מִינָה  
דְהִיכָא דְאַיכָא מוֹפֵנָה מִצְדָּחָר וּמוֹפֵנָה  
מִשְׁנִי צְדָדִין, שְׁבָקִין מוֹפֵנָה מִצְדָּחָר.

The Gemara answers: The **creeping animal that is written there is referring to creeping animals of the land, not of the sea**. Therefore, the term: "And...created," stated with regard to sea monsters is not superfluous. The Gemara asks: **But what difference is there between a verbal analogy that is free on one side and a verbal analogy that is free on both sides?**

The Gemara answers: The **difference is with regard to that which Rav Yehuda said that Shmuel says in the name of Rabbi Yishmael**, with regard to the exegetical principle of verbal analogy: With regard to any **verbal analogy that is not free at all, one cannot derive halakhot from it**. If the verbal analogy is **free on one side, according to Rabbi Yishmael one can derive halakhot from it, and one cannot refute it through logic**, even if there are valid counterarguments. **According to the Rabbis, one can derive halakhot from it, but one can also refute it logically if there are grounds to distinguish between the two cases**. If a verbal analogy is **free on both sides**,<sup>NB</sup> everyone agrees that **one can derive halakhot from it and one cannot refute it logically**.

The Gemara asks: **And according to Rabbi Yishmael, what difference is there between a verbal analogy that is free on one side and a verbal analogy that is free on both sides?** In both cases, he holds that one can derive *halakhot* from it and one cannot refute it. The Gemara answers: He holds that the **difference is that in a case where there are two mutually exclusive verbal analogies, one that is free on one side and one that is free on both sides, we disregard the analogy that is free on one side**,

## NOTES

**Free on both sides –** בְּעוֹפֶנָה מִשְׁנִי צְדָדִין: The reason that *halakhot* derived from a verbal analogy that is free on both sides cannot be refuted is that it is considered as though the *halakha* were written explicitly in the Torah (Rashi on *Shabbat* 64a).

## BACKGROUND

**Verbal analogy...free on both sides –** בְּעוֹרָה שְׂחוֹ ... בְּעוֹפֶנָה מִשְׁנִי צְדָדִין: A verbal analogy is a fundamental rabbinic principle of biblical interpretation, appearing in all standard lists of exegetical principles. If the same word or phrase appears in two places in the Torah, and a certain *halakha* is explicitly stated in one of these places, the Sages may infer on the basis of verbal analogy that the same *halakha* must apply in the other case as well. In its simplest form, the verbal analogy is a type of linguistic interpretation by means of which the meaning of an obscure word or phrase is inferred on the basis of another occurrence of the same word or phrase in a clearer context. It is often used not only to determine the meaning of obscure words and phrases but to transfer entire *halakhot* from one context to another. Verbal analogies are unique among the exegetical principles in that they are based on verbal rather than conceptual similarity. For this reason there are several limitations placed on its use. For example, many hold that the analogy is binding only if the key words are free, or superfluous, in the sense that they are not needed as a source for some other *halakha*. If the key words are not superfluous, the verbal analogy may be refuted logically.

## Perek III

### Daf 23 Amud a

וַיַּלְפִּין מוֹפֵנָה מִשְׁנִי צְדָדִין, וְלֹהָכִי אֲפַנְּיה  
רְחַמְנָא לְבַהֲמָה מִשְׁנִי צְדָדִין, בִּי הִיכִּידְלָא  
גְּנַבְרָמָן מוֹפֵנָה מִצְדָּחָר.

רַב אַחֲר בַּרְיהָ דָרְבָא מַתְנִי לָה מִשְׁמִינָה  
רַבִּי אַלְשָׁוּ לְקוּלָא: כָל גּוֹהַ שְׂחוֹ שָׁאַינָה  
מוֹפֵנָה כָל עַיקָּר - לְמִדְרָן וּמוֹשִׁיבֵין, מוֹפֵנָה  
מִצְדָּחָר, לְרַבִּי יְשֻׁמְעָאֵל - לְמִדְרָן וְאַין  
מוֹשִׁיבֵין, לְרַבִּן - לְמִדְרָן וּמוֹשִׁיבֵין. מוֹפֵנָה  
מִשְׁנִי צְדָדִין, דְבָרֵי הַכָּל - לְמִדְרָן וְאַין  
מוֹשִׁיבֵין.

וְלְרַבִּן, מַא יָאֵיכָא בֵין מוֹפֵנָה מִצְדָּחָר  
לְשָׁאַינָה מוֹפֵנָה כָל עַיקָּר?

and derive the *halakha* from the analogy that is **free on both sides**. And it is for this reason that the Merciful One rendered the verbal analogy between animal and man **free on both sides, so that one would not derive the *halakha* from the verbal analogy between sea monster and man, which is free on only one side**.

Rav Aha, son of Rava, teaches in the name of Rabbi Elazar a more lenient version of the aforementioned principle of exegesis of verbal analogy: With regard to any **verbal analogy that is not free at all, one can derive halakhot from it, but one can also refute it logically**. If the verbal analogy is **free on one side, according to Rabbi Yishmael one can derive halakhot from it, and one cannot refute it**. **According to the Rabbis, one can derive halakhot from it, but one can also refute it**. If the verbal analogy is **free on both sides, everyone agrees that one can derive halakhot from it and one cannot refute it**.

The Gemara asks: **But if so, according to the Rabbis, what difference is there between a verbal analogy that is free on one side and one that is not free at all?** In both cases, the Rabbis hold that one can derive *halakhot* from such a verbal analogy but one can also refute it.

נַּפְקָא מִינָה הִיכָא דְמִשְׁבָחָת לָה מוֹפֵנָה  
מִצְדָּחָר וְשָׁאַינָה מוֹפֵנָה כָל עַיקָּר, וְלֹא  
לְהָאִי אִיתָ לְיה פִּרְכָּא, וְלֹא לְהָאִי אִיתָ  
לְיה פִּרְכָּא - שְׁבָקִין שָׁאַינָה מוֹפֵנָה כָל  
עַיקָּר, גּוֹמְרִין מוֹפֵנָה מִצְדָּחָר.

The Gemara answers: The **difference is in a case where you find two mutually exclusive verbal analogies, one that is free on one side and one that is not free at all, and neither does this one have a logical refutation nor does that one have a logical refutation**. In such a case, **we disregard the analogy that is not free at all, and we derive the *halakha* from the one that is free on one side**.

### NOTES

As it is stated, for He Who forms the mountains and creates the wind – **שֶׁנְאָמָר בַּיְתֵינוּ כִּי הַנֶּה יֹצֵר הָרִים –** This verbal analogy cannot be refuted, as it is free on both sides, i.e., the word “forms” is superfluous in its context, since the verse could have stated instead: For He Who creates the mountains and the wind (*Tosafot; Tosefot HaRosh*).

**אָבָן הַיָּא דְקָא מִפְלָת:** An alternative explanation for the *halakha* that a woman who discharges an item that looks like a mountain is not impure is offered in the Jerusalem Talmud: Although in other biblical contexts the concept of formation is written with regard to mountains, it is not so written in the context of the creation in Genesis.

One does not derive matters stated in the Torah from the words of the tradition – **אַין דְּין דְבָרֵי תּוֹרָה**: Rashi (*Hullin* 137a) explains that the Torah was given to all generations, whereas each prophecy was issued for a specific generation.

**וְהַכָּא מַאי פָּרוּכָא אִיכָּא?** מִשּׁוּם דָאִיכָּא  
לְמִפְרָךְ: מַה לְאָדָם – שְׁבִן מִטְמָא מַחֲחִים.

**כִּי אָמַר רַבִּי חִיאָ בֶּר אֲבָא, אָמַר רַבִּי יוֹחָנָן:**  
**הַיְיָנוּ טֻעַמָּא דְרַבִּי מַאֲיר – הַזְּאֵיל וְנוֹאָמְרָה  
בָּו "יִצְרָה" כָּאָדָם.**

**אָמַר לֵיהּ רַבִּי אֲמִי:** אַלְאָ מִעְתָּה, הַמִּפְלָת  
דָמוֹת הָר, אָמוֹת טָמָא לִידָה – **שֶׁנְאָמָר:**  
“בַּיְתֵינוּ כִּי הַנֶּה יֹצֵר הָרִים וּבַוּרָא רֹוחָן!” אָמַר לֵיהּ:  
הַר מַיְ קָא מִפְלָת? אָבָן הַיָּא דְקָא מִפְלָת,  
הַהוּא – “גּוֹשָׁ” אַיְקָנוּ.

**אַלְאָ מִעְתָּה, הַמִּפְלָת רֹוח,** תְּהָא אָמוֹת  
טָמָא לִידָה – **הַזְּאֵיל וְנוֹאָמְרָה בָּו “בִּרְאָה”**:  
בָּאָדָם, דְבָרִיב: “בַּוּרָא רֹוחָן” וּבַיְתִימָא:  
לֹא מַופְנָה – מַדְתָּהוּ לֵיהּ לְמַכְתָּב “יֹצֵר  
הָרִים וּרֹוחָן”, וּבְתִיב “בַּוּרָא רֹוחָן” – שְׁמָעוּ  
מִינָה לְאָפְנָנוּי!

**אָמַר לֵיהּ:** **דְּין דְבָרֵי תּוֹרָה מִדְבָּרֵי תּוֹרָה,**  
**וְאַין דְּין דְבָרֵי תּוֹרָה מִדְבָּרֵי קְבָלה.**

**אָמַר רַבָּה בֶּר חָנָה, אָמַר רַבִּי יוֹחָנָן:**  
**הַיְיָנוּ טֻעַמָּא דְרַבִּי מַאֲיר – הַזְּאֵיל וְעַיִינָהּ  
דָמוֹת בְּשָׁל אָדָם.**

**אַלְאָ מִעְתָּה הַמִּפְלָת דָמוֹת נַחַש,** תְּהָא  
אָמוֹת טָמָא לִידָה – **הַזְּאֵיל וְגַלְגָּל עַיִן –**  
עַגְולָה בְּשָׁל אָדָם! וּבַיְתִימָא: הַכִּי נַמְיִ –  
לִתְנִי נַחַש!

The Gemara asks: **And here, with regard to the verbal analogy between man and sea monster, which was rejected because it is free on only one side, what logical refutation is there** on account of which this verbal analogy is rejected? The Gemara answers: The verbal analogy between man and sea monster is rejected because it can be refuted as follows: **What is unique about man?** Man is unique in that a person can become impure while he is alive, unlike an animal, which can become impure only after it dies, or a sea monster, which cannot become impure at all.

And likewise, Rabbi Hiyya bar Abba said that Rabbi Yoḥanan said: **This is the reason for the opinion of Rabbi Meir**, that a woman who discharges an item similar to a domesticated animal, an undomesticated animal, or a bird is impure: It is because formation is stated with regard to the creation of these animals, just as it is stated with regard to the creation of man.

Rabbi Ami said to him: If that is so, then in the case of a woman who discharges an item that has the shape of a mountain, its mother should be impure with the impurity of a woman after childbirth, as it is stated with regard to the creation of mountains: “For He Who forms the mountains and creates the wind” (Amos 4:13).<sup>n</sup> Rabbi Hiyya bar Abba said to him: Does she discharge a mountain? The discharged item cannot possibly be that large. It is an item with the form of a stone that she discharges,<sup>n</sup> and that is called a clod, not a mountain.

Rabbi Ami further inquired: If that is so, in the case of a woman who discharges an item having an amorphous form [*ruah*], its mother should be impure with the impurity of a woman after childbirth, since creation is stated with regard to it, just as it is stated with regard to man, as it is written: “And creates the wind [*ruah*]”. And if you would say that no verbal analogy can be drawn here, because the verse is not free, i.e., it is not superfluous, as it is necessary to recount the creation of the wind, that is not so. Rabbi Ami explains: From the fact that the verse could have written: Who forms the mountains and the wind, and instead it is written: “Who forms the mountains and creates the wind,” conclude from it that the superfluous word “creates” serves to render it free for drawing a verbal analogy between *ruah* and man.

Rabbi Hiyya bar Abba said to Rabbi Ami: One derives matters that are stated in the Torah from matters that are stated in the Torah, i.e., from verses in the Torah, but one does not derive matters that are stated in the Torah from the words of the tradition,<sup>n</sup> i.e., verses in the Prophets or the Writings, such as the verse in Amos.

**§ Rabba bar bar Hana said that Rabbi Yoḥanan said:** This is the reason for the opinion of Rabbi Meir: Since the eyes of these animals are similar to those of a human, a woman who discharges an item of that type is impure.

The Gemara objects: If that is so, then in the case of a woman who discharges an item that has the form of a snake,<sup>h</sup> its mother should likewise be impure with the impurity of a woman after childbirth, since the pupil of a snake is round, like that of a human. And if you would say that indeed, this is the *halakha*, then let the mishna teach this case of a woman who discharges an item that has the form of a snake among the other cases where the woman discharges an item of an unusual form.

### HALAKHA

A woman who discharges the form of a snake – **הַמִּפְלָת דָמוֹת נַחַש**: The Rambam maintains that a woman who discharges an item that has the form of a snake is impure with the impurity of a woman after childbirth, since the pupil of a snake is round, like that of a human. The Ra'avad holds that the woman is not impure, in accordance with the opinion of the Rabbis. The *Maggid Mishne* points

out the apparent contradiction between the Rambam's ruling in this case and his ruling in the case of a woman who discharges an item having the form of a domesticated animal, an undomesticated animal, or a bird, which follows the opinion of the Rabbis (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:10, and see *Kesef Mishne* there).

אֵי תָנַא נָחַשׁ, הַוָה אַמְנִיאָ: בְּנֶחֶשׁ הַוָה  
דָּפְלִיאִי רְבָנָן עַלְיהָ דָרְבִי מְאֹר – דָלָא  
כְתִיב בֵיהֶ "יִצְרָה", אֲכָל בְּהַמָּה וְתִיחָ –  
לֹא פְלִינִי, דְכִתְבָא בֵיהֶ "יִצְרָה".

וְהָא גַבֵי מָבוֹן קַתְנִי לָה אָת שְׂגָלְגָל  
שְׁנַנוּ עַנוּל בְּשָׁל אָדָם לֹא קָשְׁיא, הָא –  
בְּאוֹפְמָא, הָא – בְּצִירָא.

רַבִי יָנָא אָמָר: הַיְינוּ טֻמְעָמָא דָרְבִי מְאֹר –  
הַוְאֵיל וְעַינֵיהֶם הַזְּלָכָות לְפִנֵיהם בְּשָׁל  
אָדָם. וְהָרִי שׁוֹתָה דָאַין עַיְנוּ הַזְּלָכָות לְפִנֵי,  
קָמָר וְרַבִי מְאֹר דְטָמָא! אָמָר אַבְיָי!  
בְּקָרִיא וּקִיפָפָא, וּבְשָׁאָר עַזְפּוֹת – לֹא.

מִתְחִיבִי: רַבִי חַנִינָא בֶן אַנְטִיגָנוֹס אָמָר:  
נְרָאֵין דָבְרִי וְרַבִי מְאֹר בְּבַהֲמָה וְתִיחָ,  
וְרַבִרִי חַכְמִים בְּעַזְפּוֹת,

מַאי עַזְפּוֹת? אַילִימָא בְּקָרִיא וּקִיפָפָא,  
מַאי שְׁנָא בְּבַהֲמָה וְתִיחָ – דַעֲנֵיכֶן הַזְּלָכָות  
לְפִנֵיכֶן בְּשָׁל אָדָם, בְּקָרִיא וּקִיפָפָא – נְמִי!

The Gemara explains: If the mishna had taught the case of a snake, I would say that it is only in the case of a woman who discharges an item having the form of a snake that the Rabbis disagree with Rabbi Meir and rule that the woman is not impure, as a term of formation is not written with regard to the creation of the snake. But with regard to a woman who discharges an item having the form of a domesticated animal or an undomesticated animal, they do not disagree with Rabbi Meir, as the concept of formation is written with regard to them.

The Gemara raises a difficulty: But with regard to the halakhot of blemishes that render the slaughter of a firstborn animal permitted, it is taught in a mishna (*Bekhorot* 40a) that an animal whose pupil is round like that of a human<sup>BH</sup> is considered blemished. Evidently, the eyes of animals are dissimilar to those of humans. The Gemara answers that it is not difficult; this statement, that the eyes of animals are similar to those of humans, is referring to the pupil, and that statement, that the eyes of animals are not similar to those of humans, is referring to the entire eyeball in the socket.

**§ Rabbi Yannai said:** This is the reason for the opinion of Rabbi Meir: It is because the eyes of these animals are fixed in the front of their heads like those of a human, unlike the eyes of birds and snakes, a woman who discharges an item of that kind is impure. The Gemara raises a difficulty: But there is the case of a woman who discharges an item similar to a bird, whose eyes are not fixed in the front of its head, and nevertheless Rabbi Meir says that the woman is impure. This apparently contradicts Rabbi Yannai's explanation. Abaye said: Rabbi Meir is referring to the little owl [*bekarya*] and the great owl [*vekifofa*],<sup>B</sup> whose eyes are fixed in the front of their heads, but in the case of a woman who discharges any of the other species of birds, Rabbi Meir does not deem her impure.

The Gemara raises an objection to this answer from a *baraita*: Rabbi Hanina ben Antigonus says: The statement of Rabbi Meir seems correct in the case of a woman who discharges the form of a domesticated animal or an undomesticated animal, and the statement of the Rabbis seems correct in the case of birds.

The Gemara asks: To what birds is Rabbi Hanina ben Antigonus referring? If we say he is referring to the little owl and the great owl, what is the difference between this case and the cases of a domesticated animal or an undomesticated animal, with regard to which Rabbi Hanina ben Antigonus accepts the opinion of Rabbi Meir? If the key factor is that their eyes are fixed in the front of their heads like those of a human, Rabbi Hanina ben Antigonus should accept the opinion of Rabbi Meir in the case of a little owl or a great owl as well, as their eyes are also fixed in the front of their heads.

## BACKGROUND

גָלְגָל שָׁנוּ – Whose pupil is round like that of a human – עַנוּל בְּשָׁל אָדָם:



Eye of a sheep, with rectangular pupil

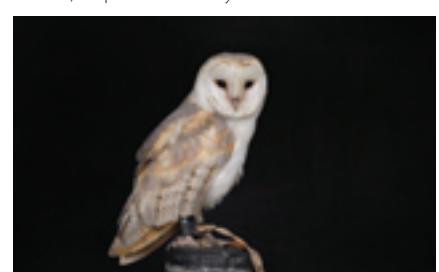
קָרִיא וּקִיפָפָא – Little owl [*karya*] and great owl [*kifofa*] – Several identifications have been suggested for the *karya* and *kifofa*, which are referred to in the Torah as the *kos* and the *yanshuf*, respectively (see *Targum Onkelos* on Leviticus 11:17). It is generally assumed that both are types of owls. Since the faces of these nocturnal birds have a peculiar appearance different from other birds of prey, seeing them in a dream is considered a bad sign.



Eurasian eagle-owl, posited to be the *karya*



Little owl, also posited to be the *karya*



Barn owl, posited to be the *kifofa*

## HALAKHA

Whose pupil [galgal eino] is round like that of a human – שְׂגָלְגָל: The normal pupil of an animal is not round like that of a human. If its pupil is round like that of a human, this is a blemish that disqualifies the animal from being brought as an offering. In the *Kesef Mishne* it is stated that galgal eino refers to

the iris; if the entire eyeball is round like that of a human, that is not considered a blemish. The *Kesef Mishne* does note that the Rambam does not mention this distinction (*Rambam Sefer Avoda, Hilkhot Issurei Mizbe'ah* 2:2).

### PERSONALITIES

**Rabbi Yirmeya – רבי ירמיה:** Born in Babylonia, Rabbi Yirmeya was one of the leading *amoraim* of the third and fourth generations. He studied in Babylonia in his youth, but soon thereafter immigrated to Eretz Yisrael, where he became a disciple of some of the most prominent Sages of the generation, Rabbi Zeira and Rabbi Abbahu, who were the preeminent students of Rabbi Yohanan. Rabbi Yirmeya had a special dialectical method of great acuity, and he would pose provocative questions to his teachers and colleagues. Since these questions gave the impression that Rabbi Yirmeya was seeking to undermine the accepted conventions of halakhic dialectic, he was criticized, and was even removed from the study hall for a brief period (see *Bava Batra* 23b). Rabbi Yirmeya's statements are quoted extensively in both the Babylonian Talmud and the Jerusalem Talmud, so much so that when the Babylonian Talmud simply says: They say in the West, i.e., in Eretz Yisrael, it generally refers to the opinion of Rabbi Yirmeya.

**Rabbi Zeira – רבי זירא:** One of the greatest of the third-generation Babylonian *amoraim*, Rabbi Zeira was educated in the Babylonian tradition and studied mainly with the disciples of Rav and Shmuel. He immigrated to Eretz Yisrael, where he studied under Rabbi Yohanan and was a colleague of Rabbi Yohanan's foremost disciples. When Rabbi Zeira reached Eretz Yisrael he was extremely impressed by the method of learning he found there, which he adopted in full. Accordingly, he undertook one hundred fasts to help him forget the Babylonian method of learning. He also fasted to prevent the fires of Gehenna from ruling over him. When he performed tests to see if fire would affect him, the calves of his legs were burned. For this reason he became known as the short man with the scorched calves (*Bava Metzia* 85a). Rabbi Zeira was famous for his great piety, his modesty, and his affable and accommodating nature. He was greatly loved and honored by his peers. Rabbi Zeira had many disciples throughout Eretz Yisrael, and his statements are widely quoted in both the Babylonian Talmud and the Jerusalem Talmud. He had a son who was also a Sage, Rabbi Ahava.

אַלَا פְשִׁיטָא – בְּשָׂאָר עֲוֹפָת, מְכֻלָּה  
דָּרְבֵי מְאִיר פֶּלֶג בְּשָׂאָר עֲוֹפָת!

חַפּוּרִי מִחְסְּרוֹא וְהַכִּקְתַּעַי, רַבִּי חַנִּינָא  
בֶּן אַנְטִיגְנוֹס אָזָמֵר: נְרָא יְהִי דָּבָרִי רַבִּי  
מְאִיר בְּבָתְמָה וְחַיָּה, וְהַוָּא הַדָּרְבֵי לְלָרָא,  
וְקִיפָּא, וְדָבָרִי חַכְמִים בְּשָׂאָר עֲוֹפָת,  
שָׂאָרְבֵי מְאִיר לֹא נְחַלֵּק עַמְּפָם אַלְאָ  
בְּקָרְיאָ וְקִיפָּא, אַבְּלָ בְּשָׂאָר עֲוֹפָת  
מוֹדֵי לְהָוָה.

וְהַתְּנִינָא, אָמֵר רַבִּי אַלְשָׁוָר בְּרַבִּי צְדוּקָה:  
הַמְּפָלָת מִן בָּתְמָה וְחַיָּה, לְדָבָרִי רַבִּי  
מְאִיר – וְלֹא, וְלְדָבָרִי חַכְמִים – אַיְוָן  
וְלֹא, בְּעוֹפָת – תִּבְדֹּק.

לְמַאן, תִּבְדֹּק? לֹא לְדָבָרִי רַבִּי מְאִיר  
דָּאַמֵּר קָרְיאָ וְקִיפָּא – אַיְן, שָׂאָר  
עֲוֹפָת – לֹא?

אָמֵר רַב אַחֲרָא בָּרוּה דָּרְבֵי אַיְקָא: לֹא,  
תִּבְדֹּק לְרַבְּעָן, דָּאַמֵּר קָרְיאָ וְקִיפָּא –  
אַיְן, שָׂאָר עֲוֹפָת – לֹא.

וְמַאי שְׁנָא קָרְיאָ וְקִיפָּא מִבָּתְמָה  
חוּכָה? הַזְּאֵל וַיֵּשׁ לְהָנָן לְסִתוֹת כָּאָדָם.

בְּעָא מִיְּהָ רַבִּי יִרְמֵיהֶ מְרַבִּי זִירָא: לְרַבִּי  
מְאִיר דָּאַמֵּר בָּתְמָה בְּמַעַי אֲשָׁה וְלֹא  
מַעַלְיאָ הוּא, קְבָּל בָּה אֲבָהָה קִידּוּשָׁן  
מַהְוָן לְמַאי נְפָקָא מִינָה – לְאַיִתְסּוּרִי  
בְּאַחֲרָתָה.

Rather, it is obvious that when Rabbi Hanina ben Antigonos says that he does not accept the opinion of Rabbi Meir, he is referring to the other species of birds. From the fact that it is necessary for Rabbi Hanina ben Antigonos to reject Rabbi Meir's opinion in those cases, it may be concluded that Rabbi Meir himself disagrees with the Rabbis with regard to the other species of birds as well, despite the fact that their eyes are not fixed in the front of their heads.

The Gemara explains that the *baraita* is incomplete, and this is what it is teaching: Rabbi Hanina ben Antigonos says: The statement of Rabbi Meir seems correct in the case of a domesticated animal or an undomesticated animal, and the same is true with regard to a little owl or a great owl. And the statement of the Rabbis appears correct even to Rabbi Meir with regard to the other species of birds. The reason is that even Rabbi Meir agrees that if a woman discharges an item that has the form of one of the other species of birds, she is not impure, i.e., he disagrees with them only with regard to a little owl or a great owl, but he concedes to their opinion with regard to the other species of birds.

The Gemara cites proof for Abaye's claim that Rabbi Meir differentiates between an owl and other species of birds, as it is taught in a *baraita* that Rabbi Elazar, son of Rabbi Tzadok, says: In the case of a woman who discharges an item that has the form of a type of domesticated animal or undomesticated animal, according to the statement of Rabbi Meir it has the halakhic status of a full-fledged offspring, and according to the statement of the Rabbis, it does not have the status of a full-fledged offspring. In the case of a woman who discharges an item that has the form of birds, it must be examined.

The Gemara asks: According to whom must it be examined? Is this not referring to the statement of Rabbi Meir, who said that if a woman discharges an item that has the form of a little owl or a great owl, yes, she is impure, but if she discharges an item that has the form of other birds, she is not impure? Consequently, the item must be examined to determine what type of bird it resembles.

Rav Aha, son of Rav Ika, said: No, this *baraita* does not prove that Rabbi Meir differentiates between owls and other species of birds, as perhaps the statement that the discharged item must be examined applies according to the Rabbis, as they say that if a woman discharges an item that has the form of a little owl or a great owl, yes, she is impure, but if a woman discharges an item that has the form of other birds, she is not impure.

The Gemara asks: But if the Rabbis hold that a woman who discharges an item similar to a land animal is not impure, why would they hold that if she discharges an item that has the form of owls she is impure? What is the difference between a little owl and a great owl on the one hand, and a domesticated animal and an undomesticated animal on the other? The Gemara answers: Since owls have cheeks like those of a human, therefore a woman who discharges an item similar to an owl is impure, whereas if she discharges an item that has the form of a land animal she is pure, despite the fact that their eyes are fixed in the front of their heads.

§ Rabbi Yirmeya<sup>p</sup> asked Rabbi Zeira<sup>p</sup>: According to Rabbi Meir, who said that an animal in the womb of a woman is considered a full-fledged offspring, what is the *halakha* in a case where it is a female, and her father accepted betrothal for her, i.e., he married her off by accepting betrothal money from a man, or a document of betrothal? Is such a betrothal valid? Rabbi Yirmeya elaborated: What practical difference is there whether it is valid? The difference is with regard to whether it is prohibited for the man to marry her sister. If the betrothal is valid, it is prohibited for the husband to marry her sister, as one may not marry his wife's sister.

לִמְימָרָא דְּחַיִ? וְהִאמֵּר וּבְיוֹדָה, אָמַר  
רַב: לֹא אָמְרָה רַבִּי מֵאִיר אֶלְאָ הַזָּעִיל  
בְּמַמְינוֹ מַתְקִים! אָמַר וּבְאַחֲרָא בֶּן יְעָקֹב:  
עַד בָּאָן הַבַּיּוֹן רַבִּי יִרְמֵיהַ לְבִי יוֹרָא לִידֵי  
יִחוּךְ וְלֹא גַּחֲנִים.

גּוֹפָא, אָמַר וּבְיוֹדָה, אָמַר וּבָ לֹא אָמְרָה  
רַבִּי מֵאִיר אֶלְאָ הַזָּעִיל וּבְמַמְינוֹ מַתְקִים.  
אָמַר וּבְיִרְמֵיהַ מַדְפְּתִי:

The Gemara asks: Is this to say that such an offspring can live? This factor is important, as a man is prohibited from marrying his wife's sister only during his wife's lifetime. But doesn't Rav Yehuda say that Rav says: Rabbi Meir said that a woman who discharges an item that has the form of an animal is impure **only since** there are other animals **of its type** that can live, i.e., there are animals similar to the discharged item that do survive, but not that creature itself. Rav Aḥa bar Ya'akov says: Rabbi Yirmeya tried this hard to cause Rabbi Zeira to laugh, but he did not laugh. In other words, Rabbi Yirmeya was not asking his question seriously.

The Gemara discusses the matter itself. Rav Yehuda says that Rav says: Rabbi Meir said that a woman who discharges an item that has the form of an animal is impure **only since** there are animals **of its type** that can live. Rav Yirmeya of Difti says:

### Perek III

#### Daf 23 Amud b

אָרֶף אָמַן נָמֵי תְּנִינָא: הַמְפַלָּת בְּמִין בְּהַמִּיחָה  
צִיְּחָה וְעַזְּפָ – (וְלֹא מַעֲלָא הַוָּא) דָּבָר רַבִּי  
מֵאִיר. וְחַכְמִים אֹמְרִים: עַד שִׁיחָא בָּו  
מַשּׂוֹת אָדָם.

We, too, learn in a mishna (*Bekhorot* 46a) that the fetus of a woman that has the form of an animal cannot survive: In the case of a woman who had previously **discharged a fetus** with the appearance **similar to that of a domesticated animal, an undomesticated animal, or bird** before giving birth to any children, and subsequently she gives birth to a son, the son is considered a firstborn with regard to the *halakhot* of inheritance, but he does not require redemption, as the fetus is considered a full-fledged offspring in that regard. This is the statement of Rabbi Meir. And the Rabbis say: The son is not exempted from the requirement of redemption from a priest **unless** it follows the birth of a fetus that **takes the form of a person**; otherwise, it is not considered the offspring that "opens the womb" (Exodus 13:2), and the son requires redemption as a firstborn.

הַמְפַלָּת סְנָדֵל, או שְׁלִיא, או שְׁפִיר  
מַרוֹקָם, וְהַיּוֹצֵא מִחוֹתָךְ – הַבָּא אַחֲרָיו  
בָּכֹר לְנַחְלָה וְאַיִל בָּכֹר לְכָתָן; וְאַיִלְקָא  
דְּשֻׁתָּר דְּחַי, הַבָּא אַחֲרָיו בָּכֹר לְנַחְלָה  
מַהְיוֹ?

And in the case of a woman who **discharges** a fetus in the form of a sandal fish,<sup>8</sup> or from whom an afterbirth or a gestational sac in which tissue developed emerged, or who delivered a fetus that emerged in pieces, the son that follows them is considered a firstborn with regard to inheritance but is not a firstborn with regard to redemption from a priest.<sup>9</sup> The Gemara explains the proof: And if it enters your mind that a fetus that has the form of an animal can survive, is the son that follows it a firstborn with regard to inheritance?

אָמַר וּבָא: לְעוֹלָם – דְּחַי, וְשָׁאַנֵּי הַתָּמִיד  
רַאֲמֵר קֹרְאָ "רְאִשְׁתָּאת אָנוֹ" – מַיְ שְׁלַבְיוֹ  
דוֹה עַלְיוֹן, יָצָא הַשָּׁאוֹן לְבוֹ דַּוְה עַלְיוֹן.

Rava said, in rejection of this proof: Actually, it is possible that a fetus shaped like an animal **can survive; but it is different there**, with regard to inheritance. The son that follows such a fetus has the status of a firstborn, as the verse states with regard to the inheritance of a firstborn: "By giving him a double portion of all that he has; for he is the **first fruits of his strength [ono]**; the right of the firstborn is his" (Deuteronomy 21:17). It is derived from the verse that the status of a firstborn applies only to a son **over whose** death a father would **mourn**. The word *ono* is interpreted homiletically based on its similarity to the word *onen*, acute mourner. This offspring that has the form of an animal is therefore **excluded**, as its father **would not mourn over its death**.

### BACKGROUND

Sandal fish – **סְנָדֵל**: This fish is referred to today as the sole, a group of flatfish. The name is derived from the Latin solea, referring to both the fish and the sole of a shoe. The common sole, *Solea solea*, possesses an interesting feature: Both of its eyes are on the right side of its body.

### NOTES

Is a firstborn with regard to inheritance but is not a firstborn with regard to a priest – **בָּכֹר לְנַחְלָה וְאַיִל בָּכֹר לְכָתָן**: The Torah states two *halakhot* with regard to a firstborn: He must be redeemed through payment of five *sela* to a priest, and he receives a portion double that of his brothers in his father's inheritance. The definition of a firstborn differs with regard to these two matters. A firstborn must be redeemed if he opened the womb of his mother,

i.e., he is her firstborn. Such a firstborn requires redemption even if he is not the firstborn of his father, i.e., a man who has multiple wives must redeem the firstborn of each. Conversely, with regard to the *halakhot* of inheritance, it is the father's firstborn son who receives a double share, even if he is not his mother's firstborn, as it is stated in the verse: "For he is the first fruits of his strength, the right of the firstborn is his" (Deuteronomy 21:17).

**HALAKHA**

One who slaughters an animal and finds in it the form of a pigeon – **השוחט את הבָּהָמָה וּמֵצָא בָּהּ דְּמוֹת יִזְנָה**: If one slaughters a pregnant animal and finds in its womb an item that has the form of a bird, even a kosher bird, the fetus is forbidden for consumption. A fetus found in the womb of a slaughtered animal is permitted for consumption only if it has hooves. The *Shakh* adds that according to the Rambam and the *Shulhan Arukh*, even if the fetus has the appearance of an animal that has hooves, if it does not actually have hooves, it is forbidden. The Rema writes that it is not necessary for its hooves to be split, i.e., if it looks like an animal with hooves, even one that does not have split hooves, it is permitted for consumption (Rambam *Sefer Kedusha, Hilkhos Ma'akhalot Assurot* 1:7; *Shulhan Arukh, Yoreh De'a* 13:5).

Its forehead and the eyebrows and the eyes, etc. – **בְּצַעַד הַבָּבִינָם וְעֵינִים וּכְיֻנָּה**: If a woman discharged a type of domesticated animal, undomesticated animal, or bird, if it has a human face, it is considered human. Therefore, if it is male, the woman observes the periods of impurity and purity established in the Torah for a woman who gives birth to a male, and if it is female, she observes the periods established in the Torah for a woman who gives birth to a female. If the sex of the offspring is indiscernible, the woman observes the strictures of a woman who gave birth to a male and to a female. If the fetus does not have a human face, then even if the rest of its body looks human, including its hands and legs, and its sex is clear as well, nevertheless, it is not considered a human fetus, and the woman does not have the impurity status of a woman after childbirth. For a fetus to be defined as having a human face it must have a human forehead and chin, and human eyebrows, eyes, and cheeks. If it has these human features, it is considered a human offspring, even if its mouth, ears, and nose resemble those of animals. Nowadays, the woman is considered impure regardless of the shape of the discharged item, as the halakhic authorities today are not proficient in the differences between the various forms of discharged items (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 10:8–9, and see *Maggid Mishne* there; *Shulhan Arukh, Yoreh De'a* 194:3).

**BACKGROUND**

**Goat [tayish]** – **תַּיִשׁ**: A *tayish* is a buck, or male goat, and can be recognized by its beard. There are over three hundred breeds of goats, which differ substantially in their coloring, build, and genetics. The goats generally discussed in the Mishna and Talmud are of a species similar to *Capra mambrica*, which is native to Eretz Yisrael.

**בַּעֲאָמִינָה רֶבֶב אֶבֶן אֶחָד מִאֶבֶן:**  
**לֹרְבִּי מַאֲיר דָּאַמְרַבְּה בְּהַמָּה בְּמַעַי אֲשָׁה –**  
**וְלֹד מַעַלְיאָה הוּא, אֶרְם בְּמַשִּׁי בְּהַמָּה מַאי?**  
**לְמַאי נַפְקָא מִינָה – לְאַשְׁתוֹן בְּאַכְילָה.**

**וְתִפְשֹׂוֹת לִיה מִהָּא דָרְבִּי יוֹחָנָן, דָאַמְרַבְּה וּבְיִזְנָה:**  
**יוֹחָנָן: הַשׁוֹחֵט אֶת הַבָּהָמָה וּמֵצָא בָּהּ דְּמוֹת**  
**יִזְנָה – אַסְוָרָה בְּאַכְילָה!**

**הַכְּלִי הַשְׁתָּא? הַתָּמָם – לְאַפְּרוּסָות אִיכְאָה וְלָא**  
**פְּרָסָה אִיכְאָה, הַכָּא – נַהֲיָ דְּפָרָסָות לִיכְאָה,**  
**פְּרָסָה מִיְּהָא אִיכְאָה.**

**וְחוֹכְמִים אֹמְרִים כֹּל שָׁאַיְן בּוֹ כּוֹ. אֶמְרָה**  
**רַב יִרְמֵיהַ בָּר אַבָּא, אָמָר וּבָכְלָמָדִים,**  
**גּוֹפּוֹ תִּישְׁ וְפָנָיו אָדָם – אָדָם, גּוֹפּוֹ אָדָם**  
**וְפָנָיו תִּישְׁ – וְלֹא בְּלָוּם,**

**לֹא נַחֲלָקָו אֶלָּא שְׁפָנָיו אָדָם וְנַבְּרָא בְּעֵין**  
**אֶחָת בְּהַמָּה. שְׁרֵבִי מַאֲיר אָמָר:** **כִּל צְוֹתָה, וְחוֹכְמִים**  
**אָדָם. וְחוֹכְמִים אֹמְרִים: כִּל צְוֹת אָדָם.**

**אָמָר לוֹ לַרְבִּי יִרְמֵיהַ בָּר אַבָּא: וְהָא אִיכְבָּא**  
**תְּנִיאָ, רַבִּי מַאֲיר אָמָר: כִּל צְוֹתָה, וְחוֹכְמִים**  
**אֹמְרִים: מַצְרוֹת! אָמָר לְהָה: אֵי תְּנִיאָ –**  
**תְּנִיאָ.**

**אָמָר רַבִּי יִרְמֵיהַ בָּר אַבָּא, אָמָר רַבִּי יוֹחָנָן:**  
**מִצְחָת, וְהַגְּבִינָם, וְהַעֲינִים, וְהַלְּסָתָה, וְגַבְתָּה**  
**תְּזַקְּנוּ – עַד שְׁיָחוֹ פּוֹלָם בְּאַחֲרָה. רַבָּא אָמָר**  
**חַקָּא: מִצְחָת, וְהַגְּבִינָם, וְהַעֲינָה, וְהַלְּסָתָה, וְגַבְתָּה**  
**תְּזַקְּנוּ – עַד שְׁיָחוֹ פּוֹלָם בְּאַחֲרָה.**

**§ Rav Adda bar Ahava asked Abaye: According to Rabbi Meir, who said that an item that is similar to an animal in the womb of a woman is considered a full-fledged offspring, what is the halakha with regard to a human fetus in the womb of an animal? The Gemara explains: What is the practical difference of this inquiry? The difference is with regard to permitting the fetus in consumption. A full-fledged fetus found inside its slaughtered mother is permitted to be eaten, despite the fact that it was not slaughtered itself.**

The Gemara suggests: **But one can resolve the dilemma from that statement of Rabbi Yoḥanan**, as Rabbi Yoḥanan said: In the case of one who slaughters an animal and finds in it an item that has the form of a pigeon,<sup>4</sup> the pigeon is prohibited for consumption. Evidently, the ritual slaughter of a pregnant animal renders its fetus permitted to be eaten only if the fetus is of the same species as the mother. Accordingly, if the fetus has the form of a human, it is prohibited for consumption.

The Gemara rejects this suggestion: **How can these cases be compared? There, with regard to a pigeon fetus, there are no split hooves, and there is not even a hoof at all.** Since a pigeon is completely different from the slaughtered animal, the fetus is forbidden. By contrast, here, in the case of a human fetus, **although there are no split hooves, there is at least a hoof**, i.e., solid feet. Therefore, it is possible that the human fetus is permitted for consumption, and the dilemma remains unresolved.

**§** The mishna teaches: **And the Rabbis say: Any discharged entity that is not of human form does not render the woman impure.** Rav Yirmeya bar Abba says that Rav says: All concede that if a woman discharged an entity whose body is that of a goat<sup>5</sup> and whose face is that of a human, it is considered a human offspring, i.e., even the Rabbis rule that the woman is impure in this case. Likewise, if its body is that of a human and its face is that of a goat, Rabbi Meir concedes that it is nothing, and the woman is pure.

They disagree only in a case where its face is that of a human, but it was created with one human eye and one eye like that of an animal. As Rabbi Meir says that if the offspring has part of the form of a human face, even if one eye is not like that of a human, it is considered a human offspring, and the woman is impure. And the Rabbis say that it must have the entire form of a human face to be considered a human offspring, and otherwise the woman is not impure.

One of the Sages said to Rav Yirmeya bar Abba: **But isn't the opposite taught in a baraita: Rabbi Meir says that a woman who discharged is impure if the fetus has any part of the form of a human face, and the Rabbis say that the woman is impure only if the fetus has a recognizable part of the form of a human face, e.g., half of a human face?** According to this baraita, Rabbi Meir does not even require that a significant part of it must look human. In his opinion, even if it has only one human eye or one human cheek and the rest of the face is like that of an animal, the woman is impure. Rav Yirmeya bar Abba said to the Sages: **If this baraita is taught, it is taught, and I cannot take issue with it. I have my tradition from Rav, and you should rule in accordance with the baraita that you received.**

Rabbi Yirmeya bar Abba says that Rabbi Yoḥanan says: A woman who discharges an entity is impure only if the entire face of the fetus has a human form. This includes its forehead, and the eyebrows, and the eyes,<sup>6</sup> and the cheeks, and its chin. The woman is not impure unless these facial features all as one have the human form. Rava says that Hasa says: It is sufficient for the fetus to have the appearance of a human on one side of its face; its forehead, and one eyebrow, and one eye, and one cheek, and its chin are enough. The woman is not impure unless these facial features all as one have the human form.

וְאֵלֹין, הָא - בַּמְאָן דָּאָמָר "כָּל צוֹת",  
הָא - בַּמְאָן דָּאָמָר "מִצּוֹת".

**ミתיבי:** צוות פנים שאמרו - אףלו פרוץ  
אחד מן הפיצופין, חוץ מן האוזן. למיורה  
מהוד נמי סאי

אמר אביי: כי תניא ההיא - לעכב תנייא.  
ובמאן דאמור "כָּל צוֹת". ואיבעית אמרא:  
ולעומם במאן דאמור "מִצּוֹת", ומאי  
אחד" - אחר אחד.

אמר רבא: נברא בין אחת ובירך אחד,  
מן הצד - אםו טמאה, באמצע - אםו  
טהורה.

אמר רבא: ושתו נקב - אםו טמאה, ושתו  
אטום - אםו טהורה.

תנו רבנן: המפלת גוף אטום - אין אםו  
טמאה לידה. ואיזהו גוף אטום? רבי אומר:  
כדי שיינטן מן החי ימות.

ובכמה יינטן מן החי ימות? רבי זכאי  
 אומר:

And Rabbi Yohanan and Hasa do not disagree about whether the halakha is in accordance with the opinion of Rabbi Meir or that of the Rabbis, as they both accept the opinion of the Rabbis. The difference between them is that this amora, Rabbi Yohanan, holds like the one who says that the Rabbis require the entire form of the face to be human, and that amora, Hasa, holds like the one who says that the Rabbis require only a recognizable part of the form of a human face.

Hasa evidently interprets the version of the Rabbis' statement that only part of a human face is required as referring to half of a human face. The Gemara raises an objection to this interpretation from a baraita: The miscarriage of a fetus with the form of a human face, which the Rabbis said renders the woman impure, includes even one of the facial features, apart from the ear. Apparently, that is to say that even if the fetus has only one facial feature of a human, this is also sufficient to render the woman impure.

Abaye says: When that baraita is taught, it is taught with regard to the halakha of rendering all of the facial features indispensable for the fetus to be defined as human, except for the ear. And this ruling is in accordance with the one who says that the Rabbis require that the entire form of the face must be human. And if you wish, say that actually this ruling is in accordance with the one who says that the Rabbis require only a recognizable part of the form of a human face. And what is the meaning of the claim that it is sufficient for the fetus to have one facial feature of a human? It means one of each facial feature of which a human has two, i.e., one eye, one eyebrow, and so on.

Rava says: In a case where a fetus was created with one eye or with one thigh,<sup>h</sup> if the eye is located to the side on the middle of the face, or the thigh is located at the side of the hip, where a human eye or thigh is normally located, the fetus is considered human, and its mother is impure. If it appears in the middle of the face or hip, the fetus is not considered human, and its mother is pure.

Rava says: If its esophagus is punctured, although the fetus is considered a tereifa, i.e., one that has a wound that will cause it to die within twelve months, its mother is impure.<sup>n</sup> But if its esophagus is sealed,<sup>h</sup> i.e., it is closed at one end, it does not have the status of a human fetus, and therefore its mother is pure.

**§ The Sages taught in a baraita:** In the case of a woman who discharges a fetus that has a sealed body,<sup>h</sup> its mother is not impure with the impurity of a woman after childbirth. And what is a sealed body? Rabbi Yehuda HaNasi says: It is a body which is lacking a limb that when removed from a living person would cause him to die.

And how much of the lower part of a person's body when removed from a living person would cause him to die, because one cannot survive such a wound? Rabbi Zakkai says:

## NOTES

Rava says: If its esophagus is punctured its mother is impure – אמר ר' בא ושות נקב אם טמאה: Some explain that Rava conforms to his opinion elsewhere that it is possible for a tereifa to live beyond twelve months. By contrast, according to the opinion that a tereifa is not capable of surviving beyond twelve months, the mother is not impure (Rashi; Tosafot). Nevertheless, Tosafot demonstrate that there are places where Rava rules in accordance with the opinion that a tereifa cannot live for more than twelve months. Others explain that even according to the opinion that a tereifa is not capable of surviving beyond twelve months, still the mother is impure, due to the capability of the newborn to survive for a significant period of time, even if less than twelve months. Furthermore, it is possible that the esophagus was punctured after the baby was born, in which case the blemish is irrelevant to the status of the woman (Ramban; Rashba).

## HALAKHA

Where a fetus was created with one eye or with one thigh – **נברא בין אחת לבין אחד:** If a woman discharges a fetus that has only one eye or one thigh, if it is located in the part of the body where it is supposed to be located, i.e., the eye is to the side on the middle of the face and the thigh is at the side of the hip, the fetus is considered half-human, and the woman is impure with the impurity of a woman after childbirth. If the eye or thigh is located in the middle of the face or hip, the fetus is considered a separate entity, and the woman is pure (Rambam Sefer Kedusha, Hilkhos Issurei Bia 10:10).

**וְשֶׁתַּוְסֵּת אֲטּוֹם:** If the esophagus of a fetus is sealed from its formation, it is not considered an offspring, and its mother is not impure with the impurity of a woman after childbirth (Rambam Sefer Kedusha, Hilkhos Issurei Bia 10:11).

**אֲוֹמֵן:** A woman who discharges a fetus that has a sealed body – **הַמְפֻלָּת גּוֹף אֲטּוֹם:** If a woman discharges a fetus lacking the part of the body below the navel, it is not considered an offspring, and its mother is not impure with the impurity of a woman after childbirth. This is in accordance with the interpretation of the baraita by Rabbi Yohanan, citing Rabbi Yosei ben Yehoshua (Rambam Sefer Kedusha, Hilkhos Issurei Bia 10:11).

Perek III  
Daf 24 Amud a

**NOTES**

Until the location of his navel – עד מקומו טבورو: The early authorities disagree with regard to the halakhic ruling in this dispute. Some rule in accordance with the opinion of Rabbi Zakkai, that if the offspring lacks legs from above the knee the woman is not impure, based on the halakhic ruling that a *tereifa* cannot survive beyond twelve months, and one who lacks legs from above the knee is considered a *tereifa*. Likewise, these authorities rule that if the thigh and its recess were removed from an animal before slaughter the animal is considered an unslaughtered carcass and is forbidden for consumption (*Ra'avad*). Other authorities rule in accordance with the opinion of Rabbi Yohanan, as he cites Rabbi Yosei ben Yehoshua, who was a *tanna* (*Rambam*).

**BACKGROUND**

The part of a palm tree that branches out – אפקתא דידיילא:



Palm tree

עד הארכובה. רבי ינאי אומר: עד לנקבי. רבי יוחנן אמר משום רבי יוסי בן יהושע: עד מקום טבورو.

בין רבי ינאי לרבי יוחנן איכא בינוין טרפה חיה, מר סבר: טרפה חיה, ומך סבר: טרפה איןנה חיה.

Until above the knee. Rabbi Yannai says: Until his orifices. Rabbi Yohanan says in the name of Rabbi Yosei ben Yehoshua: Until the location of his navel.<sup>n</sup>

The Gemara explains the dispute between the *amora'im*: The difference between the opinion of Rabbi Zakkai and that of Rabbi Yannai is whether a *tereifa* can survive beyond twelve months. One Sage, Rabbi Yannai, holds that a *tereifa* can survive beyond twelve months. Therefore, although one whose legs were removed until above the knee has the status of a *tereifa*, if a woman discharges a fetus of this form she is impure. Only if the fetus lacks legs until his orifices is the woman pure, as such a person cannot survive. And one Sage, Rabbi Zakkai, holds that a *tereifa* cannot survive beyond twelve months. Therefore, even if the fetus lacks legs only from above the knee and not from his orifices, the woman is not impure.

בין רבי ינאי לרבי יוחנן איכא בינוין דרב אלעזר, דאמור רבי אלעזר: מיטל יין וחלל שלה – נבלה.

The difference between the opinion of Rabbi Yannai and the opinion of Rabbi Yohanan, who both agree that a *tereifa* can survive, is with regard to a statement of Rabbi Elazar, as Rabbi Elazar said: If the thigh, i.e., the hind leg of the animal, and its recess were removed from an animal before slaughter, the animal is considered an unslaughtered carcass; consequently, it is forbidden in consumption and imparts ritual impurity even while still alive. Rabbi Yannai agrees with the statement of Rabbi Elazar, and accordingly holds that if the lower part of a person's body until his orifices is missing or removed, the person immediately assumes the halakhic status of a corpse. Rabbi Yohanan disagrees with Rabbi Elazar and holds that one whose lower part of his body was missing or removed has the status of a corpse only if it is removed until his navel.

אמר רב פפא: מחלוקת מלמטה למעללה,  
אבל מלמעלה למטה – אפילו כל דהו  
טהורה. וכן אמר רב גידל, אמר רבי יוחנן:  
המפלת את שגולגלו אטומה – אמרו  
טהורה.

אמר רב גידל, אמר רבי יוחנן: המפלת  
במין אפקתא דידיילא – אמרו טהורה.

איתמר, המפלת מי שפניו מוסקמים,  
רבי יוחנן אמר: אמרו טמאה, ריש לקיש  
אמר: אמרו טהורה.

איתיביה רבי יוחנן לריש לקיש: המפלת  
ד' חטבה ורוי חתובה – אמרו טמאה  
לדרה, ואין חוטשין שמא מגוף אטום  
באתה. ואם אתה – ליתני שמא מגוף  
אטום או מפני שפניו מוסקמים!

Rav Pappa says: The dispute between the *amora'im* is with regard to a fetus that is lacking part of its body from below to above, i.e., the lower part of his body; but if it is lacking part of its body from above to below, even any amount of its skull, the woman is pure. And likewise, Rav Gidel says that Rabbi Yohanan says: In the case of a woman who discharges a fetus whose skull is sealed, i.e., deficient<sup>h</sup> its mother is pure.

The Gemara cites another *halakha*: And Rav Gidel says that Rabbi Yohanan says: In the case of a woman who discharges a fetus that looks like the part of a palm tree that branches out,<sup>b</sup> i.e., the lower part of its body is formless while the upper part has arms and legs coming out of its shoulders like branches, its mother is pure.

§ It was stated with regard to a woman who discharges a fetus whose face is mashed but not completely flattened, that Rabbi Yohanan says its mother is impure, and Reish Lakish says its mother is pure.

Rabbi Yohanan raised an objection to Reish Lakish from a *baraita*: In the case of a woman who discharges a shaped hand, i.e., a hand whose fingers are discernible, or a shaped foot, its mother is impure with the impurity of a woman after childbirth, as it certainly came from a full-fledged fetus, and we are not concerned that perhaps it came from a fetus with a sealed, i.e., deficient, body. And if it is so, that a fetus with a mashed face does not render its mother impure, let the *baraita* teach: We are not concerned that perhaps it came from a fetus with a sealed body or from one whose face is mashed.

**HALAKHA**

A woman who discharges a fetus whose skull is sealed – המפלת – impure with the impurity of a woman after childbirth (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 10:11).  
If a woman discharges a fetus whose skull is deficient, it is not considered an offspring, and its mother is not

אמור רב פפי: בפניהם מוסכמים – قولוי –  
עלמא לא פליינ דטמאה, כי פליינ –  
בפניהם טוחות, ואיפכא איתמר, רבבי  
יוחנן אמרו: אמו טהורא, וריש לוייש  
אמר: אמו טמאתה.

ולותביה ריש לוייש לרבי יוחנן מהא:  
משום דשנין ליה: הינו גוף אוטם,  
הינו מי שפניהם טוחות.

בני רבבי חייא נפיק לך ר' יתא, אותו  
לקמיה דאבא הוון, אמר להם: כלום  
בא מעשה לירכם? אמרו לו: פנים  
טוחות בא לזרינו, וטימאנונה.

אמור להם: צאו וטהרו מה שטמאתם.  
מאי דעתיכו – לחומרא, חומרא  
דאתיא לידי קולא היא, דקיהביתו  
לה ימי טהור.

איתמר, המפלת בריה שיש לה  
שני גבים ושני שדראות. אמר רב:  
באהה – אין ולד, בבהמה – אסור  
באקללה. ושמואל אמר: באשה –  
ולד, בבהמה – מותר באקללה.

Rav Pappi says: In a case where its face is mashed, everyone agrees that the woman is impure. When they disagree, it is in a case where its face is completely flat,<sup>4</sup> i.e., none of its features are discernible; and the opposite was stated: Rabbi Yohanan says that its mother is pure, and Reish Lakish says that its mother is impure.

The Gemara raises a difficulty: But according to this version of the dispute, let Reish Lakish raise an objection to the opinion of Rabbi Yohanan from this baraita, from which Rabbi Yohanan raised an objection to the opinion of Reish Lakish according to the previous version of the dispute: If a woman who discharges a fetus whose face is flat is pure, the baraita should have stated that there is no concern that the hand or foot might have come from a fetus with a sealed body or one whose face is flat. The Gemara answers: Reish Lakish did not raise the objection, because Rabbi Yohanan would have responded to him that the status of a sealed body is the same as that of one whose face is flat. There is no reason to mention both types of deformities.

The Gemara relates: The sons of Rabbi Hiyya went out to the villages to inspect their father's fields. When they came back to their father, he said to them: Wasn't any incident brought to you for a halakhic ruling? They said to him: A case of a woman who discharged a fetus with a flat face was brought to us, and we deemed her impure with the impurity of a woman after childbirth.

Rabbi Hiyya said to them: Go out and deem pure that which you have deemed impure. What was your thinking when you ruled that she is impure? Did you reason that as the matter is subject to a dispute, one should rule stringently? But your ruling is a stringency that leads to a leniency, as you have given the woman thirty-three days of purity after the birth of a male, following her period of impurity, which are the minimum days of purity established in the Torah for a woman who gave birth.

**§** It was stated: With regard to a woman or female animal who discharges an entity that has two backs and two spines,<sup>5</sup> Rav says that in the case of the woman, her discharged fetus is not considered an offspring, as it cannot survive, and therefore the woman does not have the ritual impurity caused by childbirth, and in the case of the animal,<sup>6</sup> its fetus is prohibited for consumption. And Shmuel says: In the case of a woman, the discharged fetus is considered an offspring, and the woman is impure, and in the case of an animal, the fetus is permitted for consumption.

### HALAKHA

In a case where its face is flat – בפניהם טוחות: If the face of a discharged fetus is flat, i.e., its facial features are not discernible, it is not considered an offspring, and the woman is not impure with the impurity of a woman after childbirth, in accordance with the opinion of Rabbi Yohanan in the version of the dispute presented by Rav Pappi (Rambam Sefer Kedusha, Hilkhot Issurei Bia 10:11).

A woman who discharges an entity that has two backs and two spines – המפלת בריה שיש לה שני גבים ושני שדראות: If a woman discharges an entity that has two backs and two spines, it is not considered an offspring, and the woman is not impure with the impurity of a woman after childbirth, in accordance with the opinion of Rav (Rambam Sefer Kedusha, Hilkhot Issurei Bia 10:11).

An animal who discharges an entity that has two backs and two spines – המפלת בבהה שיש לה שני גבים ושני שדראות: If a kosher animal gives birth, and the newborn has two backs and two spines, or if the mother is slaughtered and such a fetus is found in its womb, it is forbidden for consumption. The halakha is in accordance with the opinion of Rav, as his opinion in ritual matters is accepted in his disputes with Shmuel. This is what the word *hashesua* is referring to in the verse: "Nevertheless these you shall not eat of them that only chew the cud, or of them that only have the hoof cloven [*hashesua*]," as an animal that has two backs and two spines looks like an entirely cloven animal (Rambam Sefer Kedusha, Hilkhot Ma'akhalot Assurot 1:6; Shulhan Arukh, Yoreh De'a 13:6).

**PERSONALITIES**

Rav Shimi bar Hiyya – רַב שִׁימִי בֶּן חִיאָה: Rav Shimi bar Hiyya was a second-generation *amora* in Babylonia. He was a grandson of Rav and apparently his preeminent disciple and much beloved by him. Even during his grandfather's lifetime, Rav Shimi was recognized as a significant Torah scholar. The Talmud records numerous halakhic statements of his, both those he transmitted citing his grandfather and those of his own. In certain cases he even disagreed with the rulings of his grandfather.

**HALAKHA**

Whose spine is crooked – שְׂדֻרֹתָו עֲקֹמָה: A crooked spine is considered a blemish, and a priest with this blemish is disqualified from the Temple service, in accordance with the opinion of Rav (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 8:10).

Born in the fourth month in the case of small animals or born in the eighth month in the case of large livestock – בָּן אַרְבָּעָה לְדוֹתָה בָּן שְׂמֵנָה לְסִפְתָּה: If an animal gave birth after a full period of gestation, i.e., nine months for cattle and five months for sheep and goats, the newborn may be slaughtered and eaten immediately, and one need not be concerned that its limbs were crushed during the birth. If it is unclear whether the period of gestation was full, the newborn is forbidden for consumption until the beginning of the night before the eighth day after its birth (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 4:4; *Shulhan Arukh*, *Yoreh De'a* 15:2).

**BACKGROUND**

Whose spine is crooked – שְׂדֻרֹתָו עֲקֹמָה:



Illustration of crooked spine

בְּמַאי קְמִיפְלָגָה? בָּרוּבָן בֶּן בֶּן אַבָּא,  
דָּאַמְרָרְבֶּן חִנְינָן בֶּן בֶּן אַבָּא: "הַשְׁסֹועָה"  
בָּרִיה שִׁישָׁ לְה שְׁנִי גְּבִין וְשְׁנִי שְׁדְרוֹאֹת.

The Gemara asks: **With regard to what do Rav and Shmuel disagree?** The Gemara answers: They disagree concerning the statement of Rav Ḥanin bar Abba, as Rav Ḥanin bar Abba said: The verse states: “Nevertheless these you shall not eat of them that only chew the cud, or of them that only have the hoof cloven [*umimafrisei haparsa hashesua*]: The camel, and the hare, and the rock badger” (Deuteronomy 14:7). The apparently superfluous term *hashesua* is not a redundant description of the cloven hoof; it is referring to a separate entity that has two backs and two spines and therefore looks like an entirely cloven animal.

רַב אַפְרוֹ: בָּרִיה בְּעַלְמָא – לִיתְתָּא, וְכֵי  
אָגָמְרָה רְחַמְנָא לְמַשָּׁה – בְּכַמְעֵי אַמְתָּה  
אָגָמְרָה. וְשְׁמוֹאָל אָמָר: בָּרִיה בְּעַלְמָא –  
אַיְתָא, וְכֵי אָגָמְרָה רְחַמְנָא לְמַשָּׁה –  
בְּעַלְמָא אָגָמְרָה, אַבְלָ בְּכַמְעֵי אַמְתָּה  
שְׁרִיאָה.

אַיְתִּיבְהָה וּבָר שִׁימִי בֶּן חִיאָה לְרַב: וּבֵי  
חִנְינָא בֶּן אַנְטִינְגָּוָס אָוּמָר, כֹּל שִׁישָׁ לוֹ  
שְׁנִי גְּבִין וְשְׁנִי שְׁדְרוֹאֹת – פְּסָול לְעַזְבָּה:  
אַלְמָא דְתִי! קְשִׁיאָ לְרַב. אָמָר לִיה:  
שִׁימִי אַתָּה! שְׂדֻרֹתָו עֲקֹמָה.

מִתְיַבֵּבִי יְשׁ בְּעִירָנוּ שְׁהָן אַסְוָרִין. בֶּן  
אַרְבָּעָה – לְדָקָה, בֶּן שְׂמֵנָה – לְסִפְתָּה,  
הַיְמָנוֹ וְלַמְּטוֹה – אַסְוֹר. יְצָא מִשִּׁישָׁ לוֹ  
שְׁנִי גְּבִין וְשְׁנִי שְׁדְרוֹאֹת.

מָאִי "יְצָא"? לְאֹו, יְצָא מִכְלָל עַוְפָרִין  
שְׁאַפְילָוּ בְּכַמְעֵי אַמְתָּה אַסְוָרִין?

It is with regard to this prohibition that Rav and Shmuel disagree. Rav says that there is no such living entity in the world, and when the Merciful One taught this prohibition to Moses, he taught it to him with regard to a fetus that has two backs and two spines that is found in the womb of its mother after slaughter. And Shmuel says that there is such an entity in the world,<sup>N</sup> and when the Merciful One taught this prohibition to Moses, he taught it to him with regard to a living animal in the world, but a fetus that has two backs and two spines in the womb of its mother is permitted for consumption.

Rav Shimi bar Hiyya<sup>P</sup> raised an objection to Rav from a *baraita*: Rabbi Ḥanina ben Antigonus says: Any priest who has two backs and two spines is disqualified from the Temple service, as he is blemished. Evidently, an entity that has two backs and two spines can survive, and this is difficult for the opinion of Rav. Rav said to him: You are clearly Shimi,<sup>N</sup> i.e., you asked well. Yet the statement of Rabbi Ḥanina ben Antigonus is not referring to one who literally has two backs and two spines, but rather to one whose spine is crooked<sup>HB</sup> and therefore appears as though he has two spines. One who actually has two backs and two spines cannot survive.

The Gemara raises an objection from a *baraita*: Among discharged animal fetuses, there are those that are forbidden in consumption, as they have the halakhic status of carcasses of unslaughtered animals. Specifically, if an animal fetus is born in the fourth month of pregnancy in the case of small domesticated animals, where the pregnancy is normally five months long, or it is born in the eighth month of pregnancy in the case of large livestock,<sup>H</sup> where the pregnancy is normally nine months long, or if the miscarriage occurred from this stage of the pregnancy and earlier, i.e., if the pregnancy ended before this stage, the animal is forbidden. This excludes one that has two backs and two spines.

The Gemara asks: What does the *baraita* mean when it states that an animal with two backs and two spines is excluded? Does it not mean that it is excluded from the category of those fetuses, which are permitted for consumption if found inside their mother's womb, as such animals are forbidden even while they are in the wombs of their mothers? This contradicts the opinion of Shmuel, who holds that an animal fetus of that type is permitted for consumption.

**NOTES**

And Shmuel says that there is such an entity in the world – שְׁמוֹאָל אַמְרָרְבֶּן בָּרִיה בְּעַלְמָא אַיְתָא: The early commentaries disagree concerning the meaning of this statement. Rashi maintains that there is a unique species that has two backs and two spines. The majority of the early commentaries hold that there is no such species and that the reference is to a mutation of an existing species that has two backs and two spines; according to this opinion, Shmuel contends that such an animal can survive (Rabbeinu Tam; Ramban; Rashba; Rabbeinu Hananel; Rambam). According to Rashi, Shmuel would concede that an animal with such a mutation cannot survive, and it is therefore prohibited for consumption like any stillborn animal.

אָמָר לִיה שִׁימִי אַתָּה: Rav said to him, you are clearly Shimi – אַמְתָּה: In several places Rav addresses Rav Shimi bar Hiyya in this manner. Rashi suggests three interpretations of the statement. One interpretation, which Rashi accepts, is that Rav would address Rav Shimi fondly since he was his grandson, as if to say: You, Shimi, definitely know how to raise objections to my statements. Another interpretation is that as Rav would always be looking downward, as a practice of modesty, he had to ask if it was in fact Rav Shimi. Rashi rejects this interpretation, as there is no record of Rav addressing anyone else in this manner. The third explanation is that Rav Shimi's objections were especially sharp, i.e., it was an exclamation of praise.

רב מתרץ לטעמיה, ושמואל מתרץ  
לטעמיה. רב מתרץ לטעמיה: בן ארבעה -  
לדקה, בן שמונה - לפסה, הימנו ולמיטה -  
אסור.

במה דברים אמורים - בשיツא לאויר  
העולם, אבל במש אמו - שי, יצא מי  
שיש לו שני גבין ושני שדראות, דאפיקו  
במיי אמו נמי אסור.

**HALAKHA**

**במעי אםו:** If one ritually slaughtered a female animal and found a fetus in its womb after eight months of gestation, whether dead or alive, the fetus is permitted for consumption and does not require ritual slaughter (Rambam Sefer Kedusha, Hilkhot Ma'akhalot Assurot 5:13-14; Shulhan Arukh, Yoreh De'a 13:2).

The Gemara answers: Rav explains the *baraita* according to his line of reasoning, and Shmuel explains the *baraita* according to his line of reasoning. Rav explains the *baraita* according to his line of reasoning, as was assumed above: If an animal fetus is born in the fourth month of pregnancy in the case of small domesticated animals, or it is born in the eighth month of pregnancy in the case of large livestock, or if it was born from this stage of the pregnancy and earlier, the animal is forbidden.

**In what case is this statement said?** In a case where the animal emerged into the airspace of the world; but if it was found in its mother's womb<sup>h</sup> after its mother was slaughtered, it is permitted for consumption. This excludes the case of a fetus that has two backs and two spines, as even if it is found in the womb of its mother it is prohibited.

**Perek III****Daf 24 Amud b**

ושמואל מתרץ לטעמיה: בן ארבעה  
לדקה, בן שמונה לפסה, הימנו ולמיטה -  
אסור. במה דברים אמורים - בשלאל כלו  
לו חרשוי, אבל כלו לו חרשוי - מותר.  
צא מי שיש לו שני גבין ושני שדראות,  
דאף על גב זכלו לו חרשוי, אם יצא  
לאויר העולם - אסור, במיי אמו - שי.

And Shmuel explains the *baraita* according to his line of reasoning, in the following manner: If an animal fetus is born in the fourth month of pregnancy in the case of small domesticated animals, or it is born in the eighth month of pregnancy in the case of large livestock, or if it was born from this stage of the pregnancy and earlier, the animal is forbidden. **In what case is this statement said?** In a case when the fetus's months of gestation were not completed; but in a case when its months of gestation were completed, it is permitted for consumption even outside the womb. This excludes a fetus that has two backs and two spines, as even in a case where its months of gestation were completed, if it emerged into the airspace of the world, it is forbidden, whereas if it is found in the womb of its mother, it is permitted.

תני תנא קמיה דרב המפלת בריית גן  
שאינו תחונ, ובRICTית ראש שאינו חתון,  
כובל תהא אמו טמא ליה - תלמוד  
לומר "אשה כי תועיש וילדה זכר וגוי וביהם  
השביעי ימול" גוי

A *tanna* taught a *baraita* before Rav: In the case of a woman who discharges an entity that has a shapeless body, i.e., it does not have the outline of limbs, or an entity that has a shapeless head, one might have thought that its mother should be impure with the impurity of a woman after childbirth. Therefore, the verse states: “If a woman bears seed and gives birth to a male, she shall be impure seven days; as in the days of the menstruation of her sickness she shall be impure. And on the eighth day the flesh of his foreskin shall be circumcised” (Leviticus 12:2-3).

מי שיוציאו לברית שמונה יצאו אלו שאינן  
אוינו לברית שמונה אמר ליה רב וסימן  
בה היכי ושיש לו שני גבין ושני שדראות.

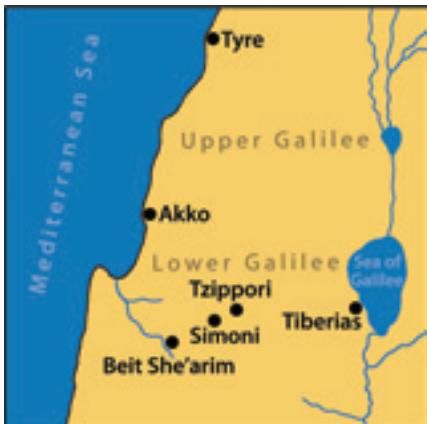
Those verses teach that the impurity of a woman after childbirth applies only to one who gave birth to a child that is fit for circumcision on the eighth day, excluding these cases, where the child is not fit for circumcision on the eighth day, as it cannot survive that long. Consequently, this woman does not have the impurity of a woman after childbirth. Rav said to the *tanna*: And conclude the *baraita* like this: Excluding these cases, where the child is not fit for circumcision on the eighth day, and excluding the case of a woman who discharges a child that has two backs and two spines.

רב ירמיה בר אבא סבר למעבד עובדך  
בשותיה דשמעאל, אמר ליה ר' הונא: Mai  
לעתיק - לחומרא? חומרא דאתה לדי  
קילא הו, דקיחבת לה דם טהור. עבד  
מי'א בשותיה דרב, דק' מ'א ל: הלכתא  
רב באיסורי, בין לקילא בין לחומרא.

Rabbi Yirmeya bar Abba thought to perform an action, i.e., to issue a ruling, in accordance with the opinion of Shmuel, that a woman who gives birth to a child with two backs and two spines is impure. Rav Huna said to him: What is your thinking? That as this matter is subject to a dispute, one should rule stringently? Your ruling is a stringency that leads to a leniency, as you have given the woman a period of thirty-three days following her period of impurity when any blood that emerges is blood of purity. In any event, you should perform, i.e., issue your ruling, in accordance with the opinion of Rav, as we maintain that the *halakha* is in accordance with the opinion of Rav with regard to ritual matters, whether his opinion leads to a leniency or to a stringency.

### BACKGROUND

**Simoni – שִׁמְוֹן:** Simoni, or Simonia, is identified as the biblical city of Shimron, which dates back to the Canaanite period; its king was one of the thirty-one kings Joshua overcame in his conquest of Eretz Yisrael. During the Second Temple period it was called Shimonia, and during the mishnaic and talmudic periods, Simonia. One of the major battles of the Jewish revolt against the Romans prior to the destruction of the Second Temple took place in Simonia. It had a prominent Jewish community with well-known leaders throughout the ages.



Location of Simoni

### HALAKHA

A woman who discharged the form of a lilith...only it has wings – דָמֹת לִילִית שֶׁשֶׁת לוּבָנִים: If a woman discharged a fetus that looks like a human but has wings of flesh, the woman is impure with the impurity of a woman after childbirth (Rambam Sefer Kedusha, Hilkhot Issurei Bia 10:10).

אָמֵר רַבָּא: הַרְיָ אֲמָרוּ אֲשֶׁר יָלַדְתָּ  
לְתְשֻׁעָה וַיָּלַדְתָּ לְשָׁבָעָה, בְּחַמָּה גַּפָּה  
יָלַדְתָּ לְתְשֻׁעָה יוֹלַדְתָּ לְשָׁבָעָה אוֹ לֹא  
לְרַדָּה?

§ Rava says: The Sages said that a woman can give birth to a viable offspring after nine months of pregnancy or after seven months of pregnancy; but if a woman gives birth after eight months of pregnancy, the child cannot survive and is stillborn. Similarly, a large domesticated animal gives birth to a viable offspring after nine months of pregnancy, and if it discharges a fetus after only eight months, the newborn animal cannot survive. With this in mind, Rava asked: Can a large domesticated animal give birth to a viable offspring after seven months of pregnancy, like a human, or can such an animal not give birth to a viable offspring after only seven months?

אָמֵר רַב נַחֲמָן בֶּן יִצְחָק: תֵּא שְׁמַע, הַיְמָנוֹ  
וְלַמְּטָה – אַסּוֹר, מַאי לֹא אַגְּשָׁה? לֹא,  
אֲדָקָה.

הָאֵי מַאי? אֵי אָמָרָת בְּשָׁלָמָא אַגְּשָׁה –  
אֲצָרִיךְ, סְלָקָא דַעֲתָךְ אֲמִינָא: הוּאֵיל  
וּבְאַשָּׁה חַי – בְּבַהֲמָה נִמְיָה חַי, קָא  
מִשְׁמָעַ לֹן לֹאָחַי.

Rav Nahman bar Yitzhak said: Come and hear a resolution to this dilemma from the aforementioned *baraita*: If an animal discharges from this stage of the pregnancy and earlier, the fetus is forbidden in consumption as an unslaughtered animal carcass. What, is it not referring to large livestock, which indicates that large livestock do not give birth to a viable offspring after only seven months of pregnancy? The Gemara answers: No, the reference is specifically to small domesticated animals, which do not give birth to a viable offspring until after five months of pregnancy.

The Gemara raises a difficulty with regard to this answer: What is this? Granted, if you say that the reference is to large livestock, it is necessary for the *baraita* to state that an animal does not give birth to a viable offspring after less than a complete period of pregnancy, as otherwise it might enter your mind to say that since in the case of a woman who gives birth after seven months the baby survives, it is logical that in the case of a large domesticated animal that gives birth after seven months the newborn also survives, and it is therefore permitted for consumption. Consequently, the *baraita* teaches us that such an animal does not survive.

אַלְאָא אֵי אָמָרָת אֲדָקָה אִיתָם, פְּשִׁיטָא!  
בַּת תְּלַתָּא יְרֵחִי מֵקָא חַיָּי!

But if you say that the ruling in the *baraita*, that if an animal discharged a fetus before the period of gestation was completed then the fetus is prohibited, was stated with regard to small domesticated animals, isn't it obvious that if a sheep or goat fetus was discharged at this stage it cannot survive? Can it survive after only three months of gestation?

אֲצָרִיךְ, סְלָקָא דַעֲתָךְ אֲמִינָא: כָּל בָּצִיר  
תְּרֵי יְרֵחִי חַי – קָא מִשְׁמָעַ לֹן.

The Gemara answers that in fact it is necessary for the *baraita* to state this *halakha* with regard to small domesticated animals, as otherwise it might enter your mind to say that any mammal that is born two months less than its complete gestation survives, just as a human born at seven months of gestation survives. Therefore, the *baraita* teaches us that a sheep or goat that is born at three months of gestation cannot survive and is forbidden for consumption.

אָמֵר רַב יְהוּדָה, אָמֵר שְׁמוּאֵל: הַמְּפָלָת  
דָמֹת לִילִית – אַפְּוֹ טְמָאָה לִידָה. וְלֹא  
חוּא, אַלְאָ שִׁישׁ לוּבָנִים. תְּנִיאָ נִמְיָה הַיְמָנוֹ  
אָמֵר רַב יְזָעֵק: מַעֲשָׂה בְּסִימּוֹן בְּאַחֲת  
שְׁהַפִּילָה דָמֹת לִילִית, וְבָא מַעֲשָׂה לִפְנֵי  
חַכְמִים, וְאָמְרוּ וְלֹא אַלְאָ שִׁישׁ לוּ  
בְּנִים.

§ Rav Yehuda says that Shmuel says: In the case of a woman who discharges a fetus that has the form of a lilith,<sup>N</sup> a female demon with wings and a human face, its mother is impure with the impurity of a woman after childbirth, as it is a viable offspring, only it has wings. This is also taught in a *baraita*: Rabbi Yosei said: An incident occurred in Simoni<sup>B</sup> involving a certain woman who discharged a fetus that had the form of a lilith, and the incident was brought before the Sages; and they said that it is a viable offspring, only it has wings.<sup>H</sup>

### NOTES

A woman who discharges a fetus that has the form of a lilith – דָמֹת לִילִית: The early commentaries disagree with regard to the definition and appearance of a lilith. Rashi explains that it is a female demon, as demons were known to have wings and human faces. The Rambam does not mention the word lilith explicitly. Instead, he writes: A woman who discharges an item

that looks like a human with wings of flesh (Sefer Kedusha, Hilkhot Issurei Bia 10:10). In this manner, the Rambam cites this *halakha* while conforming to his general opinion that demons and ghosts are mere figments of the imagination (see Ein Mishpat; Maggid Mishne; Beit Yosef).

**המפלת דמות נחש**, הורה חנינא בן אחוי של רבי יהושע: אמרו טמאה לידה. הילך רבינו יוסף וספר דברים לפניו רבנן גמליאל, שלח לו. **רבי יהושע, חנינא בן אחוי ובא.**

ביהל' כתן יצתה בלב (רב) חנינא לקרואות, אמרה לו: רב, המפלת כמי נחש מה? אמר לה: אמר טהורה. אמרה לו: והלא משפט אמרה לי חמותי אמרו טמאה? ואמר לה מאיה טעם – הואיל גולגול עגול בצל אדרס! מטור דבריך נבר ורבי יהושע, שלח לו רבנן גמליאל: מפני הורה חנינא.

אמר אביי, שמע מינה: צורבא מרבען דאמור מילתא, לימא בה תעמא, דכי מדברו לה – מדבר.

**מתני'** המפלת שפיר מלא מים, מלא דם, מלא גנוּנים – אין חותשת לויל, ואם היה מרים – תשב לויל וילקבה. המפלת סנדלים או שליא – תשב לויל ולנקבה.

**גמ'** בשלמא זם וממים – לא כלום היא, אלא גנוּנים – ניחוש שטמא ולד הוה ומוטה? אמר אביי: כמה יין חי שתת אמרו של זה שנפוח עופרה בזוך מעיה?

רבא אמר: "מלא" תנן, ואם איתא דעתומי? אתהmach – מחרס חסר. רב אריא בר אהבה אמר: "אוונים" תנן, ואם איתא דעתומי? אתהmach – פולח בחד גוננא הי קאי.

There was a case of a woman who discharged an item that had the form of a snake. Hanina, the son of Rabbi Yehoshua's brother, ruled that its mother is impure with the impurity of a woman after childbirth. Rabbi Yosef went and told this matter to Rabban Gamliel. Rabban Gamliel sent to Rabbi Yehoshua:<sup>p</sup> Take hold of your nephew and come to me, so that I may admonish him for his ruling.

While they were going to Rabban Gamliel, Hanina's daughter-in-law went out to greet Rabbi Yehoshua, and said to him: My teacher, what is the halakha with regard to a woman who discharges an item that looks like a snake? Rabbi Yehoshua said to her: Its mother is pure. She said to him: But my mother-in-law said to me in your name that its mother is impure in such a case, and that you said to her: For what reason is she impure? It is because the pupil of a snake is round like that of a human. Due to her statement, Rabbi Yehoshua remembered that he had issued such a ruling. He subsequently sent a message to Rabban Gamliel: Hanina issued the ruling based on my own statement.

Abaye said: Conclude from this incident that a Torah scholar [tzurva merabbanan]<sup>l</sup> who says a halakhic matter should say the reason for his statement, so that when his colleagues remind him of his reasoning, he will remember that ruling, as happened to Rabbi Yehoshua.

**MISHNA** A woman who discharges a gestational sac full of fluid,<sup>h</sup> full of blood, or full of different colors<sup>n</sup> need not be concerned that it was an offspring. But if the sac was one in which tissue developed,<sup>h</sup> her halakhic status is that of a woman after childbirth. Since the sex of the embryo is unknown, the woman observes the strictures of a woman who gave birth both to a male and to a female; she is impure for fourteen days like a woman who gave birth to a female, but blood that she sees thereafter is pure only until forty days after birth, like a woman who gave birth to a male. A woman who discharges a sandal fetus,<sup>h</sup> i.e., one that has the form of a sandal fish, and one who discharges an afterbirth<sup>h</sup> observes the strictures of a woman who gave birth both to a male and to a female.

**GEMARA** The Gemara raises a difficulty: Granted, one can understand why a woman who discharges a gestational sac full of blood or water is pure, as such an item is nothing, i.e., it is not an offspring. But if the gestational sac was full of different colors, let us be concerned that perhaps it was an offspring and it liquefied. Abaye says in response: How much undiluted wine, which can be harmful to an embryo, did the mother of this purported embryo drink, that her embryo was liquefied in her womb? In other words, there is no such concern.

Rava says that there is a different explanation: We learned in the mishna that the gestational sac was full of different colors, and if it is so, that there was an embryo in the sac that liquefied, the sac would have been lacking some of the mass of the liquefied portion. Rav Adda bar Ahava says that there is yet another explanation: We learned in the mishna that the gestational sac is full of different colors, and if it is so, that there was an embryo there that liquefied, it would all be of one color.

## LANGUAGE

**צורבא מרובנן** – Torah scholar [tzurva merabbanan] – While this appellation for a Torah scholar is commonly used throughout the Talmud, its source and precise meaning are unclear. Some say that it derives from the word *tzarav*, sear, as scholars are seared by the fire of Torah. Others say that the word *tzarav* is related to the Arabic root *qrb*, meaning hard and strong, in which case the phrase itself would refer to a Sage who is forceful and incisive (Rav Hai Gaon).

## HALAKHA

A woman who discharges a gestational sac full of fluid, etc. – **המפלת שפיר מלא מים וכו'**: In a case where a woman discharged a gestational sac full of water, full of blood, full of different colors, or full of flesh, since the embryo has not taken shape, the woman does not need to be concerned that it was an offspring, and she is pure (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:4).

In which tissue developed – **במיצם**: If a woman discharged a gestational sac in which tissue developed and which contains even a tiny, barely recognizable form of a human embryo, the woman observes the strictures of a woman who gave birth both to a male and to a female (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:2).

A woman who discharges a sandal fetus – **המפלת שליל**: If a woman discharged a fetus in the form of a sandal fish, she observes the strictures of a woman who gave birth both to a male and to a female (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:12).

A woman who discharges...afterbirth – **המפלת שליל**: If a woman discharged an afterbirth, she observes the strictures of a woman who gave birth both to a male and to a female. The reason is not that an afterbirth has the halakhic status of an offspring, but that there is no afterbirth without an offspring (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:14; *Shulhan Arukh*, *Yoreh De'a* 194:3).

## NOTES

**תכלא גנוּנים** – The early commentators disagree with regard to the meaning of *genonim*. Some write that the reference is to colors (Rashi), in accordance with the interpretation of Rav Adda bar Ahava in the Gemara. Others write that it is a kind of worm. Accordingly, the mishna means that a woman who discharges pieces of flesh shaped like worms need not be concerned that it might be a mashed embryo (Rambam's Commentary on the Mishna).

## PERSONALITIES

**Rabbi Yehoshua**: Rabbi Yehoshua ben Hananya was one of the leading Sages in the generation following the destruction of the Second Temple. As a Levite he served as a singer in the Temple, and after its destruction, he was among the students who followed their primary teacher, Rabban Yohanan ben Zakkai, to Yavne. Rabbi Yehoshua lived a life of poverty, working as a

blacksmith, and was recognized by all as a leading Torah authority. While he disagreed with Rabban Gamliel's rulings on several occasions, Rabbi Yehoshua ultimately accepted his authority as *Nasi*. Rabbi Yehoshua was exceptionally long lived, and he had many famous religious debates with the imperial family in Rome.

### LANGUAGE

**Attendant [dayyala]** – **דַּיְלָא:** Some linguists assert that this word is derived from the Greek δοῦλος, meaning slave or servant. Others maintain that it has a Semitic root. The word is used for a police officer or court attendant.

תניא. אבא שאול אומר: קבר מותים ה'יתר  
וה'יתר מסתכל בעצמות של מתים. השוטה  
אין ח' – עצמותיו שרופין, מוג – עצמותיו  
סכוין, בראי – עצמותיו משוחין, וכל מי  
ששותיתו מושבה מאכילהו – עצמותיו  
שופין, אכילהתו מושבה כשותיתו – עצמותיו  
סכוין, בראי – עצמותיו משוחין.

תניא. אבא שאול אומר, ואיתימא רבי יוחנן:  
קבר מותים ה'יתר, פעם אחת רצתי אחר  
זבב, ונכנסתי בקילית של מות, ורצתי אחריו  
שלש פרסאות, ואכיב לא הגעתו וקளית לא  
כלתה. בשחותותי לאחורי אמרו לי: של עוג  
מלוך הבשן היה.

תניא. אבא שאול אומר: קבר מותים ה'יתר,  
פעם אחת נפתחה מערה תחתית ועمرדי<sup>ו</sup>  
בגלאל עינו של מות עד חוטמי. בשחותותי  
לאחורי אמרו: עין של אבשלום הייתה.

ושמא תאמר: אבא שאול נגע הוה – אבא  
שאול אורך בדורו הוה ורב טרפון מגיע  
לכתרפו, ורב טרפון אורך בדורו הוה ורב  
מאריך מגיע לכתרפו, ורב מאריך אורך בדורו  
הוה ורב מגיע לכתרפו, ורב אורך בדורו הוה

ורב הייא מגיע לכתרפו, ורב הייא אורך  
בדורו הוה ורב מגיע לכתרפו, ורב אורך בדורו  
הוה ורב יהודה מגיע לכתרפו, ורב יהודה  
אורך בדורו הוה ואדרא ר'יא מגיע לכתרפו,

With regard to the effect of drinking wine on a person's body, it is taught in a *baraita* that Abba Shaul<sup>p</sup> says: I used to be a gravedigger, and I would observe the bones of corpses. I discovered that the bones of one who drinks too much undiluted wine during his lifetime look burnt, the bones of one who drinks too much diluted wine are black, and the bones of one who drinks the appropriate amount of wine are fat, i.e., full of marrow. And furthermore, I discovered that the bones of anyone who drinks much more than he eats look burnt, the bones of one who eats much more than he drinks are black, and the bones of one who eats and drinks appropriate amounts are fat.

It is taught in a *baraita* that Abba Shaul says the following, and some say that Rabbi Yohanan said it: I used to be a gravedigger. Once I ran after a deer, and I entered the thighbone of a corpse;<sup>n</sup> and it was so large that I ran after the deer for three parasangs inside the thighbone, and although I did not reach the deer, the thighbone did not end. When I came back and related this to the Sages, they said to me: It was evidently the thighbone of Ogg, king of Bashan, a known giant.

It is likewise taught in a *baraita* that Abba Shaul says: I used to be a gravedigger. Once a burial cave opened up underneath where I was standing, and I found myself standing in the eye socket of a corpse until my nose. When I came back and told this to the Sages, they said to me: It was evidently the eye of Absalom.

And lest you say that Abba Shaul was a midget, and therefore he was capable of standing in an eye socket until his nose, Abba Shaul was the tallest person in his generation. And Rabbi Tarfon reached only his shoulder, and Rabbi Tarfon was the tallest person in his generation. And Rabbi Meir reached only the shoulder of Rabbi Tarfon, and Rabbi Meir was the tallest person in his generation. And Rabbi Yehuda HaNasi reached only the shoulder of Rabbi Meir, and Rabbi Yehuda HaNasi was the tallest person in his generation.

The Gemara continues: And Rabbi Hyya reached only the shoulder of Rabbi Yehuda HaNasi, and Rabbi Hyya was the tallest person in his generation. And Rav reached only the shoulder of Rabbi Hyya, and Rav was the tallest person in his generation. And Rav Yehuda reached only the shoulder of Rav, and Rav Yehuda was the tallest person in his generation. And Adda the attendant [dayyala]<sup>l</sup> reached only the shoulder of Rav Yehuda,

### PERSONALITIES

**Abba Shaul – אבא שאול:** Abba was an appellation of deference used when addressing prominent Sages in early generations, before the title Rabbi was in use. Based on his statements that relate to the Temple service and specific activities that took place there, Abba Shaul appears to have been one of the *tanna'im* who lived when the Second Temple still stood. He may have been a younger contemporary of Rabbi Akiva and a student of Rabban Yohanan ben Zakkai. As is clear from the Gemara, he served as a gravedigger, suggesting that he placed great emphasis on the mitzva of burial of the dead.



Tomb of Abba Shaul, near Safed

### NOTES

Once I ran after a deer and I entered the thighbone of a corpse – פעם אחת רצתי אחר זבב ונכנסתי בקילית של מות: Since Abba Shaul worked with the dead it is not surprising that he chose to express his thoughts using that imagery. In this case he is using the deer and the thighbone as metaphors for enticing, base desires, which are difficult to overcome. This is evident from the statement that the thighbone belonged to Ogg, king of Bashan, whose desire to battle the Jewish people even after seeing the defeat of the Amorite

King Sihon brought about his downfall (see Numbers 21:21–35). In a similar vein, the description of Abba Shaul's standing in an eye socket symbolizes how an individual can be tempted by his eyes. The message of these stories is that even a prominent Sage and pious individual like Abba Shaul, who was great in stature in comparison to his peers, could be drawn by his desires, emphasizing how careful every individual must be when faced with objects of desire (*Midrash Shlomo*).

## Perek III

## Daf 25 Amud a

**פְּרִשְׁתַּבְנֵא דְּפָוְמֶדִיתָא קָאֵי לִיהּ לְאֲדָא  
דִּילָא עַד פָּלָגָה, וּכְלֹל עַלְמָא קָאֵי לְפָרְשַׁתְבָנֵא  
דְּפָוְמֶדִיתָא עַד חָרְצִיא.**

**שְׁאַלְיוֹ לְפִנֵּי רַبִּי: הַמְּפֻלָּת שְׁפִיר מְלָא בָּשָׂר, מַהוּ?  
אָמָר לְהָם: לֹא שְׁמַעַתִּי.**

**אָמָר לְפִנֵּוּ רַבִּי יִשְׁמָעוֹאֵל בָּרְבִּי יוֹסֵי, כִּי אָמָר  
אָבָא: מְלָא דָם - טְמֵאָה נְדָה, מְלָא בָּשָׂר  
טְמֵאָה לִידָה.**

**אָמָר לִיהּ: אַיִלְמָלִי דָּבָר חֶדֶש אָמוֹתָה לֹנוּ מְשׁוּם  
אָבִיךְ - שְׁמַעַנְךָ, עַבְשִׂיו,**

**מִדָּה אָקְפִּיתָא בִּיחִידָה קָאָמָר - בְּסֻמְכָס  
שָׁאָמָר מְשׁוּם וּבִמְאֵיר, הָא נְמֵי - שְׁמָא בָּרְבִּי  
יְהוֹשֻׁעַ אָמָרָה, וְאַנְיַי הַלְּכָה בָּרְבִּי יְהוֹשֻׁעַ.**

**דְּתַנְנָא, הַמְּפֻלָּת שְׁפִיר שָׁאָינוּ מְרוּקָם - רַבִּי  
יְהוֹשֻׁעַ אָמָר: וָלֶד, וְחַכְמִים אָמְרִים: אָינוּ וָלֶד.**

**אָמָר וּבִשְׁמַעַן בֵּן לְקִישׁ מְשׁוּם וּבִאּוֹשְׁעָיא:  
מְחַלְקָת - בְּעֵבוֹר, אָבָל בְּצַלָּל - הַבְּרִי הַכְּלָל  
אָינוּ וָלֶד. וּבָרִי יְהוֹשֻׁעַ בֵּן לֵי אָמָר: בְּצַלָּל  
מְחַלְקָת.**

and when the governor [parashtevina]<sup>N</sup> of Pumbedita would stand next to Adda the attendant, he would reach only half of his height. And when everyone else in the world would stand next to the governor of Pumbedita, they would reach only his loins [hartzeih].<sup>L</sup>

**§ The students asked Rabbi Yehuda HaNasi: In the case of a woman who discharges a gestational sac full of flesh, what is the halakha? Does she have the impurity of a woman after childbirth? Rabbi Yehuda HaNasi said to them: I have not heard from my teachers the halakha in this case.**

**Rabbi Yishmael, son of Rabbi Yosei, said to him: This is what my father, i.e., Rabbi Yosei ben Halafta, one of Rabbi Yehuda HaNasi's teachers, said: If a woman discharged a gestational sac full of blood, she is impure with the impurity of a menstruating woman. If it is full of flesh, she is impure with the impurity of a woman after childbirth.**

**Rabbi Yehuda HaNasi said to him: If you had told us an entirely new statement in the name of your father, no part of which was also stated by another Sage, we would have listened to you, i.e., we would have accepted the statement as halakha. But now that you stated two halakhot, one with regard to a woman who discharged a gestational sac full of blood, and the other with regard to a woman who discharged a gestational sac full of flesh, the entire statement cannot be accepted as halakha.**

**Rabbi Yehuda HaNasi explains: From the fact that Rabbi Yosei said this first clause of his statement, with regard to a gestational sac full of blood, in accordance with an individual opinion, i.e., in accordance with the opinion of Sumakhos, who said in the name of Rabbi Meir that the woman is impure, contrary to the opinion of the other Sages, it follows that with regard to this latter statement as well, with regard to a gestational sac full of flesh, one can say that perhaps Rabbi Yosei said it in accordance with the opinion of another individual Sage, Rabbi Yehoshua. And the halakha is not in accordance with the opinion of Rabbi Yehoshua.**

**As it is taught in a baraita: In the case of a woman who discharges a gestational sac in which tissue did not develop, Rabbi Yehoshua says: It has the status of an offspring, and the woman has the impurity of a woman after childbirth; and the Rabbis say: It is not an offspring, and the woman is pure. The opinion of Rabbi Yosei that a woman who discharged a gestational sac full of flesh is impure might be in accordance with the ruling of Rabbi Yehoshua, which is not accepted as halakha, since the majority of the other Sages disagree with him. Therefore, the halakha cannot be decided in accordance with either part of the statement of Rabbi Yosei.**

**Rabbi Shimon ben Lakish says in the name of Rabbi Oshaya: The dispute between Rabbi Yehoshua and the Rabbis applies in a case where the amniotic fluid is turbid, as Rabbi Yehoshua holds that the turbidity indicates that there was likely an embryo in the sac that liquefied. But in a case where the amniotic fluid is clear, everyone agrees that the discharged sac is not considered an offspring.<sup>N</sup> And Rabbi Yehoshua ben Levi says: The dispute applies in a case where the amniotic fluid is clear.**

## NOTES

**Governor [parashtevina]** – **פְּרִשְׁתַּבְנֵא**: The early commentaries disagree about the meaning of this word. Some say that it is the name of a particular person who lived in Pumbedita and was known for his height (Rashi; Arukh). Others challenge this interpretation, as in that case the Gemara would have written: Parashtevina from Pumbedita, and not: Parashtevina of Pumbedita. Therefore they explain that the reference is to a certain rank of authority in the city government (*Tosafot*; Rashbam).

**Applies in a case where it is turbid but in a case where it is clear everyone agrees it is not an offspring – בְּעֵבוֹר אָבָל בְּצַלָּל דָבְרִי הַכְּלָל אֵין וְלֹא**: Rashi explains that the terms turbid and clear are referring to the amniotic fluid: If it is turbid, the woman is impure, as the sac might have contained an embryo that liquefied, whereas if the fluid is clear, the woman is pure. Accordingly, Rabbi Yehoshua disagrees with the ruling of the mishna that if a woman discharges a gestational sac full of water, she is pure, as the mishna does not differentiate between turbid fluid and clear fluid.

**Tosafot** reject this interpretation, claiming that there is no reason for the halakha of a sac full of amniotic fluid to be more stringent than that of a sac full of blood, with regard to which the woman does not have the impurity of one after childbirth, but only that of a menstruating woman, even according to Rabbi Yehoshua. Therefore, *Tosafot* explain that the reference is to a gestational sac full of flesh. According to *Tosafot*, *akhur* means dissolved, while *tzalul* means not dissolved.

## LANGUAGE

**Loins [hartza] – חָרְצִיא:** The meaning of this Aramaic word is loins, as *halatzim*, as the letters *lamed* and *reish* are commonly switched in the translation by Onkelos of the verse: "And put sackcloth upon his loins" (Genesis 37:34). It is similar to the Hebrew word for loins,

Hebrew and Aramaic words that are similar to each other.

### BACKGROUND

**Firstborn animal – בָּכָר:** The male firstborn of cattle, sheep, or goats belonging to a Jew is sacred from birth and must be given to a priest to be sacrificed on the altar in the Temple, with its meat eaten by the priests and their families (see Numbers 18:17–18). If a firstborn animal develops a physical blemish that disqualifies it from being sacrificed as an offering, it still has to be given to a priest, but it can be slaughtered and eaten like any other non-sacred kosher animal.

The obligations of primogeniture with regard to humans are limited to the obligation that one redeem his firstborn son from a priest for five pieces of silver.

אִבְעֵדָה לְהוּ בְצַלָּל מְחֻלָּקָת – אֲבָל  
בְּעִכּוֹר דָּבָר יְהִלְלָד, אוֹ דְּלָמָּא – בֵּין  
בָּוּה וּבֵין בָּוּה מְתֻחָלָקָת? מִיקָּר.

מִיתְיָבֵבִי, אַתְּ זֶה דָּרְשׁ רַבִּי יְהוֹשֻׁעַ בָּנָי  
חָנָנָיָא: "וַיַּעֲשֵׂה יְהָוָה אֱלֹהִים לְאָדָם וְלְאֶשְׁתּוֹ  
בְּתִינּוֹת עֹור וְלִבְשָׁמָּה" – מַלְפֵּיד שָׁאַיִן  
הַקָּדוֹשׁ בָּרוּךְ הוּא עֹזֶה עֹר לְאָדָם  
אֲלָא אָם בְּן נָצָר.

אַלְמָא: בָּעוֹר תְּלִיא מִילְתָּא, לֹא שְׁנָא  
עַכּוֹר וְלֹא שְׁנָא צָלָל.

אֵי אָמָרָת בְּשָׁלָמָא בְצַלָּל מְחֻלָּקָת –  
הַיּוֹנָה דָאַיְצָרָן קָרָא, אֲלָא אֵי אָמָרָת  
בְּעִכּוֹר מְחֻלָּקָת – לִמְהָה לִי קָרָא? סְבָרָא  
בְּעַלְמָא הָוָא! אֲלָא שְׁמַע מִינָה: בְצַלָּל  
מְתֻחָלָקָת, שְׁמַע מִינָה.

וְכֵן אָמָר וּבְנַחַטְמָן אָמָר וּבָה בְּרָא בָּוּה:  
מְתֻחָלָקָת בְּעִכּוֹר, אֲבָל בְצַלָּל – דָבָר  
הַכְּלִיל אַיְנוֹ וְלֹא.

אַיְתָיְבִּיהָ רַבָּא לְרַב נַחַטְמָן: אֲלָא אָמָר,  
סִימְנָן וְלֹא בְבָהָמָה דָקָה – טִינּוֹף, בְגַסָּה –  
שְׁלִיא, בְאָשָׁה – שְׁפִיר וּשְׁלִיא.

A dilemma was raised before the Sages: What does Rabbi Yehoshua ben Levi mean? Does he mean that the dispute applies only in a case where the amniotic fluid is clear, but in a case where it is turbid, everyone agrees that it has the halakhic status of an offspring? Or perhaps Rabbi Yehoshua ben Levi means that the dispute applies in this case and in that case, i.e., the Rabbis hold that the sac does not have the status of an offspring even if the amniotic fluid is turbid. The Gemara concludes that the dilemma shall stand unresolved.

The Gemara raises an objection to the opinion that the dispute between Rabbi Yehoshua and the Rabbis applies only in a case where the amniotic fluid is turbid. It is taught in a *baraita* that Rabbi Yehoshua ben Hananya, who is the same Rabbi Yehoshua who disagrees with the Rabbis with regard to the case of a woman who discharges a gestational sac in which tissue did not develop, taught this following proof for his opinion that the woman is impure: It is stated: “And the Lord God made for Adam and for his wife garments of skins, and clothed them” (Genesis 3:21). This teaches that the Holy One, Blessed be He, does not make skin for a person unless he is already created, as God first created Adam and Eve, and then gave them skin. Consequently, the existence of a gestational sac proves that there is an offspring.

Evidently, according to Rabbi Yehoshua the matter of whether or not an embryo is considered offspring is dependent on whether or not there is skin, and there is no difference whether the amniotic fluid is turbid, and there is no difference whether it is clear.

Granted, if you say that the dispute applies in a case where it is clear, that is why it was necessary for Rabbi Yehoshua to derive from a verse that an embryo that has skin is considered an offspring. But if you say that the dispute applies in a case where the amniotic fluid is turbid, but Rabbi Yehoshua concedes that the woman is pure if it is clear, why do I need a verse to teach that if the amniotic fluid is turbid the woman is impure? It is logical that where the amniotic fluid is turbid there was probably an embryo that liquefied. Rather, conclude from it that the dispute applies in a case where the amniotic fluid is clear. The Gemara concludes: Conclude from it that this is correct.

And likewise, just as Rabbi Oshaya interprets the dispute between Rabbi Yehoshua and the Rabbis as referring to a case where the amniotic fluid is turbid, Rav Nahman says that Rabba bar Avuh says: The dispute between Rabbi Yehoshua and the Rabbis applies in a case where the amniotic fluid is turbid; but in a case where the amniotic fluid is clear, everyone agrees that the discharged sac is not considered an offspring.

Rava raised an objection to the opinion of Rav Nahman from a mishna that specifies the obligations that apply to firstborn animals<sup>8</sup> (*Bekhorot* 19b): But the Sages said that not only does a viable offspring exempt any subsequent offspring from being counted a firstborn, but the same applies to an indication of the offspring that is discharged from the womb. The indication in a small animal<sup>9</sup> is a murky discharge from the womb, in a large animal it is the emergence of an afterbirth,<sup>10</sup> and in a woman the indication is a gestational sac or an afterbirth.

### HALAKHA

An indication of the offspring in a small animal – סִימְנָן וְלֹא: The discharge of turbid fluid from the womb of a small female animal indicates the existence of an embryo that was crushed and exempts subsequent births from the obligations of firstborn status. One must show the discharge to an expert shepherd to determine whether it is actually a crushed embryo (Rambam *Sefer Korbanot*, *Hilkhot Bekhorot* 4:10; *Shulhan Arukh*, *Yoreh De'a* 315:7).

An indication of the offspring...in a large animal is the afterbirth – סִימְנָן...בְּגַסָּה שְׁלִיא: If a large animal discharges an afterbirth from its womb, its subsequent births are exempt from the obligations of firstborn status, as there is no afterbirth without the existence of an embryo (*Shulhan Arukh*, *Yoreh De'a* 315:7, and *Shakh* there).

וְאִילוּ שָׁפֵר בַּבְּהֹמָה – לֹא פָטוּ. אֵי  
אָמֶרֶת בְּשֵׁלָמָא בְּצַלְוָן מְחֻלְקָת –  
מִשּׁוּם הַכִּי.

אֲשֶׁר דָּרְבִּי בָּה קָרָא – פָטוּ בָּה שָׁפֵר,  
בַּבְּהֹמָה דְּלֹא וְבִי קָרָא – לֹא פָטוּ בָּה  
שָׁפֵר.

אֲלֹא אִי אָמֶרֶת בְּעַכְוּרָה מְחֻלְקָת, מִכְרָי  
סְבָרָא הוּא, מַאי שְׁנָא אֲשֶׁר וּמַאי שְׁנָא  
בְּהֹמָה?

מֵי סְבָרָת, רַבִּי יְהוֹשֻׁעַ מִפְשֵׁט פְּשִׁיטָה  
לִיה? רַבִּי יְהוֹשֻׁעַ סְפּוּקָה מִפְשְׁקָא לִיה,  
וְאַזְילַה הַכָּא לְחוֹמְרָא, וְהַכָּא לְחוֹמְרָא.

גַּבֵּי אֲשֶׁר דִּמְמוֹנָה הוּא – סְפִיקָה מִמְּמוֹנָה  
לְקוֹלָא.

גַּבֵּי בַּהֲמָה דָּאִיסְטוֹרָא הוּא, דָאִיבָּא  
לְגַבֵּי גִּיהָ וּעֲבוּדָה – סְפִיקָה אִיסְטוֹרָא  
לְחוֹמְרָא. הַכִּי נִמֵּי גַּבֵּי אֲשֶׁר – סְפִיקָה  
טוֹמָאָה לְחוֹמְרָא.

וְמֵי מִפְשְׁקָא לִיה? וְהָא קָרָא קָאָמָר!  
מִדְרָבֵן, וְקָרָא – אַסְמְכָתָא בְּעַלְמָא  
הָוּא.

אָמַר לֵיהּ רַב חָנִינָא בֶּן שֵׁלָמִיא לְרַב:  
הָא וְרַבִּי הָא וְרַבִּי יְשַׁמְּעוּאֵל בָּבִי יוֹסֵי,  
וְהָא וְרַבִּי אוֹשָׁהָא וְהָא וְרַבִּי יְהוֹשֻׁעַ בֶּן  
לוֹי, מָר בְּמַמְּאָן סְבִירָא לִיה?

Rava infers: And yet the miscarriage of a gestational sac in the case of a large animal does not exempt the animal's subsequent offspring from being counted a firstborn. Granted, if you say that the dispute between Rabbi Yehoshua and the Rabbis applies in a case where the amniotic fluid is clear, it is due to that reason that the mishna differentiates between a large animal and a woman with regard to a gestational sac.

Rava explains: With regard to a woman, as the aforementioned verse: "And the Lord God made for Adam and for his wife garments of skins," includes in the definition of offspring a gestational sac, i.e., skin, one can say that such a gestational sac exempts subsequent births from the obligations of primogeniture. By contrast, in the case of an animal, as the verse does not include a gestational sac in the definition of offspring, discharging a gestational sac does not exempt the animal's subsequent offspring from being considered a firstborn.

But if you say that the dispute applies in a case where the amniotic fluid is turbid, and Rabbi Yehoshua deems the woman impure due to the likelihood that there was an embryo that liquefied, since this halakha is based on logic, what is different in the case of a woman, and what is different in the case of an animal? Rabbi Yehoshua's reasoning applies equally to both. Evidently, the dispute applies in a case where the amniotic fluid is clear.

The Gemara answers: Do you hold that it is obvious to Rabbi Yehoshua that a gestational sac in which the amniotic fluid is turbid has the halakhic status of an offspring? That is not so; rather, Rabbi Yehoshua is uncertain of its halakhic status, and therefore here, in this case, he rules stringently, and there he also rules stringently.

The Gemara elaborates: First of all, with regard to a situation where a woman discharged a gestational sac in which the amniotic fluid was turbid, in which case the obligation of primogeniture is a monetary matter, i.e., the obligation to redeem the newborn child by paying money to a priest, the subsequent births are exempt, in accordance with the principle that uncertainty with regard to monetary matters is treated leniently.

By contrast, with regard to an animal, in which case firstborn status is a ritual matter, as there are prohibitions involving, i.e., against, shearing the animal's wool and using the animal for labor before it incurs a blemish, the discharged gestational sac is not considered an offspring and does not exempt subsequent births from the obligations of firstborn status, as uncertainty with regard to ritual matters is treated stringently. So too, with regard to the impurity of a woman who discharged a gestational sac, she is deemed impure, as uncertainty with regard to impurity is treated stringently, which means that for the purposes of this halakha a gestational sac is considered an offspring.

The Gemara asks: And is Rabbi Yehoshua uncertain about the halakha of a woman who discharges a gestational sac? But doesn't he cite a verse as proof that the woman has the impurity of one who gave birth? The Gemara answers: Rabbi Yehoshua maintains that the woman is impure by rabbinic law, and the verse he cites is a mere support for this halakha; it is not the actual source.

Rav Hanina bar Shelamya said to Rav: This is the opinion of Rabbi Yehuda HaNasi, who told his students that he did not hear from his teachers the halakha in the case of a woman who discharged a gestational sac full of flesh; and this is the opinion of Rabbi Yishmael, son of Rabbi Yosei, who cited his father's opinion that in such a case the woman is impure. And this is the opinion of Rabbi Oshaya, that the dispute between Rabbi Yehoshua and the Rabbis applies only in a case where the amniotic fluid is turbid; and finally this is the opinion of Rabbi Yehoshua ben Levi, who holds that the dispute applies if the amniotic fluid is clear. In accordance with whose opinion does the Master hold?

**HALAKHA**

What is a gestational sac in which tissue developed – **איוּחוֹ שְׁפִיר מַרְוקָם**: What is the definition of a gestational sac in which tissue developed, which renders a woman who discharges it impure with the impurity of a woman after childbirth? It is a sac that contains an embryo whose body looks like a lentil; whose eyes look like two drops, like the eyes of a fly, and are distant from each other; whose nostrils look the same, but are close to each other; whose mouth is open just to the length of a hair. It does not need to have the shape of arms and legs (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:3).

And one does not examine it with water, etc. – **אֵין בָּזְקִין אֶתְהָ בַּמִּים וּכְיָ**: If the form of a discharged embryo is more developed than it was at the outset of its formation, but its sex is still indiscernible, it should be examined after cleaning it with oil, not water (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:3).

**NOTES**

Its body [*geviyyot*] – **נוֹיִתוֹ**: Some commentaries interpret this word as referring to the penis (Rashi; *Tosafot*). Others explain that the reference is to the entire body (Rambam).

**BACKGROUND**

Like a lentil – **בְּנֵרֶשֶׁה**: When a lentil is mentioned in the Mishna and Talmud, the reference is generally to the red lentil, whose diameter is 4 mm.

**אמָר לְיהָ:** אֵין אָמָר, אַחֲרֵךְ זֶה וְאַחֲרֵךְ זֶה  
**איוּנה חֹשֶׁת.**

וְשִׁמוֹאָל אָמָר: אַחֲרֵךְ זֶה וְאַחֲרֵךְ זֶה – חֹשֶׁת.  
וְאַזְדָּא שִׁמוֹאָל לְטֻעַמְתָּה, דְּכִי אַתָּה רֵב דִּימִי  
אָמָר: מַעֲולָם לְאַדְפּוֹ שְׁפִירָא בְּנֵרֶד עַא, לְבָרָ  
מְהֻהּ הוּא שְׁפִירָא דְּאַתָּה לְקַמְתָּה דְּשִׁמוֹאָל,  
דְּמִנְחָג עַלְיהָ חֹות הַשְׁעָרָה מֵהָא גִּיסָּא וְחוּיאָ  
מֵהָא גִּיסָּא, אָמָר: אֵם אִיתָּא דַּלְדַּל הוּאִי –  
לֹא הוּה וְגַם בּוּלָהִיא.

Rav said to Rav Hanina bar Shelamya: I say that both in this case, where the amniotic fluid is turbid, and in that case, where the fluid is clear, the woman does not need to be concerned that she has the status of a woman who gave birth to an offspring.

And Shmuel says: In both this case and that case, the woman must be concerned that the discharged gestational sac has the status of an offspring, and therefore she is considered impure like a woman who gave birth. And Shmuel follows his standard line of reasoning here, as when Rav Dimi came and transmitted many halakhic traditions, the latter said: In Neharde'a the Sages never deemed a woman who discharged a gestational sac pure, except for the case of a certain gestational sac that came before Shmuel, who placed a hair on this side of that sac, and it was visible from that side. Shmuel said, based on this test: If it were so, that there was an offspring in the sac, it would not have been so transparent. He therefore deemed the woman pure, but his ruling applied only in that extreme case.

וְאֵם הָהָרָה מַרְוקָם" וּכְיָ  
שְׁפִירָה מַרְוקָם? אַבָּא שָׁאָל אָמָר: תְּחִלָּת  
בְּרִיחַתְוֹ מִרְאָשָׁו, וְשִׁתְיַיְּנָה טִפְנָן שֶׁל  
בְּבִבָּה. תְּנִי רְבִי חִיאָ: מַרְוקָם זֶה מַזָּה. שְׁנִי  
חוֹטָמָן – בְּשִׂתְיַיְּנָה טִפְנָן שֶׁל בּוּבָה.

§ The mishna teaches: But if the sac was one in which tissue developed, the halakhic status of the woman is that of a woman after childbirth. Since the sex of the embryo is unknown, she observes the strictures of a woman who gave birth both to a male and to a female; she is impure for fourteen days like a woman who gave birth to a female, but blood that she sees thereafter is pure only until forty days after birth, like a woman who gave birth to a male. The Sages taught in a *baraita*: What is the definition of a gestational sac in which tissue developed?<sup>h</sup> Abba Shaul says: The beginning of the formation of the embryo is from its head, and its two eyes look like two drops, similar to the eyes of a fly. Rabbi Hiyya teaches: These eyes must be close to each other. Furthermore, its two nostrils look like two drops, similar to the nostrils of a fly.

תְּנִי רְבִי חִיאָ: וּמַקְוְבִּין זֶה לְזֶה. וּפְיוֹ מַתְוִית  
בְּחֹות הַשְׁעָרָה, וְנוֹיִתוֹ בְּנֵרֶשֶׁה, וְאֵם הִתְהִתָּ  
נְקַבָּה – נְדוֹנָה כְּשֻׁעָרָה לְאַרְכָּה.

Rabbi Hiyya teaches: And these eyes must be close to each other. And its mouth stretches along the width of its face like a strand of hair. And its body<sup>n</sup> is like the size of a lentil.<sup>b</sup> And if it was female, its vagina can be discerned by the appearance of a line like a cracked grain of barley oriented along the length of its body.

וְחוֹתָק יָדִים וּוּגְלִים אֵין לוֹ, וְעַלְיוֹ מִפּוֹרֶשׁ  
בְּקַבְּלָה "הָלָא בְּחָלֵב תְּתִיבֵנִי וּבְגָבְנִה  
תְּקַפְּיָאִנִּי. עֹז וּבְשָׁר תְּלִבְיָשִׁי וְעַצְמֹות  
גִּידִים תְּסֻכְכִּנִּי. חַיִם וְחַסְדָּךְ עֲשִׂית עַמְּדִי  
וּפְקַדְתָּךְ שְׁמָרָה רָוחִי".

And it does not have the shape of arms and legs at this stage. And it is said with regard to an embryo at this stage, in the texts of tradition, the Prophets: “Have You not poured me out as milk, and curdled me like cheese? You have clothed me with skin and flesh, and knit me together with bones and sinews. You have granted me life and favor, and Your providence has preserved my spirit” (Job 10:10–12).

ואֵין בָּזְקִין אֶתְהָ בַּמִּים – שְׁהָמִים עַזִּים

And one does not examine it with water<sup>h</sup> to discover its sex, as water is too strong,

**Perek III****Daf 25 Amud b****HALAKHA**

In what manner does one examine it to ascertain whether it is male, etc. – **בְּמַה בָּזְקִין אֶתְהָ לְלַיְעָם זֶרֶר**: The examination of a discharged fetus whose sex is indiscernible is performed by running a sliver of wood whose top is smooth along the fetus's sex organ from top to bottom. If the sliver's movement is not smooth, the fetus is evidently male. If the sex organ looks like a cracked grain of barley, the fetus is clearly female, and further examination is unnecessary (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:3).

וְטוֹרֵדֵן אֶתְהָ, אַלְאָ בָּזְקִין אֶתְהָ בְּשִׁמְנָן  
שְׁהָשְׁמָן וְזֶה וְמִצְחָצָה. וְאֵין זֶוְאַן אַלְאָ  
בְּחִמָּה.

כַּיְצַד בָּזְקִין אֶתְהָ? כַּיְצַד בָּזְקִין אֶתְהָ?  
בְּדַאֲמְרוֹנָן! אַלְאָ: בְּמַה בָּזְקִין אֶתְהָ לְיַדְךָ  
אָסְכָּר הָוּא אֶם נְקַבָּה הִיא?

and dissolves it. Rather, one examines it with oil, as oil is soft and cleans the embryo so that its sex can be discerned. And one views it only in the light of the sun.

The *baraita* continues: How does one examine the embryo? The Gemara expresses surprise at this question: How does one examine it to determine whether it has the halakhic status of an offspring? Clearly, one examines it as we just said. Rather, the question is as follows: In what manner does one examine it to ascertain whether it is male<sup>h</sup> or whether it is female?

**אָבָּא שָׁאֵל בֶּן נָשָׁה, וְאָמַרְיָה לְהָאָבָּא**  
**שָׁאֵל בֶּן רַמְשָׁ אֹוּבָר: מִבֵּיא קִיסְם**  
**שְׁרָאָשׁוֹ חֲלָק וְמִנְעָנָע בְּאָוֹתָו מִקּוֹם.**  
**אָם מִסְכָּנָךְ - בְּרוּעַ שְׂכוּר הָוּא, וְאָם**  
**לֹא - בְּרוּעַ שְׁנַקְבָּה הָיָה.**

**אָמַר רַב נָחָמָן אָמַר וְבָה בְּרַב אָבָּבוֹ:**  
**לֹא שָׁנוֹ אַלְאָא מִלְמְטָה לְמַעַלָּה, אַבְלָ**  
**מִן הַצְּדִין - אִםְמָא: כּוֹתֵל בֵּית הָרֶחֶם**  
**נִינְהָו.**

**אָמַר רַב אָדָא בְּרַב אָהָבָה: תְּנָא, אָם**  
**וְתִּתְהַנֵּה נְקָבָה - נְדוּנָה בְּשֻׁעָרָה סְדוּקָה.**  
**מִתְקִיר לְהָרְבָּה רַב נָחָמָן: וְדַיְלָמָא חֹות**  
**שֶׁל בִּיצִים נִנְהָו? אָמַר אָבִי הַשְׁתָּתָא**  
**בִּיצִים גּוֹפִיהָו - לֹא יְדִיעַי, חֹות שֶׁל**  
**בִּיצִים - יְדִיעַי?**

**אָמַר רַבִּי עַמְרָם, תְּנָא: שְׁתִּי יְרַכּוֹתָיו -**  
**כְּשַׁנִּי חֹותִין שֶׁל זְהֹרִית. וְאָמַר רַבִּי**  
**עַמְרָם עַלְהָה: בְּשֶׁל עַרְבָּה. וְשַׁנִּי רַזְעוֹתָיו**  
**כְּשַׁנִּי חֹותִין שֶׁל זְהֹרִית, וְאָמַר רַבִּי**  
**עַמְרָם עַלְהָה: בְּשֶׁל שְׂתָתָא.**

**אָמַר לִיה שְׁמוֹאֵל לְרַב יְהוּדָה: שִׁינְגָּא,**  
**לֹא תַּעֲבֹד עִבְרָא עַד שִׁינְגָּעָר. וּמִ**  
**אָמַר שְׁמוֹאֵל הַכִּי? וְהָאָמַר שְׁמוֹאֵל:**  
**אַחֲתָה זוּ וְאַחֲתָה זוּ - חֹשֶׁשְׁתָא!**

**Abba Shaul bar Nash, and some say Abba Shaul bar Remash, says:** One brings a sliver of wood whose top is smooth, and he moves it along the embryo in that place, i.e., the sex organ. If the sliver is caught, i.e., its movement is not smooth, it is known that the embryo is male, as its member interfered with the movement of the sliver. And if the sliver is not caught, it is known that it is female.

**Rav Nahman says that Rabba bar Avuh says:** They taught this halakha, that if the movement of the sliver is not smooth then the embryo is male, only if the sliver was moved along the sex organ of the embryo from below to above;<sup>N</sup> but if it was moved from the sides, from one side to the other, the fact that it was not smooth does not prove that the embryo is male, as one can say that the sides of the womb interfered.

**Rav Adda bar Ahava says:** The complete version of the baraita is taught as follows: If it was female, its vagina can be discerned by the appearance of a line like a cracked grain of barley oriented along the length of its body. Rav Nahman objects to this: But perhaps it is not the vagina but the recess between the testes, and the embryo is male. Abaye said to him: Now, at this stage of development, the testes of the embryo themselves are not discernible. Is it possible that the recess between the testes is discernible?

The baraita teaches that at this stage an embryo does not have the shape of arms and legs. **Rabbi Amram** says that it is taught in a baraita that when an embryo's arms and legs start to take shape, its two thighs look like two strings of crimson thread [zehorit].<sup>B</sup> And Rabbi Amram says with regard to this matter that the thighs look like two strings of the woof, which are thicker than those of the warp. The baraita adds: And its two arms look like two strings of crimson thread. And Rabbi Amram says with regard to this matter that the arms look like two strings of the warp.<sup>B</sup>

**Shmuel said to Rav Yehuda:** *Shinnana*,<sup>L</sup> do not perform an action, i.e., do not issue a practical ruling deeming a woman who discharges an embryo at this stage of development impure, unless the embryo has grown hair.<sup>H</sup> The Gemara asks: And did Shmuel actually say that? But doesn't Shmuel say with regard to a woman who discharged a gestational sac that both in this case, where the amniotic fluid is turbid, and in that case, where the fluid is clear, the woman must be concerned that the discharged gestational sac might have the status of an offspring, which would mean that she is impure even without the growth of hair on the embryo?

## BACKGROUND

**Crimson thread [zehorit] – זְהֹרִית:** Zehorit is a woven material made of wool or silk and dyed crimson. Crimson pigment is produced from the eggs of the scale insect of the genus *Kermes*, which is found among trees. Crimson-dyed material was used in various items in the Temple and for decorative purposes outside of the Temple.



Left to right: Dried female *Kermes echinatus* with eggs, dyed string, dyed wool

**Warp – שַׁבָּח:** In the craft of weaving, threads of the warp are normally fixed on the loom, forming the foundation of the fabric. The threads of the woof are crossed between the threads of the warp in different ways. Since the threads of the warp hold the weave together, they need to be much stronger than the threads of the woof. Nevertheless, they are often thinner than the threads of the woof. Therefore, the spinning of the threads for the warp required greater care than the spinning of the threads for the woof.



Reconstructed ancient loom

## NOTES

**לֹא שָׁנוֹ אַלְאָא מִלְמְטָה לְמַעַלָּה:** The later commentaries infer from the statement of Rabba bar Avuh that the sliver should be run along the sex organ of the fetus specifically from bottom to top, and not from top to bottom. The reason for this is that if one runs the sliver

along the sex organ from top to bottom, he may inadvertently skip over the penis, whereas if one runs it from bottom to top, the penis will invariably interfere. By contrast, the Rambam writes that one runs the sliver along the sex organ from top to bottom (*Arukha LaNer*).

## HALAKHA

**Do not perform an action unless the embryo has grown hair – לֹא תַּעֲבֹד עִבְרָא עַד שִׁינְשָׁרָה:** A woman who discharged an underdeveloped fetus does not observe the period of purity that a woman after childbirth observes unless the fetus has

grown hair. This is in accordance with Shmuel's instruction to Rav Yehuda and Rav Ami's interpretation of his statement (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 10:3).

## LANGUAGE

**Shinnana – שִׁינְגָּא:** This is a nickname for Rav Yehuda, appearing in several places in the Talmud. According to Rashi, the name means sharp or brilliant. By contrast, the ge'onim assert that they are certain that this is an expression describing one with large teeth [*shinayim*], noting that the expression was still employed in their time.

### BACKGROUND

Fish of the sea – בָּשָׁר שְׁלֵם: The sandal fish mentioned in the Gemara is generally identified with flatfish in the genus *Bothus*, which lie flat on the ocean floor.



Fish of the genus *Bothus*

### NOTES

This mishna is taught from the testimony of Rabbi Nehunya – רַבִּ נְהֻנְיָא נְשִׁיטָה וְשִׁנָּה וְשִׁנָּה וְשִׁנָּה: Rashi explains that the ruling in this *baraita* is an individual opinion, and therefore one cannot use it as the basis of an objection. The early commentaries derive from here that the *halakha* is that a sandal fetus is considered an offspring even if it does not have the shape of a face. Although Rabbi Yohanan, who states that this *baraita* is an individual opinion, is quoted earlier (24a) as stating that if a woman discharges a fetus whose face is flat, she is pure, the case of a sandal fetus is different, as it was originally a normal offspring, and was mashed by its twin (Rashba; Ritva).

אמָר וּבָ אֲמִי בָּרָ שְׁמוֹאֵל, לְדִידִ מְפֻרְשָׂא  
לִי בְּמִינֶה דָּמֶרֶ שְׁמוֹאֵל: לְחוֹשׁ - חֹשֶׁת,  
ימִ טְהָרָה - לְאֵיבָנָן לְהַעַד שְׁיִשְׁעֵר.

לִמְיָרָא דְּמִסְפְּקָא לֵיהֶ לְשְׁמוֹאֵל? וְהִיא  
הַהּוּא שְׁפִירָא דְּאַתָּא לְקַמְיָה דָּמֶרֶ  
שְׁמוֹאֵל. אָמָר: הָא בָּרָ אַרְבָּעִין וָחָד יְמָא.  
חַשְׁיבָּ מִזְמָא דְּאַלְאָ לְטַבְּלָה עַד הַהּוּא  
יּוֹמָא, וְלֹא הָהָא אַלְאָ אַרְבָּעִין יוֹמָיִן.

וְאָמָר לְהָ: הָאֵי בְּנָהָ בָּעֵל. כְּפִתְיהָ  
וְאָזְדִּי! שָׁנִי שְׁמוֹאֵל דָּרְבָּ גּוּבְרִיהָ.

הַמְּפֻלָּת סְנְדֵלִי וּכְוָ'. תְּנוּ רַבָּןִי סְנְדֵל  
דוֹמָה לְגַג שְׁלֵם, מִתְחַלְתָּה וְלֹא הָוָא  
אַלְאָ שְׁנָצְרָךְ. רַבָּן שְׁמַעַן בְּן גִּמְלָאֵל  
אָמָר: סְנְדֵל דּוֹמָה לְלֶשׁוֹן שְׁלֵוֹת הַדָּרוֹל.  
מִשּׁוּם רְבוּתֵינוּ הַעִירָוֹ: סְנְדֵל צְרוּת  
פְּנִים.

אָמָר וּבָ יְהוּדָה, אָמָר שְׁמוֹאֵל: הַלְכָה -  
סְנְדֵל צְרוּת צְרוּת פְּנִים. אָמָר וּבָ אַדָּא,  
אָמָר וּבָ יוֹסֵף, אָמָר וּבָ יִצְחָק: סְנְדֵל צְרוּת  
צְרוּת פְּנִים, וְאַפְּלִי מִאַחֲרוֹ. מִשְׁלָלְאָדָם  
שְׁפָטָר אֶת חַבְיוֹ, וְהַחְיוֹר פְּנֵי לְאַחֲרוֹי.

בְּמִי רַבִּי יְנָאי בְּקָשׁוּ לְטַהַר אֶת סְנְדֵל  
שָׁאַיִן לוֹ צְרוּת פְּנִים, אָמָר לָהֶם רַבִּי יְנָאי:  
טִיהְרָתָם אֶת הַוּלְדֹתָן!

וְהַתְּנִיאָ, מִשּׁוּם רְבוּתֵינוּ הַעִירָוֹ: סְנְדֵל  
צְרוּת צְרוּת פְּנִים: אָמָר רַב בֵּיבִי בָּרָ אַבְּיִי  
אָמָר וּבָ יוֹחָנָן: מִעְדוּתָה שְׁלֵם וּבָ נְהֻנְיָא  
נְשִׁינָת מְשִׁנָּה וְזֹ. אָמָר רַב יְזִירָא: זְכָה בָּה  
רַב בֵּיבִי בְּשִׁמְעָתָה, דָאָנָה הָאָהָרָנָה  
תְּבִינָן קְפִיה דְּבִי יוֹתָנָן בַּי אָמְרָה לְהָהָ  
שְׁמַעְתָּא, וְקָרֵם אַיְהוּ וְאָמְרָה זְכָה בָּה.

Rav Ami bar Shmuel says: This matter was explained to me by Mar Shmuel: As for being concerned that perhaps she is impure, the woman must be concerned, due to the uncertainty whether she discharged an offspring. But we do not give her the days of purity that follow the period of impurity for a woman who gave birth, unless the embryo has grown hair.

The Gemara asks: Is that to say that Shmuel is uncertain whether a gestational sac has the halakhic status of an offspring? But there was an incident involving a certain gestational sac that was brought before Mar Shmuel, and Shmuel said: This embryo is forty-one days old. And Shmuel subsequently calculated the amount of time that had passed from the day that the woman went to perform immersion in a ritual bath until that day, and it was only forty days.

And he said to the local court: This husband engaged in intercourse with his wife when she was a menstruating woman. They bound the husband and he confessed. Since Shmuel was so proficient in embryology, why was he unsure about the halakhic status of a gestational sac? The Gemara answers: Shmuel himself is different, as his strength, i.e., his proficiency, was great. His general ruling that the halakhic status of a gestational sac is uncertain applies to people who are not as proficient as he is.

**S** The mishna teaches that a woman who discharges a sandal fetus or one who discharges an afterbirth observes the strictures of a woman who gave birth both to a male and to a female. The Sages taught in a *baraita*: A sandal fetus has a similar appearance to a certain fish of the sea<sup>b</sup> known as a sandal fish; it looks as though it is a full-fledged offspring from the outset, but it was mashed. Rabban Shimon ben Gamliel says: A sandal fetus has an appearance that is similar to the tongue of the large bull.<sup>h</sup> Students testified in the name of our teachers that for a sandal fetus to have the halakhic status of an offspring, it requires the shape of a face.

Rav Yehuda says that Shmuel says: The *halakha* is that a sandal fetus requires the shape of a face for it to have the status of an offspring. Rav Adda says that Rav Yosef says that Rabbi Yitzhak says: A sandal fetus requires the shape of a face, but the face does not need to be in its proper location; even if the face is on the back of its head, the fetus has the status of an offspring. A parable to which this situation can be compared is that of a person who slapped another in the face and pushed his face back. Here too, the face of the sandal fetus was pushed back due to external pressure.

The Gemara relates: In the days of Rabbi Yannai, the other Sages wished to deem pure a woman who discharges a sandal fetus that does not have the shape of a face. Rabbi Yannai said to them: You have deemed pure women who discharge offspring. Rabbi Yannai holds that even a sandal fetus that does not have the shape of a face is considered an offspring.

The Gemara asks: But isn't it taught in a *baraita* that students testified in the name of our teachers that for a sandal fetus to have the halakhic status of an offspring it requires the shape of a face? Rav Beivai bar Abaye says that Rabbi Yohanan says in response: This mishna, i.e., the ruling to which the students testified, is taught from the testimony of Rabbi Nehunya.<sup>n</sup> In other words, this ruling is the opinion of an individual *tanna*, which is not accepted. Rabbi Zeira says: Rav Beivai merited that his ruling of *halakha*, which he transmitted in the name of Rabbi Yohanan, was accepted. As he and I were both sitting before Rabbi Yohanan when Rabbi Yohanan said this *halakha*, but Rav Beivai said it first to the other Sages, and thereby merited that it was ascribed to him.

### HALAKHA

A sandal fetus has an appearance similar to the tongue of the large bull – סְנְדֵל דּוֹמָה לְלֶשׁוֹן שְׁלֵם גָּדוֹל – Sometimes part of the blood from which a human fetus is formed solidifies and forms the shape of a bull's tongue, and it is wrapped around part of the fetus's

body. This item is referred to as a sandal fetus. This is in accordance with the opinion of Rabban Shimon ben Gamliel (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:12).

לְמִה הַכּוֹרָו סְנָדָל, וְתֵלָא אֵין סְנָדָל  
שֶׁאֵין עַמּוֹ לְד?

אֵי דָאַתְּלִידָא נַקְבָּה בְּהַדְּרִיה - הַכִּי  
נַמְּיִ, הַכָּא בַּמְּאֵי עַסְקִין - דָאַתְּלִידָ  
זָכָר בְּהַדְּרִיה.

מַהוּ דָתִימָא, הַוְאֵיל וְאָמָר רַב יִצְחָק  
בֶּר אֲמִי: אֲשֶׁר מִפְרַעַת תְּחִילָה - יוֹלְדָת  
זָכָר, אֲיַשׁ מִרְוִיעַת תְּחִילָה - יוֹלְדָת נַקְבָּה,  
מִדָּחָא זָכָר - הָא נַמְּיִ זָכָר,

קָא מְשֻׁמּוּ לְזַיִן אִימָא שְׁנִיהם הַוְרִיעַ  
בְּבִתְּאַתְּ, הַאִי זָכָר וְהַאִי נַקְבָּה.

דָּבָר אַחֲרֵי: שָׁאֵם תַּלְדָּן נַקְבָּה לְפִנֵּי  
שְׁקִיעַת הַחַמָּה, וּסְנָדָל לְאַחֲרֵי שְׁקִיעַת  
הַחַמָּה,

מוֹנָה תְּחִילָת נְדָה לְרֹאשׁוֹן וְתְּחִילָת נְדָה  
לְאַחֲרוֹן.

סְנָדָל דִּתְנָן

**§** The Gemara asks: Why does the mishna mention that if a woman discharged a sandal fetus she observes the strictures of a woman who gave birth both to a male and to a female? Since there is no such thing as a sandal fetus that does not have another offspring with it, which mashed it and gave it the form of a sandal fish, in any case the woman has the impurity of a woman after childbirth.

The Gemara answers: If it is a female offspring that is born with the sandal fetus, it is indeed unnecessary to mention the halakha of the sandal fetus, as the woman is in any case impure for two weeks. But here we are dealing with a case where a male is born with it,<sup>H</sup> on account of which the woman would be impure for only seven days were it not for the sandal fetus.

In this case, it is necessary for the mishna to state that the woman observes the strictures of one who gave birth both to a male and to a female, lest you say that since Rav Yitzhak bar Ami says that the sex of a fetus is determined at the moment of conception, as, if the woman emits seed first she gives birth to a male and if the man emits seed first she gives birth to a female, therefore, it can be concluded from the fact that this offspring that was born with the sandal fetus is male, that this sandal fetus is also male.

Lest this reasoning be accepted, the mishna teaches us that the woman must observe the strictures of a woman who gave birth to a female as well. This is because one can say that perhaps both the man and the woman emitted seed at the same time, and consequently this offspring is male and that sandal fetus is female.

Alternatively, it can be suggested that it is necessary for the mishna to state this halakha even with regard to a case where the twin of the sandal fetus is female, as, if the woman gives birth to the female before sunset and gives birth to the sandal fetus after sunset, which is considered the next day, the sex of the sandal fetus affects the count of the woman's periods of impurity and purity.

If the sandal fetus is male, the woman's status as a woman after childbirth ends after the eightieth day from the birth of the female offspring, and she counts the beginning of the period when seeing blood renders her impure as a menstruating woman from the birth of the first offspring, i.e., the female. But if the sandal fetus is female, the woman has the status of a woman after childbirth until after the eightieth day from its birth, which is the eighty-first day from the birth of the first offspring. If so, she counts the beginning of the period when seeing blood renders her impure as a menstruating woman from the birth of the last offspring, i.e., the sandal fetus.

The Gemara discusses why the case of a woman who discharged a sandal fetus is mentioned in other mishnayot, given that a sandal fetus always has a twin. First the Gemara discusses the halakha of a woman who discharged a sandal fetus that we learned in a mishna

### HALAKHA

Where a male is born with it – **דאַתְּלִידָ זָכָר בְּהַדְּרִיה**: Occasionally, when the abdomen of a pregnant woman is struck, the fetus is disfigured and assumes the shape of a sandal fetus. Sometimes the face remains, and other times the fetus dries up and is so disfigured and covered by solidified blood that no facial features remain. Therefore, if a woman discharges a male fetus and a sandal fetus, she must observe the strictures of a woman who gives birth to both a male and a female, as the sandal fetus might be female. The Sages instituted this stringency treating a sandal fetus as an offspring even if it does not have the shape of a face, because the woman is anyway impure with the impurity of a woman after childbirth due to the full-fledged offspring that is born with it (Rambam Sefer Kedusha, Hilkhota Issurei Bia 10:12).

Perek III

Daf 26 Amud a

גַּבְּיַי בְּכֹרֹות לִמְאֵי הַלְּכָתָא?

with regard to firstborns (*Bekhorot* 46a), which states that the son who is born after a sandal fetus has the status of a firstborn with regard to inheritance but not with regard to the obligation of redemption from a priest. The Gemara asks: For what matter is that halakha relevant? Since the sandal fetus has a twin that is born with it, the subsequent son is in any case exempt from redemption.

**HALAKHA**

The *halakha* of a sandal fetus with regard to inheritance – סְנָדֵל לְעַזְעָן נַחַלָּה: A son who is born after stillborn babies is considered the firstborn with regard to inheritance (*Sefer Mishpatim, Hilkhos Nahalot* 2:10; *Shulhan Arukh, Hoshen Mishpat* 277:6).

The *halakha* of a sandal fetus with regard to redemption from a priest – סְנָדֵל לְעַזְעָן פָּהָן: In a case where a woman discharged an afterbirth, a gestational sac in which tissue developed, or an embryo in the form of a sandal fish, or in a case where she gave birth to a fetus that emerged in pieces, if she subsequently gives birth to a son, it is not considered as though he "opens the womb" (Exodus 13:2), and he does not require redemption (Rambam *Sefer Zera'im, Hilkhos Bikkurim* 11:14,15; *Shulhan Arukh, Yoreh De'a* 305:22).

She brings an offering for giving birth to the sandal – קְרֻבָּא קְרֻבָּא אֲסְנָדֵל: If a woman discharges a full-fledged male fetus and a sandal fetus, she observes the strictures of a woman who gave birth to both a male and a female, due to the uncertain sex of the sandal fetus. This is not the fundamental *halakha* but rather a stringency of the Sages (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 10:12, and see *Or Same'ah* there; *Sefer Korbanot, Hilkhos Mehusrein Kappara* 1:6).

**BACKGROUND**

Delivered by caesarean section – יִצְאֵא דָרְךָ דָּוֹקָן: This refers to an offspring that was born by caesarean section. There is no record of such an operation being performed in the ancient world on a woman who was still alive, but only on a woman who died during childbirth, in order to save the offspring. Only in the modern era is this operation performed on women who are still alive. Nevertheless, various *mishnayot* and discussions in the Talmud indicate that among Jews these operations were performed on living women even in antiquity, and some who were operated upon not only survived but even managed to become pregnant and have children again.

**NOTES**

The sandal fetus is considered to have been born only when the majority of its body emerges – סְנָדֵל צָבֵף וּפְבִיה: The early commentaries explain that although in general an offspring is considered to have been born once its head comes out, a sandal fetus is stillborn, and a stillborn fetus is considered to have been born only when the majority of its body emerges (Rashi).

לְבָבָא אֶחָדו – בָּכֹור לְנַחַלָּה וְאֵין בָּכֹור  
לְבָבָן.

סְנָדֵל דָתָנָן גַּבֵּי פְּרִוִיתֹת לְמַאי הַלְּכָתָא?

שָׁם תָּלֵד וְלֹרְד דָרְךָ דָוֹפָן, וּסְנָדֵל דָרְךָ  
דָחַם – דָמִיְתָא קְרֻבָּא אֲסְנָדֵל.

לְרַבִּי שְׁמֻעוֹן דָאָמַר יוֹצֵא דָרְךָ דָוֹפָן – וְלֹרְד  
מַעֲלֵילָה הוּא מַאי אִיכָּא לְמִימָרָה?

אָמַר רַבִּי יַרְמֵיאָה: שָׁם תָּלֵד וְלֹרְד בְּהִיוֹתָה  
גַּוְיהָ, וּסְנָדֵל לְאַחֲר שְׁנַת גִּירָה – דָמִיְתָא  
קְרֻבָּא אֲסְנָדֵל.

אָמְרוּ רַבִּי רְבָנָן קְמִימָה דָרְבָ פָּפָא: וּמַי אִתְּנָהוּ  
לְהַנִּיחַ שְׁיָנוּיִי? וְהָא תְּנָא: בְּשָׁהָן יוֹצְאֵין –  
אֵין יוֹצְאֵין אֶלָּא בְּרוּכָין!

אָמַר רַב פָּפָא: שָׁמַע מִינָה מַכְרָךְ בָּרֵיךְ  
לְהָה וְלֹרְד לְסְנָדֵל אֲפָלָגִיה, וּמִשְׁלָחֵחַ לְהָ  
כְּלָפִי רִישָׁה. גַּבֵּי בְּכוֹרוֹת – בָּגָון שְׁצִיאָו  
דָרְךָ רַאשָׁהָם, וּסְנָדֵל קְרֻבָּם וּנְפִיק. גַּבֵּי  
פְּרִוִיתֹת – שְׁצִיאָו דָרְךָ מַרְגּוֹלִותָם, וְלֹרְד  
קְרֻבָּים וּנְפִיק.

רַב הָונָא בָר תַּחֲלִיףָא מִשְׁמִימָה דָרְבָא  
אָמָר: אֲפִילוּ תִּמְאָא מִצּוּמָצְמָא, וְאִיפּוֹן  
שְׁמַעַתָּהָא, גַּבֵּי בְּכוֹרוֹת – שְׁצִיאָו דָרְךָ  
מוֹגָלוֹתָהָם, וְלֹרְד דָאִית בְּהָ חִוִּתָּא –  
סְרִיךְ וְלֹא נְפִיק, סְנָדֵל דָלִית בְּהָ חִוִּתָּא –  
שְׁרוֹקְ וּנְפִיק. גַּבֵּי פְּרִוִיתֹת – שְׁצִיאָו דָרְךָ  
רַאשָׁהָם, וְלֹרְד דָאִית בְּהָ חִוִּתָּא – מַדְנִפְיק  
רַיְשָׁה הָוָא לְרָהָה, סְנָדֵל – עַד דְּנִפְיק  
רוֹבִיה.

The Gemara answers: That *halakha* is relevant for a case where the sandal fetus's twin comes out of the womb after it. The mishna teaches that as the sandal fetus was born first, its twin is considered a firstborn with regard to inheritance,<sup>4</sup> but it is not a firstborn with regard to redemption from a priest.<sup>4</sup>

The Gemara discusses the *halakha* with regard to a woman who discharged a sandal fetus that we learned in a mishna in tractate *Karetot* (7b), which states that such a woman brings the offering of a woman who gave birth. The Gemara asks: For what matter is that *halakha* relevant? In any case that woman is obligated to bring the offering of a woman who gave birth, due to the twin.

The Gemara answers: It is necessary for the mishna to state that if a woman gives birth to a full-fledged offspring by means of caesarean section, and to a sandal fetus in a regular manner through the womb, in such a case she brings an offering for giving birth to the sandal<sup>4</sup> fetus, despite the fact that she does not bring an offering for the full-fledged offspring, as one does not bring an offering for a birth by caesarean section.

The Gemara asks: But according to Rabbi Shimon, who said that an offspring which is delivered by means of caesarean section<sup>5</sup> is considered a full-fledged offspring, and its mother does bring an offering, what is there to say? Why is it necessary for the mishna to state this *halakha* if the woman must bring an offering regardless of the sandal fetus?

Rabbi Yirmeya says: It is necessary for the mishna to state that if a woman gives birth to the full-fledged offspring while she is a gentle, when the *halakhot* of a woman after childbirth do not apply to her, and she immediately converts to Judaism and gives birth to the sandal fetus after she converted and became obligated to observe the *halakhot* of a woman after childbirth, that she brings an offering for the sandal fetus.

The Sages said the answers to these questions before Rav Pappa, and they asked him: And are these answers correct? Can it be suggested that the sandal fetus was born before or after the twin fetus? But isn't it taught in a *baraita* that when a sandal fetus and the full-fledged offspring exit the womb, they exit only wrapped around one another?

Rav Pappa said in response: Conclude from it that the sandal fetus and its twin do not lie side by side, but rather the full-fledged offspring encounters the sandal fetus at half its height, i.e., the head of the full-fledged offspring presses into the abdomen of the sandal fetus. And when they are born, the full-fledged offspring pushes the sandal fetus toward the direction its head is pointing, to the entrance of the womb, causing the sandal fetus to be born first. Therefore, the mishna with regard to firstborns can be explained as referring to a case where the fetuses exited the womb with their heads first, as in such a case the sandal fetus emerges first. By contrast, the mishna in tractate *Karetot* is referring to a case where they emerged with their feet first, as in such a case the full-fledged offspring emerges first.

Rav Huna bar Tahlifa says in the name of Rava: You may even say that the two fetuses lie precisely side by side, and you should reverse Rav Pappa's *halakha* so that it reads as follows: With regard to firstborns, the reference is to a case where the fetuses emerged with their feet first. In such a case, the full-fledged offspring, which has life, hangs on and does not emerge so quickly, whereas the sandal fetus, which does not have life, slides out and emerges first. In tractate *Karetot*, it is referring to a case where the fetuses came out with their heads first. In such an instance, with regard to the full-fledged offspring, which has life, once its head emerges it is considered a birth, whereas the sandal fetus is considered to have been born only when the majority of its body emerges.<sup>5</sup>

**מתנה** שְׁלִיא בֵּית – הַבַּיִת טָמֵא.  
לֹא שְׁהַשְׁלִיא וְלֹד, אֲלֹא שָׁאוֹן שְׁלִיא  
בָּלוֹד.

**רבי שמעון אומר:** נימוק הולך עד  
שליא ציא.

**גמ'** פנו רבנן: שְׁלִיא תְּחִלָּתָה דָמָה  
לְחוֹטָה שֶׁל עַרְבָּה, וְסֻפָּה הַזְמָה בְּתוּרָמָוֹת,  
וְתְּלִילָה בְּחַצְצָרָת, וְאֵין שְׁלִיא פְּחוֹתָה  
מִשְׁפָּחָה. **רבי שמעון בן גמליאל אומר:**  
שְׁלִיא דָמָה לְקַוְקָבָן שֶׁל תְּרִינְגוֹלִין.  
שְׁהַדְקִין יוֹצְאִין מִפְנָעָה.

**MISHNA** If there is an afterbirth in the house,<sup>H</sup> the house is ritually impure, in the sense that everything under the roof contracts impurity imparted by a corpse. The reason is not that the status of an afterbirth is that of an offspring;<sup>H</sup> rather, it is that there is no afterbirth without an offspring. It is clear that the afterbirth contained an offspring that disintegrated after the miscarriage. That offspring rendered the contents of the house impure.

**Rabbi Shimon says:** The house does not become a tent over a corpse, as although there had been an offspring in the afterbirth, the offspring disintegrated, turning to blood, before it emerged from the womb, and it was negated by the majority of blood that accompanied the miscarriage.

**GEMARA** The Sages taught in a baraita with regard to the appearance of the afterbirth: At the outset of the pregnancy, the afterbirth is so thin that it is similar to a string of the woof,<sup>H</sup> and at the end of the pregnancy it is much wider, similar in width to a lupine.<sup>B</sup> And the afterbirth is hollow like a trumpet,<sup>B</sup> and there is no afterbirth whose length is less than a handbreadth.<sup>B</sup> **Rabbi Shimon ben Gamliel says:** An afterbirth is similar to the craw of roosters, from which the small intestine emerges.

**Lupine – תורמוס:** Lupine is the name for several plants from the legume family. The cultivated lupine, *Lupinus termis*; the yellow lupine, *L. luteus*; and the Israeli lupine, *L. palaestinus*, are particularly common. Lupine seeds, which are round with a diameter of up to 15 mm in the cultivated lupine, grow inside pods. The seeds are extremely bitter, due to their alkaloid content, and must be boiled in water to be edible. The water is then poured out and the seeds are boiled again or soaked.



White lupines



Israeli lupines

**Trumpet – חצצראת:**



Ancient Persian trumpet from Persepolis



Yellow lupine

**Handbreadth – תְּפָחָה:** A handbreadth [*tefah*], which is the width of a clenched fist, is one of the standard measures of length used in the Talmud. One handbreadth is equal to four fingerbreadths. This is equivalent to five times the width of the middle finger or six times the width of the little finger. According to the opinion of Rabbi Hayyim Na'e, a handbreadth is 8 cm long. According to the opinion of the *Hazon Ish*, a handbreadth is 9.6 cm long. In the Bible a handbreadth is sometimes called a *tofah*, and the Talmud occasionally uses the word *pushha*.

## HALAKHA

**Afterbirth in the house – שליא בבית:** If a woman discharged an afterbirth, the house where she discharged it is definitely impure, due to the presumption that there is no afterbirth without an offspring (Rambam *Sefer Tahara, Hilkhot Tumat Met* 25:10).

**Not that an afterbirth is an offspring – לא שְׁהַשְׁלִיא וְלֹד:** If a woman discharged an afterbirth, she observes the strictures of a woman who gave birth to both a male and a female, not because the status of an afterbirth is that of an offspring, but rather because there is no such thing as an afterbirth without an offspring (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:14).

**Afterbirth is so thin that it is similar to a string of the woof – שליא תְּחִלָּתָה דָמָה לְרוֹטָשׁ עַבְדָּל:** The thick membrane that is like a gourd in which the fetus is formed and that surrounds the fetus and the sandal, if there is a sandal with it, is called the afterbirth. When it is time for the offspring to be born, it tears the afterbirth and emerges. When it is first formed, the afterbirth is similar to a string of the woof, hollow like a trumpet, and thick like the craw of a rooster. An afterbirth is at least one handbreadth long (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:13).

**PERSONALITIES**

Rabbi Oshaya the youngest [ze'eira] of the company [demin havrayya] – רַבִּי אֲוֹשָׁיא וְעַירָא דָמִן חֶבְרֵיאָה: This Sage, who is mentioned on a few occasions, may be Rav Oshaya from Babylonia. The meaning of his title is unclear, as he might be called Oshaya the Young, who came from a place called Ḥavrayya, perhaps to differentiate from another Oshaya. Alternatively, as translated here, he might be known as Oshaya, the youngest of the group of Sages.

**BACKGROUND**

**Hyssop [ezov]** – שְׂעִזָּב: While the Sages were unsure of the precise identification of the ezov plant mentioned in the Torah, from the various descriptions it seems that it is bible hyssop, *Majorana syriaca*. Bible hyssop, a fragrant plant that reaches a height of 50–100 cm, grows in rocky terrain in Eretz Yisrael and in surrounding countries. The plant spreads out from its base into rigid wooden branches, which annually produce straight stems that dry out and die in winter. The white flowers of the hyssop plant are tightly bunched at the tips of its branches. Dried leaves of bible hyssop are used in the spice za'atar.



Bible hyssop

**Kefar Temarta** – כְּפַר תִּמְרָתָא: Kefar Temarta was a town in the Galilee east of the modern-day town Ir Dor. Its name is preserved in the nearby Arab town called Tamra.

**NOTES**

Are there two halakhot of amora'im in this list, there is only one – רַבִּי חִנְנָא דָיָא: Why doesn't the Gemara similarly question Sheila's statement that there are three baraitot that require the minimum measure of a handbreadth, as there are actually four baraitot? One possibility is that Sheila disagrees with the halakha taught by Rabbi Ḥiyya, and therefore he does not consider his statement equivalent to the other baraitot. Alternatively, the Gemara could in fact have asked this question, but this is in effect the same difficulty that the Gemara raises, merely from a different perspective (Ramban).

תְּנִיא, רַבִּי אֲוֹשָׁיא וְעַירָא דָמִן חֶבְרֵיאָה,  
חַמְשָׁה שִׁיעֻרָן טְפַח, וְאֶלְוָה הַן: שְׁלִיאָה,  
שׂוֹפָר, שְׁדָרָה, דּוֹפָן סּוֹכָה, וְהַאֲזָובָה.

Since the *baraita* states that the minimum length of an afterbirth is a handbreadth, the *Gemara* cites another *baraita* that lists different items whose halakhic status is dependent on a minimum measure of a handbreadth. It is taught by Rabbi Oshaya, the youngest [ze'eira] of the company [demin havrayya]<sup>p</sup> of Sages: There are five items whose minimum measure is one handbreadth, and these are they: An afterbirth, the shofar for blowing on Rosh HaShana, the spine of a lulav that must be taken on Sukkot, the width of the wall of a sukka, and the hyssop [veha'ezov].<sup>b</sup> Hyssop is used for the purification of a leper and for the preparation of the ashes of a red heifer in order to sprinkle them with water on someone who is ritually impure due to impurity imparted by a corpse.

שְׁלִיאָה – הַא דָאמְרָן שׂוֹפָר – דָתְנִיא, כִּמֵה  
וְיֵא שִׁיעָרָוּ שׂוֹפָר? פִּירְשׁ רַבִּי שְׁמֻעוֹן בָּן  
גָּמְלִיאָל: כִּי שִׁיאָחָנָנוּ בְּיוֹדוֹ וְיַרְאָה לְכָאָנוֹ  
וְלְבָאָן טְפַח.

The *Gemara* elaborates: The *halakha* with regard to an afterbirth is that which we stated above. The *halakha* of a shofar is as it is taught in a *baraita*: How much is the measure of the length of a shofar<sup>h</sup> for blowing on Rosh HaShana? Rabbi Shimon ben Gamliel explained: It must be long enough that when one holds it in his hand with four fingers, it can be seen protruding on one side of his hand and on the other side, i.e., at least one handbreadth.

שְׁדָרָה מֵהַדִּיאָן? דָאמְרָוּ רַבִּי פָרְנָךְ, אָמָר  
רַבִּי יוֹחָנָן: שְׁדָרוֹ שֶׁל לְיִלְבּוֹ אֶצְיקָ שִׁיאָה  
וַיַּצְאָ מִן הַחֶדֶס טְפַח. דּוֹפָן סּוֹכָה – דָתְנִיא:  
שְׁתִים בְּהַלְכָתָן, שְׁלִישִׁית – אַפְלִילוּ טְפַח.  
אַזְוֹב – דָתְנִיא רַבִּי חִיאָה: אַזְוֹב – טְפַח.

אָמָר רַבִּי חִנְנָא בֶּן פָּפָא, דָרְיִשׁ שִׁילָא  
אֲשֶׁר בְּפִרְשֵׁת הַמְּרוֹתָא: תְּלַת מִתְחִתָּא וְתְרוּתָא  
שְׁמַעַתָּתָא – שִׁיעֻרָא טְפַח. תְּרוּתָא?  
הַיָּא! אָמָר אָבִי: אִםָּא אָמָר רַבִּי חִיאָה  
אַזְוֹב טְפַח.

What is the *halakha* with regard to a spine of a lulav? It is as Rabbi Parnakh said that Rabbi Yoḥanan says: The spine of a lulav<sup>h</sup> must protrude at least one handbreadth beyond the myrtle branch that is tied together with it. The *halakha* of the wall of a sukka<sup>h</sup> is as it is taught in a *baraita*: A sukka is valid only if it has two full-fledged partitions in the standard sense, completely closing each of those two sides and measuring at least seven handbreadths, and a third wall that measures even one handbreadth. If the third wall is less than a handbreadth long, the sukka is unfit. Finally, the *halakha* with regard to the hyssop is stated in a *baraita* that Rabbi Ḥiyya teaches: The hyssop<sup>h</sup> used for the purification of a leper and for the preparation of the ashes of a red heifer must measure at least one handbreadth.

Rabbi Hanina bar Pappa says that Sheila of Kefar Temarta<sup>b</sup> taught as a mnemonic: There are three *baraitot*, with regard to an afterbirth, a shofar, and the wall of a sukka, and there are two independent *halakhot* of *amora'im*, of the spine of a lulav and the hyssop, where the minimum measure of one handbreadth is required. The *Gemara* asks: Are there two *halakhot* of *amora'im* in this list? There is only one<sup>n</sup> statement, with regard to the spine of a lulav. The *halakha* of the hyssop is taught in a *baraita* by Rabbi Ḥiyya. Abaye says: Revise the wording of that statement, so that it should not read that Rabbi Ḥiyya taught a *baraita*; rather, say that Rabbi Ḥiyya says himself that the hyssop must measure at least one handbreadth, i.e., that *halakha* is not taught in a *baraita*.

**The measure of a shofar** – שִׁיעָרָוּ שׂוֹפָר: The minimum length of a shofar sufficient for blowing on Rosh HaShana is enough that when one holds it in his hand with four fingers, it can be seen protruding from both sides of his fingers, i.e., one handbreadth (Rambam Sefer Zemanim, Hilkhot Shofar VeSukka VeLulav 1:5 and Haggahot Maimoniyot there; Shulhan Arukh, Orach Hayyim 586:9).

**The measure of...the spine of a lulav** – שִׁיעָרָוּ שֶׁדְרָה שֶׁל לְיִלְבּוֹ: The spine of a lulav must be at least four handbreadths long, not including the top of its leaves. Since the myrtle branch and the willow branch that are taken with the lulav must be at least three handbreadths long, when one ties the lulav with the myrtle branch and the willow branch, the lulav should protrude beyond the myrtle branch and the willow branch at least one handbreadth, in accordance with the opinion of Rabbi Yoḥanan (Rambam Sefer Zemanim, Hilkhot Shofar VeSukka VeLulav 7:8).

**The measure of...the wall of a sukka** – שִׁיעָרָוּ דּוֹפָן סּוֹכָה: A sukka that does not have three walls is unfit. If it has two full-fledged partitions standing perpendicular to each other, forming an L shape, one can render the sukka fit by adding a wall that is one handbreadth wide at a distance of less than three handbreadths from one of the preexisting partitions. The third wall consists of the one-handbreadth-wide wall and the established form of a doorway (Rambam Sefer Zemanim, Hilkhot Shofar VeSukka VeLulav 4:2).

**The measure of...the hyssop** – שִׁיעָרָוּ אַזְוֹב: The hyssop used for the purification of a leper and for the purification of a person who has contracted impurity imparted by a corpse must be at least one handbreadth long (Rambam Sefer Tahara, Hilkhot Tumat Tzara'at 11:1; Rambam Sefer Tahara, Hilkhot Para Aduma 3:2).

**וְתוּ לִיכָא? וְהִאכָא:** טַפֵח עַל טַפֵח  
עַל רׂומֶן טַפֵח מַרְבָּע - מִבֵיא אַת  
הַטּוֹמֵאָה וְחוֹצֵץ בְּפָנֵי הַטּוֹמֵאָה!

טַפֵח - קָאָמְרֵין, טַפֵח עַל טַפֵח לֹא  
קָאָמְרֵין.

**וְהִא אִיכָא:** אֲבָן חַיְצָא מִן הַתְּנוּר  
טַפֵח וּמִן הַכִּירָה שֶׁלְשׁ אַעֲבָעוֹת  
חַבּוּ!

כִּי קָאָמְרֵין - הַיְכָא דְבָצֵיר מַטְפֵח  
לֹא חַזֵי, אַבְלָה הַכָּא - בְּלִ שְׁבֵן דְבָצֵיר  
מַטְפֵח יַד תְּנוּר הוּא.

The Gemara asks: **And are there no more cases where the minimum measure is one handbreadth, other than those five listed by Rabbi Oshaya? But isn't there the following mishna (Oholot 3:7) that deals with the minimum size of a tent that transmits ritual impurity: A cubic space measuring one handbreadth by one handbreadth with a height of one handbreadth transmits ritual impurity.** If a corpse is in that space, the impurity is transmitted to all people, vessels, and food in that space. **And a space of that size serves as a barrier before**, i.e., stops the spread of, **ritual impurity<sup>h</sup>** beyond that space.

The Gemara answers: **We said** that there are five items whose minimum measure is one handbreadth; we did not say anything about a space whose measure is one handbreadth by one handbreadth.

The Gemara further asks: **But isn't there the following mishna (Kelim 5:2): A stone that protrudes from the oven<sup>h</sup> by one handbreadth, which is used as a handle for lifting and carrying the oven, and similarly a stone that protrudes from the stove<sup>8</sup> three fingerbreadths is considered as having a connection to the oven or stove with regard to ritual impurity.** Consequently, if the oven or stove becomes impure, then the stone handle, which is classified as part of the oven, is likewise rendered impure. If the handle is longer than that, the additional length will be removed, so it is not considered to be part of the oven.

The Gemara answers: **When we said** that there are five items whose minimum measure is one handbreadth, we were referring to cases **where if it less than one handbreadth it is unfit** for the purpose of the item. **But here**, where a protruding stone one handbreadth long is considered a handle of the oven, it is **all the more so** the case that a protruding stone is **less than one handbreadth long** is considered a **handle of the oven**.

**וְהִא אִיכָא** The Gemara asks: **But aren't there**

## BACKGROUND

**Oven and stove – תנור וְכִירָה:** Ovens and stoves that were used in homes in antiquity were generally large clay vessels similar in form to a very large jug. They were heated by kindling a large fire inside. The difference between them in shape was that ovens were narrow on top and wide on the bottom, so that the heat could be contained in the oven for a significant amount of time. Stoves, on the other hand, had the same width both on top and on the bottom, and had two holes on top for pots to be placed on them. The heat in a stove was not contained as well as in an oven.

The measure of a tent with regard to transmitting ritual impurity and serving as a barrier before ritual impurity – **שִׁשְׁיוֹר אַוְלֵל לְבָבָת הַטּוֹמֵאָה וְלְחַצִיאָה מִפְנֵי הַטּוֹמֵאָה:** Any space with a base one handbreadth by one handbreadth and a height of one handbreadth is considered a tent. If a corpse is in that space, the impurity is transmitted to all people, vessels, and food in that space, but it does not spread beyond that space (Rambam Sefer Tahara, Hilkhot Tumat Met 13:1).

**A stone that protrudes from the oven – אֲבָן חַיְצָא מִן הַתְּנוּר:** With regard to the handle of a vessel, if it is necessary for the use of the vessel, it is considered part of the vessel with regard to ritual impurity. Therefore, if the vessel becomes impure, the handle becomes impure as well. If the handle is not necessary

for the use of the vessel, it is not considered part of the vessel, and if the vessel becomes impure, the handle remains pure. Accordingly, a stone that protrudes one handbreadth from an oven or three fingerbreadths from a stove is considered part of the oven or stove, and if the oven or stove becomes impure, the stone becomes impure too, and it transmits impurity to any food or liquids that come in contact with it. If the stone protrudes more than one handbreadth from the oven, or more than three fingerbreadths from the stove, food or liquids that come in contact with the part of the stone that is more than one handbreadth or three fingerbreadths away from the oven or stove, respectively, remain pure (Rambam Sefer Tahara, Hilkhot Kelim 17:1).

Perek III  
Daf 26 Amud b

תְּנוּרִי בְּנוֹת טַפֵח, דְתְנִינָא: תְּנוּר  
תְּחַלְתּו אַרְבָּעָה וְשִׁירָיו אַרְבָּעָה, דְבָרִי  
רַבִּי מֵאִיר.

toy ovens with which girls play, whose minimum measure with regard to ritual impurity is also one handbreadth? As it is taught in a mishna (Kelim 5:1): A clay oven in its original, unbroken, state is susceptible to ritual impurity if it is four handbreadths tall. And with regard to an oven that became impure and was subsequently broken, if its remains include a piece four handbreadths tall, that piece remains impure. This is the statement of Rabbi Meir.

### HALAKHA

The measure of the remains of an oven with regard to ritual impurity – **שִׁיעُור טוֹמָאָה**: If a large oven breaks and a piece four handbreadths high remains intact, or if a small oven breaks and most of it remains intact, that piece is still susceptible to impurity. If less than this measure remains intact, it is no longer susceptible to impurity. Likewise, if a large oven is impure, and is shattered until less than four handbreadths remain intact, or, in the case of a small oven, if most of the oven does not remain intact, it is pure. Otherwise, that large piece is still impure (Rambam Sefer Tahara, Hilkhot Kelim 16:1).

The measure of an oven with regard to ritual impurity – **שִׁיעُור טוֹמָאָה**: If one began to make a large oven, it is susceptible to ritual impurity once it is four handbreadths high and heated with fire, in accordance with the opinion of the Rabbis in the mishna in tractate Kelim (Rambam Sefer Tahara, Hilkhot Kelim 15:2).

### NOTES

Rabbi Oshaya is not dealing with consecrated items – **בְּקָרִים אֲלֵיכֶם**: The early commentaries note that the Gemara could have cited this answer in response to the question of why the frame of the Table in the Temple is not listed. This is not difficult, as it is normal for the Gemara to state several different explanations even when one would have been sufficient (Ritva).

Was silent – **אִישְׁתַּחַוו**: It is unclear from the Gemara why Rav Yitzhak bar Shmuel was initially silent and did not respond to the contradiction that Rav Kahana raised, and only when Rav Kahana suggested a resolution to the contradiction, Rav Yitzhak responded that Rav had already said this explanation himself.

וחכמים אומרים: במה דברים אמורים –  
בגוזל, אבל בקון – תחולתו בלשהו,  
משתגmr מלאתו, ושיריו – ברובו.

וכמה "בל שהוא"? אמר רבי ינאי: טפח,  
שנעו Shin תנורי בנות טפח! בפלוגתא  
לא קמיiri.

השתא דאתית להכי – הָא גַּמַּי פְּלוֹגַתָּא  
היא. דקתי נסיפה: אמר רבי יהודה, לא  
אמרו טפח – אלא מן התנור ולפוחל.

והאיכא מסורת טפח! בדכתיבן לא ק  
מיiri. והאיכא כפורה טפח! בקדשים  
לא קמיiri.

והאיכא: דיה לךורה שהיא רחבה טפח!  
בדרכנן לא קמיiri, אלא בדכתיבן ולא  
מפשי שיעוריה.

ק'רב רב יצחק בר שמואל בר מרטא  
קמיה דרב בנהן ויתיב וקאמיר, אמר  
רב יהודה, אמר רב: כל שלשה ימים  
הראשונים – הוין את התליא בלה,  
מכאן ואילך – חושין לויד אחר.

אמר לר' מה: וכי אמר רב ה' כי? והאמיר רב:  
אין הוילד מתעכב אחר חמירו בלבמו!  
אישתק. אמר לר' מה: דלמא באן – ביבול,  
כאן – בבן קיימא?

And the Rabbis say: In what case is this statement said? It is said in the case of a large oven, made for regular use; but with regard to a small oven made for girls to play with, in its original state, any size is sufficient for it to be susceptible to contract impurity. Once its construction is completed, if the oven then becomes impure and is subsequently broken, if its remains include a piece that contains the majority of the oven, that piece remains impure.<sup>H</sup>

The Gemara explains: And how small is the size defined by the mishna as any size? Rabbi Yannai says: One handbreadth,<sup>H</sup> as people fashion toy ovens for girls one handbreadth high. This is another example of an item that has a minimum measure of one handbreadth, in addition to the five items listed by Rabbi Oshaya. The Gemara answers: Rabbi Oshaya is not speaking of matters that are subject to dispute, such as the minimum measure of an oven.

The Gemara adds: Now that you have arrived at this answer, the fact that Rabbi Oshaya does not mention a stone protruding from an oven can be explained in the same manner, since this halakha is also subject to a dispute. As the latter clause of that mishna (Kelim 5:2) teaches that Rabbi Yehuda said: When the Sages said that a stone protruding from an oven is considered a handle if it protrudes one handbreadth, they said so only with regard to a stone that protrudes from the oven and toward the wall. If the stone protrudes more than that, it is not considered a handle, as it is likely to be removed so that the oven can be moved closer to the wall. But if the stone protrudes toward the airspace of the house, it is considered an oven handle even if it protrudes more than one handbreadth.

The Gemara raises a difficulty: But isn't there the frame of the Table in the Temple, which is one handbreadth wide, as stated in the Torah (Exodus 25:25)? The Gemara answers: Rabbi Oshaya is not dealing with matters that are written in the Torah. The Gemara further asks: But isn't there the Ark Cover, which is one handbreadth thick, and its measure is not written explicitly in the Torah? The Gemara answers: Rabbi Oshaya is not dealing with consecrated items.<sup>N</sup>

The Gemara asks: But isn't there the halakha of a cross beam, which is placed over the entrance to an alleyway in order to permit carrying items in the alleyway on Shabbat, and the halakha is that it is enough for a cross beam to be one handbreadth wide? The Gemara answers: Rabbi Oshaya is not dealing with matters of rabbinic law. Rather, he is speaking only of matters that are written in the Torah but whose measure is not explicit in the Torah.

**§** Rav Yitzhak bar Shmuel bar Marta sat before Rav Kahana, and he sat and said that Rav Yehuda says that Rav says: For all of the first three days after a woman gives birth, if she discharges afterbirth, we attribute the afterbirth to the offspring. There is no concern that this afterbirth indicates the miscarriage of another offspring. From this point forward, once three days have passed since the birth, if the woman discharges an afterbirth, we are concerned that there might have been another offspring in the afterbirth, and the halakhot of a woman who discharged an offspring apply to her.

Rav Kahana said to Rav Yitzhak bar Shmuel: And did Rav say this? But didn't Rav say that an offspring does not remain in the womb at all after another offspring was born? Rav Yitzhak bar Shmuel was silent.<sup>N</sup> Rav Kahana said to him: Perhaps there is no contradiction between Rav's two statements, as here, where he indicates that a second offspring can emerge even three days after the first, the reference is to a case where the first offspring is a non-viable newborn, whereas there, in the statement that a second offspring does not remain in the womb after the first offspring was born, he is referring to a case where the first offspring is a viable offspring.

אמר ליה: את אמרת לשותתיה ר'וב?  
בפירוש אמר רב ה' כי הפליה נפל,  
ואחר ב' הפליה שליא - כל שלשה  
ימים תולין את השליא בולד, מכאן  
ויאלק - חושין לויד אחר. יודה ואחר  
ב' הפליה שליא - אפיקו מכאן ועד  
עשרה ימים אין חושין לויד אחר.

שמעאל ותלמידיך דבר ורב יהודה הו  
תבי. חליף ואויל ורב יוסף בריה דבר  
מנשיא מדויל לאפייה, באלי ואתי,  
אמר: אהית לנו גברא דרמינו ליה בגילה  
דחתטא, ומומי ומוחה.

אודה כי אתה אמר ליה שמעאל: מי  
אמר רב בשלייא? אמר ליה, ה' אמר  
רב: אין תולין את השליא אלא בדבר  
של קיימא. שילינו שמעאל לכל  
תלמידיך דבר ואמריו ליה ה' כי, הדר חזיה  
לרב יהודה בישות.

בעא מיניה ובויוסי בן שאול מרבי:  
המפלת דמות עזוב ושליא מה? אמר  
לייה: אין תולין אלא בדבר שיש במעין  
שליא.

קשויה בו מה? אמר ליה: דבר שאין  
שלא. אמרת: המפלת מין בהמה  
חיה ונורו ושליא עטנה, במן שהשליא  
קשויה עטנה - אין חושין לויד אחר,  
אין שליא קשויה עטנה - חושין לויד  
אחר, הרשי מיטל עליה.

Rav Yitzḥak bar Shmuel said to him: Are you the one who says this explanation of Rav's *halakha* of your own accord? Indeed, Rav said this explicitly: If a woman discharged a non-viable newborn and subsequently discharged an afterbirth, for all of the first three days we attribute the afterbirth to the offspring. From this point forward, if she discharged an afterbirth we are concerned that it contained another offspring. If she gave birth to a viable offspring and subsequently discharged an afterbirth, even from now until ten days after the birth we are not concerned that the afterbirth contained another offspring.

The Gemara relates: Shmuel, Rav's students, and Rav Yehuda were sitting together. Rav Yosef, son of Rav Menashya of D'vil,<sup>p</sup> was passing by and walking toward them, i.e., he was walking in their direction, and he was hurrying and coming along. Shmuel said to his company: A man is coming toward us whom one can knock down with a straw of wheat, and he falls and stays down. In other words, he cannot refute even a minor challenge to his opinions.

In the meantime, Rav Yosef, son of Rav Menashya, arrived. Shmuel said to him: What did Rav say with regard to an afterbirth? Rav Yosef said to him that this is what Rav said: One attributes an afterbirth only to a viable item,<sup>NH</sup> i.e., a viable offspring. Shmuel subsequently asked all of Rav's students who were present whether Rav actually said this, and they said to him that Rav indeed said so. Shmuel then looked at Rav Yehuda harshly, as Rav Yehuda was also a student of Rav, but he had not transmitted this *halakha* to Shmuel after Rav's death.

**S** Rabbi Yosei ben Shaul asked Rabbi Yehuda HaNasi: In the case of a woman who discharges an item in the form of a crow and there is also an afterbirth, what is the *halakha*? Is the afterbirth attributed to the discharged item, or is there concern that the afterbirth might have contained another offspring? Rabbi Yehuda HaNasi said to him: One attributes an afterbirth only to an item whose species has an afterbirth. Since crows do not have an afterbirth, the afterbirth cannot be associated with that discharged item.

Rabbi Yosei ben Shaul then asked Rabbi Yehuda HaNasi: If the afterbirth is tied to the item that has the form of a crow, what is the *halakha*? Rabbi Yehuda HaNasi said to him: You asked about a matter that does not exist. Rabbi Yosei ben Shaul raised an objection to this response from a *baraita*: With regard to a woman who discharges a type of domesticated animal, undomesticated animal, or bird, and she discharges an afterbirth with them,<sup>H</sup> in an instance when the afterbirth is tied to them we are not concerned about the possibility of another offspring. If the afterbirth is not tied to them, we are concerned that the afterbirth contained another offspring. And I impose upon them

## PERSONALITIES

**רב יוסף ברוּם בר מנאשיה מדוויל** – דרב מנשיא מדוויל: Although this second-generation *amora* was a disciple of Rav, after Rav's death he addressed his questions to Shmuel. Although the disciples of Rav did not hold his scholarship in high regard, he did transmit several important traditions from Rav. He apparently lived a long life, as it is recorded that his widow went to court before Rav Yosef, a third-generation *amora*.

## NOTES

**אלא בדבר של קיימא:** It is unclear what exactly is referred to as a viable item. Some commentaries maintain that the reference is specifically to a viable offspring, i.e., to one that survives. Other commentaries explain that a stillborn baby is also considered a viable item in this regard, as long as a fetus of its shape and degree of development is capable of surviving. But if a woman discharges a fetus that is incapable of surviving, e.g., one whose thigh is in the middle of its body, or whose body is deficient, or that looks like a type of animal, the afterbirth is not associated with it, even if the woman discharged the afterbirth within three days of her miscarriage. Rather, the presumption is that the afterbirth contained another offspring (Rashi; *Tosafot*).

## HALAKHA

One attributes an afterbirth only to a viable item – **אין תולין את השליא אלא בדבר של קיימא:** If a woman discharged a stillborn baby and then discharged an afterbirth, the afterbirth is ascribed to another offspring, as an afterbirth can be associated only with a viable offspring, in accordance with the opinion of Rav (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:14; see *Shulhan Arukh, Yoreh De'a* 194:4).

A woman who discharges a type of domesticated animal, undomesticated animal, or bird, and an afterbirth with them – **הפליה כמי בהמה חיה ונורו ושליא עטנה:** In a case where a woman discharged a type of domesticated animal, undomesticated animal, or bird, and discharged afterbirth, if the afterbirth was tied to the discharged item, there is no concern that it contained another

offspring. If the afterbirth was not tied to the discharged item, there is concern that the afterbirth contained another offspring. Consequently, even if the discharged item appears to be male, the woman must observe the period of impurity of a woman who gave birth to a female, due to the uncertainty (*Shakh*) that perhaps the afterbirth contained a female offspring. The *Shakh* adds that nowadays a woman who discharges an item that has the shape of an animal observes the period of impurity of a woman who gave birth to a female regardless of the *halakha* of the afterbirth, as the halakhic authorities nowadays are not proficient in the differences between different discharged items (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 10:16; see *Shulhan Arukh, Yoreh De'a* 194:7).

זהomer shin v'lodot, shani omer: Shema gamo  
shefer shel shel'ya, gamo shel shel'ya shel shefer!  
tiyvata.

אמור ובה בר שליא, אמר רב מתנה, אמר  
שמוני: מעשה ותלו את השליא בולד  
עד עשרה ימים ולא אקרו תולין – אלא  
בשליא הבא אחר הויל.

אמור ובה בר בר חנה, אמר רב יוחנן:  
מעשה ותלו את השליא בולד עד עשרים  
וישלשה ימים. אמר ליה רב יוסף – עד  
עשרה וארבעה אמרת לנו.

אמור רב אחא בריה דרב עירא, אמר רב  
 יצחק: מעשה ונשתחה הולך אחר חビוי  
שלשים ושלשה יום. אמר ליה רב יוסף:  
שלשים וארבעה אמרת לנו.

תנייה לאמן דאמר يولדת לתשעה  
יולדת למוקטין – משבחת לה: אחד  
נגמרה צורתו לסוף שבעה, ואחד נגמרה  
צורתו לתחילת תשעה. אלא לאמן דאמר  
יולדת לתשעה אינה يولדת למוקטין  
מאי אייכא למיימר?

- איפוק שמעתתא: שלשים ושלשה –  
שליא, עשרים ושלשה – לילד.

the stringency of two offspring, as I say: Perhaps the gestational sac of this afterbirth, which contained the offspring, disintegrated, and the afterbirth of the gestational sac containing the fetus shaped like an animal also disintegrated. If so, there are two offspring, and as it is possible that one is male and the other female, the mother must observe the strictures of one who gave birth to both a male and a female. In any event, this *baraita* is a **conclusive refutation** of Rabbi Yehuda HaNasi's claim that it is impossible for an afterbirth to be tied to a fetus that has the form of a bird.

**Rabba bar Sheila** says that Rav Mattana says that Shmuel says: An incident occurred where the Sages attributed the afterbirth that a woman discharged to an offspring that was born up to ten days beforehand. And Shmuel added that the Sages said that one attributes an afterbirth to an offspring that was born only in the case of an afterbirth that emerges after the offspring<sup>h</sup> is born. By contrast, an afterbirth that emerges before the offspring is born is not attributed to that offspring.

**Rabba bar bar Hana** says that Rabbi Yohanan says: There was an incident where the Sages attributed the afterbirth to an offspring that was born up to twenty-three days beforehand. Rav Yosef said to him a correction of his statement: You said to us on another occasion that the offspring was born up to twenty-four days beforehand.

**Rav Aha**, son of Rav Avira, says that Rabbi Yitzhak says: There was an incident where a woman was pregnant with twins, and one offspring remained in the womb for thirty-three days after the other offspring was born. Rav Yosef said to him: You said to us on another occasion that the second offspring was born thirty-four<sup>n</sup> days after the first.

The Gemara asks: This works out well according to the one who says that if a woman gives birth to a baby in her ninth month, she can give birth prematurely (see *Rosh HaShana* 11a). You find a situation where there could be such a difference between the births of the two twins if the form of one of the twin fetuses was completed at the end of the seventh month, and it is born at that stage, and the form of the other one was completed at the beginning of the ninth month, and it is born then. In such a case, there can be a difference of thirty-four days between the births. But according to the one who says that a woman who gives birth to a baby in her ninth month cannot give birth prematurely, but rather she gives birth at the end of the ninth month, what is there to say?

The Gemara answers that one should reverse the statements: The difference of thirty-three days was stated with regard to a case of an afterbirth that was discharged an extended period after the birth of the offspring, whereas the gap of twenty-three days was stated with regard to a case of an offspring that was born after its twin.

#### HALAKHA

And the Sages said that one attributes only in the case of an afterbirth that emerges after the offspring – לא אמרו תולין אלא בשליא הבא אחר הויל: If a woman gave birth to a viable offspring and subsequently discharged an afterbirth within twenty-three days from the day she gave birth, not including the day she gave birth (*Shakh*), she need not be concerned that the afterbirth

contained another offspring; she may ascribe the afterbirth to the offspring to whom she knows she gave birth. If a woman discharged a stillborn fetus and subsequently discharged an afterbirth, she must take into account that perhaps the afterbirth contained an additional offspring (Rambam *Sefer Kedusha, Hilkhos Isurei Bia* 10:14; see *Shulchan Arukh, Yoreh De'a* 194:4).

#### NOTES

You said to us up to twenty-four...you said to us thirty-four – עד עשרים וארבעה אמרת לנו...שלשים ושלשה אמרת לנו: The *Aruk LaNer* explains that the tradition that there were twenty-three and thirty-three days refers to twenty-four-hour periods,

whereas the tradition that there were twenty-four and thirty-four days refers to the days and not to the nights. Therefore there is no contradiction between the two versions.

אמור רבי אבן בר רב אדרא אמר רב מנחים:  
איש בפר שערים, ואמרי לה בית שערים:  
מעשה ונשתה ולד אחד אחר חבירו  
שלשה חרדים, והרי הם יושבים לפינו  
בבית המדרש. ובמאן נינהו? יהודה וחזקיה  
בן רבי חייא.

והוא אמר מרו: אין אשה מתעברת, וחזרות  
ומתעברותן אמר אביי: טפה אחת היתה  
ונתחלקה לשתיים, אחד נגמרה צורתו  
בתחילת שבעה, ואחד בסוף תשעה.

שליא בבית הבית טמא. תנורנן: שליא  
בבית - הבית טמא. לא שהשליא ולד,  
אליא שאין שליא שאין ולד עמה, דברי  
רבי מאיר. רבי יוסף ורבי יהודה ורבי שמעון  
מטהרין.

אמרו לו לובי מאיר: אי אתה מודה שאם  
הוציאו והבספל ליבית החיצון שהוא  
טהר? אמר לו: אבל ולמה - לפי שאינו.

אמרו לו: בשם שאינו בבית החיצון - כן  
איו בבית הפנימי! אמר לו: אין דומה  
נמק פעם אחת למוק שתי פעמים.

**Yehuda and Hizkiyya the sons of Rabbi Hiyya – יהודה וחזקיה בנו:** Yehuda and Hizkiyya, twin sons of Rabbi Hiyya and his wife, Yehudit, were among the most prominent first-generation *amoraim* of Eretz Yisrael. They studied Torah in poverty throughout their lives, and were eventually recognized as outstanding Torah scholars.

Yehuda and Hizkiyya moved from Babylonia to Eretz Yisrael with their parents. Like his father, Hizkiyya compiled collections of

Rabbi Avin bar Rav Adda says that Rav Menaem of the village of She'arim, and some say that he was from Beit She'arim,<sup>b</sup> says: An incident occurred where one offspring remained in the womb after the other was born for three months, and both twins are sitting before us in the study hall. And who are they? They are Yehuda and Hizkiyya, the sons of Rabbi Hiyya.<sup>pn</sup>

The Gemara asks: But didn't the Master say that a woman cannot become pregnant and again become pregnant<sup>n</sup> with another offspring while she is pregnant with the first? Abaye says: Both twins were conceived at the same time; it was one drop of semen and it split into two. The form of one was completed at the beginning of the seventh month, and the form of the other one was completed at the end of the ninth month.

**S** The mishna teaches that if there is an afterbirth in the house, the house is impure in the sense that everything under the roof contracts impurity imparted by a corpse. The Sages taught in a *baraita*: If there is an afterbirth in the house, the house is impure. The reason is not that the status of an afterbirth is that of an offspring; rather, it is that there is no afterbirth without an offspring, and the offspring rendered the contents of the house impure. This is the statement of Rabbi Meir. Rabbi Yosei and Rabbi Yehuda and Rabbi Shimon deem the contents of the house pure.

These Sages said to Rabbi Meir: Do you not concede that if people removed the afterbirth to the outer room of the house in a basin, that the room is pure? Rabbi Meir said to them in response: Indeed, that room is pure; but why so? Because the offspring does not exist anymore, i.e., it presumably disintegrated while it was moved from place to place.

These Sages said to him: Just as the offspring does not exist when the afterbirth is moved to the outer room, so too, it does not exist when the afterbirth is in the inner room either. In other words, the offspring presumably disintegrated while it was moved from the woman's womb to the place in the house where it is located. Rabbi Meir said to them: A situation in which the offspring disintegrated once, when the afterbirth was moved to its first location in the house, is not comparable to a case where the offspring disintegrated twice, i.e., when the afterbirth was first moved to the interior room of the house and then moved to the outer room.

#### PERSONALITIES

**Yehuda and Hizkiyya the sons of Rabbi Hiyya – יהודה וחזקיה בנו:** Yehuda and Hizkiyya, twin sons of Rabbi Hiyya and his wife, Yehudit, were among the most prominent first-generation *amoraim* of Eretz Yisrael. They studied Torah in poverty throughout their lives, and were eventually recognized as outstanding Torah scholars.

Yehuda and Hizkiyya moved from Babylonia to Eretz Yisrael with their parents. Like his father, Hizkiyya compiled collections of

They are Yehuda and Hizkiyya the sons of Rabbi Hiyya – יהודה וחזקיה בנו: The early commentaries note that the three-month difference between the births of Yehuda and Hizkiyya contradicts the statement of Rav (26b) that when a woman is pregnant with two fetuses, one of the fetuses does not remain in the womb after the other is born. Furthermore, as Yehuda and Hizkiyya were cousins of Rav, Rav must have been aware of the circumstances of their birth.

Some of the early commentaries claim that Rav was in fact not aware that Yehuda and Hizkiyya were born in this manner, but the Ramban writes that this is highly implausible. Others explain that Rav's statement is referring to a case where both fetuses have developed sufficiently to be born; if one of the fetuses has not yet developed sufficiently, it might remain in the womb after its twin is born, even for an extended period of time. This was the case with Yehuda and Hizkiyya (Ran). Yet others maintain that although

Rav was aware of the possibility of the birth of one offspring a significant period of time after the other, he considered it a rare case that need not be taken into account (*Tosafot*).

A woman cannot become pregnant and again become pregnant – אין אשה מותעברת וחזרת ומתעברת: The early commentaries disagree with regard to the exact meaning of this statement. Some maintain that a pregnant woman cannot become pregnant with another offspring at all (Rabbeinu Tam). Others hold that a pregnant woman can become pregnant with another offspring, but that offspring becomes a sandal fetus (Rashi on 45a). Another opinion is that the first offspring becomes a sandal fetus (*Tosefot Rid*). *Tosafot* on tractate *Sota* (42b) cite the Jerusalem Talmud, where it is suggested that a woman can be pregnant from several men simultaneously.

#### BACKGROUND

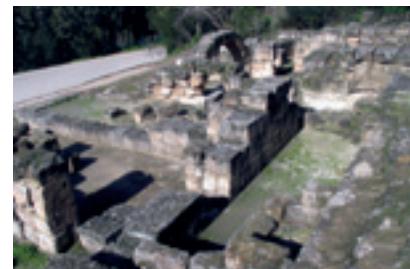
**B**ein She'arim – בית שערם: Beit She'arim was a small village in the Jezreel Valley, in an area that is today called Sheikh Abreik. The Sanhedrin was located there during the lifetime of Rabbi Yehuda HaNasi, and he was buried there, despite the fact that before he died he moved to Tzippori for health reasons. The cemetery of Beit She'arim consequently became prestigious, and for several centuries prominent families from Eretz Yisrael as well as from the Diaspora buried their deceased there. This large cemetery was revealed in recent years.



Location of Beit She'arim



Rabbi Yehuda HaNasi's burial site in Beit She'arim



Remains of ancient synagogue in Beit She'arim

### LANGUAGE

Ladle [tarvad] – תַּרְוֵד: This term, which means ladle, also exists in other Semitic languages. Because ladles do not have a uniform size, the Gemara (sob) defines the size of the halakhic measurement referred to as a ladleful.

### NOTES

A ladleful of dust into which any amount of dirt fell: בָּלֶא תַּרְוֵד רַקְבַּשְׁפֵל לְתוֹכוֹ עַפְרָכָל שָׂחוֹ: The early commentaries explain that according to the Sages of Rav's study hall, who maintain that the house is pure according to Rabbi Shimon because the measure of the dust of a corpse in the mixture is insufficient to render the house impure, this is referring to precisely a ladleful of dust. If there is a larger amount of dust of a corpse, a tiny amount of dirt does not nullify its impurity. But according to Rabba, who explains that Rabbi Shimon rules that the dust of a corpse has the impurity status of a corpse only if it is not mingled, the reference is to any amount of dust. If so, the reason the *baraita* mentions specifically a ladleful of dust is in order to emphasize that according to the Rabbis even this minimal amount renders the house impure, despite the fact that there is some dirt mixed with it (Ritva).

### HALAKHA

A ladleful of dust into which any amount of dirt fell – בָּלֶא תַּרְוֵד רַקְבַּשְׁפֵל לְתוֹכוֹ עַפְרָכָל שָׂחוֹ: In a case where the dust of a corpse is impure, as it was buried naked in a marble or glass coffin, if a minimal amount of dirt is mixed in the dust, it remains impure, in accordance with the opinion of the Rabbis (Rambam Sefer Tahara, *Hilkhot Tumat Met* 3:4).

יִתְיַבְּרֵכְךָ רַב פָּפָא אֲחֹזְרִי דָּרְבָּנִי קְמַפְיהָ דָרְבִּי הַמְּנוּנָא, וַיִּתְיַבְּרֵכְךָ רַב קָמָרִי מַאי טֻמָּא דָרְבִּי שְׁמַעַן – קְסַבְרָכְלְטָוְמָא שְׁפַתְעָרְבָה מַפְיַן אַחֲרָכְלְבָנְלָה.

**R**av Pappa sat behind Rav Beivai in the study hall before their teacher Rav Hamnuna, and he sat and said: What is the reason for the opinion of Rabbi Shimon, that a house in which there is an afterbirth is pure? He holds that with regard to any item that has ritual impurity with which there was mixed an item of another type, it is nullified by the other item and is pure. Consequently, in the case of an offspring that disintegrated, the disintegrated offspring is nullified by the blood of the childbirth.

אָמָר לְהַוְרֵב פָּפָא: הַיּוֹנִי טֻמְמִינְיוּהוּ דָרְבִּי הַיְהָדָה וְרַבִּי יוֹסֵי אֲחֵיכְוּ עַלְיהָ: מַאי שְׁנָא? פְּשִׁיטָא!

אָמָר רַב פָּפָא: אֲפִילּוּ כִּי הָא מִילְתָּא לִימָא אֲנִישׁ וְלֹא נְשָׁתָזֵק קְמַפְיהָ רַבְּיָה, מִשּׁוּם שְׁנָא מָרְבָּא אָמָן בְּלָתְבָהְתְּנָשָׂא וְאָמָן זְמוּנָתְבָהְתָּה יְד לְפָה.

אָזְדָּא רַבִּי שְׁמַעַן לְטֻמְמִינָה, דְּתַנְיָה: מָלָא תַּרְוֵד רַקְבַּשְׁפֵל לְתוֹכוֹ עַפְרָכָל שָׂחוֹ – טְמָא, וְרַבִּי שְׁמַעַן מְטוּה.

מַאי טֻמְמִינָה דָרְבִּי שְׁמַעַן? אָמָר רַבָּה, אֲשֶׁר חִתְּנָה לְרַבְּנָן דָבֵר וּבְדִתְבִּיבִים וּקְאָמָרִים: אֵי אָפְשָׁר שְׁלָא יְבוּשָׁתִי פְּרִידּוֹת עַפְרָה עַל פְּרִידּוֹת אַחֲתָה שְׁלָא רַקְבָּה, וְחִסְרֵי לְיָה.

וְאַמְנִינָא לְהָהָרָה: אֲזְרָבָה, אֵי אָפְשָׁר שְׁלָא יְבוּשָׁתִי פְּרִידּוֹת רַקְבָּה עַל

Rav Pappa said to Rav Beivai, who was a greater scholar than he, and to Rav Hamnuna his teacher: This is also the reason for the opinion of Rabbi Yehuda and Rabbi Yosei, who agree with Rabbi Shimon in the above *baraita*. Rav Beivai and Rav Hamnuna laughed at him: What is different about the opinion of Rabbi Yehuda and Rabbi Yosei? Since the statement of Rabbi Shimon is attributed to them as well, it is obvious that their reasoning is the same.

Rav Pappa said with regard to this incident: A person should say a matter even as obvious as this one, and one should not be silent in the presence of his teacher, despite the possibility that other people might laugh at him, because it is stated: "If you have done foolishly in lifting up yourself, or if you have planned devices [zammota], lay your hand over your mouth" (Proverbs 30:32). One who acts "foolishly" over matters of Torah by not hesitating to issue statements that might be ridiculed will ultimately be exalted and lifted up. Conversely, one who muzzles [zamam] himself due to embarrassment will end up with his hand over his mouth, unable to answer questions that are posed to him.

With regard to Rabbi Shimon's opinion that the woman is pure because the offspring is nullified by the blood of childbirth, the Gemara notes: And Rabbi Shimon follows his standard line of reasoning, as it is taught in a *baraita*: In the case of a ladleful [*melo tarvad*] of dust from a corpse, which is the minimum amount that renders everything in a house impure, into which any amount of dirt fell,<sup>NH</sup> the house is impure; and Rabbi Shimon deems it pure.

The Gemara asks: What is the reason for the opinion of Rabbi Shimon? Why is the house pure when it contains a ladleful of dust from a corpse? Rabba said: I found the Sages of the study hall of Rav sitting and saying: The reason Rabbi Shimon deems the house pure is that it is impossible for there not to be two grains of dirt that are more than one grain of dust from the corpse, in a certain place in the mixture. And as that grain of dust from the corpse is nullified by the dirt, the amount of dust that remains is insufficient for rendering the house impure.

And I said to them: On the contrary, according to this reasoning the house should certainly be impure, as it is impossible for there not to be two grains of dust from the corpse that are more than

Perek III  
Daf 27 Amud b

פְּרִידּוֹת אַחֲתָה עַפְרָה וְגַפְיָל לְיָה שְׁיֻעָרָא!

one grain of dirt in a certain place in the mixture. That grain of dirt is thereby nullified by the dust of the corpse, and consequently the measure of the dust increases.<sup>N</sup>

### NOTES

And the measure of the dust increases – נְגַפְיָל לְיָה שְׁיֻעָרָא: The standard text of the Gemara reads: And the measure of the dust falls [venafeil]. In *Masoret HaShas* the text is emended to read: Increases [venafeish].

אֲלָא אָמַר רַבָּה: הַיְוֹן טֻעַמָּא דָּרְבֵּי שִׁמְעוֹן,  
סְופֶׂר בְּתַחְלָתוֹ, מַה תְּחַלְּתוֹ – נַעֲשָׂה לוֹ  
דָּבָר אַחֲרֵ גָּנְגִילּוֹן, אַךְ סְופֶׂר – נַעֲשָׂה לוֹ  
דָּבָר אַחֲרֵ גָּנְגִילּוֹן.

Rather, Rabba said that this is the reason for the opinion of Rabbi Shimon: The halakha with regard to a corpse in its ultimate state of dust is like the halakha in its initial state of decomposition: Just as with regard to its initial state, if another matter is mixed with the decomposing corpse it serves as a nullification [gangilon]<sup>N</sup> of the corpse's impurity, as the dust of a decomposed corpse can impart impurity only if it is not mingled with the dust of any other substance, so too, in the corpse's ultimate state of dust, if another matter is mixed with it, that serves as a nullification of the impurity of the dust.<sup>N</sup>

מַאי גַּיְא? דָתִינָא: אַיְחוּ מַתְ שִׁישׁ לוֹ  
רַקְבָּה וְאַיְחוּ מַתְ שָׁאַיְן לוֹ רַקְבָּה: נִקְבָּר עֲרוּם  
בְּאַרְנוֹן שֶׁל שָׁשָׁן, אוֹ עַל גְּבֵי רַצְפָּה שֶׁל  
אַבְנִים – זֶה מַתְ שִׁישׁ לוֹ רַקְבָּה,

אַיְחוּ מַתְ שָׁאַיְן לוֹ רַקְבָּה – נִקְבָּר בְּכַסּוֹתָו,  
אוֹ בְּאַרְנוֹן שֶׁל עַץ, אוֹ עַל גְּבֵי רַצְפָּה שֶׁל  
לְבִנִּים – זֶה מַתְ שָׁאַיְן לוֹ רַקְבָּה. וְלֹא אָמַר  
רַקְבָּה – אַלְאָ לְמַתְ בְּלֶבֶד, לְמַעַטִּית הַרוֹג –  
לְלָא.

The Gemara asks: What is the source for the halakha that the dust of a corpse imparts impurity only if it is not mingled with the dust of any other substance? The Gemara answers: As it is taught in a baraita: Which is a corpse that has the halakha of dust,<sup>H</sup> i.e., whose dust imparts impurity; and which is a corpse that does not have the halakha of dust? If a corpse was buried naked in a marble coffin or on a stone floor,<sup>N</sup> that is a corpse that has the halakha of dust that imparts impurity. Since any dust found there must have come from the corpse, it imparts impurity.

And what is a corpse that does not have the halakha of dust? If a corpse was buried in its cloak, or in a wooden coffin, or on a brick floor, that is a corpse that does not have the halakha of dust that imparts impurity, as it is assumed that some of the dust is from particles of the clothes, wood, or bricks, and the dust from a decomposed corpse imparts impurity only if it is not mingled with the dust of any other substance. The baraita adds another halakha with regard to the impurity of the dust of a corpse: And the Sages said that the dust of a corpse is impure only with regard to the corpse of a person who died naturally,<sup>H</sup> excluding one who was killed, whose dust is not impure.

גַּפְאָא: מַלְאָ תְּרוּדָ רַקְבָּ שְׁגַפֵּל לְתוֹכוֹ עַפְרָ  
כָּל שְׁהָוָא – טָמֵא, וְרַבִּי שְׁמַעוֹן מַטִּהָר.  
מַלְאָ תְּרוּדָ רַקְבָּ שְׁנַתְפּוֹר בַּבִּיטָה – הַבִּיטָה  
טָמֵא, וְרַבִּי שְׁמַעוֹן מַטִּהָר.

**§** The Gemara returns to discuss the matter itself, i.e., the baraita cited above that clarifies the opinion of Rabbi Shimon: In the case of a ladleful of dust from a corpse into which any amount of dirt fell, the house is impure; and Rabbi Shimon deems it pure. The baraita continues: In the case of a ladleful of dust from a corpse that was scattered in the house,<sup>H</sup> the house is impure. Provided that there is a sufficient amount of dust in the house, the house is impure, even if the dust is scattered. And Rabbi Shimon deems it pure.

וְצִירְכָּא. דָאִי אַשְׁמַעַמָּן קְמִינְתָּא – בְּהַהְיָא  
קְאַמְרֵי רַבָּן – מִשּׁוּם דְּמִבְנִית אַבְלָל  
נַתְפּוֹר – אִימָא מַודָּו לוֹ רַבִּי שְׁמַעוֹן דָאִי  
מַאֲהַיל וְחוֹזֵר וּמַאֲהַיל.

The Gemara comments: And it is necessary for the baraita to state both of these halakhot. As, if the baraita had taught us only the first halakha, with regard to dust from a corpse in which dirt was mixed, one might have thought that it is specifically in that case that the Rabbis say the house is impure, because the dust is concentrated in one place; but if the dust was scattered, one might say that the Rabbis concede to Rabbi Shimon that the house is pure. The reasoning is that if an item overlies a collection of dust of a corpse that is insufficient to render it impure and also overlies another collection of similar size, where together these collections constitute a sufficient amount to render the item and everything under it impure, it is not impure.

So too, in its ultimate state, another matter serves as a nullification of it – נַעֲשָׂה לוֹ דָבָר אַחֲרֵ גָּנְגִילּוֹן: According to this interpretation of Rabbi Shimon's opinion, the case of an afterbirth cannot be compared to that of dust from a corpse (Rashi).

בְּאַרְנוֹן שֶׁל שִׁישׁ אוֹ עַל גְּבֵי רַצְפָּה שֶׁל אַבְנִים: This wording indicates that one or the other suffices; if the corpse is buried either in a marble coffin or on a stone floor, its dust is impure. By contrast, in the Tosefta this halakha

reads: In a marble coffin and on a stone sheet. The early commentaries conclude from the version of the Gemara that for the dust to be impure, the corpse must be buried naked in a marble or stone coffin that has a marble covering, so that nothing mixes with its dust (Rambam's Commentary on the Mishna). It is added that a glass coffin also suffices, as long as the corpse is whole. By contrast, the dust of a corpse that is buried in a metal coffin is not impure (Rambam Sefer Tahara, Hilkhot Tumat Met 3:4).

## LANGUAGE

Nullification [gangilon] – גָּנְגִילּוֹן: Some explain this term as referring to a matter that contradicts another matter, nullifying and ruining it (Rashi). Others explain that it refers to a matter that is rolled up with another matter (*Tosafot; Arukh*). Another interpretation is that this term derives from the Latin word cingula, meaning belt, i.e., an item that surrounds other items (see Rabbi Shimshon of Saens).

## HALAKHA

Which is a corpse that has the halakha of dust, etc. –  
רַקְבָּה שִׁישׁ לוֹ רַקְבָּה: The dust of a corpse imparts impurity only if the corpse was buried naked in a marble or glass coffin and is whole. If a limb is missing, or if the corpse was buried in its garment, or if it was buried in a wooden or metal coffin, the dust does not impart impurity, as the dust of the garment or wood, or the rust of the metal, mixes with the dust of the corpse (Rambam Sefer Tahara, Hilkhot Tumat Met 3:4).

The Sages said the dust is impure only with regard to the corpse of a person who died naturally – רַקְבָּה שִׁישׁ לוֹ רַקְבָּה לְפִנְסָקָה: The halakha that the dust of a corpse imparts impurity applies only in the case of a person who died naturally, i.e., one who was not killed (Rambam Sefer Tahara, Hilkhot Tumat Met 3:4).

A ladleful of dust from a corpse that was scattered in the house – מַלְאָ תְּרוּדָ רַקְבָּ שְׁנַתְפּוֹר בַּבִּיטָה: Two handfuls of dust of a corpse that is scattered in a house renders the house impure, in accordance with the opinion of the first tanna of the baraita (Rambam Sefer Tahara, Hilkhot Tumat Met 4:10).

## NOTES

So too, in its ultimate state, another matter serves as a nullification of it – נַעֲשָׂה לוֹ דָבָר אַחֲרֵ גָּנְגִילּוֹן: According to this interpretation of Rabbi Shimon's opinion, the case of an afterbirth cannot be compared to that of dust from a corpse (Rashi).

בְּאַרְנוֹן שֶׁל שִׁישׁ אוֹ עַל גְּבֵי רַצְפָּה שֶׁל אַבְנִים: This wording indicates that one or the other suffices; if the corpse is buried either in a marble coffin or on a stone floor, its dust is impure. By contrast, in the Tosefta this halakha

**HALAKHA**

A ladleful of dirt from a cemetery and slightly more – **מלִאָה**: If more than two handfuls of dirt is found under a corpse or in a grave, and it is unclear whether it is dust from a corpse and therefore imparts impurity to items that are under the same roof, or whether it is merely dirt that absorbed the decomposed flesh and blood of the corpse, the dirt imparts impurity to items that are under the same roof and to one who carries the dirt, in accordance with the opinion of the first *tanna* of the mishna in tractate *Oholot*. This is because even if dirt mixed with the dust, there are presumably two handfuls of dust in the mixture. The Rambam adds that this halakha is apparently rabbinic law (Rambam *Sefer Tahara, Hilkhos Tumat Met* 3:8).

A large animal that expelled a mass of congealed blood – **תְּרֻוד**: If a large animal discharged a mass of congealed blood, its future offspring is exempt from being counted a firstborn. Although the mass has no sanctity, it is buried in order to publicize that the animal's subsequent offspring does not have the status of a firstborn. Despite this exemption, the mass does not transmit impurity to one who touches it or to one who carries it, unless it has the form of a stillborn fetus. The reason for this is that the offspring is nullified, as there is a majority of other substances that are discharged with it (Rambam *Sefer Korbanot, Hilkhos Bekhorot* 4:11 and *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 1:16; *Shulhan Arukh, Yoreh De'a* 315:7).

**NOTES**

In order to publicize that the animal is exempt from having its future offspring being counted a firstborn – **כַּדּוֹן**: **ר' פַּסְכָּמָה שֶׁהָיא פְּטִירָה מִן זְבָכָרוֹת**: Rashi on tractate *Bekhorot* (22a) explains that burial of the mass of blood publicizes that the mass is considered an offspring and has firstborn status; otherwise, people might assume that it is not considered offspring.

**וְאֵי אֲשָׁמָעֵין בָּהָא – בָּהָא אָמַר רַבִּי שְׁמֻעוֹן דָּאָן מִזְחָה לִוְרָ וּמִזְחָה לִילָּן אֲבָל בָּהָא – אִיכְמָא מַזְדָּה לְהָוֹ לְבָנָן, צָרִיכָא.**

And if the *baraita* had taught us the halakha only with regard to this second case, where the dust of the corpse was scattered, one might have thought that it is specifically in this case that Rabbi Shimon says that the house is pure, as an item that overlies an insufficient collection of the dust of a corpse and also overlies another collection, where together these collections constitute a sufficient amount to render the item impure, is not impure. But in that first case, where dirt was mixed with the dust of the corpse, one might say that Rabbi Shimon concedes to the Rabbis that the house is impure. Therefore, it is necessary for the *baraita* to teach both cases.

**תְּנִינָא אִידָּךְ: מִלְאָה תְּרֻוד וְעַד עַפְרָ בֵּית הַקְּבָרוֹת – טָמָא. וּרְבִי שְׁמֻעוֹן מִטְהָרָה. מַאי טָעַמְיָהוּ רַבְּבָנָן? לְפִי שָׂאִי אָפְשָׁר לִמְלָא תְּרֻוד וְעַד עַפְרָ בֵּית הַקְּבָרוֹת שָׂאִין בָּוּ מִלְאָה תְּרֻוד רַקְבָּה.**

There is a different dispute between Rabbi Shimon and the Rabbis that is taught in another mishna (*Oholot* 2:2): If a house contains a ladleful of dirt from a cemetery and slightly more,<sup>h</sup> the house is impure; and Rabbi Shimon deems it pure. The Gemara asks: What is the reason for the opinion of the Rabbis? The Gemara answers: They deem the house impure as it is impossible for slightly more than a ladleful of dirt from a cemetery not to contain a ladleful of dust from a corpse.

**הַשְׁתָּא דְּאָמְרָת טָעַמָּא דָרְבִי שְׁמֻעוֹן מִשּׁוּם סּוּפּוֹ כִּתְחַלְתָּו, גַּבְיוֹ שְׁלָא מַאי טָעַמָּא? אָמַר רַבִּי יוֹחָנָן: מִשּׁוּם בְּטוּל בָּרוּךְ נָגָע בָּה.**

§ The Gemara asks: Now that you say that the reason that Rabbi Shimon deems the house pure, in a case where it contains dust from a corpse in which dirt was mixed, is that in his opinion the halakha of a corpse in its ultimate state of dust is like the halakha in its initial state of decomposition, then with regard to a case where there is an afterbirth in the house, what is the reason that Rabbi Shimon deems the house pure? Rabbi Yoḥanan says: The Sages touched upon it, i.e., deemed the house pure, due to the nullification of the disintegrated offspring by the majority of the blood that emerged during the miscarriage, in which the afterbirth was mixed.

**וְאַזְדָּא רַבִּי יוֹחָנָן לְטָעַמָּה, זָאמְרָה רַבִּי יוֹחָנָן: רַבִּי שְׁמֻעוֹן וּרְבִי אֱלִישָׁר בָּן עַקְבָּה אָמַר דָּבָר אֶחָד. רַבִּי שְׁמֻעוֹן – הָא זָאמְרָן. רַבִּי אֱלִישָׁר – רַתְנָיא. רַבִּי אֱלִישָׁר בָּן עַקְבָּה אָוֹמֵר: בְּהַמָּה גַּסְהָ שְׁשָׁפָעָה חֲרוֹת דָּם – חֲרֵי זוּ תְּקַבָּר, פְּטִירָה מִן הַבְּכוֹרָה.**

And Rabbi Yoḥanan follows his line of reasoning in this regard, as Rabbi Yoḥanan says: Rabbi Shimon and Rabbi Eliezer ben Ya'akov both said the same thing, i.e., they both issued rulings based on the same principle. The relevant statement of Rabbi Shimon is that which we said, i.e., that if a woman discharged an afterbirth the house is pure, as the offspring is nullified by the blood that emerged during the miscarriage. Rabbi Eliezer ben Ya'akov said that which is taught in a mishna (*Bekhorot* 21a): Rabbi Eliezer ben Ya'akov says: In the case of a large animal that expelled a mass of congealed blood,<sup>h</sup> that mass must be buried, as perhaps there was a male fetus there, which was consecrated as a firstborn when it emerged, and the animal is exempt from having any future offspring being counted a firstborn.

**וְתַנִּי רַבִּי חִיאָה עַלְהָ: אֵינֶה מִטְמָאָה לֹא בִּמְגַע וְלֹא בִּמְשָׁא. וּמַאֲחֵר שָׂאִינָה מִטְמָאָה לֹא בִּמְגַע וְלֹא בִּמְשָׁא, אֲמָאֵי תְּקַבָּר? כִּי לְפָרָקָמָה שֶׁהָיא פְּטוּרָה מִן הַבְּכוֹרָה.**

And Rabbi Ḥiyya teaches a *baraita* with regard to that halakha: The mass of congealed blood does not impart ritual impurity, neither through physical contact nor through carrying it. It does not have the status of an unslaughtered animal carcass, which does impart impurity in such manners. The Gemara asks: But since the mass does not impart impurity, neither through contact nor through carrying, which indicates that it is not considered a fetus, why must it be buried? The Gemara answers: It must be buried in order to publicize that the animal is exempt from having its future offspring being counted a firstborn.<sup>n</sup>

**אַלְמָא וְלֹד מַעֲלִיא הָוֹ, וְאַמְּאֵי תְּנִי רַבִּי חִיאָה אֵינֶה מִטְמָאָה לֹא בִּמְגַע וְלֹא בִּמְשָׁא? אָמַר רַבִּי יוֹחָנָן: מִשּׁוּם בְּטוּל בָּרוּךְ נָגָע בָּה.**

The Gemara asks: If the animal's subsequent offspring is not counted a firstborn, evidently the mass is treated like a full-fledged offspring. But if so, why does Rabbi Ḥiyya teach that it does not impart impurity, neither through physical contact nor through carrying? Rabbi Yoḥanan says: It is due to the halakhic nullification of a foreign substance in a majority of permitted substances that the Sages touched upon it, to exclude it from impurity through contact or carrying. In other words, the fetus is considered a full-fledged offspring, but it does not impart impurity, because it is nullified by the rest of the congealed mass.

**אמור רבי אמי, אמר רבי יוחנן: ומורה רבי  
שמעון שאמו טמאה לידה.**

**אמר ההוא סבא לרבי אמי: אסברא לך  
טעמאנך רבי יוחנן, دائمך קרא "אשה כי  
תורי וולדת זכר" וגוי – אפלו לא לידה  
אלא בעין שהוריעה – טמאה לידה.**

**ריש לקיש אמר: שפирו שפירפו בiamiyo  
נעשה במת שנטבללה צורתו.**

**אמר ליה רבי יוחנן לריש לקיש: מות  
שנטבללה צורתו מלון דטהרו? אלימא  
מהיא دائم רבי שבתאי אמר רבי יצחק  
מגדלאה, ואמרי לה אמר רבי יצחק  
במגדלא אמר רבי שבתאי: מות שנשר  
ושלדו קיימת – טמא, מעשה היה וטמאו  
לו פתחים גודלים.**

**§** The Gemara resumes its discussion of the opinion of Rabbi Shimon that if a woman discharges an afterbirth in a house, the house is pure. Rabbi Ami says that Rabbi Yoḥanan says: And Rabbi Shimon concedes that its mother is impure with the impurity of a woman after childbirth.

A certain elder said to Rabbi Ami: I will explain to you the reason for the statement of Rabbi Yoḥanan. As the verse states: “If a woman bears seed and gives birth to a male, she shall be impure seven days, as in the days of the menstruation of her sickness she shall be impure” (Leviticus 12:2). This indicates that even if a woman gives birth to an offspring that is similar only to the seed that she bore, i.e., if the offspring liquefied and became similar to semen, the woman is impure with the impurity of a woman after childbirth.

**§** Reish Lakish says: In the case of a fetus in a gestational sac, that was mashed in its amniotic fluid<sup>h</sup> by being shaken violently, it is rendered like a corpse that was deformed, and therefore it does not impart impurity to other items that are under the same roof.

Rabbi Yoḥanan said to Reish Lakish: From where do we derive that a corpse that was deformed<sup>h</sup> is pure? If we say it is derived from that which Rabbi Shabbai<sup>i</sup> says that Rabbi Yitzḥak from Migdal [Migdala'a]<sup>j</sup> says, and some say from that which Rabbi Yitzḥak from Migdal says that Rabbi Shabbai says, that cannot be correct. The Gemara cites the relevant statement: With regard to a corpse that was burned but its form [veshild] still exists,<sup>nh</sup> i.e., it still has the form of a human corpse, it is impure. There was an incident involving such a corpse, and the Sages deemed impure all items that were under the large openings of the house where the corpse was located, as these openings were fit for the removal of the corpse from the house through them.

### HALAKHA

**שפי שטרפו בימיyo:** A gestational sac in which tissue developed that was mashed in its amniotic fluid is pure, because the fetus was deformed. This is in accordance with the opinion of Reish Lakish (Rambam Sefer Tahara, Hilkhot Tumat Met 3:9).

**מית שנטבללה צורתו:** A corpse that was deformed as a result of being burned is pure, in accordance with the opinion of Reish Lakish (Rambam Sefer Tahara, Hilkhot Tumat Met 3:9).

**מית שנסחר ושללו קיימת:** If a corpse was burned but its spine and ribs remain intact, it imparts impurity like a whole corpse. Needless to say, if a corpse was merely charred, it still has the status of a whole corpse (Rambam Sefer Tahara, Hilkhot Tumat Met 3:9).

### PERSONALITIES

**Rabbi Shabbai – רב שבתאי:** This second-generation amora in Eretz Yisrael transmitted halakhot in the name of Hizkiyya, and great Sages of Eretz Yisrael such as Rabbi Yoḥanan, Reish Lakish, and Rabbi Asi cite halakhot in his name and discuss them. His two sons Rabbi Kruspedai and Rabbi Ḥiyya were also well-known Torah scholars.

**Rabbi Yitzḥak from Migdal [Migdala'a] – רב יצחק מגדלה:** A first- and second-generation amora in Eretz Yisrael, Rabbi Yitzḥak from Migdal is cited as stating a halakha in the name of Rabbi Yehuda HaNasi. Some assert that the appellation *Migdala'a* is appended to Rabbi Yitzḥak's name because he lived in Migdal, a town that was located on the coast of the Sea of Galilee, north of Tiberias. Others suggest that the appellation alludes to a halakha that he stated with regard to one who finds coins configured in well-ordered towers [*migdalim*] (Bava Metzia 25a).

### NOTES

**מית שנסחר ושללו קיימת:** The early commentaries disagree with regard to the meaning of the word *shild*. Some say that it means its body or form, i.e., although the corpse was burned, the ashes did not scatter, either because it was only charred, or because

it was burned in a box or coffin (Rashi; Meiri). Others interpret the word as referring to the spine and ribs, which are the main part of a skeleton, a *sheled* (Arukha; Rambam Sefer Tahara, Hilkhot Tumat Met 3:9).

Perek III  
Daf 28 Amud a

**וְתַהּוּרׁוּ לֹא פִתְחִים קָטְנִים. וְקָא דִיקָת  
מִינָה: טָעֵמָא – שֶׁלְדוֹ קִיְמָת, הָא לֹא  
הַכִּי – טָהּוּרׁ.**

**אדרבה, דוק מינה להאי גיסא: שלדו  
קיימת – הוּא דטָהּוּרׁ לֹא פִתְחִים קָטְנִים.  
הָא לֹא הַכִּי – פִתְחִים קָטְנִים נִמְיָאין,  
רבָּל חַד וְחַד תַּזְיוּ לְאַפְקָן חַד חַד אֲבָרִ!**

But they deemed pure all items that were under the small openings to the house, i.e., those whose width was less than four handbreadths. And you infer from this statement that the reason the large openings are impure in such a case is that the form of the corpse still exists; but otherwise, i.e., if the corpse was deformed, then even the large openings are pure.<sup>n</sup>

The Gemara explains why one cannot infer from here that a deformed corpse does not impart impurity to other items that are under the same roof: On the contrary, one can infer from this statement in the opposite manner: It is only because the form of the corpse still exists that the Sages deemed pure the small openings of the house; but otherwise, the small openings are also impure, as each and every one of them is fit for taking out the corpse through them, each limb one by one. Consequently, no proof can be derived from this statement in support of the opinion of Reish Lakish.

### NOTES

**הָא לֹא הַכִּי טָהּוּרׁ:** An alternative explanation in the early commentaries holds that Rabbi Yoḥanan agrees with Reish Lakish that a burned corpse is pure; their dispute is with regard to the reason for this halakha. Whereas Reish Lakish holds that a burned corpse is pure because it is deformed, and therefore disintegrated afterbirth is also pure, Rabbi Yoḥanan maintains that the reason a burned corpse is pure is that it is considered to have been completely eradicated. Therefore, Rabbi Yoḥanan holds that the halakha of afterbirth that disintegrated cannot be compared to the halakha of a burned corpse (*Tosafot*; *Ramban*).

**NOTES**

In accordance with whose opinion did Rabbi Yohanan say...Rabbi Eliezer – **רבי יוחנן דאמר קמאן – כרבי אליעזר:** By inference, if Rabbi Yohanan's opinion is in accordance with the opinion of Rabbi Eliezer, then the opinion of Reish Lakish is in accordance with the opinion of the Rabbis, who deem ashes of a burned corpse pure. The commentaries write that it is for this reason that the Rambam rules in accordance with the opinion of Reish Lakish; the halakha follows the majority opinion (*Kesef Mishne*).

Where one burned the corpse on top of a marble slate – **בגון שערוף על גבי אפודרים –** Rashi explains that a hard leather spread and a marble slate [*apoderim*] are similar in that both are hard surfaces that are not burned with the corpse. Furthermore, both have sides that prevent the ashes from scattering.

**בגון דאיירבי אחרוני:** Rashi states that the corpse was burned but was not reduced to ashes. The later commentaries explain that Rashi clearly does not mean that the interior of the corpse remained intact, as if so, it would have the status of a whole corpse. Rather, Rashi means that the corpse was burned both on the inside and on the outside, and it turned to hard charcoal, thereby retaining its shape. The commentaries similarly explain that according to the Rambam this is referring to a case where the spine and ribs were burned, but they remained connected to the rest of the body, which retained its shape (*Hazon Ish*).

**LANGUAGE**

Leather spread [*katavla*] – **קָטַבְלָה:** This word, which appears in several different forms, derives from the Greek *καταβολή*, *katabolē*, meaning spread. The term refers to a leather sheet used for covering items or for placing items on it.

Marble slate [*apoderim*] – **אֲפּוֹדִים:** This term refers to a specific type of marble slate that comes in a fixed shape and is used mainly for a table. Some suggest that the word derives from the Aramaic word for table, *petora*. Others suggest that it derives from *peresh*, a Hebrew word for animal manure, which hardens over time.

**אמור ליה רビ ניא לרוב אשין ורב יוחנן דאמר קמאן – כרבי אליעזר. דתנן, אף שרוופין רבי אליעזר אומר: שיעוריה ברכבע.**

Ravina said to Rav Ashi: In accordance with whose opinion did Rabbi Yohanan say that a deformed corpse imparts impurity to items that are under the same roof? It is in accordance with the opinion of Rabbi Eliezer,<sup>N</sup> as we learned in a mishna (*Oholot* 2:2): With regard to the ashes of burned corpses that are not mixed with other types of ashes or dirt, Rabbi Eliezer says that its measure for imparting impurity to items that are under the same roof is a quarter of a *kav*. Clearly, Rabbi Eliezer maintains that a deformed corpse imparts impurity to items that are under the same roof.

**היכי דמי מות שנסחר ושלדו קיימת? אמר אבוי: בגון שערוף על גבי קובללא. ובא אמר: בגון דאיירבי אחרוני. אמר: בגון דאיירבי אחרוני.**

The Gemara asks: What are the circumstances of this case of a corpse that was burned but its form still exists? How is this possible? Abaye says: It is possible in a case where one burned the corpse on top of a hard leather spread [*katavla*],<sup>L</sup> which does not burn, and therefore the corpse retains its shape even after it is burned. Rava says: It is possible in a case where one burned the corpse on top of a marble slate [*apoderim*].<sup>NL</sup> Ravina says: It is possible in a case where the corpse was charred<sup>NH</sup> without being reduced to ashes.

**תנו רבנן: המפלת יד חותכה ורגל חותכה – אמר טמאה לידה. ואין חוששין שפמא מגוף אטום באו.**

**רב חסידא ורבה בר רב הונא דאמר תרוייהו: אין נוותנן לה ימי טוהר. מאי טעמא – אין מא הריחיקה לרחתה.**

**מתיב רב יוסף: המפלת ואין ידוע מה הפלילה – תשב לזכר ולנקבה. ואי סלקא דעתך, כל בהאי גוונא אימא הרחיקה לריתה – לתרני ולנדה!**

¶ The Sages taught in a *baraita*: In the case of a woman who discharges a shaped hand, i.e., its fingers are discernible, or a shaped foot,<sup>H</sup> its mother is impure with the impurity of a woman after childbirth, as the hand or foot certainly came from a full-fledged fetus. And we are not concerned that perhaps they came from a fetus with a sealed, i.e., deficient, body, in which case the miscarriage does not have the status of childbirth with regard to ritual impurity. The reason is that most pregnant women give birth to a fully formed fetus, and therefore it is presumed that the hand or foot came from a whole fetus that was squashed during childbirth.

**Rav Hisda and Rabba bar Rav Huna both say:** Although the woman observes the period of impurity of a woman after childbirth, we do not give her the days of purity following the period of impurity. **What is the reason?** Although it is presumed that the discharged limbs came from a full-fledged fetus, it is unknown whether or when the woman discharged the rest of the fetus, and the principle is that a woman who discharges observes her periods of impurity and purity when the majority of the limbs of the fetus emerge. Therefore, one can say that perhaps her childbirth was distant, i.e., the woman discharged the majority of the limbs of the fetus long before she discharged this hand or foot, and consequently her period of purity has already ended.

**Rav Yosef raises an objection** from a mishna (29a): In the case of a woman who discharges and it is not known what sex fetus she discharged, she shall observe the strictures of a woman who gave birth both to a male and to a female. And if it enters your mind that in any case like this one should say that perhaps the woman's childbirth was distant, let the mishna teach that the woman shall observe the strictures of a woman who gave birth to both a male and a female, and also observes the strictures of a menstruating woman. Since it is possible that the item she discharged was a limb from a fetus the majority of which she discharged a long time beforehand, then she must forgo the period of purity observed by a woman who gave birth, and treat any blood that emerges during this period like the blood of a menstruating woman.

**HALAKHA**

**The corpse was charred – אַיִירְבִּי אַחֲרֹנִי:** If a corpse was charred but its spine and ribs remain, it imparts impurity like a whole corpse (Rambam *Sefer Tahara, Hilkhos Tumat Met* 3:9).

**Who discharges a shaped hand or a shaped foot – המפלת יד חותכה ורגל חותכה:** If a woman discharges a shaped hand or a

shaped foot, it presumably came from a full-fledged offspring. If it can be assumed that the woman already discharged most of the limbs of the fetus, e.g., she no longer appears to be pregnant (see *Mirkevet HaMishne*), she assumes the impurity status of a woman after childbirth (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 10:11).

**אָמַר אֶבְיוֹן:** אֵי תִּנְאַלְפֵּה, הַוָּה אֲמִינָה – מִבְיאָה קְרֻבָּן וְאַעֲנוֹ נָאָל, קְאַמְשָׁמָעַ לֵן – דָּנָאָל.

**אָמַר רַב הַוֹּנָא:** הַזֹּצִיא עִזְבָּר אַת יָדוֹ וְהַחְזִירָה אָמוֹ טָמֵאָה לִידָה. שְׁנָאָמָר: "וַיְהִי בָּלְדָתָה וְיִנְטַנֵּן."

**מַתִּיב רַב יְהוֹדָה:** הַזֹּצִיא עִזְבָּר אַת יָדוֹ – אֵין אָמוֹ חֹשֶׁשֶׁת לְכָל דָּבָר! אָמַר רַב נַחְמָן: לְדִין מִפְרְשָׁא לִמְינֵיהֶן דָּבָר הַוֹּנָא, לְחוֹשָׁשׁ – חֹשֶׁשׁ, יְמִינֵי טוֹהָר – לֹא יַהֲבִין לָהּ עַד דָּגְפִּיק רַוְבִּיהֶן.

וְהִיא "אֵין אָמוֹ חֹשֶׁשֶׁת לְכָל דָּבָר" קָאָמָר! אָמַר אֶבְיוֹן: אֵינֶה חֹשֶׁשֶׁת לְכָל דָּבָר – מַדְאָרוּיִתָּא, אָבָל מַדְרָבָן – חֹשֶׁשָׁת. וְהִיא קָרָא קָאָמָר! מַדְרָבָן, וְקָרָא – אַסְמְכָתָא בְּעַלְמָא.

**מַתָּנִי** הַמִּפְלָתָה טוֹמָטָם וְאַנְדּוֹגִינוֹס – תִּשְׁבַּן לְכָרְבָּר וְלִנְקָבָה.

**Abaye says in response:** If the mishna had taught that the woman observes the strictures of a menstruating woman, I would say that as her status as a woman after childbirth is uncertain, since she observes the strictures of a menstruating woman with regard to any blood that emerges, she brings an offering<sup>h</sup> like any woman after childbirth, but it is not eaten by the priests. It might be thought that perhaps the woman did not give birth at all and is not obligated to bring the offering, and therefore her bird sin offering cannot be eaten. By omitting the halakha that the woman observes the strictures of a menstruating woman, the mishna teaches us that her offering is eaten. This indicates that she certainly discharged an offspring; the uncertainty is only about when she discharged it.

**§ Rav Huna says:** If a fetus extended its hand out of the womb and then returned it,<sup>h</sup> its mother is impure with the impurity of a woman after childbirth. This is considered childbirth, as it is stated with regard to Tamar, Judah's daughter-in-law: "And it happened when she gave birth that one put out a hand... and it happened that as he drew back his hand, his brother came out" (Genesis 38:28–29). Evidently, the fetus extending out its hand was considered childbirth, despite the fact that it subsequently drew back the hand.

**Rav Yehuda raises an objection from a baraita:** If a fetus extended its hand out of the womb, its mother need not be concerned that she is considered a woman after childbirth with regard to any matter. Rav Nahman says in response: The meaning of this statement was explained to me personally by Rav Huna himself: With regard to being concerned that she has the status of a woman after childbirth, the woman must be concerned, i.e., she must observe the strictures of a woman after childbirth. But we do not give her a period of days of purity like any woman after childbirth, until most of the fetus emerges.

The Gemara asks: But doesn't the baraita say that its mother need not be concerned that she is considered a woman after childbirth with regard to any matter? **Abaye says:** The baraita means that the woman need not be concerned with regard to any matter by Torah law; but by rabbinic law she must be concerned, i.e., she is required to observe the strictures of a woman after childbirth. The Gemara asks: But doesn't Rav Huna cite a verse as proof for his statement that if a fetus extended its hand out it is considered childbirth? The Gemara answers: This halakha applies by rabbinic law, and the verse is cited as mere support for it, i.e., it is not an actual source.

**MISHNA** A woman who discharges or gives birth to a *tumtum*,<sup>l</sup> whose sexual organs are obscured, or to a hermaphrodite [*ve'androginos*],<sup>LBH</sup> who has both male and female sexual organs, shall observe the strictures of a woman who gave birth both to a male and to a female. She is impure for fourteen days like a woman who gave birth to a female, but blood that she sees thereafter is pure only until forty days after birth, like for a woman who gave birth to a male.

She brings an offering, etc. – **מִבְיאָה קְרֻבָּן וּכְרִיּוֹת:** If a woman who was not known to be pregnant discharged, and she does not know whether the fetus that she discharged was developed enough that she is obligated to bring an offering as a woman after childbirth, the miscarriage is deemed uncertain childbirth. The woman brings an offering, but it is not eaten (Rambam *Sefer Korbanot*, *Hilkhot Mehusrei Kappara* 1:7).

A fetus extended its hand out and returned it – **הַזֹּצִיא עִזְבָּר אַת יָדוֹ וְהַחְזִירָה:** If a fetus extended its hand out of the womb and then returned it, the woman assumes the impurity status of a woman after childbirth by rabbinic law. She observes the period of purity

only after the entire offspring, or the majority of its limbs, emerge (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:7; *Shulhan Arukh*, *Yoreh De'a* 194:11).

**הַמִּפְלָתָה טוֹמָטָם וְאַנְדּוֹגִינוֹס:** If a woman gives birth to a *tumtum* or a hermaphrodite, she observes the period of impurity that a woman observes after giving birth to a female, namely, fourteen days, and she then observes the period of purity that a woman observes after giving birth to a male, i.e., until forty days after she gave birth (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:18; *Shulhan Arukh*, *Yoreh De'a* 194:8).

## LANGUAGE

**Tumtum** – **טוֹמָטָם**: From the root *tet*, *mem*, *mem*, meaning sealed, i.e., an individual whose sexual organs are covered and concealed.

**Hermaphrodite** [androgynos] – **אַנְדּוֹגִינוֹס**: From the Greek ἀνδρόγυνος, *androgunos*, which translates literally as man-woman, meaning one who has both male and female sexual characteristics.

## BACKGROUND

**Tumtum** or hermaphrodite – **טוֹמָטָם וְאַנְדּוֹגִינוֹס**: These are people whose sexual development is abnormal, usually during gestation. A *tumtum* has no external signs of sex at all. Sometimes the person is a male whose sexual development was delayed for some reason. Occasionally, the person has testicles but not a penis. Whether the individual is male or female might become apparent later in life, as developmental changes take place.

A hermaphrodite has both male and female sexual organs. Some *tanna'im* hold that a hermaphrodite has a distinct sex, neither male nor female. Others consider a hermaphrodite's sex to be uncertain, like the status of a *tumtum*.

The *halakhot* of a *tumtum* and a hermaphrodite are discussed at length in the Talmud, not due to their practical frequency, but because they present a point of departure for clarifying many points of practical *halakha*.

## HALAKHA

**NOTES**

They are not liable for entering the Temple – אין: One who enters the Temple in a state of impurity is liable to receive lashes if he does so intentionally after being forewarned. If he acted unwittingly, e.g., he forgot that he was ritually impure, he is obligated to bring an offering.

**טוּמָתוֹם וְזֶכֶר, אַנְדוֹרְגִּינּוֹס וְזֶכֶר – תְּשִׁיבָה לְזֶכֶר וְלִנְקָבָה. טֻמָּתוֹם וְנִקָּבָה, אַנְדוֹרְגִּינּוֹס וְנִקָּבָה – תְּשִׁיבָה לְנִקָּבָה בַּלְבָד.**

In a case where she gave birth to twins, if they are a *tumtum* and a male, or a hermaphrodite and a male,<sup>H</sup> she observes the strictures of a woman who gave birth both to a male and to a female. But if the twins are a *tumtum* and a female, or a hermaphrodite and a female,<sup>H</sup> she shall observe the periods of purity and impurity established by the Torah for a woman who gives birth to a female alone. Regardless of the status of the *tumtum* and the hermaphrodite, the woman's seven days of impurity and her succeeding thirty-three days of purity are subsumed in the fourteen days of impurity and sixty-six days of purity for a female.

**יֵצֵא מְחוֹתָךְ אָוֹ מַסּוֹרָס, מְשִׁיצָא רָבוֹ – הַר הַוָּא בְּלִילָה. יֵצֵא בְּדָרְכוֹ – עַד שִׁיצָא רָבוֹ רַאשָׁוֹ. וְאֵיזֶה רָבוֹ רַאשָׁוֹ – מְשִׁיצָא פְּרַחֲתָו.**

If the fetus emerged in pieces, or if it emerged reversed,<sup>H</sup> i.e., feetfirst rather than headfirst, when most of its limbs emerge, its status is like that of a child born, with regard to the impurity of a woman after childbirth. If the fetus emerged in the usual manner, headfirst, it is not considered born until most of its head emerges. And what is considered most of its head? It is from when its forehead emerges.

**גַּם הַשְׁתָּא טֻמָּתוֹם לְחוּקִיה וְאַנְדוֹרְגִּינּוֹס לְחוּקִיה אָמַר תְּשִׁיבָה לְזֶכֶר וְלִנְקָבָה, טֻמָּתוֹם וְזֶכֶר אַנְדוֹרְגִּינּוֹס וְזֶכֶר מִבְּעָא?!**

**GEMARA** The Gemara asks: Now that with regard to a woman who gives birth to a *tumtum* alone, or a hermaphrodite alone, the mishna states that she shall observe the strictures of a woman who gave birth both to a male and to a female, as the sex of the offspring is uncertain, is it necessary for the mishna to rule that if a woman gives birth to twins, a *tumtum* and a male, or a hermaphrodite and a male, she shall observe the strictures of a woman who gave birth to both a male and a female?

**אַיִצְטָרִין, מַהוּ דְתִימָא, הַזְּאֵיל וְאָמֵר רַבִּי צִדְקוֹן: אֲשֶׁר מִוּרְעַת תְּחִלָּה – יָולַדְתָ זֶכֶר, אִישׁ מִוּרְעַת תְּחִלָּה – יָולַדְתָ נִקָּבָה, אִימָא: מִדְהָא זֶכֶר – גָּאֵן בְּנִי זֶכֶר, קָא מִשְׁמָעַ לֹן – אִימָא שְׁנִיהם הַוְּרִיעָו בְּבַת אַחַת, זֶכֶר וְזֶה נִקָּבָה.**

The Gemara answers: It was necessary for the mishna to state this *halakha*, lest you say that since Rabbi Yitzhak says that the sex of a fetus is determined at the moment of conception, in that if the woman emits seed first she gives birth to a male, and if the man emits seed first she gives birth to a female, therefore one might say that since this offspring that was born with the *tumtum* or hermaphrodite is male, that *tumtum* or hermaphrodite is also male. Consequently, the mishna teaches us that the woman shall observe the strictures of a woman who gave birth to a female as well, as one can say that perhaps both the man and the woman emitted seed at the same time, which would mean that this offspring is male and that *tumtum* or hermaphrodite is female.

**אָמַר רַב נַחְמָן אָמַר רַב: טֻמָּתוֹם וְאַנְדוֹרְגִּינּוֹס שְׂרוֹאוֹ לְבָנָן אָוֹ אָזָדָם – אֵין חִיבֵּן עַל בֵּית מִקְדָּשׁ, וְאֵין שׂוֹפֵן עַל הָלָם אֶת הַתְּרוּמָה.**

**§ Rav Nahman says that Rav says:** In the case of a *tumtum* and a hermaphrodite who saw a white gonorrhea-like discharge [ziva], for which a man is impure, or who emitted a red discharge<sup>H</sup> that had the appearance of menstrual blood, for which a woman is impure, if they entered the Temple they are not liable for entering the Temple<sup>N</sup> in a state of impurity, as perhaps they are pure, in accordance with their true sex. And if they touched *teruma* after such a discharge, one does not burn the *teruma* due to their contact, as although impure *teruma* must be burned, the impurity in this case is uncertain.

**A *tumtum* and a male, a hermaphrodite and a male – טֻמָּתוֹם וְזֶכֶר אַנְדוֹרְגִּינּוֹס וְזֶכֶר:** If a woman gave birth to twins, one male and one *tumtum* or hermaphrodite, she observes the period of impurity for giving birth to a female and the period of purity for giving birth to a male (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 10:18).

**A *tumtum* and a female, a hermaphrodite and a female – טֻמָּתוֹם וְנִקָּבָה אַנְדוֹרְגִּינּוֹס וְנִקָּבָה:** If a woman gave birth to twins, one female and one *tumtum* or hermaphrodite, she observes the periods of impurity and purity for giving birth to a female (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 10:18).

**Emerged in pieces or reversed – יֵצֵא מְחוֹתָךְ אָוֹ מַסּוֹרָס:** If a fetus fell apart in the womb and emerged limb by limb, the woman

assumes the impurity status of a woman after childbirth when the majority of the limbs have emerged, whether they emerged in order or out of order (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 10:6; Shulhan Arukh, *Yoreh De'a* 194:10).

**A *tumtum* and a hermaphrodite who saw a white or red discharge – טֻמָּתוֹם וְאַנְדוֹרְגִּינּוֹס שְׂרוֹאוֹ לְבָנָן אָוֹ אָזָדָם:** A *tumtum* or hermaphrodite must observe the halakhic strictures of both a man and a woman. Therefore, if a *tumtum* or hermaphrodite emitted a red or white discharge, he is impure due to his uncertain status. Because his impurity is uncertain, if he touches *teruma* or sacred items, they are not burned, and he is not liable for entering the Temple or rendering sacred items impure (Rambam Sefer Tahara, *Hilkhot Metamei Mishkav UMoshav* 1:7).

רְאוֹ לָבֶן וְאַוֹדֶם בְּאַחֲרֵךְ – אַיִן חִיבֵּן עַל  
בֵּית מִקְדָּשׁ, אֲבָל שָׂרֶפֶן עַל־הַמְּלָאָם אַת  
הַתְּרוּמָה, שֶׁנִּאָמֵר: "מִזְכָּר וְעַד נְקָבָה"

If a *tumtum* and a hermaphrodite saw white *ziva* and red blood as one,<sup>H</sup> i.e., they emitted both *ziva* and blood and are therefore impure regardless of their sex, **they are still not liable for entering the Temple, but one does burn teruma due to their contact.** The reason they are not liable for entering the Temple, despite the fact that they are definitely impure, is that it is stated: "Both male and female

**HALAKHA**

**רְאוֹ לָבֶן וְאַוֹדֶם כְּאַחֲרֵךְ** If a *tumtum* or hermaphrodite emitted both *ziva* and blood and subsequently came in contact with *teruma* or sacrificial foods, these items are burned; but he is not liable for entering the Temple or eating sacrificial foods (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 1:7).

**Perek III****Daf 28 Amud b**

תְּשִׁלְחוּ – זֶכֶר וְדָאִי, נְקָבָה וְדָאִית, וְלֹא  
טוּמָתוֹם וְאַנְדוֹרָגִינּוֹס.

לִמְאָם נִסְעִיעַ לִיהְיָה: טוּמָתוֹם וְאַנְדוֹרָגִינּוֹס  
שְׁרָאוֹ לָבֶן אוֹ אַוֹדֶם – אַיִן חִיבֵּן עַל  
בֵּית מִקְדָּשׁ, וְאַיִן שָׂרֶפֶן עַל־הַמְּלָאָם אַת  
הַתְּרוּמָה. רְאוֹ לָבֶן וְאַוֹדֶם בְּאַחֲרֵךְ – אַיִן  
חִיבֵּן עַל בֵּית מִקְדָּשׁ, אֲבָל שָׂרֶפֶן  
עַל־הַמְּלָאָם אַת הַתְּרוּמָה.

מַאי טַעַמָּא? לֹא מִשּׁוֹם שֶׁנִּאָמֵר "מוֹכָר  
וְעַד נְקָבָה תְּשִׁלְחוּ" – זֶכֶר וְדָאִי, נְקָבָה  
וְדָאִית, וְלֹא טוּמָתוֹם וְאַנְדוֹרָגִינּוֹס?  
אָמֵר עַוְלָא: לֹא, הַא מַפִּ – רַבִּי אַלְיָזֶר  
הִיא.

דְּתַנִּין, רַבִּי אַלְיָזֶר אָמֵר: "הַשְּׁרֵץ וְנִנְעָלָם  
מִמְּנָנוּ" – עַל הָעָלָם שְׁרֵץ הוּא חִיבָּה,  
וְאַיִנוּ חִיבָּה עַל הָעָלָם מִקְדָּשׁ.

רַבִּי עֲקִיבָּא אָמֵר: "וְנִנְعָלָם מִמְּנָנוּ וְהָוָה  
טָמֵא" – עַל הָעָלָם טוּמָא הָוָה חִיבָּה,  
וְאַיִנוּ חִיבָּה עַל הָעָלָם מִקְדָּשׁ.

you shall send out, out of the camp you shall send them, so that they not impurify their camp, in the midst of which I dwell" (Numbers 5:3). It is derived from the verse that only a **definite male or a definite female** is liable for entering the Temple in a state of impurity, **but not a *tumtum* or a hermaphrodite.**<sup>N</sup>

The Gemara suggests: Let us say that the following *baraita* supports the opinion of Rav: In the case of a *tumtum* and a hermaphrodite who saw white *ziva* or red blood, **they are not liable for entering the Temple in a state of impurity, and if they touch teruma, one does not burn the teruma due to their contact.** If they saw white *ziva* and red blood as one, i.e., they emitted both *ziva* and blood, they are still not liable for entering the Temple, **but one burns teruma due to their contact.**

The Gemara reasons: **What is the reason** that they are not liable for entering the Temple despite the fact that they are definitely impure? Is it not because it is stated in the verse: "Both male and female you shall send out," from which it is derived that only a **definite male or a definite female** could be liable for entering the Temple in a state of impurity, **but not a *tumtum* or a hermaphrodite?** Ulla says: No, Rav's opinion cannot be proved from this *baraita*, as in accordance with whose opinion is this *baraita*? It is in accordance with the opinion of Rabbi Eliezer.

As we learned in a mishna (*Shevuot* 14b) that Rabbi Eliezer says: With regard to the sliding-scale offering the verse states: "Or if a person touches any impure thing...or the carcass of a non-kosher **creeping animal, and it is hidden from him**" (Leviticus 5:2). A precise reading of this verse indicates that if one has a **lapse of awareness** that he contracted ritual impurity by touching a carcass of a **creeping animal**, he is **liable** to bring a sliding-scale offering for defiling the Temple or the sacrificial food, **but he is not liable** to bring such an offering for a **lapse of awareness** that he is entering the Temple or partaking of sacrificial food.

Rabbi Akiva says that it is derived from the phrase: "And it is hidden from him, so that he is impure" (Leviticus 5:2), that for a **lapse of awareness** that one had contracted **ritual impurity**, he is **liable** to bring a sliding-scale offering, **but he is not liable** to bring an offering for a **lapse of awareness** that he is entering the Temple or partaking of sacrificial food.

**NOTES**

**Hermaphrodite – אַנְדוֹרָגִינּוֹס:** The early commentaries disagree with regard to the halakhic status of a hermaphrodite. There are those who hold that a hermaphrodite is a separate entity, neither male nor female (Ramban). Others reject this opinion (Rosh; *Tosafot*), and some rule that with regard to the prohibition of homosexual intercourse, a hermaphrodite has the status of a

definite male (Ri, cited in *Tur, Yoreh De'a* 265). The opinion of the most prominent halakhic authorities, i.e., the Rif, the Rambam, the *Tur*, and the *Shulhan Arukh*, is that the sex of a hermaphrodite is uncertain, and they are treated as one whose status as male or female is uncertain. An additional opinion is that they are a half-male, half-female (Ra'avad).

### NOTES

Whether he contracted impurity from a carcass of a creeping animal or...an unslaughtered animal carcass – ...  
**אי בשׂרץ איטמי אי בָּשַׂרְבָּלָה אִיטְמֵי:** These are examples of two distinct categories of sources of impurity, which have different measures; if the one who entered the Temple in a state of impurity did not know initially by what category he was rendered impure, Rabbi Eliezer holds that he does not bring an offering, as that is not considered knowledge of his sin. If the person knows by what category he was rendered impure, but not by what specific item, e.g., he does not know whether he came in contact with the carcass of an unslaughtered domesticated animal or undomesticated large animal, or whether he touched the carcass of one type of creeping animal or another type, he must bring an offering (Ritva on *Shevuot* 18b).

**ושׂרץ איטמי סבר בעין עד דעת אי בשׂרץ איטמי אי בָּשַׂרְבָּלָה אִיטְמֵי סבר בעין:**

**לא אמר רבי אליעזר הtam בעין דעת  
 אי בשׂרץ איטמי אי בָּשַׂרְבָּלָה אִיטְמֵי, אי  
 נמי – בעין דעת אי בלוכן איטמי, אי  
 באזם איטמי.**

**אבל לרבי עקיבא, דאמר מושום טומאה  
 מיחייב, הכא נמי – מושום טומאה מיחייב.**

**ורוב, מי שונא בית המקדש שלא – דברתיב  
 "זנכר ועד נקבה תשלחו" – זכר וראוי,  
 נקבה ורואה, ולא טומטום ואנדראזינוס.**

**אי הci – תרומה נמי לא נשורה, דברתיב  
 "זהובות אות זבו לזכר ולנקבה" – זכר וראוי,  
 נקבה ורואה, ולא טומטום ואנדראזינוס!**

**זהוא מפשי ליה לכרובי יצחק, דאמר  
 רבי יצחק: "לזכר" – לרבות אות המצערע  
 לממענותיו, "ילנקבה" – לרבות אות  
 המצערעת לממענותיה.**

And we say with regard to this mishna: What is the difference between the opinions of Rabbi Eliezer and Rabbi Akiva? They are apparently stating the same halakha. **And Hizkiyya says:** There is a practical difference between them in a case where one initially knew that he had contracted ritual impurity, but he did not know whether the impurity was contracted from a carcass of a **creeping animal** or from the **carcass of an unslaughtered animal**. As Rabbi Eliezer holds that for one to be liable to bring an offering, we require that he initially know whether he contracted impurity from a carcass of a **creeping animal** or whether he contracted impurity from an **unslaughtered animal carcass**,<sup>N</sup> and if he never knew this, he does not bring an offering. And Rabbi Akiva holds that for him to be liable to bring an offering, we do not require<sup>H</sup> that he know this detail, since he knows in general terms that he contracted impurity.

The Gemara infers: Doesn't Rabbi Eliezer say there, in that mishna, that we require one to bring an offering for entering the Temple in a state of impurity only if he knew initially whether he contracted impurity from a carcass of a **creeping animal** or whether he contracted impurity from an **unslaughtered animal carcass**? Here, too, with regard to a hermaphrodite or a *tumtum* who emitted both *ziva* and blood, they are not obligated to bring an offering according to Rabbi Eliezer, as we require one to bring an offering only if he knew whether he became impure due to the white *ziva* he emitted or whether he became impure due to the red blood he emitted.

But according to Rabbi Akiva, who said that one is **obligated** to bring an offering due to his initial knowledge of his **impurity** even if he did not know the exact cause of his impurity, here too, in the case of a hermaphrodite or a *tumtum* who emitted both *ziva* and blood, he is **obligated** to bring an offering due to his initial knowledge of his **impurity**, despite the fact that he does not know whether he is impure due to the blood or the *ziva*.

The Gemara asks: And according to Rav, who holds that an impure *tumtum* or hermaphrodite is not liable for entering the Temple but that any *teruma* that he touches is burned, what is different with regard to entering the Temple, for which he is not liable? The reason it is different is that it is written: "Both male and female you shall send out," from which it is derived that a **definite male or a definite female** is liable for entering the Temple in a state of impurity, **but not a *tumtum* or a hermaphrodite**.

If so, we should not burn *teruma* that he touches either, as it is written in a verse dealing with these types of impurity: "This is the law of the *zav*, and of one from whom the flow of semen emerges, so that he is thereby impure; and of her that is sick with her menstrual status, and they who have an issue, whether a male or a female" (Leviticus 15:32–33). It can similarly be derived from this verse that these types of impurity apply only to a **definite male or a definite female, but not to a *tumtum* or a hermaphrodite**.

The Gemara answers: That verse is necessary for the *halakha* of Rabbi Yitzhak, as Rabbi Yitzhak said: The term "**whether a male**" serves to include a male leper as a primary source of impurity with regard to the sources of his bodily emissions. In other words, the various emissions of a leper, e.g., his saliva and urine, have the status of a primary source of impurity, and therefore they transmit impurity to a person or utensil that touches them. And the term "**or a female**" serves to include a female as a primary source of impurity with regard to the sources of her bodily emissions.

### HALAKHA

A carcass of a **creeping animal** or the **carcass of an unslaughtered animal**...we do not require – לא בשׂרְבָּלָה. **שׂרץ וּבָלָה. לא בשׂרְקָם:** If a person became impure, and was aware that he became impure but did not know with what primary source of impurity he made contact, and he was also aware that he was about to enter the Temple or eat a consecrated item, but then he forgot that he was impure and entered

the Temple or ate the consecrated item, and he subsequently found out with what primary source of impurity he made contact, in this case, the person is obligated to bring an offering, in accordance with the opinion of Rabbi Akiva. This is because although he did not know initially with what primary source of impurity he made contact, he knew that he was impure (Rambam *Sefer Korbanot, Hilkhos Shegagot* 11:2).

הָאֵ נִמְיַ מְבֻשֶׁ לִיה – בָּנִי שִׁישׁ לֹ טָהָר  
בְּמִקְוֹתָה, פְּרַט לְכָלִ חָרָס – דָּבָרִ רַבִּי יוֹסֵי!

The Gemara raises a difficulty: This verse: “Both male and female you shall send out” (Numbers 5:3), from which Rav derives that the prohibition against an impure person entering the Temple does not apply to one whose sex is uncertain, is also necessary for another halakha. That halakha is that the obligation to remove from the Temple any impure person or item applies only to one that has the option of attaining ritual purity by immersing in a ritual bath; this excludes an impure earthenware vessel, which cannot be purified by immersing it in a ritual bath. This is the statement of Rabbi Yosei. Consequently, Rav’s halakha cannot be derived from that verse.

אם כן – נכתוב ויחמנו “אדם”,

ובְּכֵי תִּפְמָא אֵי כְּתָב וְחַמְנָא “אָדָם” הוּא  
אָמְנָא – כִּי מִתְכּוֹת לֹא, מִכָּל טָמָא  
לְנֶפֶשׁ נִפְקָא! יָכָר וְנִקְבָּה לְפָה לֵי –  
לְכָרָב.

The Gemara answers: If so, that the verse serves to teach Rabbi Yosei’s halakha alone, let the Merciful One write: Any person you shall send out, as this would also exclude earthenware vessels. Rav’s halakha is derived from the fact that the wording of the verse is: “Both male and female.”

And if you would say in response that if the Merciful One had written: Any person you shall send out, I would say that impure metal vessels need not be removed from the Temple either, as they are not included in the term: Any person, this is not correct. The Gemara elaborates: The halakha that impure metal vessels must be removed from the Temple is derived from the previous verse: “That they put out of the camp every leper, and every one that has an issue, and whatever is impure by the dead” (Numbers 5:2).<sup>n</sup> Therefore, why do I need the verse to write: “Both male and female you shall send out,” instead of simply stating: Any person you shall send out? Clearly, the phrase: “Both male and female,” is necessary for the halakha of Rav.

אי'קנא: כוֹלֵה לְכָרָב הָוָא דָאַתָּא! אֲם  
כָּן, נִכְתּוֹב יָכָר וְנִקְבָּה, מַאי “מִזְכָּר”  
וְעַד נִקְבָּה – עַד בְּלִ דְבָר שִׁישׁ לֹ טָהָר  
בְּמִקְוֹתָה.

The Gemara asks: But if so, one can say that the entire phrase comes for Rav’s halakha, and not the halakha of Rabbi Yosei. The Gemara answers: If so, let the verse write: Male and female. What is the meaning of the phrase: “Both male and female”? The verse is referring to any ritually impure item that has the same halakha that applies to both males and females, i.e., it can attain purity by being immersed in a ritual bath; this excludes earthenware vessels.

אַיְכָי, בַּי אִיטְמִי בְּשָׂאָר טוּמָאֹת – לֹא  
לִישְׁלָחוּ אָמֵר קָרָא: “מִזְכָּר” – מִטוּמָא  
הַפּוֹרֶשׁ מִן הַזָּכָר.

With regard to Rav’s halakha that the prohibition of entering the Temple in a state of ritual impurity does not apply to one who is a tumtum or a hermaphrodite, the Gemara asks: If so, then even when they become impure with other types of impurity, in addition to the impurity of a zav or a menstruating woman, a tumtum and a hermaphrodite should likewise not be sent out of the Temple, as the passage from which a tumtum and a hermaphrodite are excluded is also referring to other types of impurity: “That they put out of the camp every leper, and every one that has an issue, and whatever is impure by the dead” (Numbers 5:2). The Gemara answers: The next verse states: “Both male,” which is referring to impurity caused by a substance that is emitted from the male organ, i.e., ziva.

בְּכָל הַיּוֹא דְכַתִּיב “מִזְכָּר עַד נִקְבָּה”  
לְמַעֲוטִי טוּמָאֹת וְאַנְדוֹרָגִינָּס הָוָא  
דָאַתָּא? וְהָא גַּבְּיַ עַרְכִּי, דְכַתִּיב “הַזָּכָר”,

The Gemara raises a difficulty with regard to Rav’s derivation: And is it correct that anywhere that the phrase “both male and female” is written in the Torah, this comes to exclude a tumtum and a hermaphrodite? But isn’t a similar expression stated with regard to valuations,<sup>b</sup> as it is written: “For the male... fifty shekels of silver, after the shekel of the Sanctuary. And if she is a female, then your valuation shall be thirty shekels” (Leviticus 27:3–4).

וְתִמְאָ: “הַזָּכָר” – וְלֹא טוּמָאֹת וְאַנְדוֹרָגִינָּס,  
בְּכָל לֹא יְהָא בְּעָרָךְ אֲשֶׁר אֲבָל יְהָא בְּעָרָךְ  
אֲשֶׁר – תַּלְמוֹד לְמַר “הַזָּכָר וְאַם נִקְבָּה” –  
זָכָר וְדָאֵי, נִקְבָּה וְדָאֵית, וְלֹא טוּמָאֹת  
אַנְדוֹרָגִינָּס.

And it is taught in a baraita that it is derived from the term “the male”: But not a tumtum or a hermaphrodite. One might have thought that a tumtum or a hermaphrodite shall not be valued according to the valuation of a man, which is fifty shekels, but shall be valued according to the valuation of a woman, which is thirty shekels. Therefore, the verse states: “The male,” and the following verse states: “And if she is a female,” indicating that these halakhot apply only to a definite male or a definite female, but not to a tumtum or a hermaphrodite.<sup>h</sup>

## NOTES

Is derived from whatever is impure by the dead – מכל טמא לנטש נפקה: The early commentaries ask how the obligation to remove impure metal vessels from the Temple would have been derived from this verse if it had stated explicitly: “Any person you shall send out.” They answer that it would have been derived by means of the method of biblical exegesis known as: A generalization, and a detail, and a generalization; the word “any” is a generalization, the word “person” is a detail, and the term “you shall send out” is a generalization. It can therefore be derived that the verse pertains to any item that is similar to a person in this context, namely, any item that can be purified via immersion in a ritual bath (Ritva).

## BACKGROUND

Valuations – שְׁמָמָה: The halakhot of valuations appear in Leviticus 27:1–8, and are clarified in tractate Arakhin. A valuation is a vow to donate the value of a particular individual to the Temple treasury. The sum to be paid is not determined by the individual’s social stature or by his value as a slave; rather, the Torah provides fixed sums based upon age and sex. If one vows to donate the valuation of a particular limb, his vow is of no consequence, as only a whole person has a valuation. By contrast, one can vow to donate the actual monetary value of a limb to the Temple treasury. Notwithstanding this distinction, if someone vows to donate the valuation of a critical organ or limb, e.g., if he says: I am obligated in the valuation of my head, it is as though he vowed to donate his full valuation, because one cannot live without a head.

## HALAKHA

The valuation of a tumtum or a hermaphrodite – טומטום וְאַנְדוֹרָגִינָּס בערךין: A tumtum and a hermaphrodite do not have a valuation, as the Torah defines valuations only for definite males or females. Therefore, if a tumtum or a hermaphrodite obligates himself in his own valuation, or if another person vows to pay his valuation, he is not liable to pay anything (Rambam Sefer Hafla'a, Hilkhot Arakhin VaHaramim 1:5).

שְׁעִמָּא – וְכַתְבֵּי "הָנֶרֶב וְאֶם נְקָבָה",  
הָא "מִזְבֵּחַ וְנְקָבָה" – לֹא מִמְעִיט! הַהוּא  
מִבְּנֵי לֵיהֶן

The Gemara explains the difficulty: **The reason** a *tumtum* and a hermaphrodite are excluded is **that it is written:** “The male...and if she is a female,” which indicates **that** if the verse had written: Male and female, without the superfluous words “the” and “if,” it would **not** have been derived that the verse **excludes** a *tumtum* and a hermaphrodite. This apparently contradicts the opinion of Rav, who excludes a *tumtum* and a hermaphrodite from the prohibition of entering the Temple in a state of impurity merely due to the phrase: “Male and female” (Numbers 5:3). The Gemara answers: In **that** verse with regard to valuations, the words “male” and “female” are themselves **necessary**

Perek III

Daf 29 Amud a

לְחַלֵּק בֵּין עֲרָק אִישׁ לְעֲרָק אִשָּׁה.

יֵצֵא מִחוֹתָךְ אוֹ מִסּוּרָסׁ וּכְרוּ. אָמַר רַבִּי  
אַלְעָנוֹ: אַפִּילוּ הַרְאָשׁ עַמְּחָן.

וּרְبִי יוֹחָנָן אָמַר: לֹא שָׁנוֹ אַלְאָ שָׁאיָן  
הַרְאָשׁ עַמְּחָן, אַבְלָה הַרְאָשׁ עַמְּחָן –  
הַרְאָשׁ פּוֹטָר.

לִימָא בְּדִשְׁמוֹאָל קְמִיפְלָגִי, דָאָמֵר  
שְׁמוֹאָל: אַיִן הַרְאָשׁ פּוֹטָר בְּנַפְלִים.

בְּשָׁלָם – וְכֹלֵל עַלְמָא לֹא פְלִיגִי, כִּי  
פְלִיגִי – בְּמִחוֹתָךְ. דָמָר סְבָר: בְּשָׁלָם  
חוּא דְקַחַשֵּׁב, בְּמִחוֹתָךְ – לֹא קַחַשֵּׁב.  
וְמָר סְבָר: בְּמִחוֹתָךְ נִמְיָחַשֵּׁב.

in order to differentiate between the valuation of a man and the valuation of a woman. Therefore, it could not have been derived from that verse that a *tumtum* and a hermaphrodite are excluded from the *halakha* of valuations, were it not for the superfluous words “the” and “if.”

¶ The mishna teaches that if the fetus emerged in pieces, or if it emerged reversed, i.e., feetfirst rather than headfirst; when most of its limbs emerge, its status is like that of a child born, with regard to the impurity of a woman after childbirth. **Rabbi Elazar says:** Even if the head is among the limbs that emerged, provided that the majority of the limbs did not yet emerge, the fetus is not considered born.

And Rabbi Yoḥanan says: They taught in the mishna that the woman is not impure unless most of the fetus’s limbs emerged **only** in a case where the head is not among the limbs that emerged; but if the head is among them, the head exempts the woman’s future offspring from the obligation of primogeniture, as the fetus is considered born.

The Gemara asks: Shall we say that these Sages disagree with regard to the opinion of Shmuel? As Shmuel said that if a woman is pregnant with twins, and the head of one of the fetuses emerges and then disappears back into the womb, this does not exempt the other fetus from the obligation of primogeniture should it be born first. Shmuel says this specifically in a case of **non-viable newborns**, i.e., where the fetus whose head emerged was a non-viable newborn and the one that was eventually born first is a viable offspring. But if both are viable offspring, the emergence of the head is considered birth. The suggestion is that Rabbi Elazar agrees with the opinion of Shmuel, whereas Rabbi Yoḥanan disagrees with the opinion of Shmuel and maintains that the emergence of the head is considered birth even in the case of a non-viable newborn.

The Gemara rejects this suggestion, as it is possible that in the case of a **whole** non-viable newborn, **everyone**, i.e., Rabbi Elazar and Rabbi Yoḥanan, agrees that the emergence of the head is considered a birth, contrary to the opinion of Shmuel. When they disagree, it is in the case of a fetus that emerged in pieces. As one Sage, Rabbi Elazar, holds that it is specifically in the case of a **whole** non-viable newborn that the emergence of the head is considered birth, whereas with regard to a fetus that emerged in pieces it is not considered birth; and one Sage, Rabbi Yoḥanan, holds that in the case of a fetus that emerged in pieces as well, the emergence of the head is considered birth.

**לישננא אחרינא:** טעמא – **יצא מחותן**  
 או מסורס, **הא בתקנו** – **הראש פוטר**,  
**תרויהו לית להו דשモאל,** **דאמר שמואל:** אין **הראש פוטר בנטלים.**

The Gemara cites another version of this discussion. The reason it is necessary for most of the limbs of the fetus to emerge for it to be considered born is that it emerged in pieces, or that it emerged reversed, i.e., feet first. It may be inferred from here that if it emerged in its proper manner, headfirst and whole, it is considered born, even according to Rabbi Elazar. Therefore, if the woman is pregnant with twins, the emergence of the head exempts the other twin from the obligations of primogeniture. Evidently, both Rabbi Yohanan and Rabbi Elazar do not hold in accordance with the opinion of Shmuel, as Shmuel said that the emergence of the head of one of the twins does not exempt the other in a case of non-viable newborns.

**אייכא רמtti ליה ליה שמעתתא באפי נפשה,** אמר רבי אלזר: אין **הראש ברוב אברים,** ורבי יוחנן אמר: **הראש ברוב אברים.** **וקמי פלי בדשמואל.**

There are those who teach this halakha by itself,<sup>N</sup> i.e., not in reference to the mishna: Rabbi Elazar says: The emergence of the head of a non-viable newborn is not considered like the emergence of most of the limbs;<sup>N</sup> and Rabbi Yohanan says: The emergence of the head of a non-viable newborn is considered like the emergence of most of the limbs. And they disagree with regard to the opinion of Shmuel; Rabbi Elazar holds in accordance with Shmuel's opinion, whereas Rabbi Yohanan does not accept the opinion of Shmuel.

**תנן:** יצא מחותן או מסורס, משיצא  
 וופו – **הרי הוא בילוד.** מדקאמר מסורס,  
**מכל דמותותך – בתקנו,** קמאמר משיצא  
 וופו – **הרי זה בילוד.** קשייא לרבי יוחנן!

The Gemara raises a difficulty: We learned in the mishna that if the fetus emerged in pieces or if it emerged reversed, when most of its limbs emerge, its status is like that of a child born. The Gemara infers: From the fact that the mishna states: Or reversed, by inference in the case of a fetus that emerged in pieces it emerged in its proper manner, i.e., the head first and then the body, and nevertheless the mishna states that it is only when most of its limbs emerge that its status is like that of a child born. This is difficult for the opinion of Rabbi Yohanan,<sup>N</sup> as he maintains that once the head emerges, the fetus is considered born.

**אומר לך רבוי יוחנן:** **איימת יצא מחותן ומסורס.**

The Gemara explains that Rabbi Yohanan could have said to you: Say that the mishna is referring to a case where the fetus emerged in pieces and reversed, whereas if it emerged with its head first, it is considered born even if most of its limbs did not emerge yet.

**והא אוי קתני ה כי קאמיר: יצא מחותן או שלם, וזה זה מסורס – משיצא וופו.**  
**הרי זה בילוד.**

The Gemara asks: But doesn't the mishna teach that the fetus emerged in pieces or reversed? If so, it cannot be explained as referring to a case where the fetus emerged both in pieces and reversed. The Gemara answers that this is what the mishna is saying: If the fetus emerged in pieces or whole, and in both this case and that case it emerged reversed, then when most of its limbs emerge, its status is like that of a child born.

#### NOTES

There are those who teach this halakha by itself – **אייכא רמtti ליה ליה שמעתתא באפי נפשה:** Rashi writes that the issue of whether or not the dispute between Rabbi Elazar and Rabbi Yohanan was originally stated in reference to the mishna affects the understanding of their opinions. If the dispute was in reference to the mishna, it was presumably with regard to the case of a fetus that emerged in pieces alone; but in the case of a fetus that emerged whole, Rabbi Elazar agrees with Rabbi Yohanan that when the head emerges, the fetus is considered born. But if the dispute was stated without reference to the mishna, it presumably relates to the case of a fetus that emerged whole as well.

The emergence of the head is not considered like the emergence of most of the limbs – **איין הרראש ברוב אברים –** Rashi notes that this is referring to a non-viable newborn alone, as with regard

to a viable offspring, the mishna states that if it emerges in the proper manner it has the status of a born child when most of its head emerges.

**difficult for the opinion of Rabbi Yohanan – קשייא לרבי יוחנן:** The later commentaries write that this challenge to Rabbi Yohanan's opinion is according to both versions of it; although in the second version Rabbi Yohanan's statement was not specifically in reference to the mishna, nevertheless, since he did not specify the case to which he was referring, he was presumably referring both to a case where the fetus emerged whole and to a case where it emerged in pieces. In both cases, Rabbi Yohanan holds that when the head emerges, the fetus is considered born, even if most of its limbs did not yet emerge (Maharsha).

**אמור ר' פפא:** כתנא. יצא מוחתן או מסורס - משיצא רובו הרי הוא בילוד, רבי יוסי אומר: משיצא בתקנו. מאין אמר?

**אמור ר' פפא,** וכי קאמר: יצא מוחתן, מסורס - משיצא רובו הרי הוא בילוד, לא בתקנו - הראש פוטר. רבי יוסי אומר - משיצא רובו בתקנו.

מתיקף לר' זвид: מכלל דבמסורס - רבו נמי לא פוטר, הא קיימא לנו דרובו בכחול!

אליא אמר ר' זвид, וכי קאמר: יצא מוחתן ומסורס - משיצא רובו הרי זה בילוד, ר' יוסי אומר: משיצא בתקנו לחיים.

תניא נמי ה' כי: יצא מוחתן (או) מסורס - משיצא רובו הרי זה בילוד, לא בתקנו - הראש פוטר. רבי יוסי אומר: משיצא בתקנו לחיים.

ואיזהו בתקנו לחיים - משיצא רוב ראשו. ואיזהו רוב ראש? רבי יוסי אומר: משיצאו עדריו, אבא חנן משום רבי יהושע אומר: משיצא פרחתו, ויש אומרים: משיראו קרני ראשו.

**Rav Pappa says:** This dispute between Rabbi Elazar and Rabbi Yohanan is parallel to a dispute between *tanna'im*, as it is stated in a *baraita*: If the fetus emerged in pieces or reversed, when most of its limbs emerge its status is like that of a child born. Rabbi Yosei says: Its status is like that of a child born when it emerges in its proper manner. The Gemara asks: What is Rabbi Yosei saying? His statement apparently indicates that if a fetus emerges with its feet first, then even after most of its limbs emerge it is not considered born.

**Rav Pappa says that this is what the baraita is saying:** If the fetus emerged in pieces or reversed, when most of its limbs emerge its status is like that of a child born; but by inference, if the fetus emerged in its proper manner, then the emergence of the head exempts its twin, should it eventually be born first, from the obligations of primogeniture. And **Rabbi Yosei says:** The status of a fetus that emerged in pieces is like that of a child born when most of its limbs emerge, provided that it emerged in its proper manner, i.e., both requirements are necessary. The suggestion is that the opinion of Rabbi Yohanan is in accordance with the ruling of the first *tanna*, that even if a fetus emerges in pieces, once its head emerges it is considered born; whereas the opinion of Rabbi Elazar follows the ruling of Rabbi Yosei that even if such a fetus emerges headfirst, it is not considered born.

**Rav Zevid objects to Rav Pappa's interpretation of the baraita:** Since Rabbi Yosei issued his statement that both requirements are necessary, i.e., a majority of limbs and emergence in the proper manner, with regard to the two cases mentioned by the first *tanna*, by inference in the other case, where the fetus emerged reversed, even when most of its limbs emerge it does not exempt its twin from the obligations of primogeniture. But this is difficult, as we maintain that the majority of an item is considered like all of it. Accordingly, when most of the fetus's limbs emerge it should be considered born even if it came out feetfirst.

**Rather, Rav Zevid says that this is what the baraita is saying:** If the fetus emerged in pieces and reversed, when most of its limbs emerge its status is like that of a child born; but by inference, if the fetus emerged in its proper manner then the emergence of the head exempts its twin from the obligations of primogeniture, even if it was born in pieces. **Rabbi Yosei says:** The fetus is considered born once its head emerges only in a case when it emerges in its proper manner alive; if it emerges in pieces, the fetus is considered born only when most of its limbs emerge.

**This explanation is also taught explicitly in another baraita:** If the fetus emerged in pieces and reversed, then when most of its limbs emerge its status is like that of a child born; but if the fetus emerged in its proper manner, the emergence of the head exempts its twin. **Rabbi Yosei says:** The fetus is considered born once its head emerges only in a case where it emerges in its proper manner alive.

**And what is the exact stage when a fetus that emerged in its proper manner alive is considered born? When most of its head emerges. And what is the stage when most of its head emerges? Rabbi Yosei says: When its temples emerge.<sup>h</sup> Abba Hanan says in the name of Rabbi Yehoshua: When its forehead emerges. And some say: When the corners of its head, i.e., the projection of the head above the neck, are visible.**

#### HALAKHA

The head is tantamount to most of the limbs...when its temples emerge – **הראש ברוב אברם משיצא פוחתתו:** If the fetus's head emerges together whole, the woman assumes the impurity status of a woman after childbirth, just as in a case where most of the limbs of the fetus emerge, in accordance with the opinion of

Rabbi Yohanan. If the fetus is not in pieces and emerges headfirst, it is considered born once its temples emerge, even if it subsequently falls apart. Emergence refers to leaving the vaginal canal (Rambam Sefer Kedusha, Hilkhot Issurei Bia 10:6; Shulhan Arukh, Yoreh De'a 194:10).

**מִתְנִי** הַמְפֻלָּת וְאֵין יָדַע מְהוּ – תָּשַׁב  
לְכֶר וּלְנַקְבָּה, אֵין יָדַע אֶם וְלֹד הַיָּה  
אֶם לְאוֹ – תָּשַׁב לְכֶר וּלְנַקְבָּה וְלִנְדָה.

**MISHNA** In the case of a woman who discharges and it is not known what is the fetus's sex,<sup>h</sup> she shall observe the strictures of a woman who gave birth both to a male and to a female. She is impure for fourteen days, like a woman who gave birth to a female, and any blood the woman sees only until forty days after birth, not eighty days thereafter, is pure, like a woman who gave birth to a male. If it is unknown whether it was a male or female offspring or whether it was not an offspring at all, she shall observe the period of impurity for a woman who gave birth to a male and for a woman who gave birth to a female; and for any blood that she sees, she observes the halakhot of a menstruating woman. Since it is possible that what she discharged was not an offspring at all, any blood she sees might be due to menstruation, not childbirth.

**גַּמְ'** אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֹוי: עֲבָרָה  
נַחַר וְהַפִּילָה – מִבְיאָה קְרֻבָּן וּנְאָכָל,  
הַלְּקָנָה אַחֲרָ רֹוב נְשִׁים, וּרֹוב נְשִׁים וְלֹד  
מַעֲלָיא יְלָדָן.

תָּנָן: אֵין יָדַע אֶם וְלֹד הַיָּה – תָּשַׁב לְכֶר  
וּלְנַקְבָּה וְלִנְדָה. אַפְמַאי תָּשַׁב לִנְדָה?  
לְקָנָה: הַלְּקָנָה אַחֲרָ רֹוב נְשִׁים וּרֹוב נְשִׁים  
וְלֹד מַעֲלָיא יְלָדָן!

**GEMARA** Rabbi Yehoshua ben Levi says: With regard to a pregnant woman who passed across a river and she discharged her fetus into the river, and she does not know whether the fetus was fully formed, she brings the offering of a woman after childbirth, which is a burnt offering and a sin offering. And the sin offering, which is a bird, is eaten after the nape of its neck has been pinched, in the manner of a regular bird sin offering. This is the halakha despite the uncertainty that this fetus might not have been fully formed, in which case the woman would not be obligated to bring this offering, and a bird that is not an offering may not be eaten if its nape was pinched. Rabbi Yehoshua ben Levi explains the reasoning behind this ruling: One must follow the majority of pregnant women, and most pregnant women give birth to full-fledged offspring.<sup>n</sup>

The Gemara analyzes this claim. We learned in the mishna: If it is unknown whether the woman discharged was a male or female offspring or whether it was not an offspring at all, she shall observe the period of impurity for a woman who gave birth to a male and for a woman who gave birth to a female; and for any blood that she sees, she observes the halakhot of a menstruating woman. The Gemara asks: According to the statement of Rabbi Yehoshua ben Levi, why must the woman observe the halakhot of a menstruating woman? Let us say that one must follow the majority of women, and the majority of women give birth to full-fledged offspring. If so, she should observe a period of purity, during which any blood she sees is pure, after her period of impurity, like all women after childbirth.

מִתְנִיתִין – בְּשַׁלָּא הַוּזְקָה עֲוֹבָרָה, וְכִי  
קְאָמוּרָה רַבִּי יְהוֹשֻׁעַ בֶּן לֹוי – בְּשַׁהוּזְקָה  
עֲוֹבָרָה.

The Gemara answers: The halakha in the mishna is referring to a case where the woman had not been presumed to be pregnant<sup>n</sup> prior to her miscarriage; and when Rabbi Yehoshua ben Levi says that a woman who discharges is presumed to have discharged an offspring, he was speaking of a case where the woman had been presumed to be pregnant<sup>h</sup> prior to her miscarriage.

קָא שְׁמַע: בָּהָמָה שִׁיצְיָה מֶלֶאָה וּבָאָה  
וּרְקִינְתִּית – הַבָּא אַחֲרֵי בְּכָר מִסְפָּקָה.

The Gemara suggests: Come and hear a difficulty with regard to the opinion of Rabbi Yehoshua ben Levi from a baraita: There is the case of a kosher animal that had not yet given birth, which went to the pasture full, i.e., pregnant, and came back the same day empty,<sup>h</sup> i.e., with no live offspring. It clearly discharged, but it is unknown whether or not it discharged an offspring, which would exempt the animal's subsequent offspring from the status of a firstborn. In this case, the offspring that comes after it is a firstborn of uncertain status.

### HALAKHA

A woman who discharges and it is not known what is the fetus's sex – **הַמְפֻלָּת אֵין יָדַע מְהוּ**: If a woman experiences a miscarriage but does not know what she discharged, she observes the ritual impurity status of a woman who gave birth to a male and a female, even if she had not been presumed to be pregnant (Rambam Sefer Kedusha, Hilkhos Issurei Bia 10:19; Shulhan Arukh, Yoreh De'a 194:9).

Passed across a river and discharged...presumed to be pregnant – **עֲבָרָה בְּנַחַר וְהַפִּילָה...כְּשַׁהוּזְקָה עֲוֹבָרָה**: If a woman who had been presumed to be pregnant discharged, and it is unknown what she discharged, e.g., she discharged while passing across a river, or into a hole in the ground, or an animal carried the discharged item away, it is presumed that the woman discharged a full-fledged offspring, and she observes the strictures of a woman who gave birth to both a male and a female, in accordance with the opinion of Rabbi Yehoshua ben Levi. If a woman who had not been presumed to be pregnant discharged, and it is unknown what she discharged, she assumes the status of a woman about whom it is uncertain if she gave birth, and she observes the strictures of a woman who gave birth to both a male and a female as well as those of a menstruating woman. She brings an offering, but her sin-offering is not eaten, due to the uncertainty (Rambam Sefer Korbanot, Hilkhos Mehusre Kappara 1:6-7).

An animal that went full and came empty – **בְּרָכָה**: **שְׂצִצָּה מַלְאָה גַּם רְקִינְתִּית**: If an animal pregnant with its first offspring came back from the pasture empty, it clearly discharged; consequently, the animal's subsequent offspring is a firstborn of uncertain status, as perhaps the animal did not discharge a full-fledged offspring. Therefore, its subsequent offspring is not exempt from firstborn status (Rambam Sefer Korbanot, Hilkhos Bekhorot 4:13; Shulhan Arukh, Yoreh De'a 315:4).

### NOTES

And most pregnant women give birth to full-fledged offspring – **וּרֹוב נְשִׁים וְלֹד מַעֲלָיא יְלָדָן**: The early commentaries point out an apparent contradiction between the halakha of Rabbi Yehoshua ben Levi, that the woman's offering is eaten, and a baraita stating that if a woman discharges and does not know what she discharged, she brings an offering, but it is not eaten due to the possibility that what she discharged was not an offspring. The commentaries resolve this contradiction in a similar manner to the Gemara's resolution to the contradiction to the statement of Rabbi Yehoshua ben Levi from the mishna: The baraita is referring to a case where the woman had not been presumed to be pregnant at

all, whereas Rabbi Yehoshua ben Levi is referring to a case where the woman had been presumed to be pregnant (Ramban).

Where the woman had not been presumed to be pregnant – **הַוּזְקָה עֲבָרָה**: The later commentaries disagree over the definition of a woman who had been presumed to be pregnant. Some maintain that she is presumed to be pregnant after three months of pregnancy, as at this stage her situation is recognizable to other people (*Noda BiYehuda*). Others claim that the interruption of her menstrual cycle is also required, as well as other signs noticeable by a woman's neighbors (*Hatam Sofer*).

### BACKGROUND

When Ravin came – **כִּי אָתָא רַבִּין:** Ravin was one of the Sages who descended, i.e., would often travel from Eretz Yisrael to Babylonia, primarily to transmit the Torah of Eretz Yisrael to the Torah centers of the Diaspora, although occasionally he traveled on business as well. Consequently, many questions, particularly those concerning the Torah of Eretz Yisrael, would remain unresolved until the messenger from Eretz Yisrael would arrive and elucidate the *halakha*, the novel expression, or the unique circumstances pertaining to a particular statement that required clarification.

וְאַמְّאֵי? הַלְּךָ אֶחָרָוּ רֹב בָּהֲמוֹת, וְרֹב בָּהֲמוֹת וְלֹד מַעַלְיאָ יְלִדוֹן, וְהַאֲיָן – פְּשָׁוט הַזָּא!

אָמָר רַבִּינָא: מִשּׁוּם דָּאִיכָּא לִמְיָר, רֹב בָּהֲמוֹת יוֹלְדוֹת דָּבָר הַפּוֹטֵר מִבְּכוֹרָה, וּמַעֲשֵׂנָן יוֹלְדוֹת דָּבָר שֶׁאָנוּ פּוֹטֵר מִבְּכוֹרָה, וְכָל הַיּוֹלְדוֹת – מַטְנִפּוֹת, וּזְהַא זְאַיל וְלֹא טִנְפָּה – אַתְּרָעַ לְהַרְבָּא.

אֵי כָּל הַיּוֹלְדוֹת מַטְנִפּוֹת, הָא – מַדְלָא מַטְנִפּה – בְּכָור מַעַלְיאָ הוּא! אֶלְאָ אִימָּא: רֹב יוֹלְדוֹת מַטְנִפּוֹת, וּזְהַא זְאַיל וְלֹא טִנְפָּה – אַתְּרָעַ לְהַרְבָּא.

כִּי אָתָא רַבִּין אָמָר: מִתְּבִיב וּבִי יוֹסֵי בָּרְבִּי חַנְנָא טֹעה, וְלֹא יַדְעַנָּא מַאֲיִ תִּוְבְּתָא. מַאֲיִ דֵּיאָ? דְּתַנְנָא,

The Gemara asks: But why is this the *halakha*? According to Rabbi Yehoshua ben Levi, one should follow the reality among the majority of animals, and the majority of animals give birth to full-fledged offspring. And if so, this subsequent offspring of the animal is a regular offspring, i.e., it is definitely not a firstborn.

Ravina says in response: In this case, the *halakha* does not follow the majority of animals, because it can be said that the majority of animals give birth to an item that exempts the animal's subsequent offspring from firstborn status, but a minority of animals give birth to an item that does not exempt the animal's subsequent offspring from firstborn status, i.e., an item that is not a full-fledged offspring. And an additional factor is that all animals that give birth to full-fledged offspring discharge turbid liquids one day before giving birth, and since this animal did not discharge turbid liquids before going to the pasture, the effect of the majority is undermined. Consequently, the status of the animal's birth is uncertain, and for this reason its subsequent offspring is considered a firstborn of uncertain status.

The Gemara raises a difficulty: If all animals that give birth to full-fledged offspring discharge turbid liquids before giving birth, then it should be concluded from the fact that this animal did not discharge turbid liquids that it did not discharge a full-fledged offspring, and therefore the animal's subsequent offspring is a proper firstborn, not a firstborn of uncertain status. Rather, one should say that Ravina meant the following: The majority of animals that give birth discharge turbid liquids beforehand, and therefore, since this animal did not discharge turbid liquids, the effect of the majority is undermined.

**§ When Ravin came<sup>B</sup>** from Eretz Yisrael to Babylonia, he said: Rabbi Yosei, son of Rabbi Hanina, raises an objection to the opinion of Rabbi Yehoshua ben Levi from the *halakha* of a forgetful woman; but I do not know what the objection is. The Gemara asks: This *halakha* of a forgetful woman, which forms the basis of the objection, what is it? The Gemara explains: As it is taught in a *baraita*:

### Perek III

#### Daf 29 Amud b

##### NOTES

A woman left full and came back empty – **אֲשֶׁר שִׁיצַּתָּה מַלְאָה וּבָאָה וַיָּקַנְתָּ:** The *baraita* does not describe the woman's version of the events. Some early commentaries maintain that the woman provides no information whatsoever. Others derive from the fact that the woman is considered a *zava* of uncertain status, as explained in the Gemara later, that the woman attests to having experienced a discharge of uterine blood besides her miscarriage, but she does not remember when this began or how long it lasted. But if the woman does not mention this, there is no concern that the woman is a *zava*, from either before or after her miscarriage. As proof for this opinion, it is posited that if a woman who does not know whether or not she experienced a discharge of blood is considered a *zava* of uncertain status, then a woman who is a deaf-mute, an imbecile, or a minor girl who had already experienced a discharge of blood once, should be prohibited from ever engaging in intercourse, as perhaps she experienced a discharge of blood without noticing (Ramban).

אַשְׁה שִׁיצַּתָּה מַלְאָה וּבָאָה וַיָּקַנְתָּ, וְהַבָּאָה לְפִינָּו שְׁלִשָּׁה שְׁבוּעִין טְהוּרָה, וְעֶשֶׂרֶת שְׁבוּעֹות אֶחָד טָמֵא וְאֶחָד טְהוּר.

מִשְׁמֶנֶת לְאוֹר שְׁלִשִּׁים וּחֲמִשִּׁים, וּמִטְבִּילִין אַזְזָה תְשִׁיעִים וּחֲמִשִּׁים עֲבִילּוֹת, דְּבָרֵי בֵּית שְׁמָא. בֵּית הַלְּאָנוּמָרִים: שְׁלִשִּׁים וּחֲמִשִּׁים, רַבִּי יוֹסֵי בָּרְבִּי יְהוּדָה אָוֹמֵר: דִּיאָ לְטַבִּילָה שְׁתַּהְאָ בְּאַחֲרוֹנָה.

A woman left home for an extended period of time while she was full, i.e., pregnant, and came back when she was empty,<sup>N</sup> as she discharged the fetus, but it is unknown exactly when and what she discharged; and she spent three weeks in our presence during which she was pure, i.e., she did not experience any bleeding, and for the following ten weeks she alternated between one impure week, in which she experienced bleeding every day, and one pure week, in which she did not experience bleeding at all.

In such a case, the woman may engage in intercourse with her husband at the end of the fifth week following her return, on the eve of the thirty-fifth day, after which she is again prohibited from engaging in intercourse with her husband. And we require her to immerse in a ritual bath a total of ninety-five immersions. This is the statement of Beit Shammai. And Beit Hillel say that she is required to immerse thirty-five times. Rabbi Yosei, son of Rabbi Yehuda, says: She is required to immerse only once, as it is sufficient for the immersion to be at the end of the period when she is required to immerse every day. The entire *baraita* will be explained below.

- בְּשַׁלְמָא שְׁבֹועַ רָאשׁוֹן לֹא מִשְׁמְשָׁת  
אִםְרוּ: יוֹלֶדֶת זָכָר הִיא, שְׁבֹועַ שְׁנִי - אִימָרוּ:  
"יוֹלֶדֶת נָקָה הִיא,"

שְׁבֹועַ שְׁלִישִׁי - אִימָרוּ: יוֹלֶדֶת נָקָה בָּזָוב  
הִיא,

אֵלֶּא שְׁבֹועַ רַבִּיעִי - אֶنְעַל גַּב דְּקָא חִיָּא  
דָם - תְּשִׁמְשׁ, וְהָא דָם טָהוֹר הוּא! לֹא  
מִשְׁומָדָל אֲוֹלִין בָּתוֹר וּמְבָא?

אֵלֶּא מַי "לֹא יַדְעַנَا מַי תִּוְבְּתָא"?  
אִימָרוּ: הַרְחִיקָה לִירְתָּה.

הַז שְׁבֹועַ חִמִּישִׁי דְטָהוֹר הוּא, תְּשִׁמְשׁ!

הַז שְׁבֹועַ רַבִּיעִי, כֹּל יוֹמָא וּיוֹמָא מִסְפָּרוֹן  
בְּסוֹף לִידָה וּבְתִּחְלַת נָדָה. וְעַשְׂרִין וְתִּמְנִיא  
גּוֹפִיה, אִימָרוּ: תִּחְלַת נָדָה הִיא, וּבְעֵינָה  
לְמִיתָב שְׁבָעָה לִנְדָתָה.

בְּעַשְׂרִים וָחֶד תְּשִׁמְשׁ!

The Gemara explains the objection from the *baraita* to the opinion of Rabbi Yehoshua ben Levi: Granted in the first week following her arrival the woman **may not engage in intercourse** with her husband, despite the fact that she did not experience bleeding during that week, as one can say that perhaps she is a **woman who gave birth to a male** just before her arrival, which would mean that the first week is her seven-day period of impurity. Likewise, it is clear that the woman may not engage in intercourse with her husband during the **second week** after her arrival, as one can say that **she is a woman who gave birth to a female**, and consequently her period of impurity is two weeks long.

It is also clear why she may not engage in intercourse during the **third week**, as one can say that perhaps **she is a woman who gave birth to a female as a zava**, i.e., a woman who experienced a discharge of uterine blood after her menstrual period for three days without the pain of labor, and therefore assumed the status of a *zava* before giving birth. If so, she must count seven clean days after her two-week period of impurity, and subsequently immerse.

But in the **fourth week**, even though the woman sees blood during that period, let her engage in intercourse with her husband, as it is **pure blood**. At this stage the woman's period of purity is certainly underway. Why does the *baraita* state that she may not engage in intercourse with her husband in this week? Is it **not due to** the concern that she might have discharged an item that was not a full-fledged offspring? Evidently, although most pregnant women give birth to full-fledged offspring, we do not follow the majority, which contradicts the opinion of Rabbi Yehoshua ben Levi.

The Gemara asks: Rather, as this is apparently a valid objection, what is the reason that Ravin said: I do not know what the objection to the opinion of Rabbi Yehoshua ben Levi is? The Gemara explains: Perhaps it is in fact assumed that the woman gave birth to a full-fledged offspring, in accordance with the opinion of Rabbi Yehoshua ben Levi, and the reason she is not considered pure in the fourth week after her arrival is that one can say that **her birth was distant**, i.e., she gave birth a long time before her arrival, and therefore her period of purity had already ended before the fourth week.

§ The Gemara further analyzes the above *baraita*: During **this fifth week**, when the woman is **pure**, as she did not experience any bleeding, let her engage in intercourse with her husband. Why is she permitted to do so only on the eve of the thirty-fifth day, at the end of the fifth week?

The Gemara answers: During **this fourth week**, when she experiences bleeding every day, we are uncertain with regard to **each and every day** as to whether it is **the end** of the woman's period of purity as a woman after **childbirth**, and that it is therefore **the beginning** of the seven-day period that she must observe as a **menstruating woman**. And with regard to the **twenty-eighth day** itself, the last day of the fourth week, one can also say that it is after the last day of her period of purity and **the beginning** of her period as a **menstruating woman**, and therefore she is required to observe **seven days for her menstruation**, which end on the thirty-fourth day after her arrival. Consequently, the woman may engage in intercourse with her husband only on the eve of the thirty-fifth day.

The Gemara further inquires: As explained above, the reason it is prohibited for the woman to engage in intercourse during the third week is that she might have given birth just before arriving and had been a *zava* at the time, and therefore after observing the two weeks of impurity of a woman after childbirth, she must observe an additional seven days of impurity as a *zava*. A *zava* may undergo her purification process on the seventh day of her impurity, following which she is permitted to engage in intercourse. Accordingly, let the woman engage in intercourse on the **twenty-first day** after her arrival.

רַבִּי שְׁמֻעָן הִיא, וֹאמֶר: אֲסֹר לְעֵשֹׂת בָּן,  
שֶׁמְאָה תְּבָא לִידֵי סְפָק, לְאוֹרֶתָא תְּשִׁמְשָׁן!  
כְּשִׁרְאַתָּה בָּעֵרֶב.

זְמַטְבִּילֵין אָוֹתָה תְּשִׁיעִים וְחַמֵּשׁ טְבִילּוֹת".  
שְׁבוּעַ קְפָא מְטַבִּילֵין אָוֹתָה בְּלִילּוֹתָא -  
אָימָר: יוֹלְדָת זָכָר הִיא.

שְׁבוּעַ שְׁנִי מְטַבִּילֵין אָוֹתָה בְּלִילּוֹתָא -  
אָימָר: יוֹלְדָת נָקָבָה הִיא, בִּימְמָא - אָימָר:  
יוֹלְדָת זָכָר בָּזָבָה הִיא.

שְׁבוּעַ שְׁלִישִׁי מְטַבִּילֵין לָה בִּימְמָא -  
אָימָר: יוֹלְדָת נָקָבָה בָּזָבָה הִיא,

בְּלִילּוֹתָא - בֵּית שְׁמָאי לְטֻמְמִיהָו,  
דָּאָמָר: טְבִילָת יּוֹם אָרוֹן בַּעַטְבִּילָה.

The Gemara answers: The *halakha* in this *baraita* is in accordance with the opinion of **Rabbi Shimon**, who said that it is prohibited for a woman to do so, i.e., to engage in intercourse on the seventh day of her *ziva* after immersing in a ritual bath, lest she come to a case of **uncertainty**. If she engages in intercourse on that seventh day after immersion, and subsequently experiences bleeding on that same day, it retroactively nullifies her entire seven clean days, and it turns out that she engaged in intercourse while she was impure. The Gemara continues to ask: Even so, let her engage in intercourse that night, after having completed seven clean days. The Gemara answers: The *baraita* is referring to a case when the woman saw blood in the evening, i.e., her fourth week of experiencing bleeding started in the nighttime.

**§** The Gemara analyzes the statement of **Beit Shammai**: And we require the woman to immerse in a ritual bath for a total of **ninety-five immersions**. The Gemara explains: During the first week she is required to immerse at night, every night of the week. The reason is that as the date of her childbirth and the sex of the offspring are unknown, one can say that she is a woman who gave birth to a male. If so, the seven days of impurity might have ended on any night of the first week, and therefore she must immerse in a ritual bath on each night.

During the second week, she is required to immerse at night, every night, as one can say that she is a woman who gave birth to a female, and therefore it is possible that her fourteen-day period of impurity ended on any of the nights of the second week. She must also immerse every day of the second week in the daytime, as one can say that she is a woman who gave birth to a male as a *zava*.<sup>N</sup> If so, it is possible that her seven-day period of impurity as a woman after childbirth ended on any given day during the first week, after which she must start to count seven clean days as a *zava*. These seven days necessarily culminate during the second week, and the *halakha* is that a woman must immerse in a ritual bath on the morning when her seven clean days of *ziva* conclude.

During the third week, she is required to immerse every day in the daytime, as one can say that she is a woman who gave birth to a female as a *zava*, and consequently her fourteen-day period of impurity as a woman after childbirth ended during the second week. Therefore, the woman's seven clean days as a *zava* might end on any day of the third week, and she is obligated to immerse on that morning.

She is also required to immerse on every night of the third week, according to **Beit Shammai**. **Beit Shammai** conform to their line of reasoning, as they say in a mishna (71b) that a woman who finished her period of purity after childbirth, referred to as a **woman who immersed that long day**<sup>N</sup> and is waiting for her purification process to be completed, requires immersion at the end of this period. The woman must therefore immerse on every night of the third week, in case that night is the end of her period of purity, for a total of thirty-five immersions by the end of the week. She must continue to immerse every night until her period of purity is certainly over, no matter when she gave birth, i.e., until the eightieth day since her arrival.

#### NOTES

In the daytime say she is a woman who gave birth to a male as a *zava* – בֵּית שְׁמָאי לְטֻמְמִיהָו: The early commentaries explain that the woman's nightly immersions do not purify her from her status as a *zava*, as it is stated: "But if she is purified of her issue, then she shall count to herself seven days, and after that she shall be pure" (Leviticus 15:28). This verse teaches that a *zava* must count at least part of the daytime. Although in general the halakhic status of part of the day is like that of an entire day, in this case that principle does not apply to part of the night (*Tosefot Rid*).

שְׁבִילָת יּוֹם אָרוֹן – In a mishna (71b), there is a dispute between **Beit Shammai** and **Beit Hillel** as to whether a woman after childbirth must immerse at the end of her period of purity, i.e., forty days after giving birth to a male and eighty days after giving birth to a female. **Beit Shammai** hold that in order to be permitted to enter the Temple, and, in the case of the daughter or wife of a priest, to be permitted to partake of *teruma*, she is required to immerse. **Beit Hillel** maintain that this immersion is not necessary.

Perek III

Daf 30 Amud a

מִפְדֵּי, יְמִינָה בְּפֶמַה הַו - שְׁתִּינִי וְשִׁתְּפָתָא.  
דֶּל שְׁבֹוע שְׁלִישִׁי דְּאַטְבָּלָנִין לְהָ  
לְהָ שְׁתִּינִי נְכִי חֲדָא, שְׁתִּינִי נְכִי חֲדָא וְתְּלִינִי  
חֲמָשָׁ - תְּשִׁיעִין וְאַרְבָּעָה הַיּוֹן, תְּשִׁיעִין וְחֲמָשָׁ  
מַאֲיָ עֲבִידָתְּיָהוּ?

אמָר רַב יְרִמְיאָה מַדְפְּתִי: בְּגַן שְׁבָאת לְפָנֵינוּ  
בֵּין הַשְּׁמָשׁוֹת, רַיְבִּין לְהַטְבִּילָה יְתִירָתָא.

ולְבִּית הַלְּלָדָם רַיְמָרִי טְבוּלָת יוֹם אַרוֹךְ - לֹא  
בֶּשׁ טְבִילָה, תְּלִינִי וְחֲמָשָׁ מַאֲיָ עֲבִידָתְּיָהוּ?

עָשָׂרִים וּתְמִינָא - כְּרוּאָמְרָן, הַז שְׁבֹוע חֲמִישִׁי  
מְטֻבָּלָנִין כָּל לִילִיא וְלִילִיא, אִימָר סּוֹף נְדָה  
הַיָּא.

עֲשָׂרָה שְׁבֹועִין לְמָה לִי? בְּתִמְנָא וּפְלָגָא  
סְגִינִי

אַיִדִי דְּתָנָא פְּלָגָא דְּשְׁבֹוע - מְסִיק לִיהְ,  
אַיִדִי דְּתָנָא שְׁבֹוע טָמָא - תָּנָא נְמִי שְׁבֹוע  
טָהָרוֹ.

וְהַאֲיָכָא טְבִילָת זְבַח!

The Gemara asks: Now consider, **how many days of purity are there**, in the case of a woman who gave birth to a female? There are **sixty-six** days. Therefore, in order to account for all of the nights that might occur immediately after the woman's period of purity, she must immerse on sixty-six nights, according to Beit Shammai. Remove from this sum the immersions of the **third week**, when we require the woman to immerse seven times, and **sixty less one** are left. These **sixty-less-one** times she immerses after the third week and the **thirty-five** times she immerses during the first three weeks are together **ninety-four** immersions. If so, those **ninety-five** immersions, required by Beit Shammai, **what is their purpose?** Why do they require an extra immersion?

Rav Yirmeya of Difti says: The *baraita* is referring to a case where the woman **came before us**, i.e., she returned from her journey, **during twilight**, when it is halakhically uncertain whether it is day or night. The ruling is **that in this case we give her another immersion**, i.e., she is obligated to immerse on an additional day, in case she completed her days of impurity on the day she arrived, and that night is the night she must immerse.

The Gemara asks: **And according to Beit Hillel**, who say that a **woman who immersed that long day**, i.e., a woman observing her period of purity after childbirth, **does not require immersion** once her period of purity is over, those **thirty-five** immersions that they require, **what is their purpose?**

The Gemara answers: **Twenty-eight** immersions are required as we said above, i.e., due to the end of the period of impurity in case the woman gave birth to a male or to a female, and due to the completion of the woman's seven clean days in case she gave birth as a *zava*. In addition, during **this fifth week we require** the woman to **immerse each and every night**, as one can say that **it is the end of her seven-day period as a menstruating woman**.

The Gemara raises a further difficulty: **Why do I need the baraita** to state that after the woman did not experience any bleeding for the first three weeks after arriving, she alternated for **ten weeks** between experiencing bleeding every day for a week and not experiencing any bleeding for a week. How does this detail contribute to Beit Shammai's ruling that the woman must immerse ninety-five times? After all, **eight and a half weeks are sufficient**. Combined with the first three weeks after the woman's arrival, this period amounts to eighty days, which is the number of days on which the woman must immerse according to Beit Shammai, as each day might be the last of her period of purity.

The Gemara answers: Although eight and a half weeks are sufficient, since the *baraita* must **teach half a week, it completes that week**, for a total of nine weeks. **And since the baraita teaches** with regard to the ninth week that the woman is **impure**, it also taught with regard to the tenth week that the woman is **pure**, in accordance with the pattern of a week of purity following every week of impurity.

With regard to the opinion of Beit Hillel that the woman immerses only thirty-five times, the Gemara asks: **But isn't there the immersion** that the woman is obligated to perform **due to the possibility** that she is a *zava*? It is possible that by the fourth week, the woman's period of purity after childbirth has already ended, and the bleeding she experiences that week is menstrual blood, in which case the next week that she sees blood renders her a *zava*. If so, she must immerse at the end of that week, after counting seven clean days. The same applies to all the other weeks on which she experiences bleeding, apart from the fourth. Consequently, there are additional immersions not counted by Beit Hillel.

דָּלְפִי תְּשֵׁמֵישׁ - קַחֲשֵׁב, דָּלְאָתֶר  
תְּשֵׁמֵישׁ - לֹא קַחֲשֵׁב.

וְלֹבֶית שָׁמַאי, דַּחֲשֵׁב דָּלְאָתֶר תְּשֵׁמֵישׁ -  
נִיחְשׂוֹב נִמְיָן טְבִילָת זְבַח בְּלִיָּה - קַמְיִיר,  
בְּזִבְחָה - לֹא קַמְיִיר.

וְהַא יַכְאָה יוֹלֶת בָּזָבָן יוֹלֶת בָּזָבָן -  
קַחֲשֵׁב, זְבַח גָּרִיךְתָּא - לֹא קַחֲשֵׁב.

שְׁבוּעָתָה קַמְאָה דָּאָתְאָה לְקַפְןָן לִיטְבָּלָה  
בְּיוֹמָא, דִּילְמָא בֶּל יוֹמָא וּוֹמָא שְׁלָמָנוֹ  
לֹא סְפּוּרִים דִּידְרָן

הָא מַעַן - רַבִּי עֲקִיבָּא הִיא, דָּאָמֵר: בְּעֵין  
סְפּוּרִים בְּפָנֵינוּ.

סּוֹף שְׁבּוּעָתָה קַמְאָה לִיטְבָּלָה: חד בְּשְׁבּוּעָתָה  
לֹא קַמְיִיר.

יוֹמָא קַמְאָה דָּאָתְאָה לְקַפְןָן לִיטְבָּלָה, דִּילְמָא  
שְׁוּמָרָת יוֹם בְּנֵגָד יוֹם הַיְאָן בְּזָבָה גְּדוֹלָה -  
קַמְיִיר, בְּזָבָה קְטֻנָּה - לֹא קַמְיִיר.

שְׁבּוּעָתָה תְּלִתָּה: שְׁמַע מִינָה - רַבִּי עֲקִיבָּא  
הִיא, דָּאָמֵר: בְּעֵין סְפּוּרִים בְּפָנֵינוּ.

The Gemara answers: Beit Hillel count only the times that the woman is obligated to immerse before she is permitted to engage in intercourse with her husband, which amount to thirty-five. They do not count the times that she must immerse after she is permitted to engage in intercourse with her husband.

The Gemara asks: But according to Beit Shammai, who count the times that the woman is obligated to immerse after she is permitted to engage in intercourse in their total of ninety-five immersions, let them also count those immersions in which the woman is obligated due to the possibility that she is a zava. The Gemara answers: Beit Shammai deal with immersions that are due to the woman's childbirth; they do not deal with immersions that are due to the possibility of ziva.

The Gemara questions this response: But there are immersions counted by Beit Shammai that are due to the possibility that she is a woman who gave birth as a zava. These immersions serve to purify the woman from her status as a zava, not as a woman after childbirth. The Gemara answers: Beit Shammai count immersions that are due to the possibility that she is a woman who gave birth as a zava. In such a scenario, immersion is delayed due to the childbirth, and is performed when the woman's impurity period of ziva following childbirth is over. Therefore, these immersions are considered as connected to the childbirth. But Beit Shammai do not count immersions that are due to ziva alone.

¶ With regard to the statement of the baraita that the woman immerses on every night of the first week in case her period of impurity after childbirth just ended, the Gemara asks: Besides immersing on every night of the first week after she came before us, let the woman immerse during the daytime of every day of that week as well, as perhaps she is a zava, and on each and every day it is possible that her counting of clean days are completed, and she must therefore immerse that morning. Accordingly, seven more immersions should be added to the count.

The Gemara answers: In accordance with whose opinion is this statement? It is in accordance with the opinion of Rabbi Akiva, who said that we require that the seven clean days of a zava must be counted in our presence, i.e., they must actually be counted. Since she did not know she should count before she arrived, she did not begin counting prior to her arrival. Therefore, her seven clean days begin only once she arrives, and she cannot immerse from her status as a zava of uncertain status before the end of the first week.

The Gemara raises a further difficulty: Even so, let her immerse at the end of the first week, on the morning of the seventh day, after counting seven clean days following her return. This adds one more immersion to the count. The Gemara answers: The baraita is not dealing with immersions that the woman is obligated to perform once a week.

The Gemara further inquires: Let the woman immerse on the first day that she came before us, as perhaps she is a lesser zava, i.e., a woman who experienced a discharge of uterine blood after her menstrual period for one or two consecutive days, and who therefore observes a clean day for a day she experiences a discharge. The Gemara answers: The baraita is dealing with a greater zava alone, i.e., one who experienced a discharge for three consecutive days and must therefore count seven clean days before immersing; it is not dealing with a lesser zava.

¶ The Gemara summarizes its analysis of the baraita: Conclude from it three conclusions. Conclude from it that the baraita is in accordance with the opinion of Rabbi Akiva, who said that we require that the seven clean days of a zava must be counted in our presence.

וְשָׁמַע מִנֶּה – רַבִּי שְׁמֻעוֹן הִיא, וְאָמַן:  
אֲבָל אִמְרוּ חֶכְמִים אָסָר לְעֵשָׂות כֵּן.  
שְׁמָא תָּבָא לִידֵי סְפָק.

וְשָׁמַע מִנֶּה – טְבִילָה בּוּמְגָנָה מְצֻוָּה. וּרְبִי  
יּוֹסֵי בֶּן רְבִי יְהוּדָה אָמַר: דֵין לְטְבִילָה  
בְּאַחֲרֹונָה, וְלֹא אִמְרִין טְבִילָה בּוּמְגָנָה  
מְצֻוָּה.

**מתני' המפלות ליום ארבעים – איןנה**  
חוששת לילך, ליום ארבעים ואחד  
תשב לזכר ולנקבה ולנדה.

רַבִּי יִשְׁמַעְאָל אָמַר: יוֹם אַרְבָּעִים  
וְאֶחָד – תשב לזכר ולנדה, יוֹם שְׁמֹוּנִים  
וְאֶחָד – תשב לזכר ולנקבה ולנדה,  
שהזור נגמר לאربعים ואחד והנקבה  
לשמוןים ואחד. וחכמים אומרים: אֶחָד  
ברית הזכר ואחד ברית הנקבה – זה  
זה ארבעים ואחד.

**גַּמְ' לָמָה הַזּוֹכֶר זָכֶר?**

**And conclude from it that the baraita is in accordance with the opinion of Rabbi Shimon, who says that it is permitted in principle for a zava to engage in intercourse with her husband on her seventh clean day after immersing in a ritual bath, but that the Sages said that it is prohibited for her to do so, lest she come to a case of uncertainty, i.e., in case she experiences a discharge of blood after engaging in intercourse, which retroactively nullifies her entire seven clean days and renders her impure.**

**And finally, conclude from it that immersion at its proper time is a mitzva<sup>n</sup> which is why the woman immerses every day despite the fact it remains prohibited for her to engage in intercourse. But Rabbi Yosei, son of Rabbi Yehuda, says: It is sufficient for the immersion to be at the end, and we do not say that immersion at its proper time is a mitzva in its own right. Consequently, the woman is obligated to perform only one immersion.**

**MISHNA** A woman who discharges on the fortieth day<sup>h</sup> since she immersed herself and engaged in intercourse with her husband need not be concerned that it might have been an offspring<sup>n</sup> and she became impure with its miscarriage, as the formation of the offspring in the womb occurs only forty days after conception. But in the case of a woman who discharges on the forty-first day after immersion, there is concern that perhaps it was an offspring. Since its sex is unknown, she shall observe the period of impurity for a woman who gave birth to a male and for a woman who gave birth to a female; and for any blood that she sees, she observes the halakhot of a menstruating woman.

**Rabbi Yishmael says:** A woman who discharges on the forty-first day after immersion observes the seven days of impurity for a woman who gave birth to a male; and for any blood that she sees after seven days, she observes the halakhot of a menstruating woman. But a woman who discharges on the eighty-first day after immersion observes the strictures of a woman who gave birth both to a male and to a female, and also the strictures of a menstruating woman, as the formation of the male offspring concludes on the forty-first day and the formation of the female offspring concludes on the eighty-first day. **And the Rabbis say:** With regard to both the formation of the male and the formation of the female, this and that conclude on the forty-first<sup>h</sup> day.

**GEMARA** The Gemara discusses the statement of the mishna that a woman who discharges on the forty-first day after immersion observes the strictures of a woman who gave birth to both a male and a female, and the strictures of a menstruating woman. Why are the strictures of a woman who gave birth to a male mentioned in this statement? What additional strictures must the woman observe due to the possibility that she gave birth to a male, over and above those she observes for the birth of a female?

**HALAKHA**  
A woman who discharges on the fortieth day – **הַמְפָלוֹת לַיּוֹם אַרְבָּעִים:** A woman who discharges on the fortieth day after immersing (*Be'er Heitev*) need not be concerned that perhaps she discharged an offspring, and does not assume the impurity status of a woman after childbirth. She assumes the impurity status of a menstruating woman even if she did not experience any bleeding during the miscarriage; the Rema explains that whenever the womb opens, blood automatically emerges. After counting seven clean days and immersing, the woman is permitted to engage

in intercourse with her husband (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 10:2; *Shulhan Arukh, Yoreh De'a* 194:2).

**Both the formation of the male and the formation of the female, this and that conclude on the forty-first – אֶחָד בְּרִיתָה וְאֶחָד בְּרִיתָה הַזּוֹכֶר זָכֶר וְהַנְּקֶבֶת הַזּוֹכֶר זָכֶר וְהַנְּקֶבֶת הַזּוֹכֶר זָכֶר וְהַנְּקֶבֶת הַזּוֹכֶר זָכֶר:** The formation of an offspring is complete no earlier than the fortieth day of gestation, whether it is male or female, in accordance with the opinion of the Rabbis (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 10:1).

## NOTES

**טְבִילָה בּוּמְגָנָה – בְּמִצְוָה**: It is a positive mitzva for a ritually impure person to purify himself by immersing in a ritual bath. This mitzva is counted among the six hundred and thirteen mitzvot of Torah law (Rav Se'adya Gaon, *Sefer HaMitzvot*, positive mitzva 170; Rambam, *Sefer HaMitzvot*, positive mitzva 109; *Smag*, positive mitzva 148; *Sefer HaHinnukh*, mitzva 175).

Nevertheless, there is a dispute among the *tannaim* as to whether the mitzva is to immerse as soon as one is halakhically capable of purifying himself, or whether one may delay his immersion to a later date. Beit Shamai and Beit Hillel, as well as Rabbi Yosei (*Shabbat* 121a) and Rabbi Meir (*Yoma* 8a), hold that it is a mitzva to immerse at the first halakhic opportunity. Therefore, if one is capable of immersing at night, he may not wait until the morning to immerse. This is derived from the verse: "But it shall be, when evening comes in, he shall bathe himself in water" (Deuteronomy 23:12), and from the verse: "And the pure person shall sprinkle upon the impure on the third day, and on the seventh day; and on the seventh day he shall purify him; and he shall wash his clothes, and bathe himself in water, and shall be pure at evening" (Numbers 19:19). By contrast, Rabbi Yosei, son of Rabbi Yehuda, holds that there is no mitzva to immerse at the first opportunity. The indication of these verses that one should immerse when he is first able is, according to Rabbi Yosei, son of Rabbi Yehuda, a mere suggestion.

A woman who discharges on the fortieth day need not be concerned that it might have been an offspring – **הַמְפָלוֹת לַיּוֹם אַרְבָּעִים אֵין הַוּשֶׁשֶׁת לִילָּך**: In the Rambam's Commentary on the Mishna it says that the reference here is to the fortieth day after the woman engaged in intercourse with her husband. Rashi maintains that it is the fortieth day after she immersed in a ritual bath.

אֵי לִימִי טוֹמָאָה, הֲא קְתַנִּי נִקְבָּה, וְאֵי  
לִימִי טָהָרָה,

If these strictures are mentioned due to the days of impurity that a woman who gave birth to a male must observe, doesn't the mishna in any case teach that the woman observes the strictures of a woman who gave birth to a female? The seven days of impurity that are observed by a woman who gave birth to a male are included in the fourteen days of impurity that she observes for a female. And if these strictures are mentioned due to the days of purity that are observed by a woman who gave birth to a male, which are fewer than the days of purity that are observed for the birth of a female,

### Perek III

#### Daf 30 Amud b

##### HALAKHA

That if she sees on the thirty-fourth day...that if she sees on the seventy-fourth day – שָׁם תְּرָאָה יוֹם שְׁלֹשִׁים וְאֶרְבָּעָה...שָׁם תְּרָאָה יוֹם שְׁבָעִים וְאֶרְבָּעָה: Whenever a woman must observe the strictures of a woman who gave birth to both a male and a female, and also the strictures of a menstruating woman, the halakha is as follows: The woman is prohibited to engage in intercourse with her husband for fourteen days, just like a woman who gave birth to a female. If she discovers bleeding on the eighty-first day, she assumes the status of a menstruating woman of uncertain status. Similarly, if she experiences bleeding on the seventy-fourth day and the eighty-first day, she assumes the status of a menstruating woman of uncertain status. Likewise, if she experiences bleeding on the forty-first day, she is a menstruating woman of uncertain status even if she already experienced bleeding on the thirty-fourth day. She is prohibited from engaging in intercourse with her husband until the eve of the forty-eighth day, as is the halakha in the case of a woman who gave birth to a male. She receives no period of purity, like a menstruating woman.

The following halakhot apply with regard to any bleeding that she discovers from the day on which she discharged until the eightieth day. If she experiences bleeding during her menstrual period, she is a menstruating woman of uncertain status. If she experiences bleeding during her period of ziva, she is a zava of uncertain status, as throughout the period after childbirth, the previous patterns concerning the expected times of menstruation do not apply.

Similarly, if she experiences bleeding on the eighty-first day, even if she does not experience bleeding for more than one day consecutively, she is still considered a menstruating woman of uncertain status, due to the lack of an established pattern. Once she establishes a pattern of menstruation after eighty days, her status of uncertainty ceases, and she is either definitely a menstruating woman or definitely a zava. Furthermore, if the woman discharged during her menstrual period, she has the status of a definite menstruating woman (Rambam Sefer Kedusha, Hilkhot Issurei Bia 10:21).

##### הֲא קְתַנִּי נִקְבָּה!

שָׁם תְּרָאָה יוֹם שְׁלֹשִׁים וְאֶרְבָּעָה,  
וְתַחַזֵּר וְתְרָאָה יוֹם אֶרְבָּעִים וְאֶחָד –  
תְּהִזֵּא מִקְוָלָקְלָת עַד אֶרְבָּעִים וְשְׁמֹנוֹת.

וְכֵן לְעַנֵּין נִקְבָּה, שָׁם תְּרָאָה יוֹם  
שְׁבָעִים וְאֶרְבָּעָה, וְתַחַזֵּר וְתְרָאָה יוֹם  
שְׁמֹנוֹת וְאֶחָד – תְּהִזֵּא מִקְוָלָקְלָת עַד  
שְׁמֹנוֹת וְשְׁמֹנוֹת.

רַבִּי יִשְׁמָעֵאל אָמֵר יוֹם אֶרְבָּעִים  
וְאֶחָד תִּשְׁבַּח לִזְכָּר וְלִנְדָה" כו'. תְּנִיא,  
רַבִּי יִשְׁמָעֵאל אָמֵר: טִימָא וְטִיהָר בְּזָכָר,  
טִימָא וְטִיהָר בְּנִקְבָּה,

doesn't the mishna teach that the woman observes the strictures of a menstruating woman, i.e., she is considered ritually impure every time she experiences bleeding, and does not observe any period of purity at all?

The Gemara answers: The mishna mentions that the woman observes the strictures of a woman who gave birth to a male to teach that if she sees blood on the thirty-fourth day after her miscarriage and again sees blood on the forty-first day, her purity status shall be ruined, i.e., she shall be prohibited from engaging in intercourse, until the forty-eighth day. If she were not observing the strictures of a woman who gave birth to a male, but only those of a menstruating woman and one who gave birth to a female, she would not have to wait seven days after seeing blood on the forty-first day. Instead, she would wait only one day, as her possible seven-day period of menstruation began on the thirty-fourth day and ended on the fortieth. Yet, as she might have given birth to a male, the forty-first day might be the first day after her period of purity, and therefore the first of her seven days of menstruation. Consequently, she must consider herself impure until the forty-eighth day.

And similarly, with regard to the halakha that she observes the strictures of a woman who gave birth to a female, one ramification is that if she sees blood on the seventy-fourth day<sup>h</sup> and again sees blood on the eighty-first day, her purity status shall be ruined until the eighty-eighth day. Although she observes ritual impurity after discovering bleeding on the seventy-fourth day, as perhaps she has the status of a menstruating woman, when she discovers bleeding on the eighty-first day she must begin the count of seven days of menstruation again, in case the seventy-fourth day was during her period of purity after having given birth to a female.

**S** The mishna teaches that Rabbi Yishmael says: A woman who discharges on the forty-first day after immersion observes both the strictures of a woman who gave birth to a male, and those of a menstruating woman, but not the strictures of a woman who gave birth to a female, as the formation of a male offspring takes forty-one days, whereas the formation of a female offspring takes eighty-one days. It is taught in a baraita that Rabbi Yishmael says, in explanation of his opinion: In the case of a woman who gave birth to a male, the verse deems her impure for seven days and deems her pure for an additional thirty-three days, for a total of forty days; and with regard to a woman who gave birth to a female, the verse deems her impure for fourteen days and deems her pure for another sixty-six days, for a total of eighty days.

מה בשְׁטִיםָא וּטְהֹרָ בָּכָר – יַצְרוֹת  
בְּיוֹצָא בָּו, אֲךָ בְשְׁטִיםָא וּטְהֹרָ  
בְּנֶקְבָּה – יַצְרוֹת בְּיוֹצָא בָּה. אָמָרוּ  
לו: אֵין לְמִדְרִין יַצְרוֹת מְטוּמָה.

אָמָרוּ לוּ לְרַבִּי יִשְׁמָעָאֵל: מַעֲשָׂה  
בְּקָلְיאוֹפְטָרָא מִלְּפָתָא לְלִכְשָׂנְדוֹרָם  
שְׁנִתְחַיּוּ שְׁפָחוֹתָה חֲרִגָּה לְמִלְבָכוֹת,  
בְּרִדְקוּ וּמְצָאֵן וְזֹה לְאַבְעִים וְאַחֲד!

אָמָר לְהָנָן: אֵין מְבֵיאָ לְכָם רַאֲיהָ מִן  
הַתוֹּהָה, וְאַתֶּם מְבִיאֵנִי לִי רַאֲיהָ מִן  
הַשׁוֹטִים?

מַאֲיוֹאַיהָ מִן הַתּוֹרָה? אַלְמָא "טִימָא"  
וּטְהֹרָ בָּכָר וּטְהֹרָ בָּנֶקְבָּה  
כָּו – הָא קָאָמָרִי לִיהְ: אֵין יַצְרוֹת  
מְטוּמָה!

אָמָר קֹרְאָ "תַּלְדֵּ" – הוֹסִיף לְהַכְתּוֹב  
לִידָה אַחֲרַת בְּנֶקְבָּה.

וְמַאי "רַאֲיהָ מִן הַשׁוֹטִים?" אִيمָרָ:  
בְּנֶקְבָּה קָדִים וְאַיְעָבוּ אַרְבָּעִין יוֹמִין  
קָמִי זָכָר.

It can therefore be inferred that just as when the verse deems a woman **impure** and then **deems her pure** for a total of forty days in the case of a male, its amount of time is **parallel to** the time of the **formation** of a male embryo; so too, when the verse deems a woman **impure** and **deems her pure** for a total of eighty days in the case of a female, its amount of time is **parallel to** the time of the **formation** of a female embryo.<sup>11</sup> Accordingly, the formation of a female ends on the eighty-first day after conception. The Rabbis said to Rabbi Yishmael in response: **One cannot derive** the amount of time of the **formation** of an embryo from the extent of a woman's period of **impurity** after giving birth.

Furthermore, the Rabbis said to Rabbi Yishmael that there is a proof against his opinion from an incident involving Cleopatra,<sup>12</sup> Queen of Alexandria.<sup>13</sup> Since her maidservants were sentenced to death by the government, she took advantage of the opportunity and experimented on them in order to examine the amount of time it takes for an embryo to develop. She had her maidservants engage in intercourse and operated on them following their execution in order to determine the stage at which an embryo is fully formed, and found that both in this case, when the embryo is male, and that case, when it is female, the formation is complete on the forty-first day after conception. Rabbi Yishmael said to them in response: I bring you proof from the Torah, and you bring me proof from the fools?

The Gemara asks: What proof from the Torah does Rabbi Yishmael bring for his opinion? If we say that his proof is the aforementioned derivation that in the case of a woman who gave birth to a male, the verse **deems her impure** for seven days and **deems her pure** for an additional thirty-three days, for a total of forty days; and in the case of a female, the verse **deems her impure** for fourteen days and **deems her pure** for an additional sixty-six days, for a total of eighty days, didn't the Rabbis say to him in response that one cannot derive the amount of time that the **formation** of an embryo takes from the extent of a woman's period of **impurity** after giving birth?

The Gemara answers: Rabbi Yishmael's derivation is that the verse states: "If a woman bears seed and gives birth to a male ... and if she gives birth to a female" (Leviticus 12:2–5). The verse adds another explicit mention of **childbirth with regard to a female**, besides the mention of childbirth in the case of a male, when it could have simply stated: And if it is a female. Rabbi Yishmael derives from here that not only are the periods of ritual impurity and purity of one who gives birth to a female double those of a woman who gives birth to a male, but the formation of a female embryo also takes twice the time.

The Gemara asks: And for what reason does Rabbi Yishmael refer to the proof that the Rabbis cited from Cleopatra's experiment as a **proof from the fools?** The Gemara answers: One can say that the maid servant who was pregnant with a **female** embryo became pregnant first, forty days before the maid servant who was pregnant with a **male** embryo. Consequently, it took the female embryo eighty days to be develop, not forty.

## PERSONALITIES

Cleopatra – קָلְיאֹוֹפְטָרָא: Cleopatra is the Greek name Kleopatra, which was given to many Egyptian queens. From the incident related in the Gemara it is difficult to determine which Cleopatra it is referring to.

## BACKGROUND

Alexandria – אַלְקָסְנְדּוֹרָס: Alexandria, a major Egyptian city on the coast of the Mediterranean Sea, was named after Alexander the Great, to whom the city's establishment in the fourth century BCE is attributed. The city was referred to among the Jews as Noe Amon, based on *Targum Yonatan* on the verse: "The multitude of Noe" (Ezekiel 30:15). At its prime, Alexandria was the most important cultural center in the world, and it also had great astronomers and mathematicians. Expert physicians settled in Alexandria and they performed many complicated medical procedures on both animals and humans.



Location of Alexandria

## NOTES

Its amount of time is parallel to the time of the formation of a female embryo – יַצְרוֹת בְּיוֹצָא בָּה. The later commentaries ask: According to Rabbi Yishmael, who holds that the formation of a female embryo takes forty days longer than that of a

male, why does its gestation not last forty days longer? They explain that once a female embryo is formed, it develops more quickly than a male, just as a girl reaches puberty before a boy (*Hatam Sofer*).

### LANGUAGE

**Steward [apotropos]** – אַפּוֹטְרוֹפּוֹס: From the Greek ἐπίτροπος, *epitropos*, meaning trustee, administrator, or appointee. Usually this word refers to an individual appointed to tend to the estate of minors or others incapable of doing so themselves. It may also refer to one appointed by an individual to tend to his estate.

רָבֶּן – סִמְאָ דְּנַפְצָא אֲשֶׁקִינָהוּ. וּרְבִי שְׁמֻעָאֵל – אַיְכָא גַּפְאָ דְּלָא מַקְבֵּל סִמְאָ.

אמָר לְהָם רַבִּי יְשַׁמְעָאֵל: מַעֲשָׂה בְּקָלְפְּטוּרָא מִלְבַּת יוֹמִת שְׁנַחַתְּבָיו שְׁפָחוֹתָה הָרְגָה לְפָטָלּוֹת, וּבְדָקָן וּמִצְאָן זָכָר לְאַרְבָּעִים וָאֶחָד, נִגְנְבָה לְשָׁמוֹנִים וְאֶחָד! אָמְרוּ לוֹ: אֵין מְבִיאָן רָאֵיה מִן הַשׁוֹטִים.

מַאי טָעָמָא? הַנִּגְנְבָה אִיְתָרָה אַרְבָּעִין יוֹמִין, וְהַדָּר אַיְעָבָר.

רַבִּי יְשַׁמְעָאֵל – לְשׁוֹמֵר מְסִירָהוּ, וָרָבֶּן – אֵין אַפּוֹטְרוֹפּוֹס לְעָרִיוֹת, אַיְמָא שְׁוֹמֵר גַּפְיָה בְּאַלְיָה.

וְדִילָמָא אֵי קְרֻעָהוּ לְהָנִגְנְבָה בְּאַרְבָּעִין וְהַדָּר הוּא מְשֻׁתְּבָחָא בְּזָכָר? אָמָר אַבְּיָי: בְּסִמְנִיחָה שְׁוִין.

"וְחַכְמִים אָמְרִים אֶחָד בָּרִית זָכָר וְאֶחָד בָּרִית נִגְנְבָה" וּכְוֹ. חַכְמִים הַיּוּ תְּנָא קְמָא!

The Gemara asks: **And how would the Rabbis respond to this claim?** The Gemara answers: Cleopatra gave the maidservants a purgative medicine<sup>N</sup> to drink before they engaged in intercourse, which would have terminated any previous pregnancy. **And Rabbi Yishmael would respond that there are bodies that are not affected by this medicine**, i.e., certain pregnancies are not terminated by the medicine. Consequently, the maidservant who was pregnant with a female embryo might have been pregnant prior to the experiment.

The Gemara cites another *baraita* that presents a different version of this exchange between Rabbi Yishmael and the Rabbis: **Rabbi Yishmael said to the Rabbis that there is a proof for his opinion from an incident involving Cleopatra, the Greek queen, as her maidservants were sentenced to death by the government, and she experimented on them and found that a male embryo is fully formed on the forty-first day after conception, and a female embryo is formed on the eighty-first day.** The Rabbis said to him: One does not bring proof from the fools.

The Gemara explains: **What is the reason the Rabbis consider this a proof from the fools?** They claim that it is possible that this woman who was pregnant with a female embryo did not conceive when Cleopatra had her engage in intercourse; rather, she waited forty days, and then became pregnant when she again engaged in intercourse. Therefore, the embryo was formed in forty days.

And how would Rabbi Yishmael respond to this claim? He would claim that the maidservants could not have conceived on a later date, as Cleopatra transferred them to the custody of a steward, who made sure that they did not engage in intercourse during the experiment. **And the Rabbis would say that there is no steward [apotropos]<sup>l</sup> for restraining sexual intercourse,<sup>N</sup>** and therefore one can say that the warden himself engaged in intercourse with the maidservant.

The Gemara raises a difficulty with regard to Rabbi Yishmael's proof: But how can one be sure that the female embryo was formed after eighty-one days? **Perhaps if the womb of the woman carrying this female embryo would have been torn open on the forty-first day after conception, the female embryo would have already been found in it, just as in the case of a male embryo.** Abaye says in response: It was a case where the indications of the ages of the two embryos, e.g., their hairs and fingernails, were identical. Evidently, the female embryo developed in eighty days to the same degree that the male embryo developed in forty days.

§ The mishna teaches: **And the Rabbis say: Both the formation of the male and the formation of the female conclude on the forty-first day.** The Gemara asks: The statement of the Rabbis is identical to the statement of the first *tanna*. Why does the mishna repeat this opinion in the name of the Rabbis?

### NOTES

A purgative [naftza] medicine – סִמְאָ דְּנַפְצָא: Rashi explains that this medicine causes a miscarriage and also scatters [menapetz] any semen that may already be in the woman's body after sexual intercourse, preventing pregnancy.

There is no steward for restraining sexual intercourse – אֵין אַפּוֹטְרוֹפּוֹס לְעָרִיוֹת: It is for this reason that it is stated in the Jerusalem Talmud that even an exceptionally pious person may not be

appointed as a warden for women with whom he is prohibited from engaging in sexual intercourse. The halakhic authorities cite this *halakha* (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 22:15; *Shulhan Arukh, Even HaEzer* 22:15), and the later authorities add that this prohibition exists even if the warden's wife is generally present while he is on the job, lest he sin while she is absent (*Arugat HaBosem*).

**וביתם לא למסתמא רישא פרבען, ויחיד ורבים  
הלה רבבים, פשטי!**

**מהו דתימא: מסתברא טעמא דורי, ישמעאל,  
דקמפסיע ליה קראי, קא משמע לנו.**

**דרש רבי שמלאי: למה הולך דומה במען  
אמו – לפנק שמקפל, ומונח זיו על שתי  
צדיעו, שתי אציזיו על שתי ארכובותיו, ושני  
עקביו על שתי עగבותיו, וראשו מונח לו בין  
ברכי, והוא סתום ונבוכו פתוון, ואוכל ממה  
שאנו אוכלת, ושותה ממה שאנו שותה.  
ואינו מוציא רעי שמא ירווג את אמו. ובין  
שיצא לאיר העולם – בפתח הסתומים ונסתם  
הפתוח, שאלטלאן אין יכול לחיות אפילו  
שעה אחת.**

**ונר דלקות על ראשו וצופה ומביט מפוץ  
העולם ועד סוף, שנאמרו: "בְּהַלּוּ גַּוְעַל  
רֹאשׁ לְאוֹרֹו אֶלְךָ חֶשֶׁן" וְאֶל תִּתְמַה, שֵׁה  
אָדָם יִשְׁן בָּאָן וּרוֹאָה חָלוּם בְּאָסְפָמִיא.**

**וְאֵין לְךָ יָמִים שָׂאָדָם שָׁרוּ בְּטוּבָה יוֹתֵר מֵאֲזַעַן  
הַיּוֹם, שָׁגָגָר: "מֵי תַּנְנֵי בִּרְחֵי קָדָם בִּימֵי  
אֱלֹהָה יְשֻׁמְרֵנִי", וְאֵיךְ יָמִים שִׁישׁ בְּהַמִּיחָם  
וְאֵין בְּהַמִּיחָם שְׁנִים – הָיו אָזָר: אֶלְוּ יְרֵחַ לִידָה.**

**And if you would say that the purpose is to teach that the unattributed opinion mentioned in the first clause of the mishna is in accordance with the opinion of the Rabbis, and therefore it is the halakha, as when there is a disagreement between an individual Sage and many Sages, the halakha is in accordance with the opinion of the many, this cannot be the reason. The Gemara explains: It is obvious that the halakha is in accordance with the unattributed opinion mentioned in the first clause of the mishna, as this is a general halakhic principle.**

The Gemara answers: Lest you say that from the fact that the explanation of the opinion of Rabbi Yishmael stands to reason, as the verses apparently support it, the halakha should be in accordance with his opinion, therefore the mishna teaches us that the majority of Sages agree with the unattributed opinion mentioned in the first clause of the mishna.

**¶ Rabbi Samlai taught: To what is a fetus in its mother's womb comparable? To a folded notebook [lefinkas].<sup>1</sup> And it rests with its hands on its two sides of its head, at the temples, its two arms [atzilav]<sup>2</sup> on its two knees, and its two heels on its two buttocks, and its head rests between its knees,<sup>3</sup> and its mouth is closed, and its umbilicus is open. And it eats from what its mother eats, and it drinks from what its mother drinks, and it does not emit excrement lest it kill its mother. But once it emerges into the airspace of the world, the closed limb, i.e., its mouth, opens, and the open limb, its umbilicus, closes, as otherwise it cannot live for even one hour.<sup>4</sup>**

**And a candle is lit for it above its head, and it gazes from one end of the world to the other, as it is stated: "When His lamp shined above my head, and by His light I walked through darkness" (Job 29:3). And do not wonder how one can see from one end of the world to the other, as a person can sleep here, in this location, and see a dream that takes place in a place as distant as Spain [beAspamya].<sup>5</sup>**

**And there are no days when a person is in a more blissful state than those days when he is a fetus in his mother's womb, as it is stated in the previous verse: "If only I were as in the months of old, as in the days when God watched over me" (Job 29:2). And the proof that this verse is referring to gestation is as follows: Which are the days that have months but do not have years? You must say that these are the months of gestation.**

## LANGUAGE

**Notebook [pinkas]** – פִּינְקָס: From the Greek πίναξ, pinax, meaning tablet or board on which one writes. Over time, the pinkas became several tablets connected to each other in the form of a small book. The notebooks in the time of the Talmud varied in shape and were made from various materials. Apparently the most common of them was a notebook made of tablets of wood on which they smeared a layer of wax, in which they would carve words and erase them to write again.



Fresco of woman with wax tablet and man with scroll, Pompeii, second century BCE

## BACKGROUND

**Spain [Aspamya]** – אַסְפָּמִיא: Aspamia or Aspania is generally identified as Spain, which is called Aspamia in Greek and Latin. In biblical Hebrew, Sepharad, mentioned in the verse: "And the captivity of Jerusalem that is in Sepharad shall possess the cities of the South" (Obadiah 1:20), is identified by the commentaries as Spain (*Targum Yonatan; Abravanel on II Kings*). Since Spain was on the other end of the Mediterranean Sea from Eretz Yisrael and Babylonia, and journeys by sea would be conducted in proximity to the coast, with several stops along the way, a trip to Spain would take a very long time, and Spain was considered a prototypical very distant country.

## NOTES

**Its two arms [atzilav]** – שְׁתִּי אֶצְזָלִיו: Rashi explains that the reference is to the armpits. Others interpret this word as referring to the elbows, in accordance with *Targum Yonatan* on the verse (Ezekiel 13:18): "Upon all elbows [atzilei yada]" (*Tosafot; Arukh*).

**And its head rests between its knees – בְּנֵן בָּרְכֵי:** The ge'onim write that the halakha that one must bow his head to the height of his knees while reciting the blessing of *modim* during the *Amida* prayer is because a fetus lies with its head between its thighs (*Shibbolei HaLeket; Tanya Rabbi; Emek Berakha*).

**And it does not emit excrement – רַעַי מִזְרָעָה רַעַי:** The Maharsha writes that the life of a fetus is comparable to that of the Jewish people in the wilderness, when they would eat manna and drink from Miriam's well, and would therefore not emit excrement, as manna was divine food that would not turn into excrement.

**שָׂאָלְטָלָא כֵּן אֵינו שְׁעָה אֲזַעַן** – בְּכָל לְחִיוֹת אֲפִילוּ שְׁעָה אֲזַעַן: Some of the early commentaries delete the phrase: For even one hour, as one can close his mouth for several hours without endangering his life (Maharam of Rothenburg, cited by *Tashbetz* and *Abudirham*). Others maintain this phrase, as the reference is to the moment that an infant is born; if its mouth is closed and its umbilicus is open, even for a short while, it cannot survive (*Tur*). As result of this dispute, the halakhic authorities disagree as to whether the phrase: Even one hour, is included in the blessing of *Asher Yatzar*, said after using the bathroom. The *Magen Avraham* (*Orach Hayyim* 6:2) rules that this phrase should not be included, but the *Taz* (*Orach Hayyim* 6:2) rules that the phrase should be included.

**NOTES**

וְמִלְפָרֵן אָזֶה בְּלַתּוֹרָה כָּלָה, שָׁנָאמָה: "וַיֹּאמֶר לִי יְתָמָךְ דְּבָרִים לְבָבֶךָ שְׁמַר מִצְוֹתִי וְחַיָּה," וְאָוֹםֶר: "בָּסָוד אֱלֹהִים עַלְלֵךְ."

And a fetus is taught the entire Torah – **אָזֶה בְּלַתּוֹרָה כָּלָה**: This is interpreted as a metaphor for free will in the development and birth of every child. While still in the womb, the developing embryo receives raw abilities and intelligence that will allow the person to engage in and understand God's Torah. But upon its exit from the womb the newborn is overwhelmed and enticed with the sensations of a physical world that draw one away from Torah, and as he grows he must choose the path of righteousness (*Midrash Shlomo*).

מַאי "וְאָוֹמֶר"? וְכִי תִּמְאַם נְבִיא הָוֹא דְקָאָמֶר תְּאַשְׁמַע: "בָּסָוד אֱלֹהִים עַלְלֵךְ."

And a fetus is taught the entire Torah<sup>N</sup> while in the womb, as it is stated: “And He taught me and said to me: Let your heart hold fast My words; keep My commandments, and live” (Proverbs 4:4). And it also states: “As I was in the days of my youth, when the converse of God was upon my tent” (Job 29:4).

וְכִיּוֹן שָׁבָא לְאוֹיר הָעוֹלָם – בָּא מַלְאָךְ וְסִטְרוֹן עַל פִּי, וּמִשְׁבָּחוֹ בְּלַתּוֹרָה כָּלָה, שָׁנָאמָה: “לְפָתֵח חֲטָאת רַבָּץ.”

וְאַיִלּוֹן יוֹצֵא מִשְׁם עַד שְׁמַשְׁבִּיעַנְן אָזֶה, שָׁנָאמָה: “בַּי לִתְכְּרֻעַ בְּלַבְךְ תִּשְׁבַּע בְּלַלְשׂוֹן”, “בַּי לִתְכְּרֻעַ בְּלַבְךְ” – זה יום המיתה, שָׁנָאמָה: “לְפִנֵּינוֹ יִכְרְעַו בְּלַזְרְדִּיבָּר”, “תִּשְׁבַּע בְּלַלְשׂוֹן” – זה יום הלידה, שָׁנָאמָר: “גָּקִי בְּפִים וּבְרַב בְּבָבָא שֶׁלְאָנֹשָׁא לְשָׂוֹא נְפֹשֹׁו וְלֹא נְשֹׁבוּ לְמִרְמָה”,

וּמוֹה הִיא הַשְׁבּוּעה שְׁמַשְׁבִּיעַנְן אָזֶה – תְּהִי צְדִיק וְאֶל תְּהִרְשֶׁע, וְאֶפְיוֹלוֹ בְּלַהֲעוֹלָם כָּלָה. אָוֹמְרִים לְךָ: צְדִיק אַתָּה – הִיא בְּעִינֵיכְךָ בְּרָשָׁע וְהִי יָדָע שְׁהַקְדוּשׁ בְּרוּךְ הוּא טָהוֹר וּמְשֻׁרְטוֹן טָהוֹרים, וְנִשְׁמָה שְׁפָטָנוּ בְּךָ טָהוֹר הִיא, אֲםָם אַתָּה מְשֻׁמְרָה בְּטָהָרָה – מַוְטָּב, וְאָם לֹא – הָרָוי נוֹטְלָה מִפְנִים.

תְּנָא דְבַי רַבִּי יִשְׁמַעְאָל: מִשְׁלָל לְכַהֵן שְׁמָר תְּרוּמָה לְעַם הָאָרֶץ, וְאָמָר לוֹ: אֲםָם אַתָּה מְשֻׁמְרָה בְּטָהָרָה – מַוְטָּב, וְאָם לֹא – הָרָוי שׁוֹרֵף לְפִנֵּינוֹ.

אָמָר רַבִּי אֶלְעָזָר:

And a fetus is taught the entire Torah<sup>N</sup> while in the womb, as it is stated: “And He taught me and said to me: Let your heart hold fast My words; keep My commandments, and live” (Proverbs 4:4). And it also states: “As I was in the days of my youth, when the converse of God was upon my tent” (Job 29:4).

The Gemara asks: What is the purpose of the statement: **And it also states**: “When the converse of God was upon my tent”? Why is it necessary to cite this verse in addition to the previously quoted verse from Proverbs? The Gemara explains: **And if you would say** that the verse in Proverbs is insufficient, as **it is a prophet who is saying** that he was taught the entire Torah in his mother's womb, but this does not apply to ordinary people, **come and hear** the verse in Job: “When the converse of God was upon my tent.”

And once the fetus emerges into the airspace of the world, an angel comes and slaps it on its mouth, causing it to forget the entire Torah, as it is stated: “Sin crouches at the entrance” (Genesis 4:7), i.e., when a person enters the world he is immediately liable to sin due to his loss of Torah knowledge.

And a fetus **does not leave the womb until the angels administer an oath to it**, as it is stated: “That to Me every knee shall bow, every tongue shall swear” (Isaiah 45:23). The verse is interpreted as follows: “That to Me every knee shall bow”; this is referring to the day of one's death, as it is stated: “All those who go down to the dust shall kneel before Him” (Psalms 22:30). “Every tongue shall swear”; this is referring to the day of one's birth, as it is stated in description of a righteous person: “He who has clean hands, and a pure heart, who has not taken My name in vain, and has not sworn deceitfully” (Psalms 24:4), i.e., he has kept the oath that he took before he was born.

And what is the oath that the angels administer to the fetus? Be righteous and do not be wicked. And even if the entire world says to you: You are righteous, consider yourself wicked. And know that the Holy One, Blessed be He, is pure, and His ministers are pure, and the soul that He gave you is pure. If you preserve it in a state of purity, all is well, but if you do not keep it pure, I, the angel, shall take it from you.

The school of Rabbi Yishmael taught a parable: This matter is comparable to a priest who gave *teruma*, the portion of the produce designated for the priest, to one who is unreliable with regard to ritual impurity [*am ha'aretz*], and therefore it is suspected that he might not maintain the purity of the *teruma*. And the priest said to him: If you keep it in a state of ritual purity, all is well, but if you do not keep it pure, I shall burn it before you.

Rabbi Elazar said:

Perek III  
Daf 31 Amud a

מַאי קָרָא “מִמְעֵי אַמְּפִי אַתָּה גּוֹזִי”. מַאי מְשֻׁבָּע דְהָא “גּוֹזִי” לְיִשְׁנָא דְאַשְׁתְּבוֹעִי הוּא? דְכַתִּיב: “גּוֹזִי נָרוֹךְ וְהַשְׁלִיכִי”.

What is the verse from which it is derived that a fetus is administered an oath on the day of its birth? “Upon You I have relied from birth; You are He Who took me out [gozi] of my mother's womb” (Psalms 71:6). From where may it be inferred that this word: “Gozi,” is a term of administering an oath? As it is written: “Cut off [gozi] your hair and cast it away” (Jeremiah 7:29), which is interpreted as a reference to the vow of a nazirite, who must cut off his hair at the end of his term of naziriteship.

וְאָמַר רַבִּי אֶלְעָזָר: לְמַה וְלֹד זָמָה בְּמֵשׁ אָמוֹן?  
לְאַגּוֹן מֻנְחָה בְּסֶפְלָל מִים, אֲדָם נוֹתֵן אֲצֵבָעָן.  
עַלְיוֹ - שׂוֹקָעַ לְכָאן וְלְכָאן.

תנו רבנן: שלשה חידושים הראשונים - ולד דר בפנוי התחנות, אמצעיים - ולד דר במדור האמצעי, אחרונים - ולד דר בפנוי העליון, ובין שהגיא ומנוח ליצאת מתחף וויצא, וזה חביב אשא.

והינו דעתן: חביב של נקבה מרובין משל זכר.

וְאָמַר רַבִּי אֶלְעָזָר: מַا יָּקֹרְאָ? "אֲשֶׁר עָשָׂתִי בְּסֶתֶר וּקְמַתִּי בְּתִיחַתִּית אָרֶץ". "דָּרְתִּי" לֹא נָמַר, אֶלְאָ "רָקְמָתִי".

מאי שנא חביב נקבה מרובין משל זכר. זה בא בדרך תשמשו וזה בא בדרך תשמשו, זו הופכת פניה וזה אין הופך פניו.

תנו רבנן: שלשה חידושים הראשונים - תשמיש קשה לאשה וגם קשה לוולד, אמצעיים - קשה לאשה ויפה לוולד, אחרונים - יפה לאשה ויפה לוולד, שמותן בך נמצאת הולד מלפני וממנו.

**And Rabbi Elazar says:** To what is a fetus in its mother's womb comparable? It is comparable to a nut placed in a basin full of water, floating on top of the water. If a person puts his finger on top of the nut, it sinks either in this direction or in that direction.

**§** The Sages taught in a *baraita*: During the first three months of pregnancy, the fetus resides in the lower compartment of the womb; in the middle three months, the fetus resides in the middle compartment; and during the last three months of pregnancy the fetus resides in the upper compartment. And once its time to emerge arrives, it turns upside down and emerges; and this is what causes labor pains.

With regard to the assertion that labor pains are caused by the fetus turning upside down, the Gemara notes: **And this is the explanation for that which we learned in a baraita:** The labor pains experienced by a woman who gives birth to a female are greater than those experienced by a woman who gives birth to a male. The Gemara will explain this below.

**And Rabbi Elazar says:** What is the verse from which it is derived that a fetus initially resides in the lower part of the womb? "When I was made in secret, and I was woven together in the lowest parts of the earth" (Psalms 139:15). Since it is not stated: I resided in the lowest parts of the earth, but rather: "I was woven together in the lowest parts of the earth," this teaches that during the initial stage of a fetus's development, when it is woven together, its location is in the lower compartment of the womb.

The Gemara asks: What is different about the labor pains experienced by a woman who gives birth to a female, that they are greater than those experienced by a woman who gives birth to a male? The Gemara answers: This one, a male fetus, emerges in the manner in which it engages in intercourse. Just as a male engages in intercourse facing downward, so too, it is born while facing down. And that one, a female fetus, emerges in the manner in which it engages in intercourse,<sup>N</sup> i.e., facing upward. Consequently, that one, a female fetus, turns its face around before it is born, but this one, a male fetus, does not turn its face around before it is born.

**§** The Sages taught in a *baraita*: During the first three months of pregnancy, sexual intercourse is difficult and harmful for the woman and is also difficult for the offspring.<sup>N</sup> During the middle three months, intercourse is difficult for the woman but is beneficial for the offspring. During the last three months, sexual intercourse is beneficial for the woman and beneficial for the offspring; as a result of it the offspring is found to be strong and fair skinned.

#### NOTES

That emerges in the manner in which it engages in intercourse – **בְּאֵדֶרֶת תְּשֻׁמֵּשׁ**: Some later commentaries explain that although in previous generations a male infant would be born facedown and a female would be born faceup, this is no longer the case. Nowadays there is no difference between the position of male and female infants during childbirth. This is one of several differences between ancient times and the modern era with regard to childbirth (*Sefer HaBerit*).

During the first three months sexual intercourse is difficult for the woman and is also difficult for the offspring – **שְׁלַשָּׁה חִדְשִׁים קַשָּׁה לְאָשָׁה וְגַם קַשָּׁה לְלִילָּה:** Rashi explains that it is difficult for the offspring because it is in the lower compartment of the womb. Others state that although intercourse renders the offspring uncomfortable, it does not harm it (*Responsa of the Rivash*). Some add that the Sages could have prohibited intercourse during this period due to the effect on the offspring, but they did not do so, as most people would be unable to adhere to a three-month ban on intercourse, which might cause the couple to have sinful thoughts (*Sefer Hasidim*).

**LANGUAGE**

Countenance [kelaster] – קֶלְסָטֵר: Possibly from the Latin caelatura, meaning a graven image. Others claim that it derives from the Greek εἰκών, eikon, meaning likeness or image, and ἀστέρ, aster, meaning star, flame, or light, yielding the meaning: The image or radiance of the countenance.

**BACKGROUND**

Flask that is tied – תְּקַמְתָּ צְרוֹתָה: This refers to a leather sack that was used for liquids, e.g., drinking water. The opening of the flask would be tied closed, and it would be opened only in order to fill the flask or to pour water out. Flasks were sometimes used to store solid items as well, but this was not considered a recommended way to keep an item safe, as a flask could easily be untied by anyone.



Relief of servant carrying wineskin, Persepolis, 480 BCE

תְּנָא: הַמְשֻׁמֵּשׁ מִפְתָּחָו לַיּוֹם תְּשִׁיעָם - כְּאֵילָן  
שׁוֹפֵךְ דְּמִים. מִנָּא יָדָע? אֲלָא אָמָר אַבְּיָי  
מִשְׁמֵשׁ וְהַזְּלָקָן, וְשִׁמְרַ פְּתָאַים הָה."

The Sages taught in a *baraita*: With regard to one who engages in intercourse with his wife on the ninetieth day of her pregnancy, it is as though he spills her blood. The Gemara asks: How does one know that it is the ninetieth day of her pregnancy? Rather, Abaye says: One should go ahead and engage in intercourse with his wife even if it might be the ninetieth day, and rely on God to prevent any ensuing harm, as the verse states: "The Lord preserves the simple" (Psalms 116:6).

**§** The Sages taught: There are three partners in the creation of a person: The Holy One, Blessed be He, and his father, and his mother. His father emits the white seed,<sup>N</sup> from which the following body parts are formed: The bones, the sinews, the nails, the brain that is in its head, and the white of the eye. His mother emits red seed, from which are formed the skin, the flesh, the hair, and the black of the eye. And the Holy One, Blessed be He, inserts into him a spirit, a soul, his countenance [ukelaster],<sup>L</sup> eyesight, hearing of the ear, the capability of speech of the mouth, the capability of walking with the legs, understanding, and wisdom.

וּבֵין שְׁהַגַּעַת וּבְמַנוֹּ לְהַפְּטוֹר בְּן הָעוֹלָם, הַקָּדוֹשׁ בָּרוּךְ הוּא נִטְלֵל חָלָקָן, וְחָלָק אֲבִיו וְאַמּוֹ מִפְתָּחָה. אָמָר רַב פָּפָא: הַיּוֹן דְּאַמְּרִי אַיְנָשִׁי פּוֹזֵן מְלָחָא, וְשִׁרְיָי בְּשָׂרָא לְכָלְבָּא.

And when a person's time to depart from the world arrives, the Holy One, Blessed be He, retrieves His part, and He leaves the part of the person's father and mother before them. Rav Pappa said: This is in accordance with the adage that people say: Remove the salt from a piece of meat, and you may then toss the meat to a dog, as it has become worthless.

דָּרְשָׁ רַב הִינְנָא בָּר פָּפָא: מַאי דְּכַתְּבִּי "עַשָּׂה גְּדוּלָות עַד אֵין מִסְפָּר" – בָּא וּרְאָה שְׁלָא בְּמִדְתַּת הַקָּדוֹשׁ בָּרוּךְ הוּא. מִדְתַּת בָּשָׂר וְדָם – נִתְן חַפְץ בְּחַמְתָּ צְרוֹתָה וּפִיה לְמַעַלָּה. סְפָק מִשְׁתָּפָר. וְאַיְלוֹ הַקָּדוֹשׁ בָּרוּךְ הוּא – צָר דְּעֹבוֹר בְּמַשְׁעַ אַשָּׁה פְּתוּחָה, וּפִיה לְמַטָּה. וּמְשִׁתְּפָר.

דָּבָר אַחֲרָה: אָדָם נִתְן חַפְצָיו לְכָרְמָאָנִים – כָּל זָמָן שְׁמַכְבִּיכָּה, יוֹדֵר לְמַטָּה. וְאַיְלוֹ הַקָּדוֹשׁ בָּרוּךְ הוּא – כָּל זָמָן שְׁמַכְבִּיד הַלְּלָה, עַלְהָ לְמַעַלָּה.

דָּרְשָׁ רַבִּי יוֹסֵי הַגְּלִילִי: מַאי דְּכַתְּבִּי "אוֹדָעַ (ה)" עַל בַּיְנָאֹת נְפָלִיתִי נְפָלָאִים מַעַשֵּׂיךְ וּנְפָשֵׂיךְ יִזְעַת מַאֲדָ"ד? בָּא וּרְאָה, שְׁלָא בְּמִדְתַּת הַקָּדוֹשׁ בָּרוּךְ הוּא מִדְתַּת בָּשָׂר וְדָם – אָדָם נִתְן זָרְעִים בְּעֵינָה, כָּל אַחֲת וְאַחֲת עַלְהָ בְּמִינָה. וְאַיְלוֹ הַקָּדוֹשׁ בָּרוּךְ הוּא – צָר העֹבוֹר בְּמַשְׁעַ אַשָּׁה, וּכְולָם עַלְלָן לְמַיִן אַחֲרָה.

Another matter that demonstrates the difference between the attributes of God and the attributes of people is that when a person places his articles on a scale to be measured, the heavier the item is, the more it descends. But when the Holy One, Blessed be He, forms a fetus, the heavier the offspring gets, the more it ascends upward in the womb.

Rabbi Yosei HaGelili taught: What is the meaning of that which is written: "I will give thanks to You, for I am fearfully and wonderfully made; wonderful are Your works, and that my soul knows very well" (Psalms 139:14)? Come and see that the attribute of flesh and blood is unlike the attribute of the Holy One, Blessed be He. The attribute of flesh and blood is that when a person plants seeds of different species in one garden bed, each and every one of the seeds emerges as a grown plant according to its species. But the Holy One, Blessed be He, forms the fetus in a woman's womb, and all of the seeds, i.e., those of both the father and the mother, emerge when the offspring is formed as one sex.

**NOTES**

His father emits the white seed, etc. – אֲבָבִי מִירְיעַ הַלְּבָן וּכְיִ – In *Mishnat Aharon* it is pointed out that five elements are attributed to the father, namely, the bones, the sinews, the nails, the brain, and the white of the eye; four are attributed to the mother, namely, the skin, the flesh, the hair, and the black of the eye; and nine elements are attributed to God, an amount that is equal to

that of both parents put together, namely, the spirit, the soul, the countenance, eyesight, hearing, speech, walking, understanding, and wisdom. A total of eighteen elements are counted, which is the numerical value of the Hebrew word *hai*, alive. Therefore, when God removes the elements that He contributed, the person is no longer alive.

בְּרַא אֶחָד: צָבָע נוֹתֵן סְפִינָן לִיוֹרָה - פּוֹלָן  
עוֹלָן לְצָבָע אֶחָד. וְאֶלְיוֹן הַקָּדוֹשׁ בָּרוּךְ הוּא, צָר הַעֲבָר בְּמַשִּׁיא אַשָּׁה - בְּלֹא אַחֲת  
אַחֲת עָלָה לְמִינָנוּ.

רֹשֶׁת רְבִי יוֹסֵף: מַאי דְּכַתִּיב "אָזְרָן ה'"  
כִּי אַנְפָת בֵּין יְשָׁב אֶפְךָ וְתִנְחַמְּנָי", בְּמַה  
הַפְּתֻוב מַדְבֵּר?

בְּשִׁנְיַן בְּנֵי אָדָם שִׁיצְאָו לְסָחוֹרָה, יְשָׁב לוֹ  
קוֹץ לְאֶחָד מִזָּה, הַתְּחִיל מִחְרָר וּמִגְדָּר,  
לִימִים שָׁמַע שְׁטָבָעָה סְפִינָה שֶׁל חֲבִירָה  
בְּסִים, הַתְּחִיל מַזְדָּה וּמִשְׁבַּת לְכָךְ נָאָמָר  
יְשָׁב אֶפְךָ וְתִנְחַמְּנָי".

הַיְיָנוּ דָּאָמָר רְבִי אֶלְזָאָר: מַאי דְּכַתִּיב  
"עִשָּׂה נְפָלוֹת (גְּדוֹלוֹת) לְבָהוּ. וּבָרוּךְ  
שֵׁם כְּבוֹדוֹ לְעוֹלָם"? אֲפִילוּ בַּעַל הַנֶּסֶס  
אַינוּ מִכְרֵי בְּנָסֶס.

וּרְישָׁ רְבִי חָנִינָא בֶּרְ פָּפָא: מַאי דְּכַתִּיב  
"אָרְחוֹן וּבְכָעֵץ וְתִתְּכַל דְּכִי הַסְּכִינָה"?  
מַלְמֵד שֶׁלְאָא נֹצֵר אָדָם מִן כָּל הַטְּפָה,  
אֶלְאָא בְּן דְּבָרוֹ שְׁבָה. תְּנָא דְּבִי רְבִי  
שְׁמַעְאָל: קְשָׁל לְאָדָם שֹׁוֹרָה בְּבֵית  
הַגְּרוּנוֹת, נוֹטֵל אֶת הַאוֹכֵל וּמִנְחָה אֶת  
הַפְּסָולָה.

בְּזָרְבִּי אֲבָהָוָה, וּרְבִּי אֲבָהָוָה רְמִי: כְּתִיב  
"וּתְרַנֵּן תְּלִיל", וְכַתִּיב "הָאֵל הַמְּאוֹרֵן  
חִילִי" - אָמָר דָוד לְפָנֵי הַקָּדוֹשׁ בָּרוּךְ  
הֽוּא: רְבוּנוּ שֶׁל עָלָם, זִירִתָנִי וּרוֹתָנִי.

וּרְישָׁ רְבִי אֲבָהָוָה: מַאי דְּכַתִּיב "מַיְמָנָה  
עַפְרָה יְעַקֵּב וּמִסְפָּר אֶת וּבָע יִשְׂרָאֵל"?  
מַלְמֵד שְׁהַקָּדוֹשׁ בָּרוּךְ הוּא יוֹשֵׁב וּסְפָר  
אֶת רְבִיעִיּוֹתָהֶם שֶׁל יִשְׂרָאֵל, מִתְּתַבָּא  
טִפְהָה שְׁהַאֲדִיק נֹצֵר הַיּוֹמָה.

Alternatively, when a dyer puts herbs in a cauldron [*leyora*]<sup>1</sup>, they all emerge as one color of dye, whereas the Holy One, Blessed be He, forms the fetus in a woman's womb, and each and every one of the seeds emerges as its own type. In other words, the seed of the father form distinct elements, such as the white of the eye, and the seed of the mother forms other elements, such as the black of the eye, as explained above.

Rav Yosef taught: What is the meaning of that which is written: "And on that day you shall say: I will give thanks to You, Lord, for You were angry with me; Your anger is turned away, and You comfort me" (Isaiah 12:1)? With regard to what matter is the verse speaking?

It is referring, for example, to two people who left their homes to go on a business trip. A thorn penetrated the body of one of them, and he was consequently unable to go with his colleague. He started blaspheming and cursing in frustration. After a period of time, he heard that the ship of the other person had sunk in the sea, and realized that the thorn had saved him from death. He then started thanking God and praising Him for his delivery due to the slight pain caused to him by the thorn. This is the meaning of the statement: I will give thanks to You, Lord, for You were angry with me. Therefore, it is stated at the end of the verse: "Your anger is turned away, and You comfort me."

And this statement is identical to that which Rabbi Elazar said: What is the meaning of that which is written: "Blessed be the Lord God, the God of Israel, Who does wondrous things alone; and blessed be His glorious name forever" (Psalms 72:18–19)? What does it mean that God "does wondrous things alone"? It means that even the one for whom the miracle was performed does not recognize the miracle that was performed for him.

Rabbi Hanina bar Pappa taught: What is the meaning of that which is written: "You measure [zerita] my going about [orhi] and my lying down [riv'i], and are acquainted with all my ways" (Psalms 139:3)? This verse teaches that a person is not created from the entire drop of semen, but from its clear part. Zerita can mean to winnow, while orhi and riv'i can both be explained as references to sexual intercourse. Therefore the verse is interpreted homiletically as saying that God separates the procreative part of the semen from the rest. The school of Rabbi Yishmael taught a parable: This matter is comparable to a person who winnows grain in the granary; he takes the food and leaves the waste.

This is in accordance with a statement of Rabbi Abbahu, as Rabbi Abbahu raises a contradiction: It is written in one of King David's psalms: "For You have girded me [vatazreni] with strength for battle" (II Samuel 22:40), without the letter alef in vatazreni; and it is written in another psalm: "Who girds me [hame'azreni] with strength" (Psalms 18:33), with an alef in hame'azreini. What is the difference between these two expressions? David said before the Holy One, Blessed be He: Master of the Universe, You selected me [zeiritani], i.e., You separated between the procreative part and the rest of the semen in order to create me, and You have girded me [zeratzani] with strength.

Rabbi Abbahu taught: What is the meaning of that which is written in Balaam's blessing: "Who has counted the dust of Jacob, or numbered the stock [rova] of Israel" (Numbers 23:10)? The verse teaches that the Holy One, Blessed be He, sits and counts the times that the Jewish people engage in intercourse [revi'iyoteihem], anticipating the time when the drop from which the righteous person will be created will arrive.

## LANGUAGE

Cauldron (*yorah*) – יוֹרָה: Some explain that this term derives from the word *ur*, fire, as a cauldron is placed on a fire for cooking.

### NOTES

With his daughter Dinah – **את דינה בتو**: The Sages (*Berakhot* 60a; *Midrash Tanhuma*) state that Dinah was, in fact, conceived as a male, but miraculously turned into a female after Leah prayed that she would not give birth to another one of the twelve predetermined sons of Jacob, leaving Rachel with only one son, less than the maidservants Bilhah and Zilpah. The Gemara in tractate *Berakhot* infers from this statement that Leah must have emitted seed first, contrary to the statement of the Gemara here, but concludes that they apparently emitted seed simultaneously.

ונל דבר זה ה נסמיית עינו של בלעם הרשע:  
אמר: כי שהוא טהור וקדוש, ומשרתו  
טהורים וקדושים, יציז בדבר זה? מיד נסמיית  
עינו, דעתיב: "נעם הגבר שתם העין".

והיינו דאמר רבי יוחנן מאי דעתיב זישבב  
עמה בלילה הוא? מלמד שחיקוש ברוך  
הוא כי באתו משעה, שנאמר: "יששכר  
חמור גרום" – חמור גרום לו ליששכר.

אמר רבי יצחק, אמר רביAMI: אשה מורעת  
תחליה – يولדה זכר, איש מורייע תחליה –  
יולדת נקבה. שנאמר: "אשה כי תורייעiolדה  
זכר".

תנו רבנן: בראשונה הי אומרים, אשה  
מורעת תחליה – يولדה זכר, איש מורייע  
תחליה – يولדה נקבה, ולא פירשו חכמים  
את הזכר. עד שבא רבי צדוק ופירשו: "אללה  
במי לאשה אשר يولדה לעקב בעדן ארם ואת  
דינה בתו" – תלה הזכרים בנקבות ונקבות  
בזכרים.

"זיהו בני אולם אנשי גבורי חיל דרכיו קשות  
ומרובים בניהם ובני בניהם" – וכי בידו של אדם  
להרבות בניהם ובני בניהם? אלא מトン

And it was due to this matter that the eye of wicked Balaam went blind. He said: Should God, who is pure and holy, and whose ministers are pure and holy, peek at this matter? Immediately his eye was blinded as a divine punishment, as it is written: "The saying of the man whose eye is shut" (Numbers 24:3).

And this statement is the same as that which Rabbi Yohanan said: What is the meaning of that which is written, with regard to Leah's conceiving Issachar: "And he lay with her that night" (Genesis 30:16)? The verse teaches that the Holy One, Blessed be He, contributed to that act. The manner in which God contributed to this act is derived from another verse, as it is stated: "Issachar is a large-boned [garem] donkey" (Genesis 49:14). This teaches that God directed Jacob's donkey toward Leah's tent so that he would engage in intercourse with her, thereby causing [garam] Leah's conceiving Issachar.

**§** Rabbi Yitzhak says that Rabbi Ami says: The sex of a fetus is determined at the moment of conception. If the woman emits seed first, she gives birth to a male, and if the man emits seed first, she gives birth to a female, as it is stated: "If a woman bears seed and gives birth to a male" (Leviticus 12:2).

The Sages taught: At first, people would say that if the woman emits seed first she gives birth to a male, and if the man emits seed first, she gives birth to a female. But the Sages did not explain from which verse this matter is derived, until Rabbi Tzadok came and explained that it is derived from the following verse: "These are the sons of Leah, whom she bore to Jacob in Paddan Aram, with his daughter Dinah" (Genesis 46:15). From the fact that the verse attributes the males to the females, as the males are called: The sons of Leah, and it attributes the females to the males, in that Dinah is called: His daughter, it is derived that if the woman emits seed first she gives birth to a male, whereas if the man emits seed first, she bears a female.

This statement is also derived from the following verse: "And the sons of Ulam were mighty men of valor, archers, and had many sons and sons' sons" (1 Chronicles 8:40). Is it in a person's power to have many sons and sons' sons? Rather, because

### Perek III Daf 31 Amud b

### NOTES

יבעל ויננה: Engage in intercourse and repeat – **יבעל ויננה**: Rashi explains that after the wife is aroused by the first act, during the second act she emits seed before the husband, which causes her to become pregnant with a male.

A woman becomes pregnant only close to the onset of her menstrual cycle – **אין אשה מתעברת לאלא סמוך לסתה**: In tractate *Sota* (27a) Rashi explains that this is referring to the day before the onset of the woman's menstruation. The early commentaries write that despite the Gemara's apparently unequivocal statement, in fact all opinions agree that a woman is capable of becoming pregnant at different stages of her menstrual cycle.

שמשהין עצמן בבטן, כדי שיוריעו נשותיהם  
תחליה, שיהו בניהם זכרים – מעלה עליהן  
הכתוב באילו הם מרבבים בניהם ובני בניהם.  
והיינו דאמר רב קטינה: יכול לעשות כל  
בני זכרים. אמר רב בא: הרוצה לעשות כל בני  
זכרים – יבעול ויננה.

ונאמר רבי יצחק, אמר רביAMI: אין אשה  
מתעברת אלא סמוך לסתה, שנאמר: "הן  
בעון חולות".

they delay while in their wives' abdomen, initially refraining from emitting semen so that their wives will emit seed first, in order that their children will be male, the verse ascribes them credit as though they have many sons and sons' sons. And this statement is the same as that which Rav Ketina said: I could have made all of my children males, by refraining from emitting seed until my wife emitted seed first. Rava says another method through which one can cause his children to be males: One who wishes to make all of his children males should engage in intercourse with his wife and repeat<sup>N</sup> the act.

**§** And Rabbi Yitzhak says that Rabbi Ami says: A woman becomes pregnant only by engaging in intercourse close to the onset of her menstrual cycle<sup>N</sup>, as it is stated: "Behold, I was brought forth in iniquity" (Psalms 51:7). This iniquity is referring to intercourse close to the woman's menstrual cycle, when intercourse is prohibited. Accordingly, David is saying that his mother presumably conceived him at this time.

וְבַי יוֹחָנָן אָמָר: סְמוּךְ לְטַבִּילָה, שֶׁגָּאמָר:  
"בְּחִטָּא יְחַטֵּן אָמֵן".

מַאֲיִ מִשְׁמָעַ דָּהֲאִ "חִטָּא" לִשְׁנָא דְּכֻויִי  
הָאָ? דְּהַתִּיבָּ "חִטָּא אֶת הַבַּיִת", וּמִתְּרוּמָה:  
וְדַבְּרִי יְתִיבָּתָא. וְאֵי בְּעֵית אִימָּא מִהְכָּא  
תְּחַטְּאֵנִי בָּאוֹב וְאַטָּהָר".

אָמָר רַבִּי יַצְחָק אָמָר רַבִּי אַמִּי: בֵּין שְׁבָא  
בְּרִי בְּעוֹלָם - בְּאַשְׁלָום בְּעוֹלָם, שֶׁגָּאמָר  
שְׁלֹחוּ בָּר מַוְשֵׁל אַרְצָ", "זָכָר" - זֶה בָּר.

אָמָר רַבִּי יַצְחָק דְּבִי רַבִּי אַמִּי: בָּא זָכָר  
בְּעוֹלָם - בָּא כְּפָרוּ בֵּינוֹ. "זָכָר" - זֶה בָּר,  
דְּכִיטִיב: "וַיַּכְרֵה לְהָם בָּרָה גְּדוֹלָה".

נְקִבָּה - אֵין עַמָּה בְּלוּם, "נְקִבָּה" - נְקִיָּה  
בָּאָה. עַד דְּאָמְרָה "בָּזָוִינִי" - לֹא יְהִבֵּלָה,  
דְּכִיטִיב: "נְקִבָּה שְׁכַד עַל וְאַתָּהּ".

שְׁאַלְוִי לִלְמִידִיו אֶת רַבִּי שְׁמֻעוֹן בֶּן יוֹחָנָן:  
מִפְנֵי מָה אָמְרָה תָּזָרָה יוֹלְתָה מִבֵּיתָה קָרְבָּן?  
אָמָר לְהָנָן: בְּשָׁעָה שְׁכֹרֶת לְלִיד - קָוְפָּצָת  
וְנִשְׁבָּעַת שְׁלָא תַּזְקֵק לְבַעַלְתָּה. לְפִיכָּךְ אָמָרָה  
תוֹרָה: תָּבִיא קָרְבָּן.

**And Rabbi Yoḥanan says:** A woman becomes pregnant only by engaging in intercourse near the time of her **immersion**<sup>N</sup> in a ritual bath, through which she is purified from her status as a menstruating woman, as it is stated in the continuation of the same verse: “And in sin [uvhet] did my mother conceive me” (Psalms 51:7).

The Gemara explains this derivation: **From where may it be inferred that this term “het” is a reference to purity?** The Gemara answers: As it is written with regard to leprosy of houses: “Vehittei the house” (Leviticus 14:52), and we translate the verse into Aramaic as: And he shall purify the house. And if you wish, say that the interpretation is derived from here: “Purge me [tehattereni] with hyssop, and I shall be pure” (Psalms 51:9). Evidently, the root *het*, *tet*, *alef* refers to purification.

**§ And Rabbi Yitzḥak says that Rabbi Ami says:** When a male comes into the world, i.e., when a male baby is born, peace comes to the world, as it is stated: “Send the lambs [khar] for the ruler of the land” (Isaiah 16:1). This *khar*, or *kar*, a gift one sends the ruler, contributes to the stability of the government and peace, and the word **male** [*zakhar*] can be interpreted homiletically as an abbreviation of: **This is a kar [zeh kar]**.

**And Rabbi Yitzḥak from the school of Rabbi Ami says:** When a male comes into the world, his loaf of bread, i.e., his sustenance, comes into his possession. In other words, a male can provide for himself. This is based on the aforementioned interpretation of the word **male** [*zakhar*] as an abbreviation of: **This is a kar [zeh kar]**, and the term *kar* refers to sustenance, as it is written: “And he prepared great provision [*kera*] for them” (II Kings 6:23).

By contrast, **when a female comes into the world, nothing**, i.e., no sustenance, comes with her. This is derived from the homiletic interpretation of the word **female** [*nekeva*] as an abbreviation of the phrase: She comes clean [*nekiya ba'a*], i.e., empty. Furthermore, until she says: Give me sustenance, people do not give her, as it is written in Laban’s request of Jacob: “Appoint me [*nokva*] your wages, and I will give it” (Genesis 30:28). Laban used the word *nokva*, similar to *nekeva*, when he said that he would pay Jacob only if he explicitly demanded his wages.

**The students of Rabbi Shimon ben Yoḥai asked him:** For what reason does the Torah say that a woman after childbirth brings an offering? He said to them: At the time that a woman crouches to give birth, her pain is so great that she impulsively takes an oath<sup>N</sup> that she will not engage in intercourse with her husband ever again, so that she will never again experience this pain. Therefore, the Torah says that she must bring an offering for violating her oath and continuing to engage in intercourse with her husband.

#### NOTES

And Rabbi Yoḥanan says: Near her immersion – **רַבִּי יוֹחָנָן אָמָר**: Some later commentaries write that because nowadays women wait longer after menstruation before immersing, it is no longer true that a woman becomes pregnant by engaging in intercourse soon after her immersion (Responsa *Malbushei Yom Tov*). Others have claimed that the later a woman engages in intercourse after her immersion the more likely that she will become pregnant, citing physicians of the time (Responsa *Dovev Meisharim*).

**She impulsively takes an oath – קָוְפָּצָת וְנִשְׁבָּעַת**: The later commentaries explain that this means a mental, rather than a spoken oath, which she undertakes while experiencing labor pains (*Ein Yaakov; Arukh LaNer*). Some commentaries further add that the reason her husband cannot exercise his right to nullify her oaths is that she did not take this oath contingent upon his consent (*Anaf Yosef*).

מִתְקִרְבָּה לְהָרֹב יוֹסֵף: וְהִיא מַוְיֵּדָה הָיאָ,  
וּבְחֶרְטָה תְּלִיאָ מִלְתָּא! וְעוֹד, קְרֻבָּן  
שְׁבוּעָה בַּשְׁעָאִיתָּוּי.

ומפִנִּי כִּה אָמֵרָה תֹּרְהָ זֶכֶר לְשֶׁבַע  
וְגַנְבָּה לְאַרְבָּעָה עֲשָׂר? זֶכֶר, שְׁחִפְלָה  
שְׁמָחוּם בָּו – מִתְחָרֵת לְשֶׁבַע. גַּנְבָּה,  
שְׁחִפְלָה עֲזָבִים בָּה – מִתְחָרֵת לְאַרְבָּעָה  
עֲשָׂר.

ומפִנִּי מָה אָמֵרָה תֹּרְהָ מִילָּה לְשֶׁמוֹנָה?  
שְׁלָא יְהוּ פְּלִים שְׁמָחוּם וְאַבְיוֹ וְאַמוֹ  
עֲזָבִים.

תָּנָא, הִיא רַבִּי מֵאֵי אָוּרָוָה: מִפְנִי מָה  
אָמֵרָה תֹּרְהָ נָּהָר לְשֶׁבַע? מִפְנִי שְׁגִיגָה  
בָּה וְקַצְבָּה. אָמֵרָה תֹּרְהָ: תְּהִא טָמֵא  
שֶׁבַע יָמִים, בְּרוּ שְׁתָהָא חֲבִיבָה עַל  
בָּעֵלה בְּשַׁעַת בִּיסְתָּה לְחוֹפָה.

שָׁאַלְוָה תַּלְמִידָיו אֶת רַבִּי דּוֹסְטָא בָּרְבִּי  
יְעָאֵי: מִפְנִי מָה אִישׁ מְחַזֵּר עַל אִשָּׁה, וְאַיִן  
אִשָּׁה מְחַזֵּר עַל אִישׁ? מְשֻׁלָּל אֶלְאָדָם  
שָׁאַבְדָּל לוֹ אֶבְיךְדָּה, מֵמְחַזֵּר עַל מַיִם? בָּעֵל  
אֶבְיךְדָּה מְחַזֵּר עַל אֶבְיךְדָּה.

ומפִנִּי מָה אִישׁ פָּנוּ לְמִטָּה, וְאִשָּׁה פָּנִיתָ  
לְמִעְלָה בְּלִפְנֵי הָאִישׁ? וְהַמִּפְקוּדָם שְׁגִבָּרָא  
וְוְמִפְקוּדָם שְׁגִבָּרָתָה.

Rav Yosef objects to this answer: But isn't the woman an intentional violator of her oath? And if she wishes that her oath be dissolved, so that she may engage in intercourse with her husband, the matter depends on her regret of her oath. One is obligated to bring an offering for violating an oath of an utterance only if his transgression is unwitting. And furthermore, if the purpose of the offering that a woman brings after childbirth is to atone for violating an oath, then she should be required to bring a female lamb or goat as an offering, which is the requirement of one who violated an oath, rather than the bird offering brought by a woman after childbirth.

And the students of Rabbi Shimon ben Yoḥai further inquired of him: For what reason does the Torah say that a woman who gives birth to a male is ritually impure for seven days, but a woman who gives birth to a female is impure for fourteen days? Rabbi Shimon ben Yoḥai answered them: When a woman gives birth to a male, over which everyone is happy, she regrets her oath, that she will never again engage in intercourse with her husband, already seven days after giving birth. By contrast, after giving birth to a female, over which everyone is unhappy,<sup>N</sup> she regrets her oath only fourteen days after giving birth.

And the students further asked him: For what reason does the Torah say that circumcision is performed only on the eighth day of the baby's life, and not beforehand? He answered them: It is so that there will not be a situation where everyone is happy at the circumcision ceremony but the father and mother of the infant are unhappy,<sup>N</sup> as they are still prohibited from engaging in intercourse.

It is taught in a *baraita* that Rabbi Meir would say: For what reason does the Torah say that a menstruating woman is prohibited from engaging in intercourse with her husband for seven days? It is because if a woman were permitted to engage in intercourse with her husband all the time, her husband would be too accustomed to her, and would eventually be repulsed by her. Therefore, the Torah says that a menstruating woman shall be ritually impure for seven days, during which she is prohibited from engaging in intercourse with her husband, so that when she becomes pure again she will be dear to her husband as at the time when she entered the wedding canopy with him.

§ The students of Rabbi Dostai, son of Rabbi Yannai, asked him: For what reason is it the norm that a man pursues a woman for marriage, but a woman does not pursue a man? Rabbi Dostai answered them by citing a parable of a person who lost an item. Who searches for what? Certainly the owner of the lost item searches for his item; the item does not search for its owner. Since the first woman was created from the body of the first man, the man seeks that which he has lost.

And the students of Rabbi Dostai further asked him: For what reason does a man engage in intercourse facing down, and a woman engage in intercourse facing up toward the man? Rabbi Dostai answered them: This man faces the place from which he was created, i.e., the earth, and that woman faces the place from which she was created, namely man.

#### NOTES

A male over which everyone is happy...a female over which everyone is unhappy – בְּרוּ שְׁחִפְלָה שְׁמָחוּם בָּו גַּנְבָּה שְׁחִפְלָה עֲזָבִים בָּה: Some commentaries explain that the reason people are happy when a male is born is that he will never have to suffer the pains of labor (Maharsha). Others explain that the difference is due to the fact that the labor pains that a woman experiences while giving birth to a male are less severe than those she experiences when giving birth to a female (*Mei Nidda*).

But the father and mother are unhappy – אַבְיוֹ וְאַמוֹ עֲזָבִים: The later commentaries note that according to the *halakha* nowadays, the prohibition against the parents engaging in intercourse lasts much longer than seven days. Other reasons why circumcision is performed on the eighth day are not mentioned in the Gemara, and those reasons are relevant nowadays as well (*Marit HaAyin*). Furthermore, the interpretations mentioned in the Gemara here for various *halakhot* of the Torah are mere homiletics and have no halakhic ramifications (*Anaf Yosef*).

ובפנֵי מָה הָאִישׁ מַקְבֵּל פִּוּס, וְאַנְךָ  
אֲשֶׁר מַקְבֵּלְתָּ פִּוּס? זֶה מִפְקוּד  
שְׁנַבְּרָא וּזֶה מִפְקוּד שְׁנַבְּרָאת.

And the students also inquired: For what reason is a man who is angry likely to accept appeasement, but a woman is not as likely to accept appeasement? Rabbi Dostai answered them: It is because this man behaves like the place from which he was created, i.e., the earth, which yields to pressure, and that woman behaves like the place from which she was created, i.e., from bone, which cannot be molded easily.

מִפְנֵי מָה אֲשֶׁר קֹלֶה עֲרָב, וְאַנְךָ  
קֹלֶה עֲרָב? זֶה מִפְקוּד שְׁנַבְּרָא וּזֶה  
מִפְקוּד שְׁנַבְּרָאת. שְׁנָאָמָר "כִּי קֹלֶן  
עֲרָב וְמְרָאָן נָאוֹה."

The students continued to ask Rabbi Dostai: For what reason is a woman's voice pleasant, but a man's voice is not pleasant? He answered: This man is similar to the place from which he was created, the earth, which does not issue a sound when it is struck, and that woman is similar to the place from which she was created, a bone, which makes a sound when it is struck. The proof that a woman's voice is pleasant is that it is stated in Song of Songs that the man says to his beloved: "For sweet is your voice, and your countenance is beautiful" (Song of Songs 2:14).

הדרן עלך המפלת חתיכה



## Summary of Perek III

A woman who miscarried assumes the ritual impurity status of a woman after childbirth. Nevertheless, the Sages determined that if she discharged an embryo that is less than forty days old, or if the fetus does not have the shape of a human being, she is not impure. If the fetus has a human face, the woman is impure.

In certain cases, the discharged item is not considered a full-fledged human offspring, e.g., if she discharged an amorphous piece of tissue, or a piece that looks like a shell or a hair. In these cases as well, the *halakha* is that the woman does not have the impurity status of a woman after childbirth.

With regard to those instances where the woman is not impure, the Sages disagree as to whether she assumes the impurity status of a menstruating woman if she examined herself and did not discover bleeding during the miscarriage. Some hold that in such a case the woman is pure, whereas others maintain that miscarriage is always accompanied by bleeding, and consequently she is impure. Everyone agrees that if the woman did not examine herself she is impure, although if the opening of the womb was minor, e.g., in a case where she discharged small pieces of flesh, she is pure.

If a woman discharged a gestational sac in which tissue developed, she must observe the impurity of a woman after childbirth. Since the sex of the offspring is unknown, she must observe the strictures of a woman who gave birth to both a male and a female. This is also the *halakha* if she discharged a deformed fetus that looks like a sandal fish, or if the sex of a full-fledged offspring is uncertain, e.g., a hermaphrodite or a *tumtum*, i.e., a fetus whose sexual organs are indeterminate. If a woman discharges an afterbirth, it is presumed that she was pregnant and that the fetus dissolved in the womb. Consequently, she observes the strictures of a woman who gave birth to both a male and a female, as the sex of the dissolved fetus is unknown.

In a case where the offspring's sex is unknown, the woman observes the strictures of one who gave birth to both a male and a female. In a case where it is uncertain whether a woman was pregnant with a full-fledged offspring at all, she also observes the strictures of a menstruating woman. The reason is that if she did not discharge a full-fledged offspring, the bleeding from her uterus renders her a menstruating woman.

The Sages determined the stage of birth at which the infant is considered born and the woman becomes impure: If an infant is born headfirst, the woman is impure when most of the infant's forehead emerges. If it is born feetfirst, or if it is a non-viable newborn and emerges limb by limb, it is considered born when most of its body emerges.

If a woman inserted a tube into her vagina and discovered blood in the tube, she does not become ritually impure, even by rabbinic law. There is a disagreement among the early commentaries as to whether contact is required for her to contract ritual impurity or if she is not ritually impure because this is not the normal way that a woman discovers bleeding.

*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

*And if a woman has an issue of her blood many days, not in the time of her menstruation, or if she has an issue beyond the time of her menstruation, all the days of the issue [zov] of her impurity she shall be as in the days of her menstruation: She is impure.*

(Leviticus 15:25)

## Introduction to Perek IV

The verse states that a woman who experiences menstrual bleeding is rendered a menstruating woman and is impure for seven days. But the Torah does not describe the conditions of such bleeding: Is the verse referring to a woman who experiences a continuous discharge of blood, or even to a woman who experiences a single discharge?

Additionally, the phrase “And her issue in her flesh is blood” requires clarification. Is this referring to any issue of blood that emanates from her flesh, or to a specific type of emission that is known as “her issue in her flesh”?

The Torah also treats the case of a woman who “has an issue of her blood many days, not in the time of her menstruation,” and states that such a woman is rendered a *zava*. But the Torah does not explain what is considered the time of her menstruation, and what is not considered the time of her menstruation, or how they are determined. Several other issues likewise require clarification: What are the circumstances in which a woman is rendered a *zava*? What is considered “many days,” and what is the *halakha* with regard to a woman who had an issue for only one day “not in the time of her menstruation”?

Once the two time periods, of menstruation and *ziva*, are clearly defined, one must clarify how a woman should act during the days of her *ziva*, when she is ritually pure provided she does not emit blood. Is she required to examine herself, just as she must do during her days of menstruation?

Additionally, when the verse states: “And if a woman has an issue of her blood,” is this referring only to blood that comes of its own accord, or even to blood that is emitted because of some additional factor, e.g., blood emitted due to labor pains?

Furthermore, when the verse speaks of “a woman,” is it referring specifically to an adult woman, which would mean that a minor girl is not included in these *halakhot*, or is it referring to all females who have a menstrual cycle, including minors? It is also necessary to determine the status of women who do not observe *halakhot* of family purity in the proper manner, such as Sadducee and Samaritan women.

These are the main subjects discussed in this chapter.



Perek IV  
Daf 31 Amud b

**מתני'** בנות כותים נדות מעריקתן.  
והכותמים מטמאים משבב תחthon  
בעלזון מפני שהן בועלן נדות.

וְהַנִּזְוָבֹת עַל כָּל דָם וְדָם.

**MISHNA** Samaritan<sup>b</sup> girls<sup>N</sup> are considered menstruating women from the time they lie in their cradle. And the Samaritan men impart ritual impurity to the lower bedding like the upper bedding, i.e., all layers of bedding beneath them are impure, and their status is like the bedding above a man who experiences a gonorrhea-like discharge [zav]: The status of both levels of bedding is that of first-degree ritual impurity, which can impart impurity to food and drink. This is due to the fact that Samaritan men are considered men who engage in intercourse with menstruating women.

וְאֵין חִיבֵן עַל הַיּוֹם עַל בֵיאת מִקְדָשׁ,  
וְאֵין שׂוֹרֵפִין עַל הַמִזְבֵחַ, מִפְנֵי  
שְׁטוּמָתָן סְפִיק.

גָם הַיּוֹם דָמֵי אֵי דְקָא קְתוּנִין – אֲפִילוֹ!  
דִין נָמִי וְאֵי דְלָא קְתוּנִין – דִידָהוּ גְּמַי!  
לֹא!

And they are considered men who engage in intercourse with menstruating women because Samaritan women observe the seven-day menstrual period of ritual impurity for each and every emission of blood, even for blood that does not render them impure. Accordingly, if a Samaritan woman has an emission of impure blood during the seven-day period, she will nevertheless continue counting seven days from the first emission. It is therefore possible that the Samaritan men will engage in intercourse with their wives while they are still halakhically considered menstruating women, as the seven-day period of impurity should have been counted from the emission of the impure blood.

But one who enters the Temple while wearing those garments upon which a Samaritan had lain is not liable to bring an offering for entering the Temple<sup>NH</sup> in a status of impurity, nor does one burn teruma that came into contact with those garments, because their impurity is uncertain.

**GEMARA** The mishna teaches that Samaritan girls are considered menstruating women from the time they lie in their cradle. The Gemara asks: What are the circumstances of this statement? If the mishna is referring to girls who already see menstrual blood, then even our own, i.e., Jewish girls, are also considered menstruating women under such circumstances. And if it is referring to girls who do not yet see menstrual blood, then their girls, i.e., those of the Samaritans, should also not have the status of menstruating women.

#### BACKGROUND

Samaritans [Kutim] – בְּפִתְּחָה: The term Kutim, Samaritans, actually is referring to members of a community that included several nations and which was only partly populated by Kutim, Cutheans (II Kings 17:24). In the period of the First Temple, Cutheans were brought to Eretz Yisrael by the Assyrians to replace the Jews who had recently been exiled to Babylonia. They settled in Samaria, and for this reason they are also called Samaritans. The Bible (II Kings, chapter 17) relates how these nations partially accepted the Jewish faith out of fear of wild lions which were prevalent in Samaria. This led to the expression: Converts of lions. Although their conversion was suspect, it did inspire the Samaritans to abandon idol worship by and large.

In the beginning of the Second Temple period, hostility escalated between Jews and Samaritans and their allies. The Samaritans resorted to informing, incitement, and even military action to prevent the construction of the walls of Jerusalem and

the Temple. Nevertheless, in later times some Jewish families in Judea, including the priestly class, intermarried and assimilated with the Samaritans. This clearly aggravated the already deep animosity between the two peoples, to the extent that Yohanan Hyrcanus, leader of Judea and the High Priest, even traveled to Samaria and destroyed their temple on Mount Gerizim. But there were also occasions in which Jews and Samaritans allied themselves together somewhat, e.g., during the bar Kokhba revolt.

There are various opinions among the Sages not just with regard to marriages between Jews and Samaritans but concerning their overall status in halakha. After much deliberation, the Sages decided that due to the prevalence of idolatry in their community, fostered by Greek and Roman influence, Samaritans should be considered gentiles in all regards. In the past few hundred years there has been a reawakening of similar dilemmas and conflicts of opinion.



Samaritans at Mount Gerizim

#### NOTES

**Samaritan girls – בָּנָות כּוֹתִים:** According to some commentaries, this mishna is only in accordance with the opinion that Samaritans are true converts. Moreover, it is stated that when the Samaritans observed the Torah they were more particular about the mitzvot they upheld than were the Jews (see Kiddushin 79a). Nevertheless, in certain aspects the Sages treated Samaritans differently from regular Jews, as they did not accept the traditions of the Oral Law (Meiri). According to the opinion that Samaritans converted under duress and their conversion was therefore ineffective, and certainly after the Sages found that they worshipped the image of a dove (see Hullin 6a), they are considered like full-fledged gentiles in all regards and in all areas of Torah law, including in the halakhot of ritual purity and impurity (Rambam's Commentary on the Mishna; Tosafot).

But one who enters the Temple while wearing those is not liable to bring an offering for entering the Temple – אֵין חִיבֵן עַל בֵיאת מִקְדָשׁ: Some commentaries maintain that the term: Those, is not referring to the garments, which is how Rashi understands the term. Rather, it is referring to the Samaritans themselves. In other words, the mishna is teaching that one who touches a Samaritan and enters the Temple is not thereby rendered liable to bring an offering (Rashash; Arukh LaNer).

#### HALAKHA

But one...is not liable to bring an offering for entering the Temple – אֵין חִיבֵן עַל בֵיאת מִקְדָשׁ: By Torah law gentiles are not susceptible to the ritual impurity of a zav, a menstruating woman, or a woman after childbirth, but the Sages decreed that all gentiles impart impurity like a zav; this halakha applies to males from the age of nine years and one day and to females from the age of three years and one day.

This decree was not applied to the semen of a male gentile, which remains ritually pure, as is the halakha by Torah law. The reason for this exception was to make known that the ritual impurity of semen applies by rabbinic law, as everyone is aware that the semen of an actual zav is a primary source of ritual impurity. Since people will realize that the impurity of gentiles applies by rabbinic law only, they will refrain from burning teruma and consecrated food on account of this impurity.

Consequently, the gonorrhea-like discharge of gentiles, the blood of a menstruating woman, the blood of a ziva, the blood of childbirth, and a gentile man and woman themselves, including their saliva, urine, and the bedding on which they lie and the saddles upon which they ride, all have the status of a primary source of ritual impurity by rabbinic law only. Therefore, one who comes into contact with one of these and subsequently enters the Temple is not liable to bring an offering, nor does one burn teruma that touches one of them. They all impart impurity to people and vessels, and they impart ritual impurity by carrying, as does a zav, in all respects, except that the impurity applies by rabbinic law (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 2:10).

אמור ורבא בריה זרוב אחא בר רב הונא  
אמור رب ששת: הכא במא עסקינו  
בסתמא, דכינוי דאייבא מיעוטא דתהיון –  
חישין. ומאן פנא דחייב למיועטא,

Rava, son of Rav Aḥa bar Rav Huna, says that Rav Sheshet says: Here we are dealing with an unspecified case, i.e., it is unknown whether these girls have experienced their first menstrual period. Since there is a minority of girls who see menstrual blood, we are concerned with regard to each Samaritan girl that she might be from this minority. The Gemara asks: And who is the *tanna* who taught that one must be concerned for the minority?

## Perek IV

### Daf 32 Amud a

#### BACKGROUND

**Levirate marriage and halitzah** – בָּבָם וְתַלְיָצָה: The *halakhot* of levirate marriage and *halitzah* appear in the Torah (see Deuteronomy 25:5–10) and are articulated at length in tractate *Yevamot*, which is devoted primarily to this topic. The basic concept is that if a man dies with no living descendants, his wife is obligated by a levirate bond to her husband's brother. The brother must either take her as a wife through levirate marriage or sever the bond by means of the ceremony of *halitzah*. As long as the levirate bond is intact, it is prohibited for her to marry a different man. Any continued involvement on her part with another man prior to *halitzah* is considered an ongoing transgression.

**Sexually underdeveloped man [saris]** – סָרִיס: The Sages use the term *saris*, which generally means a eunuch, to refer not only to one who has had a significant portion of his genitals removed but to any male with a major physical or genetic defect on account of which he is unable to father children. Consequently, even when no blemish is discernable, it is possible that any minor boy might eventually have such a defect.

**Sexually underdeveloped woman [ailonit]** – אַילוֹנִית: An *ailonit* is a woman who is sexually underdeveloped to the extent that she is incapable of bearing children. This is a general term for women who have basic flaws in their reproductive systems. Sometimes the secondary reproductive signs of these women are not present at all or are barely developed. A comprehensive inquiry into the definition of an *ailonit*, from both a biological and a halakhic perspective, can be found in tractate *Yevamot* 8ob.

רבי מאיר היה. והתניא, קטן וקטנה – לא  
חולצין ולא מיבטמי, דבוני רבי מאיר.

The Gemara responds: It is Rabbi Meir, as it is taught in a *baraita*: A minor boy<sup>4</sup> and a minor girl<sup>4</sup> may not perform the ritual through which a *yavam* frees a *yevama* of her levirate bonds [*halitzah*], nor may they enter into levirate marriage.<sup>8</sup> In other words, a minor boy whose brother died childless may not perform *halitzah* with his brother's widow, nor may he enter into levirate marriage with her, even if she is an adult. Likewise, a minor girl whose husband died childless may not perform *halitzah* with her husband's brother, nor may she enter into levirate marriage with him, even if he is an adult. This is the statement of Rabbi Meir.

אמרו לו לרבי מאיר: יפה אמרת שאין  
חולצין – איש כתוב בפרשה, ומכיון  
אשה לאיש, ומה טעם אין מיבטמי?

The Rabbis said to Rabbi Meir: You have aptly stated that they may not perform *halitzah*, since “man” is written in the passage of the Torah discussing *halitzah* (Deuteronomy 25:7), and we compare a woman to a man, as the aforementioned verse states: “And if the man does not want to take his brother’s wife.” Consequently, neither a minor boy nor a minor girl may perform *halitzah*. But what is the reason that they may not enter into levirate marriage?

אמר להן: קטן – שמא ימצא סריס,  
קטנה – שמא תמצא אילונית, ונמצא  
פוגעין בעורה שלא במקומותמצוות.

Rabbi Meir said to them: A minor boy may not enter into levirate marriage lest, once he is older, he be found to be a sexually underdeveloped man,<sup>8</sup> who is incapable of fathering children. Likewise, a minor girl may not enter into levirate marriage lest, once she is older, she be found to be a sexually underdeveloped woman.<sup>8</sup> And if a sexually underdeveloped boy or girl enters into levirate marriage they will be found to be infringing upon prohibitions against forbidden sexual intercourse where no *mitzva* applies, as the entire purpose of levirate marriage is to bear children in the name of the deceased.

ורבנן: ייל בתר ורבא דקטנים – ורוב  
קטנים לאו סריסים נינחו, ייל בתר ורבא  
דקטנות – ורוב קטנות לאו אילונית  
ニינחו.

The Gemara notes: And the Rabbis maintain that one follows the majority of minor boys, and most minor boys are not going to be sexually underdeveloped men; likewise, one follows the majority of minor girls, and most minor girls are not going to be sexually underdeveloped women. In any event, the *baraita* indicates that Rabbi Meir is concerned for the minority.

איימר דשטעת ליה לרבי מאיר מיעוטא  
דשכית, אבל מיעוטא דלא שכיח מי  
שטעת ליה?

The Gemara objects: You can say that you heard that Rabbi Meir is concerned for a common minority, e.g., the minority of sexually underdeveloped men and sexually underdeveloped women. But did you hear him say that one is concerned for an uncommon minority, such as the minority of young girls who menstruate?

#### HALAKHA

A minor boy with regard to *halitzah* – קטן בדין תלמיד: A minor boy is not halakhically capable of performing *halitzah*. He can do so only when he reaches the age of thirteen years and one day and has been examined and found to have two pubic hairs (Rambam *Sefer Nashim*, *Hilkhot Yibbum VaHalitzah* 1:16; *Shulhan Arukh*, *Even HaEzer* 167:3).

A minor girl with regard to *halitzah* – קטנה בדין תלמידה: A minor girl is not halakhically capable of performing *halitzah* until she reaches the age of twelve years and one day, and has been examined and found to have two pubic hairs (Rambam *Sefer Nashim*, *Hilkhot Yibbum VaHalitzah* 1:17; *Shulhan Arukh*, *Even HaEzer* 167:4).

הִא נְמִי מַיּוֹתָא דְשִׁכֵּחַ הוּא. דְתִנְיָא, אָמֵר  
רַבִּי יוֹסֵי: מַעֲשָׂה בֵּין בָּול – וְהַטְבִּילָה  
קָודֵם לְאֶמֶת. וְאָמֵר רַבִּי: מַעֲשָׂה בְּבֵית  
שְׁעִירִים – וְהַטְבִּילָה קָודֵם לְאֶמֶת. וְאָמֵר  
רַבִּי יוֹסֵי: מַעֲשָׂה בְּפָומְבִּידִיתָא – וְהַטְבִּילָה  
קָודֵם לְאֶמֶת.

בְּשַׁלְמָא דָרְבִּי יוֹסֵי וְדָרְבִּי – מִשּׁוּם תְּרוּמָה  
אָרֶץ יִשְׂرָאֵל, אָלֶא דָרְבִּי יוֹסֵף לְמַה לֵי?  
וְאָמֵר שְׁמוֹאֵל: אָנִי תְּרוּמָה חַיוֹן לְאָרֶץ  
אַסְכָּרָה – אָלֶא בְּמַיִּשְׁטוּנָה יוֹצָא הַמְגֻפָּה,  
וְהַנִּמְלִילָה – בָּאֲכִילָה, אָכְלָה בְּנִגְעָה – לֹא!

The Gemara explains: This minority of young girls who menstruate is also a common minority. As it is taught in a *baraita* that Rabbi Yosei said: There was an incident in the town of Ein Bul<sup>b</sup> where they immersed a baby girl in a ritual bath before her mother.<sup>n</sup> In other words, the baby girl experienced bleeding so soon after birth that her immersion in a ritual bath occurred before her mother immersed fourteen days after giving birth. And Rabbi Yehuda HaNasi likewise said: There was an incident in Beit She'arim<sup>b</sup> where they immersed a baby girl before her mother. And Rav Yosef said: There was an incident in Pumbedita<sup>b</sup> where they immersed a baby girl<sup>n</sup> before her mother.

The Gemara asks: Granted, the immersions reported by Rabbi Yosei and by Rabbi Yehuda HaNasi are understandable, due to the *teruma*<sup>b</sup> of Eretz Yisrael, i.e., these incidents occurred in Eretz Yisrael, where the touch of a menstruating girl disqualifies *teruma*. But in the incident reported by Rav Yosef, which occurred in Babylonia, why do I need to immerse the baby girl? But doesn't Shmuel say: The *teruma* of outside of Eretz Yisrael<sup>h</sup> is prohibited only to one whose impurity is due to an emission from his body, e.g., a menstruating woman, or one who experiences a gonorrhea-like discharge [zav]. And this statement applies only with regard to eating *teruma*, but with regard to touching *teruma*, there is no prohibition. Since the touch of a menstruating woman does not disqualify *teruma* outside Eretz Yisrael, why was it necessary to immerse the baby girl in the incident reported by Rav Yosef?

Ein Bul – עַיְן בָּל: The town of Ein Bul, also called Inbul, is identified with the village Ein Avel, in southern Lebanon.

Beit She'arim – בית שְׁעָרִים: Beit She'arim was a small village in the Jezreel Valley, in a place now known as Sheikh Abreik. It was the seat of the Sanhedrin in the days of Rabbi Yehuda HaNasi. Although Rabbi Yehuda HaNasi moved to Tzippori toward the end of his life for health reasons, he was nevertheless buried in Beit She'arim. This is likely the reason the burial grounds at Beit She'arim gained importance, as for hundreds of years distinguished families in Eretz Yisrael and the Diaspora would bring their dead to be buried there. In recent times this large cemetery has been unearthed, with many of the ossuaries and epitaphs on the tombstones remaining intact.

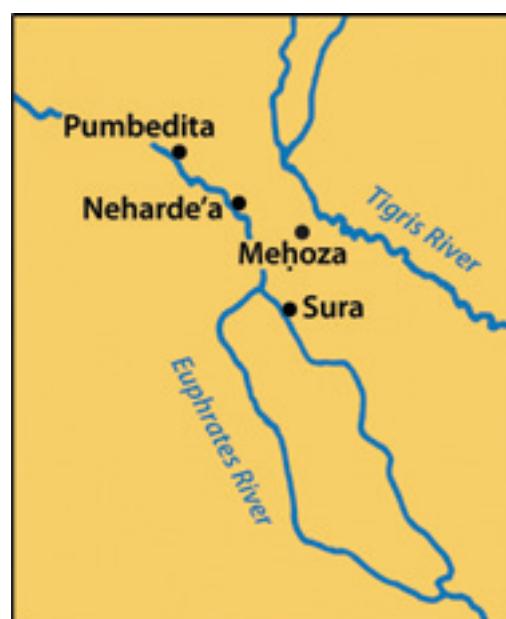


Location of Beit She'arim

Pumbedita – פָומְבִּידִיתָא: A city on the Euphrates River, northwest of Neharde'a, Pumbedita was an important center of the Babylonian Jewish community for many generations. As early as the Second Temple period Pumbedita was called simply: The Diaspora, as it was considered the center of Babylonian Jewry. After the destruction of Neharde'a, some scholars from its yeshiva relocated to Pumbedita, and from then on Torah study continued there without interruption until the end of the geonic period.

The scholars of Pumbedita were particularly famous for their

acumen. The most famous heads of the Pumbedita Yeshiva were its founder Rav Yehuda, as well as Rabba, Rav Yosef, Abaye, Rav Nahman bar Yitzhak, Rav Zevid, and Rafram bar Pappa. The Pumbedita Yeshiva was prominent in the geonic period as well, often overshadowing the yeshiva in Sura. The last heads of the Pumbedita Yeshiva were the renowned *ge'onim* Rav Sherira Gaon and his son, Rav Hai Gaon.



Location of Pumbedita

**Teruma – תְּרוּמָה:** Whenever the term *teruma* appears without qualification it is referring to *teruma gedola*. The Torah commands that "the first fruit of your grain, of your wine, and of your oil" be given to the priest (Deuteronomy 18:4; see Numbers 18:12). The Sages extended the scope of this mitzva to include all produce grown in Eretz Yisrael. *Teruma* is sacred and may be eaten only by a priest and his household while they are in a state of ritual purity (see Leviticus 22:9–15). Today *teruma* may not be eaten, as there is no way to ensure that the priest who eats it is ritually pure, and priests today do not have definitive proof of their status. Therefore, the *halakha* reverts to Torah law, and in practice only a minimal portion of the produce is separated.

## HALAKHA

The prohibition of ritual impurity with regard to the *teruma* outside of Eretz Yisrael – אַסְכָּרָה תְּרוּמָה חַיוֹן לְאָרֶץ: Since *teruma* outside of Eretz Yisrael applies by rabbinic law, it is prohibited in consumption only to a priest whose impurity is due to an emission from his body, i.e., one who experienced a seminal emission; a *zav*; a *zava*; a menstruating woman; and a woman who gave birth. According to some commentaries, once these individuals have immersed they may eat this *teruma* even before sunset, which is not the *halakha* with regard to *teruma* in Eretz Yisrael (Rambam). Others disagree and rule that if a minor priest is available then such *teruma* is not given to such an adult priest before sunset (Ra'avad; see Radbaz and Kesef Mishne). The *halakha* is in accordance with the opinion of Shmuel (Rambam Sefer Zera'im, *Hilkhot Terumot* 7:8).

## NOTES

They immersed a baby girl before her mother – הַטְבִּילָה קָודֵם לְאֶמֶת: The early commentaries disagree as to the reason for this immersion. Some state it was to prevent any *teruma* the girl might touch from becoming ritually impure (Rashi). Others claim that it is unlikely that such a young child would come into contact with *teruma*. Furthermore, as the baby would once again be rendered ritually impure when she touches her mother, who herself is impure from childbirth, the immersion does not resolve this problem. They therefore explain that the immersion is due to a concern that people who touch the baby girl, who imparts impurity to them as a primary source of ritual impurity, might subsequently come into contact with *teruma* (*Tosefot HaRosh*; Rashba).

They immersed a baby girl – הַטְבִּילָה קָודֵם לְאֶמֶת: The later commentaries explain that although immersion in a ritual bath requires intent, and a baby girl has no halakhic intent, the main requirement for intent applies to the one who immerses her in the water. This is comparable to the immersion of impure vessels, where the necessary intent is fulfilled by the one performing the action (*Hatam Sofer*).

### NOTES

To include one who smears like one who drinks – **לְבוּבָת אֶת הַפְּקָד בְּשׁוֹתָה**: Some commentaries claim that the verse is merely cited in support, as by Torah law one is liable only for eating and drinking *teruma*, not for anointing one's body. According to this opinion, the statement that anointing is like drinking applies by rabbinic law (*Tosafot*; Ramban). Others maintain this is a full-fledged derivation from the verse and therefore applies by Torah law, but only with regard to *teruma*. By contrast, with regard to other *halakhot*, e.g., forbidden fat, anointing is not considered like drinking by Torah law (*Ritva*; see Ramban). Yet others contend that in the case of *teruma* the verse is cited as mere support of a rabbinic law, whereas with regard to other prohibitions anointing is not considered like drinking even by rabbinic law (*Tosafot*, citing *Rabbeinu Tam*; *Rashba*; *Meiri*).

### HALAKHA

To include one who smears like one who drinks – **לְבוּבָת אֶת הַפְּקָד בְּשׁוֹתָה**: In a case where a non-priest unwittingly anointed himself with an olive-bulk of *teruma* (see Radbaz), if that produce is normally used for anointing then he must pay the principal and an additional one-fifth, whether the *teruma* was ritually pure or impure (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 10:2).

A one-day-old girl with regard to menstruation – **תִּינּוּקָת בָּת יוֹם אֶחָד**: If a one-day-old baby girl emits blood, she imparts ritual impurity as a menstruating woman. This is in accordance with a tradition that there is no difference between an adult woman and a minor with regard to the impurity of menstruation and a gonorrhea-like discharge (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 4:1 and *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 1:3).

A girl aged three years and one day with regard to sexual intercourse – **תִּינּוּקָת בָּת שֶׁלַשׁ שָׁנִים וּמִיומָן אֶחָד**: Like all those with whom engaging in intercourse is forbidden, one who engages in even the initial stage of intercourse with a menstruating woman, including a girl aged three years and one day, is liable to excision from the World-to-Come [karet]. The reason is that a girl can become ritually impure as a menstruating woman from the day of her birth, while a ten-day-old girl can contract the ritual impurity of *ziva*, and intercourse with a girl aged three years and one day is halakhically considered an act of intercourse (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 4:1; see *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 1:3).

אֲמֹר מֹר זַעֲרָא: לֹא נִזְרָכָה אֶלָּא לְסֻכָּה  
שְׁמַן שְׁלֵתְרוּמָה. דָתְנֵא: "לֹא יְחַלֵּל אֶת  
קָדְשֵׁי בָנֵי יִשְׂרָאֵל אֲשֶׁר יַרְמֵי לָה'" –  
**לְבוּבָת אֶת הַפְּקָד אֶת הַשׁוֹתָה.**

שׁוֹתָה לְפָה לִי קְרָא? שְׁתִיה בְּכָלְלָה  
אֲכִילָה! אֶלָּא, לְבוּבָת אֶת הַפְּקָד בְּשׁוֹתָה.  
וְאַבְשִׁיעַת אִימָא מַהֲכָא: יְתַבָּא בְּמִים  
בְּקָרְבּוֹ וְכַשְׁמַן בְּעַצְמוֹתָיו.

### אֵי הַכִּי – דִין נָמֵי

אָמַן דְּדָרְשֵׁין "אִשָּׂה" וּ"אִשָּׂה", וּ"חַזְוִין"  
מִפְרָשֵׁי לְהוּ – לֹא גַּוּרוּ בָּהוּ רַבָּן. אַיְנָה  
לֹא דְּרָשֵׁי "אִשָּׂה" וּ"אִשָּׂה", וּ"חַזְוִין"  
לֹא מִפְרָשֵׁי לְהוּ – גַּוּרוּ בָּהוּ רַבָּן.

מַאֲיָא "אִשָּׂה" וּ"אִשָּׂה"? דָתְנֵא: "אִשָּׂה" –  
אֵין לְאֶלָּא אִשָּׂה, תִּינּוּקָת בָּת יוֹם אֶחָד  
לְבִיאָה מִנְיָן? תַּלְמֹוד לוֹמֵר: "אִשָּׂה".

אַלְמָא, כִּי מַרְבֵּי קְרָא – בָּת יוֹם אֶחָד  
מַרְבֵּי, וּרְמִינָה: "אִשָּׂה" – אֵין לְאֶלָּא  
אִשָּׂה, תִּינּוּקָת בָּת שֶׁלַשׁ שָׁנִים וּמִיומָן אֶחָד  
לְבִיאָה מִנְיָן? תַּלְמֹוד לוֹמֵר: "אִשָּׂה"!

**Mar Zutra**<sup>p</sup> says: That immersion was necessary only for smearing oil of *teruma* of outside of Eretz Yisrael. Since smearing is equivalent to eating, it would have been prohibited to smear such oil on the baby girl, were it not for her immersion in a ritual bath. And from where is it derived that smearing is like eating with regard to *teruma*? As it is taught in a *baraita*: The verse discussing the prohibition against consuming *teruma* in a state of ritual impurity states: “And they shall not desecrate the sacred items of the children of Israel, which they set apart for the Lord” (Leviticus 22:15). The verse serves to include in this prohibition one who smears and one who drinks.

Mar Zutra continues: Why do I need a verse to teach that one who drinks *teruma* in a state of impurity is liable? Isn't drinking included in the category of eating? Rather, the *baraita* means that the verse serves to include one who smears, teaching that he is like one who drinks.<sup>NH</sup> And if you wish, say that one may derive that smearing is like drinking from here: “And it came into his innards like water, and like oil into his bones” (Psalms 109:18).

As it stands, the *halakha* that Samaritan girls are considered menstruating women from the time they lie in their cradle is in accordance with the opinion of Rabbi Meir, who is concerned for the minority of young girls who menstruate. The Gemara objects: If so, let us be concerned for the same minority with regard to our girls as well.

The Gemara explains: There is no need to be concerned with regard to our young girls, as we interpret the verse: “And if a woman has an issue” (Leviticus 15:19), and derive from the fact that the verse does not merely state: “A woman,” but: “And if a woman,” that even minor girls are included in the *halakhot* of a menstruating woman. And consequently, when our girls see menstrual blood, we separate them in the manner of all menstruating women. Therefore, the Sages did not decree with regard to them that all young Jewish girls assume the status of menstruating women. By contrast, with regard to them, Samaritans, who do not interpret the difference between “a woman” and “and if a woman,” when their girls see menstrual blood they do not separate them, and therefore the Sages decreed with regard to them that all Samaritan girls assume the status of menstruating women.

**S** The Gemara asks: What is this interpretation of the difference between “a woman” and “and if a woman”? As it is taught in a *baraita* that from “a woman” I have derived only that the *halakhot* of menstruation apply to an adult woman. From where do I derive that the *halakhot* of a menstruating woman also apply to a one-day-old girl?<sup>H</sup> The verse states: “And if a woman.”

The Gemara asks: Apparently, when the verse includes young girls through the word “and” it includes even a one-day-old. But you can raise a contradiction from another *baraita*, which discusses the verse: “And the woman with whom a man shall lie carnally, they shall both bathe themselves in water, and be impure until the evening” (Leviticus 15:18). From the word “woman” I have derived only that the sexual intercourse of an adult woman is considered intercourse that renders her impure. From where do I derive that the sexual intercourse of a girl aged three years and one day is also classified as intercourse?<sup>H</sup> The verse states: And the woman. Evidently, the word “and” includes only a girl aged three years and one day.

### PERSONALITIES

**Mar Zutra** – **מֹר זַעֲרָא**: A colleague of Rav Ashi, Mar Zutra was one of the leading Sages of his generation. He was a disciple-colleague of Rav Pappa and Rav Nahman bar Yitzhak. Beyond his greatness in *halakha* and *aggada*, Mar Zutra was a noted preacher, and his homiletic interpretations are cited throughout the Talmud. He apparently held an official position as the scholar and preacher

in the house of the Exilarch. Late in life he was appointed head of the academy in Pumbedita. The Talmud frequently mentions meetings between Mar Zutra, Ameimar, and Rav Ashi, some of which may have been formal conferences of the leaders of Babylonian Jewry of that generation.

אמור רבא: הַלְכָתָא מִינָהוּ, וְאֶסְמְכֵיָהוּ  
רְבָנָן אֲקָרְאי. הִי קֹרְאָה וְהִי הַלְכָתָא?  
אַילִימָא בַת יוֹם אַחֲר – הַלְכָתָא, בַת  
שֶׁלַשׁ שָׁנִים וַיּוֹם אַחֲר – קֹרְאָה, קֹרְאָה  
סְתִמָּא בְּתִיבָּה!

אַלְאָ, בַת שֶׁלַשׁ שָׁנִים וַיּוֹם אַחֲר  
הַלְכָתָא, בַת יוֹם אַחֲר – קֹרְאָה. וּמָאָחָר  
דַהֲלָכָתָא, קֹרְאָה לִמְהָלָה לִי?

**Rava said:** These are *halakhot* transmitted to Moses from Sinai,<sup>N</sup> and the Sages merely supported them with verses. There is therefore no contradiction. The Gemara asks: **Which halakha** is derived from a **verse** and which is a **halakha** transmitted to Moses from Sinai? If we say that the *halakha* that the status of a menstruating woman may apply to a one-day-old girl is a **halakha** transmitted to Moses from Sinai, and the *halakha* that the intercourse of a girl aged three years and one day is considered intercourse is derived from a **verse**, then one may object: But the **verse is written in an unspecified manner**; consequently, a one-day-old girl should be included by the verse in the same manner as a three-year-old girl.

Rather, the *halakha* with regard to the intercourse of a girl aged three years and one day is a **halakha** transmitted to Moses from Sinai, whereas the *halakha* with regard to the menstruation of a one-day-old girl is derived from a **verse**. The Gemara asks: **And now that it has been established that the halakha with regard to the intercourse of a three-year-old girl is a halakha transmitted to Moses from Sinai, why do I need a verse?**

**NOTES**

These are *halakhot* transmitted to Moses from Sinai – הַלְכָתָא מִינָהוּ: In other words, one of these *halakhot* is transmitted to Moses from Sinai, whereas the other may be derived from the verse itself (Rashi).

**Perek IV****Daf 32 Amud b**

לְמַעֲוָתִי אִישׁ מַאוֹדָם.

הַא דַתְמִיא: "אֲשָׁה" – אֵין לוֹ אַלְאָ  
אֲשָׁה, בַת עִשְׂרָה יְמִים לְזִבְחָה מִינָה –  
תַלְמוֹד לוֹמֵר "אֲשָׁה": לִמְהָלָה לִי? לְגַמֵּר  
מִנְהָה!

The Gemara responds: The verse serves to exclude a man from contracting ritual impurity due to red semen.<sup>H</sup>

The Gemara objects: **But what about that which is taught in a baraita with regard to a woman who experiences a discharge of uterine blood after her menstrual period [zava]:** The verse states: “And if a woman has an issue of her blood many days” (Leviticus 15:25). From the word “woman” I have derived only that *ziva* applies to an adult woman. **From where do I derive that a ten-day-old girl is included in the halakhot of ziva?**<sup>BH</sup> The verse states: “And if a woman.” **Why do I need the verse? Let one derive** that a ten-day-old girl is included in the *halakhot of ziva* from the fact that a one-day-old girl is included in the *halakhot of a menstruating woman*, as a woman may become a *zava* only after seven days of menstruation and three subsequent days of experiencing uterine discharge.

אֲרִיכָא, דָאִי כְתֵב רְחוּמָא בְּרוּה – הַוָּה  
אַמְמִינָא: נְדָה – מִשּׁוֹם דָכִי חִזְוָי חַד  
יְוָמָא, בְּשָׁעָא לְמִיטָב שְׁבֻעָה. אַבְלָזָה,  
דָאִי חִזְוָי חַד יוֹמָא – בְּשָׁמָרָת יוֹם  
כַּנְגַד יוֹם סָגִילָה, אַיִמָא: לֹא, צְרִיכָא.

The Gemara responds: It was necessary for the verse to teach that the *halakhot of ziva* apply to a ten-day-old girl. **As, if the Merciful One had written** only that a one-day-old girl is included in the *halakhot of a menstruating woman*, I would say: The *halakhot of a menstruating woman* apply to a one-day-old girl because of their stringency, as when a woman sees blood on only one day she is required to sit for the seven days of menstruation. But with regard to a *zava*,<sup>B</sup> since the *halakha* is that if a woman sees blood on only one day she has the status of a lesser *zava*, and it is enough for her to observe a clean day for a day she experiences a discharge, one might say that the *halakhot of ziva* do not apply to a ten-day-old girl. It was therefore necessary for the verse to indicate otherwise.

**BACKGROUND**

Gonorrhea-like discharge [ziva] – בִּבְהָה: Gonorrhea is a sexually transmitted disease caused by the bacteria *Neisseria gonorrhoeae*. The bacteria causes severe infection of the sexual organs, and one of its primary symptoms is a thin or thick mucous discharge from these organs. Traces of these discharges can also be found in the urine of infected persons. According to some researchers, this is the disease associated with the status known in *halakha* as *zav*. It is also possible that the *zav* is afflicted with a different, albeit similar condition.

The female counterpart of the *zav* is the *zava*. Although from a halakhic standpoint the *halakhot* governing the ritual impurity of the two are virtually identical, a *zava* is not one who suffers from a gonorrhea-like discharge but rather from uterine bleeding extending beyond the duration of her normal menstrual period. This can be caused by hormonal disruptions of the menstrual cycle, or by other conditions.

*Zava* – בִּבְהָה: This is a woman who experiences a flow of menstrual-type blood on three consecutive days during a time of the month when she is not due to experience menstrual bleeding. The first discharge renders her ritually impure, but until the third discharge her status is that of a woman who observes a clean day for a day she experiences a discharge, and she is not subject to all the halakhic rulings of a *zava*. After experiencing bleeding on the third day, the woman is considered a *zava* and is obligated to bring an offering as part of her purification process. A *zava* imparts ritual impurity in the same manner as a *zav*. In addition, a man who engages in sexual intercourse with her becomes a primary source of ritual impurity and imparts ritual impurity to others.

**HALAKHA**

To exclude a man due to red semen – לְמַעֲוָתִי אִישׁ מַאוֹדָם:  
Red semen is ritually pure. Only white, viscous semen is impure (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 1:6 and Hilkhot She'ar Avot HaTumot 5:3).

A ten-day-old girl is included in the *halakhot of ziva* – בַת עִשְׂרָה יְמִים לְזִבְחָה: A ten-day-old minor girl can contract the impurity of *ziva*, as stated in the *baraita* (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 1:3 and Sefer Kedusha, Hilkhot Issurei Bia 4:1).

### NOTES

A one-day-old baby that he is susceptible to impurity of *ziva* – תינוק בן יום אחד ששהוא מטמא בזיבת: It can be inferred from here that a one-day-old baby boy does not become impure by a seminal emission. This ritual impurity applies only to a male who is at least nine years and one day old (see Rambam Sefer Tahara, *Hilkhot She'ar Avot HaTumot* 5:2).

The Torah spoke in the language of people – בברא: תורתה כלשון בני אדם: The verse states *ish ish*, literally "man man." The later commentaries explain that just as people sometimes repeat a term in their speech without intending to indicate a novelty, the Torah does the same.

To exclude a woman from the impurity of a *zava* due to a white discharge – למעוט אשפה מלובן: Although it was already explained on 19a that a woman contracts ritual impurity by five types of blood alone, and white blood is not included in that list, it is still necessary for a verse to teach this *halakha*, lest one seek to derive by an *a fortiori* inference from the case of a man that a woman becomes impure by a white discharge (*Tosafot*).

### HALAKHA

A one-day-old baby with regard to *ziva* – תינוק בן יום אחד לויבא: A one-day-old minor boy can contract the impurity of *ziva*, as stated in the *baraita* (Rambam Sefer Tahara, *Hilkhot Metamei Mishkav UMoshav* 1:4 and Sefer Korbanot, *Hilkhot Mehusrei Kappara* 3:6).

To exclude a woman from contracting impurity due to a white discharge – למעוט אשפה מלובן: A woman does not become ritually impure as a result of a white discharge (Rambam Sefer Tahara, *Hilkhot Metamei Mishkav UMoshav* 1:6).

ויליכתוב רחמנא בובה, ולא בעי בנה, ואננא דעננא לאין זבה בלא נודה! אין הכי נמי. ואלא קרא לממה לי? למעוט אשפה מלובן.

The Gemara objects: And let the Merciful One write that a ten-day-old girl is included in the *halakhot* of a *zava*, and it would not be required to write that a one-day-old girl is included in the *halakhot* of a menstruating woman, and I would know that as a girl cannot become a *zava* without first assuming the status of a menstruating woman, she must also be included in the *halakhot* of a menstruating woman. The Gemara responds: Yes, it is indeed so; the fact that a one-day-old girl is included in the *halakhot* of a menstruating woman can be derived from the fact that a ten-day-old girl is included in the *halakhot* of a *zava*. Rather, why do I need the verse: "And if a woman," that is stated with regard to a menstruating woman? The verse serves to exclude a man from contracting ritual impurity due to red semen.

הא מייעטתיה חזרא יימנה? חד – למעוט  
משכבת ורעד, חד – למעוט מדם.

The Gemara objects: But the Torah already excluded this case on another occasion, as stated earlier. The Gemara explains: One verse serves to exclude a man from contracting ritual impurity due to red semen, and one verse serves to exclude a man from being rendered a *zav* due to blood that emanates from his penis.

ובן לעטן זכרים. דתנייא: "איש איש", פה תלמוד לומר "איש איש"? לובות תינוק בן יום אחד, שהוा מטמא בזיבת, דברי רביה יהודה.

**§** The Gemara discusses the *halakha* of *ziva* with regard to a male: And so with regard to males, the *halakhot* of a *zav* apply even to minor boys. As it is taught in a *baraita*: The verse states concerning a *zav*: "When any man has an issue out of his flesh, his issue is impure" (Leviticus 15:2). What is the meaning when the verse states "any man"? The verse serves to include a one-day-old baby, teaching that even he is susceptible to impurity of *ziva*.<sup>NH</sup> This is the statement of Rabbi Yehuda.

רבי ישמעאל בן שלובי יוחנן בן ברוקה אמר: אין צרען, הרי הוא אומר: "לזבך ולנקבה", "לזבר" – כל שהוा זבר, בין – שהוा גודל בין שהוא קטן, "לנקבה" – כל שהייא נקבה, בין גודלה בין קטנה. אם כן מה תלמוד לומר "איש איש"? דבריה תורה כלשון בין אדם.

Rabbi Yishmael, son of Rabbi Yohanan ben Beroka, says: This derivation is not necessary, as the verse states: "And of them that have an issue, whether it be a male or a female" (Leviticus 15:33). "Whether it be a male" includes anyone who is a male, whether he is an adult or whether he is a minor; "or a female" includes anyone who is a female, whether she is an adult or whether she is a minor. If so, what is the meaning when the verse states "any man"? The Torah spoke in the language of people,<sup>N</sup> and one is not meant to derive anything from this verse.

אלמא, כי מרבי קרא – בן יום אחד מרבי, ורמיינהו: "איש" – אין לי אלא איש, בן תשע שנים ויום אחד מני? תלמוד לומר: "איש"!

The Gemara asks: Apparently, when the verse includes a minor boy it includes even a one-day-old. But raise a contradiction from another *baraita*, which addresses the verse: "And if the flow of seed go out from a man, then he shall bathe all his flesh in water and be impure until the evening" (Leviticus 15:16). From the word "man" I have derived only that a man is rendered ritually impure through a seminal emission. From where do I derive that the seminal emission of a boy aged nine years and one day renders him impure as well? The verse states: "And a man." Evidently, the verse does not include a one-day-old boy.

אמר ר' בא: הלכתא נינה, ואסמכינהו רבנן אקרואי. כי הלכתא וכו' קרא? אלימא בן יום אחד – הלכתא, ובן תשע שנים ויום אחד – קרא, קרא סתמא פיתבי!

Rava said: These are *halakhot* transmitted to Moses from Sinai, and the Sages merely supported them with verses. Therefore, there is no contradiction. The Gemara asks: Which is a *halakha* transmitted to Moses from Sinai, and which *halakha* is derived from a verse? If we say that the *halakha* that a one-day-old boy is included in the *halakhot* of a *zava* is a *halakha* transmitted to Moses from Sinai, and the *halakha* that the seminal emission of a boy aged nine years and one day renders him impure is derived from a verse, then one may object: But the verse is written in an unspecified manner; consequently, even a one-day-old boy should be included in the verse.

אללא בן תשע שנים ויום אחד – הלכתא, ובן יום אחד – קרא. וכי מאחר דהלכתא היא, קרא לממה לי? למעוט אשפה מלובן.

Rather, the *halakha* with regard to the seminal emission of a boy aged nine years and one day is a *halakha* transmitted to Moses from Sinai, and the *halakha* that a one-day-old boy is included in the *halakhot* of a *zava* is derived from a verse. The Gemara asks: And now that the *halakha* with regard to the seminal emission of a boy aged nine years and one day renders is a *halakha* transmitted to Moses from Sinai, why do I need a verse? The Gemara answers: The verse serves to exclude a woman from contracting the impurity of a *zava* due to a white discharge.<sup>NH</sup>

**לֹמַה לִי לְמַכְתֵּב בָּכָרִים, וְלֹמַה לִי לְמַכְתֵּב נְקֻבּוֹת?**

**אֲרִיכִי, ذַי בְּתֵבֶרֶךְ רְחַמְנָא בָּכָרִים – מִשׁוּם  
דְּמַטְמָאוֹ בָּרָאֵות בְּבִימִים, אֲבָל נְקֻבּוֹת  
דָּלָא מַטְמָאוֹ בָּרָאֵות בְּבִימִים – אִימָּא  
לָא.**

**וְאִי בְּתֵבֶרֶךְ רְחַמְנָא בְּנְקֻבּוֹת – מִשׁוּם  
דְּקַמְטָמוֹ בָּאוּנָם, אֲבָל בָּכָרִים דָּלָא מַטְמָאוֹ  
בָּאוּנָם – אִימָּא: לֹא, אֲרִיכִי.**

**הַכְּבוֹתִים מַטְמָאִין מִשְׁבֵּב תְּחִתּוֹן בְּעַלְיוֹן.  
מַאי "מִשְׁבֵּב תְּחִתּוֹן בְּעַלְיוֹן"? אֲלִימָא  
דָּאִי אִיבָּא עַשְׂרָה מִצְעוֹת יְתִיב עַלְיוֹנוֹ  
מַטְמָוּ לְהֹו, פְּשִׁיטָא, דָּהָא דַּרְסָן לְהֹו.**

**אֲלָא שִׁיהָא תְּחִתּוֹן שֶׁל בּוּעַל נְדָה  
בּוּעַלְיוֹנוֹ שֶׁל בָּבָ – מִה עַלְיוֹנוֹ שֶׁל בָּבָ – אֲינֵינוֹ  
מַטְמָא אֲלָא אָוְכְלִין וּמַשְׁקִין, אֲרָפְתְּחִתּוֹן  
שֶׁל בּוּעַל נְדָה – אֲינֵינוֹ מַטְמָא אֲלָא אָוְכְלִין  
וּמַשְׁקִין.**

**בּוּעַלְיוֹנוֹ שֶׁל בָּבָ מַנְלָן? דְּכַתֵּב "וְכָל הַגָּעַ  
בְּכָל אֲשֶׁר יִהְיֶה תְּחִתּוֹ יִטְמָא", מַאי  
תְּחִתּוֹ?**

The Gemara asks: Why do I need for the Merciful One to write that a one-day-old is included in the halakhot of ziva with regard to males, and why do I need for the Merciful One to write that a one-day-old is included in the halakhot of a menstruating woman and a ten-day-old is included in the halakhot of ziva with regard to females?

The Gemara answers that both verses are necessary. As, if the Merciful One had written only concerning males, one might say: A one-day-old boy is included in the halakhot of ziva because the halakha is more stringent with regard to males, as they are rendered impure through three sightings of ziva on one day just like through sightings on three consecutive days.<sup>H</sup> But with regard to females, who are not rendered impure through three sightings on one day as they are through sightings on three consecutive days, one might say that the halakhot of ziva do not apply to ten-day-old girls.

And by contrast, if the Merciful One had written only with regard to females, one might say: The halakhot of ziva apply to ten-day-old girls, because of the fact that they are rendered impure even on account of sightings that occur due to circumstances beyond their control.<sup>H</sup> But with regard to males, who are not rendered impure on account of sightings that occur due to circumstances beyond their control, one might say that one-day-old boys are not included in the halakhot of ziva. Therefore, both verses are necessary.

**¶** The mishna teaches: And the Samaritan men impart ritual impurity to the lower bedding like the upper bedding. The Gemara asks: What is the meaning of the clause: The lower bedding like the upper bedding? If we say it means that if there are ten mattresses stacked one upon the other and a Samaritan man sat upon them, the lowest mattress, like the upper mattresses, is rendered impure, this halakha is obvious, since he presses on all of them when he sits on them. In other words, since Samaritan men impart impurity to the bedding beneath them because they are considered men who engage in intercourse with menstruating women, there is no reason to distinguish between the lowest mattress and the other mattresses above it.

Rather, the mishna means that the status of the lowest mattress beneath a man who engages in intercourse with a menstruating woman<sup>HN</sup> is like that of the bedding above a zav, i.e., the bedding beneath a Samaritan man assumes first-degree ritual impurity and does not become a primary source of impurity like the bedding beneath a zav. That is, just as the upper bedding of a zav is not a primary source of impurity and imparts impurity only to food and drink but not people or vessels, so too, the bedding beneath a man who engages in intercourse with a menstruating woman imparts ritual impurity only to food and drink.

The Gemara asks: From where do we derive that the bedding above a zav imparts ritual impurity only to food and drink? As it is written with regard to a zav: “And whoever touches any thing that was under him shall be impure” (Leviticus 15:10). What is the meaning of the expression “under him”?

### HALAKHA

Through three sightings of ziva on one day just like through sightings on three consecutive days – **בראות בבאים:** A man who emits one discharge of ziva has the status of one who experienced a seminal emission. If he had two sightings he is a zav, and therefore must count seven clean days and then immerse, but he is not obligated to bring an offering. If he experienced three sightings he is a full-fledged zav who is liable to bring an offering. These halakhot are all traditions transmitted to Moses from Sinai (Rambam Sefer Korbanot, Hilkhos Mehusrei Kappara 2:6).

With regard to females because they are rendered impure due to circumstances beyond their control – **בְּנְקֻבּוֹת מִשׁוּם דְּקַמְטָמוֹ בָּאוּנָם:** Unlike a man, a woman becomes impure due to an accident, both with regard to the impurity of menstruation and the impurity of ziva. How so? If, for example, she leaped from one place to another, or saw animals, beasts, or fowl engaging in intercourse and had lustful thoughts, and she subsequently experienced a blood flow, she is rendered impure by any amount of blood (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:1).

That the status of the lowest mattress beneath a man who engages in intercourse with a menstruating woman, etc. – **שִׁיהָא תְּחִתּוֹן שֶׁל בּוּעַל נְדָה וּכְיָהָה:** The bedding of a man who engaged in intercourse with a menstruating woman and the saddle upon which he rides have first-degree ritual impurity status, like vessels he touches. Consequently, they impart impurity to food and drink, but not to people or vessels (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 3:2).

### NOTES

That the status of the lowest mattress beneath a man who engages in intercourse with a menstruating woman, etc. – **שִׁיהָא תְּחִתּוֹן שֶׁל בּוּעַל נְדָה וּכְיָהָה:** The early commentaries disagree with regard to the halakha of the upper bedding of a zav. Some maintain that its impurity applies by rabbinic law (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 6:3), and the verse is cited merely in support (Kesef Mishne). Accordingly, this bedding

does not impart impurity to vessels at all. Others claim that the status of the upper bedding of a zav is derived from the verses as a Torah law (Ra'avad; Rashi on 4b), and it has first-degree ritual impurity status and renders vessels impure by touch. The consensus among the later commentaries is that the upper bedding of a zav imparts impurity by Torah law, as that is the opinion of the majority of the early commentaries (Likkutei Halakhos).

Perek IV  
Daf 33 Amud a

## BACKGROUND

**Zav – זב:** The halakhot relating to the stringent ritual impurity caused by this condition appear in Leviticus, chapter 15, and in tractate *Zavim*. The *zav* becomes ritually impure as a result of secreting a white, pus-like discharge. A man who experiences this discharge on one occasion becomes ritually impure for one day, similar to a man who discharged semen. If he experiences a second discharge on the same or the following day, or if the initial discharge is prolonged, he contracts the more severe ritual impurity of a *zav*, which lasts until after he experiences seven clean days. One who experiences a third discharge within the day following the second discharge is obligated to bring an offering as part of his purification process.

Not only does a *zav* become impure, he also imparts impurity through contact with vessels or people, by being moved by them, by moving them, and by lying or sitting on them. Likewise, he imparts impurity to items under a very heavy stone by sitting on the stone, although the stone itself does not thereby become impure. The fluids secreted by a *zav*, his saliva, urine, and semen, all impart impurity, and the articles on which he sits or lies become primary sources of ritual impurity and themselves impart impurity to other items.

## HALAKHA

Just as she imparts impurity to people and earthenware vessels – אֲדָם וְכָלִ חֶרֶם: A *zava*, a menstruating woman, and a woman after childbirth are all primary sources of ritual impurity. Consequently, they impart impurity to vessels by touch, and to people by touch and by carrying them, as stated in the *baraita* (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 1:1).

אַיִלְמָא תְחִתֵּיו דַבָּר – מַזְוִיאֵשׁ אֲשֶׁר יָצַע בְּמִשְׁבְּבוֹ נְפָקָא, אֶלָּא הַנוּגָע בְּכָל אֲשֶׁר הִיה הַבְּתָחִתֵּי, וְמַאֲנִיהוּ – עַלְיוֹן שְׁלַבְּבָבָךְ.

הַנּוֹשָׂא נְבִי יְטָמָא, וְמַאֲנִיהוּ – נִישָׂא, מַאֲטָמָא? וְהַנְּשָׂא בְּתִיבָּךְ.

תְּקֻנוּ הַבְּתוּב מִטוּמָא הַמְוֹרָה וְהַבְּיָאוֹ לְיָדֵי תְּוֻמָּא קָלָה, לֹמֶר לְקָשְׁר שָׁיָנוּ מִטְמָא אֶלָּא אָוְקָלָן וּמְשָׁקִין.

אִימֶר: נְתַקְנוּ הַבְּתוּב מִטוּמָא הַמְוֹרָה – דָלָא מִטְמָא אָדָם לְטָמָא בְּגִידִים, אֶבֶל אָדָם אוֹ בְּגִידִים לְטָמָא! אָמֵר קָנָא "טָמָא" – טָמָא כָּלָה מְשָׁמָעַ.

תְּחִתּוֹנוֹ שֶׁל בּוּעַל נְדָה, מַלְוִין? דַתְנִיא "וְתָהִי בְּרִתָּה עַלְיוֹן",

כָּל יְעָלָה לְגַלְלָה – תַּלְמוֹד לֹמֶר "יְטָמָא שְׁבַע יְמִים".

וְמַה תַּלְמוֹד לֹמֶר "וְתָהִי נְדָתָה עַלְיוֹן"? שִׁיכּוֹל לֹא יְטָמָא אָדָם וּכְלִ חֶרֶם, תַּלְמוֹד לֹמֶר וְתָהִי נְדָתָה עַלְיוֹן, וְמַה הִיא מִטוּמָא אָדָם וּכְלִ חֶרֶם – אָף הוּא מִטוּמָא אָדָם וּכְלִ חֶרֶם.

If we say the verse is teaching that a mattress beneath a *zav*<sup>b</sup> is impure, this is already derived from the verse: “And whoever touches his bed” (Leviticus 15:5). Rather, the verse is referring to that which touches any item under which the *zav* will be. And what is this item? It is the bedding above a *zav*. The verse teaches that the bedding above a *zav* imparts ritual impurity.

The verse further states: “And he who bears [vehanoseh] these things shall wash his clothes and bathe himself in water, and be impure until the evening” (Leviticus 15:10), indicating that he who bears also becomes impure. And what is this? This is an item borne [nisa] by a *zav*. What is the reason, i.e., how is this indicated by the verse? The term *vehanisa* is written<sup>N</sup> in the verse.

The Gemara continues: The verse removed the *halakha* of the bedding above a *zav* from the status of severe impurity and brought it to the status of lesser impurity, to tell you that it imparts impurity only to food and drink, but not to people or garments.

The Gemara objects: Say that the verse removed the bedding above a *zav* from severe impurity, in the sense that it does not impart impurity to a person to the extent that he may in turn impart impurity to the garments he is wearing. But let the bedding above a *zav* impart impurity to people or garments. The Gemara explains that the verse states: “And whoever touches anything that was under him shall be impure” (Leviticus 15:10), which indicates lesser impurity.

§ The mishna teaches that Samaritan men are considered men who engage in intercourse with menstruating women, and consequently they impart impurity to the bedding beneath them. The Gemara asks: And from where do we derive that the bedding beneath one who engages in intercourse with a menstruating woman is impure? As it is taught in a *baraita*: The verse states with regard to a menstruating woman: “And if any man lie with her, and her impurity be upon him, he shall be impure seven days, and every bed upon which he lies shall be impure” (Leviticus 15:24).

The *baraita* explains: One might have thought that the phrase: “And her impurity be upon him,” indicates that the man assumes the impure status of the menstruating woman with whom he engaged in intercourse, such that if they were together on the sixth day of her menstruation he may elevate himself at her time, i.e., he may immerse in a ritual bath the next day, just like the menstruating woman. Therefore, the verse states: “He shall be impure seven days.”

But if so, what is the meaning when the verse states: “And her impurity be upon him”? As, one might have thought that a man who engages in intercourse with a menstruating woman will not impart impurity to people and earthenware vessels. Therefore, the verse states: “And her impurity be upon him,” to teach that he imparts impurity like a menstruating woman. In other words, just as she imparts impurity to people and earthenware vessels,<sup>H</sup> so too, he imparts impurity to people<sup>N</sup> and earthenware vessels.

## NOTES

**Vehanisa is written – וְהַנְּשָׂא בְּתִיבָּךְ:** The Gemara indicates that the word *vehanoseh* is written in the defective form, without a *vav*, which allows it to be read as *vehanisa*. This is difficult, as in the standard text of the Bible the word is spelled plene, i.e., with a *vav*. The commentaries explain that sometimes the version of a verse discussed in the Gemara is not in accordance with the standard text in use today (see *Shabbat* 55b). For example, the later commentaries note many slight differences between verses as we have them and their citation in the Talmud and *midrashim* (see *Gilyonei HaShas* on *Shabbat* 55b). With regard to the *halakha*, the early commentaries write that whenever there is a conflict between the standard text of our Torah

scrolls and the version of the verse found in the Talmud or *midrashim*, one follows the standard text (*Sefer HaEshkol*).

**אָף הוּא מִטוּמָא אָדָם וּכְלִ חֶרֶם:** In other words, the touch of a man who has intercourse with a menstruating woman is like the touch of a menstruating woman herself, and their *halakhot* are also the same with regard to carrying, as they both impart impurity to a person and to the garments he is wearing (Rashi; Ritva; see *Mishne LaMelekh* on *Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 3:1 and *Hilkhos She'ar Avot HaTumot* 6:12).

אי מה היא עוזה משבב ומושב לטמא אָךְ  
לטמא בָּגְדִים, אֲךְ הוּא עוזה משבב ומושב  
לטמא אָךְ לְטָמָא בָּגְדִים? תַּלְמוֹד לוֹמֶר:  
ובָּלְלַתְמָא בָּגְדִים אֲשֶׁר יִשְׁכֵב עַלְיוֹ יְטָמָא.

If so, i.e., that one who engages in intercourse with a menstruating woman is compared to the woman herself, then say: **Just as she renders the bedding beneath her and the seat upon which she sits<sup>4</sup> impure to the extent that they impart impurity to a person to in turn impart impurity to the garments he is wearing, so too, he renders the bedding beneath him and the seat upon which he sits impure to the extent that they impart impurity to a person to in turn impart impurity to the garments he is wearing.** Therefore, the verse states: “**And every bed upon which he lies shall be impure**” (Leviticus 15:24).

שָׁאַיִן תַּלְמֹוד לוֹמֶר יוֹכֵל הַמִּשְׁכֵב אֲשֶׁר יִשְׁכֵב  
עַלְיוֹ יְטָמָא”, וְמַה תַּלְמֹוד לוֹמֶר יוֹכֵל הַמִּשְׁכֵב  
אֲשֶׁר” וגו’ – נִתְקֹוּ הַבְּטוּב מִטּוּמָה חִמּוֹרָה  
וּבְרִיאָו לִידֵי טוּמָה קָלָה, לוֹמֶר לֹא שָׁאַיִן  
לְטָמָא אֶלָּא אָכְלִין וּפְשִׁקְוֹן.

פְּרִיקָה רַב אַחֲרָי: אִיְמָא נִתְקֹוּ הַבְּטוּב מִטּוּמָה  
חִמּוֹרָה וּבְרִיאָו לְטוּמָה קָלָה – דְּלֹא לִיטָמָא  
אָדָם לְטָמָויִם בָּגְדִים, אָכְלָה אָדָם וּבָגְדִים  
לְטָמָא! אָמָר רַב אָסִי: יְטָמָא – טוּמָה  
קָלָה מִשְׁמָעַ.

אִיְמָא: “וְתַהַי נְדַתָּה עַלְיוֹ” – בְּלִיל, יוֹכֵל  
הַמִּשְׁכֵב – פְּרַט, בְּלִיל וּפְרַט – אֲن בְּכָלְל  
אֶלָּא מַה שְׁבָרְפָּט: מִשְׁכֵב וּמִשְׁבֵב – אַיִן, מִידִי  
אַחֲרִיא – לֹא!

אָמָר אָבִי: יְטָמָא שְׁבָעַת יָמִים” מִפְסִיק  
הַעֲנֵן, הַוְיָבֵל וּפְרַט הַמְּרוֹחָקִין זֶה מֶזֶה, וּכְלָל  
בְּכָלְל וּפְרַט דַּהֲרוֹתָקִין זֶה מֶזֶה – אַיִן דָּינָן אֶתְנוֹ  
בְּכָלְל וּפְרַט.

רַבָּא אָמָר: לְעוֹלָם דָּינָן, יוֹכֵל – רִיבּוּיאָה הוּא.

The *baraita* elaborates: As, there is no need for the verse to state: “**And every bed upon which he lies shall be impure**,” since it is already written: “**And her impurity be upon him**,” which indicates that just as a menstruating woman imparts impurity to her bedding, so too does one who has intercourse with her. And if so, what is the meaning when the verse states: “**And every bed upon which he lies shall be impure**”? The verse separated the *halakha* of one who has intercourse with a menstruating woman from the severe impurity of the menstruating woman herself, and brought him to lesser impurity, to tell you that he imparts impurity only to food and drink, but not to people or garments.

Rav Ahai<sup>5</sup> refutes<sup>6</sup> this derivation: Say that the verse removed the *halakha* of one who has intercourse with a menstruating woman from severe impurity and brought it to lesser impurity, in the sense that his bedding does not impart impurity to a person to in turn impart impurity to the garments upon him. But let his bedding impart impurity to people or garments. Rav Asi says: The verse states: “**And every bed upon which he lies shall be impure**,” which indicates a lesser impurity.

The Gemara objects: But say that the phrase: “**And her impurity be upon him**,” is a generalization, and the phrase: “**And every bed upon which he lies shall be impure**,” is a detail. If so, the verse constitutes a generalization and a detail, and it is a hermeneutical principle that in such a case the generalization is referring only to that which is specified in the detail. Accordingly, with regard to the bedding and seat upon which the man rests, yes, they are rendered impure, but other items are not.

Abaye says that when the verse states: “**He shall be impure seven days**,” between the generalization and the detail, this interrupts the matter. Accordingly, this is a case of a generalization and a detail that are distant from one another, and with regard to any generalization and detail that are distant from one another, one does not derive a *halakha* from them in accordance with the principle of a generalization and a detail.

Rava says: Actually, one may derive a *halakha* from a generalization and a detail that are distant from one another. But this verse does not constitute a case of a generalization and a detail, as the verse states: “**And every bed upon which he lies**.” The term “and every” is an amplification.

מתיקף לה ובו יעקב: אִיְמָא בְּרִיאָה, מַה הִיא –  
לֹא חִלְקָתָה בָּה בֵּין מְגֻעָה לְמִשְׁכָבָה לְטָמָא  
אָדָם וּלְטָמָא בָּגְדִים לְחוֹמָרָה, אֲךְ הוּא – לֹא  
תְּחִילָה בּוֹ בֵּין מְגֻעָה לְמִשְׁכָבָו לְטָמָא אָדָם  
וּלְטָמָא בָּגְדִים לְקוֹלָא!

Rabbi Yaakov objects to this: Say that as the verse compares a man who engages in intercourse with a menstruating woman to the woman herself, the man should be like her, i.e., just as with regard to her you did not differentiate between her touch and her bedding in terms of imparting impurity to a person and imparting impurity to garments, as the *halakha* is stringent concerning both in that her touch and her bedding impart impurity to people to in turn impart impurity to their garments; so too, with regard to him, you shall not differentiate between his touch and his bedding in terms of imparting impurity to a person and imparting impurity to garments, and the *halakha* should be lenient in both cases: Neither his bedding nor his touch should impart impurity to people to in turn impart impurity to their garments.

## HALAKHA

She renders the bedding beneath her and the seat upon which she sits, etc. – מִשְׁכֵב וּסְאֵת: A *zava*, a menstruating woman, and a woman after childbirth are all primary sources of ritual impurity. Therefore, they impart impurity to the bedding, seat, and saddle underneath them and render those items a primary source of ritual impurity (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 1:1).

## PERSONALITIES

**רב אהאי**: The early commentaries disagree as to the identity of this Rav Ahai. Some maintain he is an *amora* (Rabbeinu Tam). Others claim that the reference here is to Rav Ahai Gaon, the author of *She'ilot deRav Ahai Gaon* and the foremost Sage of his generation, whose statements were accepted as though they were written in the Talmud (*Responsa* of the Rivash). Since he lived after the period of the *amoraim*, his statements are introduced by the unusual expression Rav Ahai refutes, or Rav Ahai resolved (*Tosafot* on *Ketubot* 2b, citing Rashbam).

Alternatively, the Rav Ahai mentioned here refers to one of the *Savoraim*, a member of the post-amoraic generation responsible for the redaction of the Talmud, following Ravina and Rav Ashi (*Tosafot* on *Zevahim* 102b). If so, he is Rav Ahai, son of Rav Hunah. There is also an opinion that this is the Rav Ahai who lived in the generation of Rav Shmuel, son of Rav Abbahu, with regard to whom it is stated that the Sages from Eretz Yisrael sent the following statement to Babylonia: Respect the opinion of our teacher Ahai, as he enlightens the eyes of the exile (*Hullin* 59b).

## BACKGROUND

**רב אהאי** refutes – פְּרִיקָה רַב אַחֲרָי: The early commentaries note that the Talmud deploys standard expressions with regard to particular Sages, e.g., Rabbi Abbahu ridiculed it; Rabbi Yohanan wondered about this; and Abaye cursed it. The phrase that appears here, Rav Ahai refutes, is another example of such a conventional phrase. One can also find the expressions Rav Ahai resolved, and Rav Ahai discussed it.

אמור ר' בא: עלייו – ליהטינו משמע.

Rava says in response that when the verse states: “And her impurity be upon him,” this indicates that the Torah intends for the impurity to weigh upon him, i.e., in a stringent manner.

מפני שהן בועלין נdotot וכו'. אמר ר' חי יצחק מגדרלהה: בנשואות שננו.

זיהן יוושבות על דם וכו'. תנייא אמר רב מאייר: אם אין יוושבות על כל דם ודם – תקינה גודלה היא להן.

אלא – שרוואות דם אודום ומשלימות  
אותו לדם י록.

דבר אחר: יום שפסיקת בו, סופרת  
למיין שבעה.

מתזכיר לה רמי בר חמא: ותקפינו,  
ואמן נמי נספירה, ורקימא דין מקצת  
היום בכளו!

אמר ר' בא: אם כן שכבת זרע וסתור  
בביבה היבי משבחת לה? והא מקצת  
היום בכளו!

The mishna teaches that the impurity of Samaritan men is due to the fact that Samaritan men are considered men who engage in intercourse with menstruating women, and this is because they observe the seven-day menstrual period of impurity for each and every emission of blood. The Gemara asks: Is this to say that all Samaritan men are considered men who engage in intercourse with menstruating women? Aren’t there some unmarried men who do not engage in intercourse with menstruating women? Rabbi Yitzḥak of Migdal says: They taught this halakha only with regard to men to whom women are married.

The mishna further teaches: And Samaritan men are considered men who engage in intercourse with menstruating women because they observe the seven-day menstrual period of impurity for each and every emission of blood. In this regard it is taught in a baraita that Rabbi Meir said: If Samaritan women would begin observing a seven-day period of impurity for each and every emission of blood, it would be a great remedy for them, i.e., this practice would not lead to sin, as they would observe a seven-day period from each emission. But this is not their practice.

Rather, when Samaritan women see green blood, which does not render them impure, they begin counting seven days of impurity from that emission. As, if they see red blood, which is impure, during that period, they do not begin observing another seven days. Instead, they consider it an additional emission of blood and they complete the remaining days from the seven days they began observing for the green blood.<sup>n</sup> Consequently, the women will have immersed in a ritual bath while still impure.

Alternatively, a Samaritan woman is considered ritually impure because she counts the day on which she ceases to experience three consecutive days of emissions of ziva toward the total of seven clean days that a zava must experience before being able to immerse in a ritual bath. Accordingly, she does not wait seven full days, as is required by halakha.

Rami bar Hama objects to this: And let her count that day on which she ceases to experience emissions of ziva, and we, i.e., Jewish women, shall also count it,<sup>n</sup> as we maintain that the halakhic status of part of the day is like that of an entire day.<sup>n</sup>

Rava says in response: If so, that even with regard to ziva the halakhic status of part of the day is like that of an entire day, one can object: It is taught in a baraita that if a zav experiences an emission of semen while counting seven clean days toward his purity, the seminal emission negates the day on which he experiences it. How can you find the circumstances of this halakha with regard to ziva? Isn’t the halakhic status of part of the day is like that of an entire day? If so, let the remainder of the day on which he experiences the emission count as a day.

#### NOTES

As they see red blood and they complete the remaining days for the green blood – שרוואות דם אודום ומשלימותאותו לדם י록: The early commentaries are puzzled by this statement of Rabbi Meir, as he himself holds in accordance with the opinion of Akavya ben Mahalalel that green blood renders a woman impure (see 19b). They explain that Rabbi Meir deems her impure only if the blood is dark green, not if it is light green, whereas Samaritan women observe the seven-day menstrual period of impurity even for light green blood (*Tosafot*).

And we shall also count it – אמן נמי נספירה: The early commentaries explain that Rami bar Hama is challenging the previous explanation. Although he subsequently refuted Rava’s question against his own opinion, even he does not maintain that women should

count such part days in practice (*Tosafot*; *Ramban*; *Meiri*; *Rashba*). The consensus among all the ruling authorities is that the day on which the emission of ziva ceases is not included in the seven days of her counting (*Beit Yosef* on *Tur*, beginning of *Yoreh De’ah* 196).

The halakhic status of part of the day is like that of an entire day – בתקינות הימים בכளו: The commentaries disagree as to the precise definition of part of a day. Some say it includes only part of the daytime, not a part of the night (*Tosafot* on *Moed Katan* 21b; *Responsa Halakhot Ketannot*; *Rabbeinu Yona*). Others rule more leniently, allowing a part of the night to also be considered like part of the day (*Ramban*). The halakha is that part of the day is like the entire day only if some of the daytime passed, not part of the night (*Shulhan Arukh*, *Yoreh De’ah* 395:1).

או רחואי בפלגא דז'ומא – דכי נמי,  
הכא במא עסקיים – דחואי סמוך  
לשיקיעת החופה.

וליקום ולמما ליה לךרא: כי כתיבא  
סמוך לשיקיעת החופה בתיבא? אין  
על ברוח שבקה לkerja, דאייה דחיק  
ומוקי אנטישיה.

בשי רמי בר חמא: פולטת שבבת זרע,  
מהו שתסתור בזיבח? וזהו היהת  
וסותורת,

The Gemara rejects this suggestion: Perhaps even with regard to *ziva* the halakhic status of part of the day is like that of an entire day, and if the *zav* sees the seminal emission in the middle of the day, the remainder of the day is indeed counted as a whole day. But here we are dealing with a *zav* who sees a seminal emission adjacent to sunset, when there is no remaining time in the day that can be counted as an entire day.

The Gemara objects: But the *halakha* that a seminal emission negates a day from the count of a *zav* is derived from the verse: "This is the law of the *zav*, and of him from whom the flow of seed goes out, so that he is impure thereby" (Leviticus 15:32). Is it right that one will stand and say about the verse that when it is written, it is written specifically with regard to a seminal emission that occurs adjacent to sunset? The Gemara explains: Yes, perforce you must leave aside the plain meaning of this verse, as it compels itself to be established as referring to such limited circumstances because it must conform to the principle that the halakhic status of part of the day is like that of an entire day.

**§** The Gemara mentioned earlier that if a *zav* experiences a seminal emission while counting seven clean days toward his purity, the seminal emission negates the day on which he experiences it. On a similar note, Rami bar Hama raises a dilemma: In the case of a woman who discharges semen<sup>N</sup> after engaging in intercourse with her husband, what is the *halakha*<sup>H</sup> as to whether she negates her counting with regard to *ziva*? Rami bar Hama elaborates: In general, a woman who discharges semen is impure, but the reason for this *halakha* is uncertain. Is it because she was considered one who saw semen, i.e., the emission of semen itself renders her impure just like a man who experiences a seminal emission? And if so, this woman negates her count.

**NOTES**

**פולטת שבבת זרע:** The mishna in tractate *Shabbat* (86a) states: From where is it derived that a woman who discharges semen even on the third day after engaging in intercourse is ritually impure, just like one who touches semen? As the verse states: "And he said to the people: Prepare yourselves for three days; do not approach a woman" (Exodus 19:15). In other words, do not engage in intercourse with your wives from three days prior to the Revelation at Sinai, so that even if a woman discharges semen on the fourth day she will be pure. Although the Torah had not yet been given at that time, it can be assumed that this command is in keeping with the requirements of the Torah as would later be revealed at Sinai (*Tosafot on Shabbat* 86a). The commentaries further note that a woman who discharges semen is rendered ritually impure only if the semen leaves her body. But if it remains in a concealed part of the body she is pure, as the touch of a concealed part of the body does not impart impurity (Rashi on 42a).

**HALAKHA**

In the case of a woman who discharges semen what is the *halakha*, etc. – **פולטת שבבת זרע וכו':** A woman who discharges semen during the period of impurity for her *ziva* negates one day of her counting, like a *zav* who experiences a seminal emission (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 6:16).

Perek IV  
Daf 33 Amud b

או דילמא, נוגעת היהת – ולא  
סתורה?

אמר רבא: לפום חורפה שבשתא, נהי  
נמי דסתורה, כמה תסתור? תסתור  
שבעה – ריה בבעלה.

תסתור יום אחד – וואחר טהרה  
אמר רחמנא אחר – אחר לבולן.  
שלוא תהא טומאה מפסקת ביעירה.

Or perhaps it is because she was touching the semen, and if so she has not thereby negated<sup>N</sup> her count, just as a *zav* does not negate his count if he touches semen.

Rava says: Commensurate with the sharpness of Rami bar Hama is the extent of his error, as this is not a dilemma at all, since even if one could suggest that a *zava* who discharges semen has indeed negated her count, one must ask: How much should she negate? If one suggests she should negate all seven days of her counting, this is untenable, as it is enough for her that she should negate her count like the man who engages in intercourse with her, i.e., like a *zav* who discharges semen, who negates only one day.

And if one suggests that she should negate one day alone, this too is untenable, as the Merciful One states: "But if she is purified from her *ziva* then she shall count to herself seven days, and after that she shall be pure" (Leviticus 15:28). The word "after" indicates that she shall be pure only after all of them, i.e., after seven consecutive clean days, such that there should be no impurity separating between them. If so, there cannot be a situation where a *zava* negates a single day, and consequently it cannot be that a *zava* who discharges semen negates any part of her count.

**NOTES**

Or perhaps she was touching the semen and if so she has not thereby negated – או דילמא נוגעת היהת ולא סתורה: The exact circumstances of this dilemma are somewhat difficult to understand, as a discharge of semen renders a woman impure only if it occurred within three days of engaging in intercourse. If it is determined that the woman is a *zava*, she was prohibited to her husband for at least three days. How, then, can the semen render her impure? According to Rashi, Rami bar Hama is referring to a case where the husband and wife engaged in forbidden sexual intercourse. The later commentaries add that Rashi indicates that the couple was engaging in intercourse while she was actually experiencing a blood flow.

**BACKGROUND**

Tavakh – תָּוְךָ: Apparently this is the name of a town near Neresh, or Nares, located on the caravan routes to Bei Ḥozai. Towns with the similar name Tauk are found in several places in Babylonia.



Location of Neresh

**NOTES**

I may conclude from it that he is a God-fearing individual, etc. – שֶׁמְעַן מִיְהָא יְרָא שְׁמָים הָוֶה וּכְרֵי: The later commentaries explain that Rav Pappa initially intended to visit any Torah scholar in the study hall. This was an accepted act of respect even if the visiting rabbi was greater than the Torah scholar. When he heard that Rav Shmuel was not only considered a Torah scholar but was also renowned as a God-fearing individual, he decided that it was appropriate to pay him a visit in his own home (*Ben Yehoyada*).

**HALAKHA**

The uncertain case of the garments of an *am ha'aretz* – סַפְקָה בְּגֹדֵי עַם הָאָרֶץ: One burns *teruma* for uncertainty involving the purity of the garments of an *am ha'aretz*. This is one of six cases of uncertain impurity in which one burns the *teruma* that came into contact with a suspect item. In other words, if *teruma* came into contact with the garments of an *am ha'aretz* it must be burned, despite the fact that this impurity applies only due to uncertainty. The reason is that if this impurity were certain then the *am ha'aretz* would be a *zav*, whose impurity applies by Torah law (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 13:13).

וְלֹטַעֲמִין, זֶבֶג פִּיהַיִךְ סְתָרִי? "לְתָהָרָתִי"  
אֲסֹר רְחַמְנָא – שְׁלָא תְּהַא טוֹמֵא מִפְסָקָת  
בִּינְהָיָן!

The Gemara rejects Rava's response: **And according to your reasoning, how does a *zav* himself negate** only one day from his count due to a seminal emission? After all, the Merciful One states: "And when the *zav* is purified of his *ziva*, then he shall count for himself seven days for his purification, and wash his clothes, and bathe his flesh in running water, and he shall be pure" (Leviticus 15:13). The phrase: "Seven days for his purification," indicates that there should be no impurity separating between them.

אֲלָא מָא יָא אֵיתָ לְקַדְשָׁר – שְׁלָא תְּהַא  
טוֹמֵאת וִיבָה מִפְסָקָת בִּינְהָיָן, הֲכָא נָמֵי –  
שְׁלָא תְּהַא טוֹמֵאת וִיבָה מִפְסָקָת בִּינְהָיָן.

Rather, what have you to say? The verse means only that there should not be an impurity of *ziva* separating between them. Here too, with regard to a *zava*, the verse means only that there should not be an impurity of *ziva* separating between them; a discharge of semen is not included in this restriction. It is therefore possible that a discharge of semen from a *zava* negates only one day from her count. Accordingly, the dilemma raised by Rami bar Hama remains in place.

זֶאוּן חַיְבֵין עַלְיָהוּן עַל בִּיאָת מִקְדָּשׁ וּכְרֵי.  
רַב פָּפָא אִיקְלָע לְתוֹאָן. אָמָר אֵי אִיכָּא  
צִוְּבָא מְרַבֵּן הַכָּא. אִילְלָא אִקְבֵּל אָפִיה.  
אָמָרָה לֵיהֶה הַהִיא סְבָתָא: אֵיכָא הַכָּא  
צִוְּבָא מְרַבֵּן, וּבְשֻׁמוֹאֵל שְׂמִיה, וְתַנִּי  
מִתְנִינְתָּא, הֵה אָרְעוֹא דְתַהְיִי בְּוֹתִיהִי!

§ The mishna teaches: **But one who enters the Temple while wearing those garments upon which a Samaritan had lain is not liable to bring an offering for entering the Temple, nor does one burn teruma that came into contact with those garments, because their impurity is uncertain.** In connection to these halakhot, the Gemara relates that Rav Pappa<sup>p</sup> happened to come to the city of Tavakh.<sup>b</sup> He said: If there is a Torah scholar here I will go and greet him. A certain elderly woman said to him: There is a Torah scholar here and Rav Shmuel is his name, and he teaches mishnayot; may it be God's will that you should be like him.

אָמָר: מִזְקָמְבָרְכִּי לֵי בְּגֹוִיה – שְׁמַע מִינָּה  
וַיָּאָשָׁם הָוֶה. אָוֹל לְבִבְיהִי. רַמָּא לֵיהֶה  
תוֹרָא, רַמָּא לֵיהֶה מִתְנִינְתָּא אַחֲדָה. תַּנִּנְתָּא:  
חַיְבֵין עַלְיָהוּן עַל בִּיאָת מִקְדָּשׁ, וְאַיִן שְׁרוּפָן  
עַלְיָהוּן אַתְּ הַתְּרוּמָה, מִפְנִי שְׁטוֹמָאָתָה סְפָק.  
אַלְמָא – מִסְפִּיקָא לֹא שְׁרוּפָן תְּרוּמָה.

וּרְמִינְתָּא, עַל שְׁשָׁה סְפָקוֹת שְׁרוּפָן אַתְּ  
הַתְּרוּמָה, עַל סְפָק בְּגֹדֵי עַם הָאָרֶץ!

Rav Pappa said to himself: From the fact that they bless me through this Rav Shmuel that I should be like him, I may conclude from it that he is a God-fearing individual.<sup>n</sup> Rav Pappa went to visit him, and Rav Shmuel raised a bull for him, i.e., he slaughtered a bull in honor of Rav Pappa, and he also raised a difficulty between two mishnayot that apparently contradict one another: We learn in the mishna: One who enters the Temple while wearing those garments upon which a Samaritan had lain is not liable to bring an offering for entering the Temple, nor does one burn teruma that came into contact with those garments, because their impurity is uncertain. Evidently, we do not burn teruma due to uncertain impurity.

And one can raise a contradiction from another mishna (*Teharot* 4:5): For six cases of uncertain impurity one burns the *teruma* if it came into contact with them, or if a person came into contact with them and subsequently touched the *teruma*. One of these is for the uncertain case of the garments of one who is unreliable with regard to ritual impurity [*am ha'aretz*].<sup>h</sup> Such garments impart impurity through contact and through carrying, due to a concern that the wife of the *am ha'aretz* might have sat on them while she was menstruating. Evidently, one burns *teruma* due to uncertain impurity.

**PERSONALITIES**

**Rav Pappa – רב פָּפָא:** Rav Pappa belonged to the fifth generation of the *amora'im* of Babylonia. He was a student of both Abaye and Rava in Pumbedita. Rav Pappa established an academy in Neresh, where he was joined by his close friend Rav Hunai, son of Rav Yehoshua, who was appointed chief lecturer. After Rava's death, many of his disciples came to study under Rav Pappa, who had more than two hundred students attending his lectures.

Rav Pappa's father was a wealthy merchant who supported him through many years of Talmud study. Rav Pappa became a wealthy businessman in his own right; he was a successful brewer of date beer, and he also prospered in other business ventures. The Talmud records that he engaged in trade with both Jews and gentiles and had a reputation for fairness and generosity in his business dealings (see *Ketubot* 97a). Rav Hunai, who was his partner in many such undertakings, grew wealthy as well.

Rav Pappa had great respect for other Sages, and upon entering a city would immediately call upon the rabbinic head of the community. On one occasion Rav Pappa felt that he had spoken inappropriately about one of the Sages, and he took upon himself a personal fast as penance for his act (*Sanhedrin* 100a). He was reluctant to offer final rulings in areas of *halakha*, and he often chose to be stringent in accordance with both opinions in the Talmud rather than rule in accordance with a single opinion.

Rav Pappa was blessed with ten sons, all of whom were Torah scholars. Traditionally, the names of the ten sons of Rav Pappa are recited as part of the ceremony at the completion of the study of a tractate. Although the source of this tradition is unclear and the identities of the sons are uncertain as well, the Rema suggests that it commemorates the celebrations Rav Pappa performed with his sons upon completing a course of study.

אמר רב פפא: יהא רעהו דלתאכיל  
האי תורא לשלמה, הכא במא עיקין  
בכחות חבר.

במי חבר בועל נדה משיית לי?

שבקיה, ואתא לך פניה זו רב שימי בר  
אשי. אמר לו: מאיט טעמא לא משיות  
לייה; בכחות שטבל ויליה, וזרס על בגין  
חבר, ואילו בגין חבר וגנו בתרומה.

דא משות טומאת עם הארץ – הִיא  
טבילה ליה, וא משות בועל נדה – ספק  
בעל בקروب ספק לא בעל בקروب.

ואם תמציא לומר בעל בקروب – ספק  
השלימתו יזוק ספק לא השלימתו,  
והו ספק ספק קא, ואספק ספק לא  
שרפין בתרומה.

Rav Pappa began his response with a supplication and said: **May it be God's will that this bull shall be eaten peacefully**, i.e., that I will provide a satisfactory resolution of this contradiction. Since the bull was slaughtered in my honor, failing to resolve the contradiction might spoil the meal. Rav Pappa continued: Here we are dealing with a Samaritan who is devoted to the meticulous observance of mitzvot, especially halakhot of ritual purity, teruma, and tithes [haver].<sup>8</sup> There is therefore less concern with regard to his ritual purity than that of an *am ha'aretz*. Consequently, the mishna here states that *teruma* is not burned on account of him.

Rav Shmuel rejected this response: Since the mishna is referring to men who engage in intercourse with menstruating women, are you equating a Samaritan *haver* with a man who engages in intercourse with a menstruating woman?

Rav Pappa left Rav Shmuel in embarrassment and came before Rav Shimi bar Ashi, to whom he related this incident. Rav Shimi bar Ashi said to him: **What is the reason that you did not respond to him** that the ruling of the mishna is stated with regard to a Samaritan who immersed in a ritual bath and arose from his impure status, and subsequently trod on the garments of a *haver*, which means they are now considered the bedding of the Samaritan, and then those garments of the *haver* went and touched *teruma*? In such a case one does not burn the *teruma*.

As, if one would say to burn it due to the impurity of an *am ha'aretz*, he has immersed in a ritual bath. And if one were to suggest that it should be burned because the Samaritan is one who engages in intercourse with a menstruating woman, this too is an unsatisfactory reason. This is because it is uncertain whether he recently engaged in intercourse with his wife, in which case his immersion does not remove his impurity; and it is uncertain whether he did not recently engage in intercourse with his wife, in which case he is in fact pure.

And even if you say that he recently engaged in intercourse with his wife, another uncertainty remains: It is uncertain whether his wife began counting seven days from an emission of green blood and ignored any subsequent emission of red blood and completed her count for the green blood, which would mean that she was in fact a menstruating woman when she engaged in sexual intercourse with her husband; and it is uncertain whether she did not complete a count of seven days from the emission of the green blood, rather from the emission of red blood, in which case she was not a menstruating woman when her husband engaged in intercourse with her. **And therefore this is a compound uncertainty**, and there is a principle that **one does not burn teruma on account of a compound uncertainty**.<sup>9</sup>

#### BACKGROUND

**Haver** – **חבר**: The *haverim* were members of a group or class of people who were meticulous in their observance of several mitzvot that most common people [*amei ha'aretz*] were not strict in observing. One who sought to enter a society of this kind had to accept its practices formally in the presence of three other members, who served as a kind of court for this purpose. The main emphasis of these groups was the strict observance of the halakhot of *teruma* and tithes and careful adherence to the

halakhot of ritual purity, to the extent that they would eat even non-sacred food in a state of purity. As a rule, a Torah scholar was typically a *haver*, but a *haver* was not necessarily a Torah scholar. Acceptance as a member of this group removed an individual from the category of a common, uneducated person, and his statements with regard to tithes and ritual purity were deemed reliable. In later generations, the term took on a more restricted meaning and was used in reference only to prominent scholars.

#### HALAKHA

And one does not burn *teruma* on account of a compound uncertainty – **האי תורא לשלמה לא שרפין בתרומה**: If it is uncertain whether or not *teruma* touched the garments of an *am ha'aretz* one does not burn the *teruma*, but it remains in abeyance. The reason is that this impurity itself applies only due to uncertainty,

and even if the *am ha'aretz* is impure it is uncertain whether the *teruma* touched him. Accordingly, this is a compound uncertainty and the halakha is that in a case of a compound uncertainty one leaves the *teruma* in abeyance (Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot 13:13).

### HALAKHA

**בגדי עם הארץ** – וכו': An *am ha'aretz*, although he is a full-fledged Jew, and even if he is versed in Torah and mitzvot, has the presumptive status of ritual impurity, and his garments have the ritual impurity imparted by the treading of a *zav* for those who are scrupulous with regard to impurity. Consequently, his garments impart impurity to food or drink they touch, and likewise they render impure an earthenware vessel through its airspace. Furthermore, although this impurity is due to uncertainty, one burns *teruma* that came into contact with these garments (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 10:1).

### NOTES

**Sadducee girls – בנות צדוקין:** The early commentaries write that Sadducees are considered Jews in all regards, but as they deny basic articles of faith in the Torah, in practice the halakhic status of their women depends on their behavior (Meiri). Some commentaries maintain that after the Sadducees went astray and ceased acting in accordance with the strictures of *halakha* they became considered like full-fledged gentiles (*Shita Mekubetzet*).

וַיֹּאמֶר לְהָמָשׁוּם בְּגָדֵי עַמּוֹם הָאָרֶץ, דָּאַמֵּר  
בָּרוּךְ יְהוָה בָּכּוֹתִי עֲרוּם.

Rav Pappa raised an objection to Rav Shimi bar Ashi: **And let one derive that the garments of the *haver* are impure because they came into contact with the garments of an *am ha'aretz*. As the Master said:** The garments of an *am ha'aretz*<sup>h</sup> are considered impure with the ritual impurity imparted by the treading of a *zav*, which means they impart impurity to people and to garments, for individuals who are scrupulous with regard to impurity [perushin].<sup>b</sup> Rav Shimi bar Ashi said to Rav Pappa: The mishna is referring to a naked Samaritan. Consequently, none of his garments came into contact with the garments of the *haver*.

מִתְנָה בָּנָות צְדֻקִין, בִּמְנֻן שְׂנָגוּ לְלִכְתָּה  
בְּדָרְכֵי אֲבוֹתֵיהֶן – הַרְיָה הָן בְּכּוֹתִיות, פָּרָשָׁו  
לְלִכְתָּה בְּדָרְכֵי יִשְׂרָאֵל – הַרְיָה הָן בְּיִשְׂרָאֵליּוֹת,  
רַבִּי יוֹסֵי אָמֵר: לְעוֹלָם הָן בְּיִשְׂרָאֵליּוֹת, עַד  
שִׁיפְרָשׁוּ לְלִכְתָּה בְּדָרְכֵי אֲבוֹתֵיהֶן.

גַּם אִיבְעַיא לְהָוֹ: סְתִמָּא מָאֵ? תָּא  
שְׁמַע: בָּנָות צְדֻקִין, בִּמְנֻן שְׂנָגוּ לְלִכְתָּה  
בְּדָרְכֵי אֲבוֹתֵיהֶן – הַרְיָה הָן בְּכּוֹתִיות, הָא  
סְתִמָּא – בְּיִשְׂרָאֵליּוֹת. אִימָא סִיפָּא: פָּרָשָׁו  
לְלִכְתָּה בְּדָרְכֵי יִשְׂרָאֵל – הַרְיָה הָן בְּיִשְׂרָאֵליּוֹת,  
הָא סְתִמָּא – בְּכּוֹתִיות! אֶלָּא מִהָּא לִיכָּא  
לְמִשְׁמָעַ מִינָּה.

תָּא שְׁמַע, דָּתָן רַבִּי יוֹסֵי אָמֵר: לְעוֹלָם  
הָן בְּיִשְׂרָאֵליּוֹת עַד שִׁיפְרָשׁוּ לְלִכְתָּה בְּדָרְכֵי  
אֲבוֹתֵיהֶן, מִכְלָל דְּתָנָא קְמָא כָּבָר: סְתִמָּא  
בְּכּוֹתִיות, שְׁמַע מִינָּה.

**MISHNA** With regard to Sadducee<sup>b</sup> girls,<sup>n</sup> when they were accustomed to follow in the ways of their Sadducee ancestors their status is like that of Samaritan women, whose *halakha* was discussed in the previous mishna. If the Sadducee women abandoned the customs of their ancestors in order to follow in the ways of the Jewish people their status is like that of a Jewish woman. Rabbi Yosei says: Their status is always like that of a Jewish woman, until they will abandon the ways of the Jewish people in order to follow in the ways of their Sadducee ancestors.

**GEMARA** A dilemma was raised before the Sages: What is the *halakha* in an unspecified case, i.e., when the custom of a Sadducee woman is unknown? The Gemara suggests: Come and hear evidence from the mishna: With regard to Sadducee girls, when they are accustomed to follow in the ways of their Sadducee ancestors their status is like that of Samaritan women. It can be inferred from the mishna that in an unspecified case their status is like that of a Jewish woman. The Gemara rejects this suggestion: Say the latter clause: If the Sadducee women abandoned the customs of their ancestors in order to follow in the ways of the Jewish people their status is like that of a Jewish woman. One may infer from this that in an unspecified case their status is like that of Samaritan women. Rather, no inference is to be learned from this mishna.

The Gemara suggests: Come and hear the last clause of the mishna, as we learned in the mishna that Rabbi Yosei says: Their status is always like that of a Jewish woman, until they will abandon the ways of the Jewish people in order to follow in the ways of their Sadducee ancestors. By inference, one may conclude that the first *tanna* holds that in an unspecified case their status is like that of Samaritan women. The Gemara affirms: Conclude from it that this is the case.

### BACKGROUND

**Perushin – פְּרָשִׁין:** The name *perushin*, or Pharisees, is usually understood as referring to the rabbinic Sages, particularly during the late Second Temple period. Depending on context, the name can be an antonym of *amei ha'aretz* or Sadducees. The Sages rarely referred to themselves with this term, which was used more often by their opponents. The root *peh*, *reish*, *shin* can denote both interpretation and separation. Therefore, while some suggest the term *perushin* means those who interpret or expound, i.e., those who expound the Written Torah, many explain that it means separatists. The reference to the Sages as separatists who reject community norms could be either a positive or a negative appellation, depending on one's perspective on general society at the time. It can also refer to separation from forbidden sexual intercourse. The greatest of the *perushin* were the *tanna'im* of the Mishna.

**Sadducees – צְדֻקִין:** At the end of the Second Temple period and in subsequent years, groups of Jews strayed from the path of the Sages to various degrees. The first Christians were among these sects, which by and large consisted of different types of Gnostics. Although these groups differed from one another, they all deviated from the accepted *halakha*. They also leveled accusations against the Sages, often claiming that the Sages themselves did not observe the *halakha* in an absolute manner and instead interpreted the *halakha* as they saw fit.

The source of the name Sadducees is a man called Tzadok, who was a student of Antigonus of Sokho, a Sage from the start of the period of the *zugot*, or Pairs, the early period of the *tanna'im*. Tzadok did not believe in the reality of the World-to-Come. A similar group was called the Boethusians, named after Baitos, another heretical disciple of Antigonus of Sokho.

The conflicts between the Sages and the Sadducees were manifested in various areas, both ideological and political. In addition to denying the reality of the World-to-Come, the Sadducees rejected the halakhic traditions espoused by the Sages, choosing to interpret the Torah according to their own rationale and understanding. Although the Sadducees themselves eventually enacted various ordinances of their own, these were not rooted in any tradition. While the Sadducees comprised only a minority of the population they enjoyed a great deal of political influence, as they maintained close ties to the later Hasmonean kings. They used this influence to exacerbate the conflict between the king and the Sages, and to rebuff the Sages wherever possible. As a result, the Sages responded in kind and rejected all Sadducee practices, even if they were perfectly acceptable from a halakhic perspective. They also enacted certain decrees specifically against Sadducee customs, in the formula of the Gemara: To remove a misconception from the heart of the Sadducees.

תנו ר' רבנן: מטעה בצדוקי אחד שספער  
עם בון גדור בשוק, ונתקה צנורא מבפו  
ונפללה לבון גדור על בגדיו, והוירקן  
פנוי של כהן גדור, והוא אצל אשתו.

אמורה לו: אף על פי שנשי צדוקים  
הן – מתיירותם מן הפרושים, ומראות  
דם לתקבכים.

אמר רבי יוסף: בקיאין אנו בהן יותר  
מן הכל, והן מזאות דם לתקבכים, חוץ  
מAEAה אחת שהיתה בשכונתינו,  
שלא הראת דם לתקבכים ומיתה.

תיפוקליה משום צנורא דעם הארץ!  
אמר אבי: הצדוקי חבר. אמר רבא:  
צדוקי חבר, בועל נדה משות ליה?  
אלא אמר רבא:

**S**The Sages taught: There was an incident involving a certain Sadducee who was conversing with the High Priest in the marketplace, and as he was speaking, saliva [tzinora]<sup>l</sup> sprayed from his mouth and fell onto the garments of the High Priest. And the face of the High Priest turned green,<sup>n</sup> as he feared that his garments had been rendered ritually impure. And he rushed to the Sadducee's wife<sup>n</sup> to inquire whether she properly observed the halakhot of menstruation, in which case his garments were not rendered impure by the saliva of her husband, as he is not considered one who engages in intercourse with a menstruating woman.

**She said to him: Even though women such as myself are the wives of Sadducees, who do not follow in the ways of the perushim, they are scared of the perushim and they show their blood to the Sages when an uncertainty arises. The garments of the High Priest are therefore pure, as the Sadducee wives properly observe the halakhot of menstruation.**

**Rabbi Yosei says: We are familiar with the wives of Sadducees more so than everyone else, as they are our neighbors, and I can testify that they all show their blood to the Sages, except for a certain woman who was living in our neighborhood who did not show her blood to the Sages, and she died, as a punishment for her behavior.**

The Gemara objects: **And let the High Priest derive that his garments are impure due to the saliva of an am ha'aretz**, which imparts impurity. **Abaye said:** That case involved a Sadducee hav'er, who was particular with regard to the halakhot of ritual purity. **Rava said:** Are you equating a Sadducee hav'er with a man who engages in intercourse with a menstruating woman? After all, the High Priest was initially concerned that the Sadducee might engage in intercourse with his wife while she is still menstruating. **Rather, Rava said:**

**LANGUAGE**  
**Saliva [tzinora] – צנורה:** The origin of this word is unclear, but it is apparently related to *tzinor*, a hollow pipe or spout through which water flows. *Tzinora* can also refer to a trickle of liquid, or in this case a spray of saliva.

**NOTES**  
**וְהוּרִיקָן – הַיּוֹן שֶׁל כַּהֲן גָּדוֹל:** The later commentaries note that this story parallels the incident recounted in *Yoma* (47a) involving Rabbi Yishmael ben Kimḥit, who was in fact a High Priest. The Gemara there relates that he was talking with a certain officer in the marketplace when the officer's saliva sprayed onto his clothes, and the commentaries explain that this occurred on Yom Kippur (Rashi) or on the eve of Yom Kippur (Maharsha, citing the Jerusalem Talmud). According to the *Tosefta*, Rabbi Yishmael ben Kimḥit went to converse with the king. Similarly, one can say that the incident here also occurred on Yom Kippur, and it was necessary for the High Priest to speak with the Sadducee for matters of public importance. It was for this reason that the High Priest was so upset, since if he contracted ritual impurity he would be unable to perform the Yom Kippur service.

**זָקְדָּם אֶצְל אַשְׁטוֹ – זָקְדָּם אֶצְל אַשְׁטוֹ:** The early commentaries ask why the High Priest relied on the statement of the Sadducee's wife, in light of the principle that one who is suspected with regard to a certain matter is not deemed credible to testify about it (see *Bekhorot* 35a). They further ask why he did not inquire about her status from the Sadducee himself. They explain that even one who is suspected concerning a matter is deemed credible if he speaks offhandedly. As the Sadducee himself had seen the High Priest's reaction he would have known how important his response would be, and therefore any answer he would give could not have been accepted. By contrast, his wife could be classified as one who speaks offhandedly, provided that her husband had not yet informed her of the incident. Therefore, the High Priest rushed to ask her before she spoke to her husband (Ran; Ritva). Others explain that one who is suspected with regard to a certain matter is not deemed credible to testify about it if he stands to gain in some form from his testimony, whereas here the Sadducee woman would not benefit from lying (Meiri).

## Perek IV

### Daf 34 Amud a

גָּל הָהָה, וְטוּמָאת עַם הָאָרֶץ בָּרְגֵל  
כְּטַהֲרָה שְׁוִיחָהוּ וּרְבָּן, דְּכַתְּבִיב: "וַיַּאֲסַךְ  
כָּל אִישׁ יִשְׂרָאֵל אֶל הַעִיר בְּאֵישׁ  
אֶחָד חֶבְרוֹם" – הַכְּתוּב עַשְׂנָן בְּלָן  
תְּבָרִים.

This incident occurred during a pilgrimage Festival, either Passover, *Sukkot*, or *Shavuot*, and the Sages rendered the ritual impurity of an *am ha'aretz* during a pilgrimage Festival as purity.<sup>h</sup> As it is written: “And all the men of Israel gathered to the city, like one man, united [haverim]” (*Judges* 20:11).<sup>n</sup> Whenever all the Jewish people gather in a single place, such as on a pilgrimage Festival, the verse renders all of them *haverim*, even one who is an *am ha'aretz*. There was therefore no concern for impurity due to the saliva of an *am ha'aretz*. Yet, the High Priest was concerned that this Sadducee was one who engages in intercourse with a menstruating woman.

**HALAKHA**  
**The impurity of an *am ha'aretz* during a pilgrimage Festival – טומאת עם הארץ ברגל:** During pilgrimage Festivals, all members of the Jewish people are considered *haverim* and are ritually pure, including their vessels, drinks, and food. They are likewise deemed credible with regard to all purity, whether that of sacrificial food or *teruma*. Once the Festival has ended, they return to their impure state. The *halakha* is in accordance with the opinion of Rava (*Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 11:9).

**NOTES**  
As it is written...like one man united [haverim] – ...**ר' כתיב אחד חברם:** In the Jerusalem Talmud, in *Hagiga*, chapter 3, a different source verse is cited: “Jerusalem, that is built as a city that is compact [hubbera] together” (*Psalms* 122:3), which is interpreted to mean that Jerusalem renders all who are inside it into *haverim*. And when is this the case? As the verse states: “When the tribes went up there, the tribes of the Lord” (*Psalms* 122:4). By contrast, see Jerusalem Talmud *Bava Kamma*, chapter 7, where a different interpretation of this verse is stated: Jerusalem is a city which joins [mehaberet] all Jews together.

The later commentaries explain that the two interpretations complement each other, as on the pilgrimage Festivals the hearts of Jews are drawn close together (Maharatz Ḥayyut). The Rambam provides a logical rationale for this principle: It can be assumed that all people purify themselves properly in order to bring the Festival offerings, and therefore one may rely upon them all. He adds this reason because the verses adduced by the Talmud are intended merely as allusions, and consequently it is necessary to provide a more substantial justification for this *halakha* (*Tosefot Yom Tov*).

### NOTES

And Beit Hillel say the blood of a gentile is like that of her saliva and her urine **כְּבֵית הַלִּיל אֲוֹמָרִים בָּרוּךְהָ וְגָלוּךְהָ:** This dispute between Beit Shammai and Beit Hillel is cited by Rabbi Yehuda at the beginning of the fifth chapter of *Eduyyot*, as a rare dispute in which Beit Shammai maintain a more lenient opinion than that of Beit Hillel. But the Rabbis do not agree with Rabbi Yehuda in this regard. Some commentaries maintain that according to the Rabbis the opinions should be reversed, so that Beit Shammai rule more stringently than Beit Hillel, while others contend that according to the Rabbis Beit Shammai and Beit Hillel did not disagree with regard to this *halakha* at all (see *Tosefot Yom Tov*).

And Beit Hillel say her blood imparts impurity whether moist or dry – **בְּיַד הַלִּיל אֲוֹמָרִים בָּרוּךְהָ וְגָלוּךְהָ לְבַשׂ:** Beit Hillel maintain that the blood of a woman after childbirth remains impure by Torah law until she immerses in a ritual bath. The early commentaries dispute whether she is rendered a menstruating woman due to this blood. Some claim that any blood she sees during her days of purity after childbirth does not render her a menstruating woman, even if she has not immersed, despite the fact that the blood itself is impure (*Rashba; Ritva; Tosafot* on 36a; *Rambam Sefer Kedusha, Hilkhota Issurei Bia* 7:8). Others contend that this blood does render her a menstruating woman. This latter opinion is cited by the *Meiri* on 35b, although the *Meiri* himself rejects it.

The Sages decreed concerning them that they shall be like *zavin* in all their matters – **שְׁיוֹן עַל יְהֻנָּן שְׁיוֹן קְבָנִין בְּלֶל דְּבָרָהֶם:** The Gemara in *Shabbat* 17b indicates that this is one of the so-called eighteen matters, the decrees issued by the students of Beit Shammai and Beit Hillel which were in accordance with the opinion of Beit Shammai. By contrast, it can be inferred from *Avoda Zara* 36b that this decree dates back to the period of the Hasmonean kings. Some commentaries explain that the initial decree referred only to an adult gentile who saw an emission of *ziva*, and the students of Beit Shammai and Beit Hillel later extended it to include even gentile minors, even when they did not experience an emission (*Maharsha* on *Shabbat* 21b).

**מַתָּנֵי** **דִם גָּזִיה וְדִם טָהָרָה שֶׁל מַצּוּעָת:**  
**בֵּית שְׁמָאי בְּטָהָרִים, וּבֵית הַלִּיל אֲוֹמָרִים:**  
**בָּרוּךְהָ וְגָלוּךְהָ וְכִימִי גָּלוּךְהָ:**

**דִם הַיּוֹלֶדֶת שֶׁלֹּא טָבָלָה, בֵּית שְׁמָאי**  
**אֲוֹמָרִים: בָּרוּךְהָ וְכִימִי גָּלוּךְהָ, וּבֵית הַלִּיל**  
**אֲוֹמָרִים: בְּטָפָא לְחַיְבָשׂ.**

**וּמוֹזָדים בְּיוֹלֶדֶת בָּזָב – שְׁהִיא מַטְמָאָה**  
**לְחַיְבָשׂ.**

**גַּם** **וַיָּלֵת לְהֹו לִבְית שְׁמָאי** **דִּבֶּר אֶל בְּנֵי**  
**שְׁרוֹאָל וְאָמְרָה אֲלֵיכֶם אֲשֶׁר כִּי יְהִי**  
**זָבָ – בְּנֵי יִשְׂרָאֵל מַטְמָאִין בְּזִבְחָה, וְאַיִן**  
**הָגּוֹם מַטְמָאִין בְּזִבְחָה, אֲכֵל גּוֹרֹו עַל יְהֻנָּן**  
**שְׁיוֹן בְּזִבְחָן לְכָל דְּבָרִים?**

**אָמְרִי לְקָרְבָּן בֵּית שְׁמָאי:** **(הַהוּא בָּזְקָרִים**  
**אֲתָּה תָּמָרָה, דָּאֵי בְּנִקְבּוֹת)** **הַיְכִי לְעַבְדֵּיךְ?**  
**לְטָמֵא לְחַיְבָשׂ – עֲשִׂיתָו בְּשֶׁל תּוֹרָה,**  
**לְטָמֵא לְחַיְלָא לְטָמֵא יְבָשׂ – חַלְקַת בְּשֶׁל**  
**תוֹרָה.**

### MISHNA

With regard to the **blood of a menstruating gentile woman**<sup>H</sup> or a gentile *zava*, and the blood discharged by a female Jewish leper during the days of purity<sup>I</sup> of a woman who gives birth, **Beit Shammai deem them ritually pure, and Beit Hillel say:** The halakhic status of the blood of the gentile woman is like that of her saliva and her urine,<sup>N</sup> which impart impurity only while moist. Likewise, the blood discharged by a Jewish leper during the days of purity imparts impurity only when moist.

With regard to the **blood of a woman who gave birth** and reached the conclusion of her days of impurity, i.e., seven days after giving birth to a male or fourteen days after giving birth to a female, but **who did not yet immerse in a ritual bath, Beit Shammai say:** Although she has yet to immerse in a ritual bath, the blood does not retain the halakhic status of menstrual blood. Rather, the status of the blood is like that of her saliva and her urine, and it imparts impurity only while moist. **And Beit Hillel say:** Since she did not immerse in a ritual bath, her blood is considered like that of a menstruating woman, and it **imparts impurity** whether it is **moist or dry**.<sup>N</sup>

And Beit Shammai concede to Beit Hillel in the case of a **woman who gives birth as a zava**, where the woman must count seven clean days from the conclusion of her days of impurity, **that any blood she sees during those seven days imparts impurity** whether it is **moist or dry**.

### GEMARA

The mishna teaches that according to Beit Shammai the blood of a gentile woman does not impart impurity. The Gemara objects: **And do Beit Shammai not accept that which is taught with regard to the verse: "Speak to the children of Israel and say to them, when any man has an issue [zav] out of his flesh, his issue is impure" (Leviticus 15:2), from which it is inferred: By Torah law, the children of Israel become impure through *ziva* and gentiles do not become impure through *ziva*, but the Sages decreed concerning them that they shall be like *zavin* in all their matters<sup>NH</sup> of ritual purity.**

The Gemara responds: **Beit Shammai could say to you that this was stated only with regard to males, not females. As, if it was stated even with regard to females, how should one act with regard to this impurity? Should their blood impart impurity whether it is moist or dry? If so, you have rendered it like blood that imparts impurity by Torah law, and people will mistakenly come to burn *teruma* that comes into contact with it. Perhaps one will suggest that it should impart impurity only while it is moist and it should not impart impurity when it is dry. But if so, you will have differentiated between moist and dry blood even with regard to blood that is impure by Torah law, i.e., one might mistakenly conclude that the blood of Jewish women imparts impurity only when it is moist, when in fact it imparts impurity whether it is moist or dry.**

### HALAKHA

The blood of a menstruating gentile woman – **דִם גָּזִיה**: With regard to the blood of a gentile menstruating woman or a gentile *zava*, and the blood of a gentile woman after childbirth, although they do not impart impurity by Torah law, they do impart impurity by rabbinic law while they are moist. They are considered as a primary source of ritual impurity, and therefore they impart impurity to vessels through contact, and to people through contact and by carrying. This impurity applies by rabbinic law. One is not liable to bring an offering for entering the Temple in the state of ritual impurity imparted by them, and one does not burn *teruma* and consecrated items that come into contact with them. The *halakha* is in accordance with the opinion of Beit Hillel (*Rambam Sefer Tahara, Hilkhota Metamei Mishkav UMoshav* 2:10).

Blood discharged by a female Jewish leper during the days of purity – **דִם טָהָרָה שֶׁל מַצּוּעָת**: In the case of a female leper who gave birth and who immersed seven days after the birth of a male or fourteen days after the birth of a female, her blood of purity is ritually impure like the saliva and urine of a regular leper. The *halakha* is in accordance with the opinion of Beit Hillel (*Rambam Sefer Tahara, Hilkhota Metamei Mishkav UMoshav* 5:5).

The Sages decreed concerning them that they shall be like *zavin* in all their matters – **שְׁיוֹן עַל יְהֻנָּן שְׁיוֹן קְבָנִין בְּלֶל דְּבָרִים**: Although by Torah law the impurities of menstruation, *ziva*, and a woman after childbirth do not apply to gentiles, the Sages decreed that all gentiles, male and female, should always be considered like *zavim* with regard to ritual impurity (*Rambam Sefer Tahara, Hilkhota Metamei Mishkav UMoshav* 2:10 and *Sefer Kedusha, Hilkhota Issurei Bia* 4:4).

אֵי הַכִּי, רֹקֶה וְמִימִי וְגָלִיהָ נָמֵי בַּיִן  
דָּבָרְדִּין הַיְּרָא בְּרוּמָה - מִידָּע יְדִיעָ  
רוֹקֶה וְמִימִי וְגָלִיהָ דְּרוּבָן.

The Gemara objects: **If so, then with regard to the saliva and urine of a gentile zava, which impart impurity by rabbinic law only when moist, Beit Shammai should also rule that they do not impart impurity at all, in order to distinguish their saliva and urine from that of a Jewish zava, which by Torah law impart impurity only when moist (see 54b).** The Gemara responds: **Since we implement a conspicuous marker with regard to the blood of a gentile woman, i.e., it is clear that her status is different from that of a Jewish woman in that her blood does not impart impurity whatsoever, everyone will know that the impurity of her saliva and her urine is only by rabbinic law, and there is no concern that people might come to mistakenly burn teruma that comes into contact with the saliva and urine of a gentile zava.**

ולעביד הַיְּרָא בְּרוֹקֶה וְמִימִי וְגָלִיהָ,  
וְלֹטְמִי לְדָמָה! רֹקֶה וְמִימִי וְגָלִיהָ  
דְּשָׁבִיחַי - גָּרוּ בְּהוּ רַבְּנָן, דָמָה דְּלָא  
שְׁכִיחָא - לֹא גָּרוּ בְּהָרַבְּנָן.

אמֶר רַבָּא: זָבוֹ טָמֵא - אֲפִילוֹ לְבֵית  
שְׁמָאי, קָרְיוֹ טָהֹר - אֲפִילוֹ לְבֵית  
הַלִּל.

זָבוֹ טָמֵא אֲפִילוֹ לְבֵית שְׁמָאי - דְּהָא  
אַיכָּא לְמַעַבֵּד הַיְּרָא בְּקָרְיוֹ,

קָרְיוֹ טָהֹר אֲפִילוֹ לְבֵית הַלִּל - עֲבוּד  
בֵּיהֱוֹתָן הַיְּרָא, יְהִי דְּלָא לְשׂוֹרֵךְ  
עַלְיהָ תְּרוּמָה וְקָדְשִׁים.

ולעביד הַיְּרָא בְּזָבוֹ וְלֹטְמִי לְקָרְיוֹ!  
זָבוֹ דְּלָא תְּלִי בְּמֻעָשָׁה - גָּרוּ בְּהָ  
רַבְּנָן, קָרְיוֹ דְּתְּלִי בְּמֻעָשָׁה - לֹא גָּרוּ  
בֵּיהֱוֹתָן.

לִימָא מִסְיָע לִיהְיָה: גֹּוֹיָה שְׁפָלְטָה שְׁכַבָּת  
וְעַמִּישָׂרָאֵל - טָמָא, וּבַת יִשְׂרָאֵל  
שְׁפָלְטָה שְׁכַבָּת וְעַמִּן הָגֹי - טָהֹרָה.  
מַאי לֹא טָהֹרָה גַּמְ�רָה? לֹא, טָהֹרָה -  
מַדְאֹוִיְינָא, טָמָא - מַדְרָבָן.

The Gemara persists: **And let them implement a conspicuous marker with regard to the saliva and urine of a gentile woman, that they should not impart impurity whatsoever, and let them deem her blood impure even when dry.** In this manner, everyone will know that the impurity of a gentile woman applies only by rabbinic law, and they will not come to treat that which is impure by Torah law in the same manner. The Gemara responds: **With regard to her saliva and her urine, which are relatively common, the Sages decreed that they are impure, but with regard to her blood, which is not as common, the Sages did not decree that it is impure.**

**§** With regard to a gentile man, Rava says: **The ziva of a gentile man is ritually impure,<sup>H</sup> even according to the opinion of Beit Shammai, who maintain that the ziva of a gentile woman does not impart impurity whatsoever. By contrast, the semen of a gentile is pure,<sup>H</sup> even according to the opinion of Beit Hillel, who hold that the blood of menstruating gentiles and the blood of their ziva imparts impurity when it is moist.**

Rava elaborates: **The ziva of a gentile man is impure, even according to the opinion of Beit Shammai, as it is possible to implement a conspicuous marker with his semen, i.e., since his semen does not impart impurity whatsoever, everyone will know that the impurity imparted by the ziva of a gentile applies by rabbinic law, and they will not come to burn teruma that comes in contact with the ziva of a gentile.**

**And the semen of a gentile is ritually pure, even according to the opinion of Beit Hillel.** This is because the Sages had to implement a conspicuous marker with regard to it<sup>HN</sup> to indicate that the ziva of a gentile imparts impurity only by rabbinic law in order that they will not come to burn teruma and consecrated items that come into contact with their ziva, as must be performed with teruma and consecrated items that contract impurity by Torah law.

The Gemara objects: **And let the Sages implement a conspicuous marker with regard to the ziva of a gentile man, that it should not impart impurity whatsoever, and let them deem his semen impure.** The Gemara explains: **With regard to his ziva, which is not dependent on an action he performs but is emitted on its own, the Sages decreed that it is impure; with regard to his semen, which is dependent on an action he performs, the Sages did not decree that it is impure.**

The Gemara suggests: **Let us say that the following mishna (Mikvaot 8:4) supports Rava's opinion:** In the case of a gentile woman who discharged semen that came from a Jew<sup>H</sup> who engaged in intercourse with her, the semen is impure, as it came from a Jew. **And in the case of a Jewish woman who discharged semen that came from a gentile,<sup>H</sup> the semen is pure.** What, is it not correct to say that the mishna means the semen of the gentile is entirely pure, in accordance with the opinion of Rava? The Gemara refutes this suggestion: **No, perhaps the mishna means that the semen of a gentile is pure by Torah law but impure by rabbinic law, whereas according to Rava, the semen of a gentile is pure even by rabbinic law.**

## HALAKHA

**זָבוֹ טָמֵא –** **HALAKHA**: The ziva of a gentile man is ritually impure – Although gentiles do not contract the impurity of ziva by Torah law, the Sages decreed they should contract the impurity of ziva, in the case of a male from the age of nine years and one day, and a female from three years and one day. They did not apply this decree to children younger than that age (Rambam Sefer Tahara, Hilkhota Metamei Mishkav UMoshav 2:10).

**קָרְיוֹ טָהֹר –** **HALAKHA**: Although the Sages decreed impurity on the ziva emission of gentiles, they did not decree likewise with regard to their semen, and it is ritually pure even by rabbinic law. The halakha is in accordance with the opinion of Rava (Rambam Sefer Tahara, Hilkhota Metamei Mishkav UMoshav 2:10 and Hilkhota She'ar Avot HaTumot 5:17).

**עֲבוּד בֵּיהֱוֹתָן הַיְּרָא –** **HALAKHA**: Why didn't the Sages decree impurity on the semen of gentiles? In order to make known that their impurity of ziva applies by rabbinic law, as people would realize that if a gentile was a zav by Torah law then his semen would be a primary source of ritual impurity like the semen of a zav. Since they will know that the impurity is by rabbinic law, they will not burn teruma and consecrated items which came into contact with them (Rambam Sefer Tahara, Hilkhota Metamei Mishkav UMoshav 2:10).

**אֲפִילוֹ לְבֵית שְׁמָאי –** **HALAKHA**: In the case of a gentile woman who discharged semen that came from a Jew, if this happened within three twelve-hour periods after engaging in intercourse, the semen is ritually impure. If it occurred later than that, it is uncertain whether or not it is still classified as semen (Rambam Sefer Tahara, Hilkhota She'ar Avot HaTumot 5:16).

**בַּת יִשְׂרָאֵל שְׁפָלְטָה שְׁכַבָּת וְעַמִּן הָגֹי –** **HALAKHA**: In the case of a Jewish woman who discharged semen that came from a gentile, since the semen of a gentile is not ritually impure, she is pure even if three twelve-hour periods had not passed since she engaged in intercourse with him (Rambam Sefer Tahara, Hilkhota She'ar Avot HaTumot 5:17 and Kesef Mishne there).

## NOTES

**עֲבוּד בֵּיהֱוֹתָן הַיְּרָא –** **NOTES**: Since the ziva of a Jewish male imparts impurity only when moist, the only available conspicuous marker is to deem some emission of a gentile male ritually pure (Rashi).

The Gemara here indicates that the semen of a gentile is ritually pure, but in the Jerusalem Talmud (*Shabbat* 1:4) it is stated that the eighteen matters include the decree that the semen of gentiles is impure. The Gemara there states that this is puzzling, as Rabbi Yohanan rules that the semen of a gentile is pure. The answer given is that the decree was due to the fact that in practice it is impossible for semen to be emitted without some trace of urine (see *Korban HaEdu*).

**תְּהִלָּה שְׁמֻעָה, נִמְצָאת אֹוֹרָה: שְׁכַבָּת וְרֵעָה  
שֶׁל יִשְׂרָאֵל - טָמֵאה בְּכָל מִקּוֹם,**

The Gemara cites another source that possibly supports Rava's opinion: **Come and hear a baraita: You are found to say the semen of a Jew is impure wherever it is found,**

Perek IV

Daf 34 Amud b

**אֲפִילוֹ בְּמַעַי גָּזִיהַ . וְשֶׁל גָּזִי - טָהוֹרָה  
בְּכָל מָקוֹם וְאֲפִילוֹ בְּמַעַי יִשְׂרָאֵלִית,  
חוֹצֵן מִמְּגִילִים שְׁבָה.**

**even if it is in the womb of a gentile woman.** If she discharges this semen, it imparts ritual impurity. **And by contrast, the semen of a gentile is ritually pure wherever it is found, even if it is in the womb of a Jewish woman, except for any urine that intermingled with it.<sup>N</sup>** In other words, if the semen of a gentile intermingled with his urine, the mixture is impure due to the urine it contains, as the Sages decreed that a gentile is considered like a *zav* in all matters. Consequently, his urine imparts impurity.

**ט' מושב:** טהורה אפיקו מדרבןן, שמע  
מינה: טהורה אפיקו מדרבןן, שמע

The Gemara continues: **And if you would say** in rejection of this proof: Here as well, the *baraita* means that the semen of a gentile is **ritually pure by Torah law but impure by rabbinic law**, one may respond: Since the *baraita* states that the urine of a gentile is impure, **is that to say that her urine**, i.e., the urine of the gentile that intermingled with his semen and is now inside the womb of the Jewish woman, is  **ritually impure by Torah law?** Isn't it impure only by rabbinic law? Rather, conclude from the *baraita* that the semen of a gentile is **pure even by rabbinic law**. The Gemara concludes: Indeed, conclude from it that this is so.

אָמַר מֶרְ: שְׁכִבְתָּךְ זָרָעַ שֵׁל יִשְׂרָאֵל -  
שְׁמָמָה בְּכָל מָקוֹם, אֲפִילוּ בָמֻעַ גּוֹיִה.  
תְּפִשּׁוֹת דָבְעֵי רֵב פֶּפֶא: דָבְעֵי רֵב פֶּפֶא:  
שְׁכִבְתָּךְ זָרָעַ שֵׁל יִשְׂרָאֵל בָמֻעַ גּוֹיִה  
מַה?

The Master said above in a *baraita*: The semen of a Jew is impure wherever it is found, even if it is in the womb of a gentile woman. The Gemara suggests: Let one resolve from this *baraita* a dilemma that Rav Pappa raises. As Rav Pappa raises a dilemma: What is the halakha with regard to the semen of a Jew in the womb of a gentile woman? Let one conclude from the *baraita* that the semen is impure.

**שלשה מאין?**

The Gemara rejects this suggestion: Rav Pappa **does not raise his dilemma** with regard to the semen of a Jew that is in the womb of a gentile woman **within three** days of their intercourse, as such semen is impure. Rather, **when Rav Pappa raises his dilemma** it is with regard to semen in the womb of the gentile more than **three** days **after** their intercourse. **What** is the *halakha* in such a case?

**ישראל דידייג' במצות - חביל גופיוויהו מסcritה, נוים דלא דידייג' במצות - לא חביל גופיוויהו ולא מסcritה או דילמא: בין דאכלי שקצים ורמשים - חביל גופיוויהו, ומסcritה? תיקון.**

The Gemara explains the sides of the dilemma: Do we say that as Jewish women are concerned about the proper fulfillment of mitzvot, their bodies are hot and semen in their wombs becomes foul within three days, whereas gentile women are not concerned about the proper fulfillment of mitzvot and therefore their bodies are not hot and semen in their wombs does not become foul within three days? Or perhaps, since gentiles eat repugnant creatures and creeping animals, their bodies are also hot and semen in their wombs becomes foul within three days? Since no resolution is found, the Gemara concludes: The dilemma shall stand unresolved.<sup>n</sup>

## NOTES

**רוֹז מִפְרָת וְלִילָּשׁ שְׁבָה**

The commentaries disagree as to the meaning of this clause, of which there are slightly different versions. Some say it serves to exclude the urine of the gentile, i.e., the decree of the Sages with regard to the impurity of the urine of a gentile applies even when it is mixed with his semen (Rashi). The later commentaries explain that according to Rashi's interpretation, the correct version of the text should be: Apart from his urine inside it. Others accept the standard version of the text, and maintain that it is referring to the woman's urine. This urine is impure because it touched the woman, who herself is ritually impure due to her contact with the zav in a place that is not a concealed part of the body (Rashash).

**The dilemma shall stand unresolved – תְּזִקֵּן:** The ruling authorities disagree as to the *halakha* in this case. Some write that as the dilemma is left unresolved by the Gemara one should be stringent due to uncertainty (*Tashbetz*). Others maintain that one should add a day and deem semen impure even on the fourth day after intercourse (Meir). The Rambam in *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 5:16, leaves this issue as an uncertainty and does not rule that one should treat it stringently, and the later commentaries analyze his opinion (*Arukh LaNer*).

**דָם טְהָרָה שֶׁל מַעֲוֹת בֵּית שְׁמַאי** כ' מא' –  
טְעִמָּא דְבֵית הַלֵּל? אָמָר רַב יִצְחָק: **"לֹכֶר"** –  
**לֻבּוֹת מַצּוּעַ לְמַעֲנוֹתָיו, "וַיָּלַךְ בָּה"** – **לֻבּוֹת  
מַעֲוֹת לְמַעֲנוֹתָה**.

**מַאי** "מַעֲנוֹתִיךְ"? **אִילִמָּא שָׂרוּ מַעֲנוֹתִיךְ?** –  
מַזְכֵר נְפָקָא, אַלְאָ לְדָמָה – **לְטַבָּא דָם טְהָרָה  
שְׁלָה.**

**וּבֵית שְׁמַאי?** נְקַבָּה מַזְכֵר לְאַתְּתָא, דָא בְּאָ  
לְמִיפְרָך: מַה לֹּכֶר – **שְׁבַן טָעוֹן פְּרִיעָה וְפְרִימָה,**  
**וְאָסָר בְּתְשִׁמְישׁ הַמְּטָה,** תָּאָמָר בְּנְקַבָּה  
דָּלָא.

**וּבֵית הַלֵּל?** לְכַתֵּב וְתַחַנֵּא בְּנְקַבָּה, וְלֹא בְּשִׁ  
רָכָר. וְאַנְאָ אָמַנָּא: וּמָה נְקַבָּה שְׁאַינָה טָעָנָה  
פְּרִיעָה וְפְרִימָה, וְאַיִלָה אָסָר בְּתְשִׁמְישׁ  
הַמְּטָה – **רַבִּי וְתַחַנֵּא מַעֲנוֹתִיךְ.** זֶכֶר – **לֹא  
כָל שְׁבַן!**

**אִם אַנְיָנו עַנְנִין לֹכֶר –** תָּגַנְהוּ עַנְנִין לְנְקַבָּה, וְאַם  
אִינוֹ עַנְנִין לְמַעֲנוֹתִיךְ – **תָּגַנְהוּ עַנְנִין לְדָמָה.**  
**לְטַבָּא דָם טְהָרָה שְׁלָה.**

**וּבֵית שְׁמַאי?** זֶכֶר מַקְבָּה לְאַתְּתָא, דָא בְּאָ  
לְמִיפְרָך: מַה לְנְקַבָּה – **שְׁבַן מַתְמָאָה מַאוֹנָס,**  
תָּאָמָר בְּזֶכֶר דָּלָא.

**וּבֵית הַלֵּל?** קִיְמִי בְּמַצּוּעַ וְפָרָכִי מַיְלִי דָבָר?  
**וּבֵית שְׁמַאי?** שָׁוֵם תָּוְמָאָה פְּרָכִי.

**§** The mishna teaches: With regard to blood discharged by a female Jewish leper during the days of purity of a woman who gives birth, Beit Shammai deem it ritually pure and Beit Hillel say it imparts impurity only while moist. The Gemara asks: **What is the reasoning of Beit Hillel**, i.e., from where is their opinion derived? Rabbi Yitzhak says: The verse states at the conclusion of the passage discussing impure individuals: "Whether it be a male or a female" (Leviticus 15:33). "**Whether it be a male**" serves to include the sources of bodily emissions of a male leper, teaching that they also impart impurity. Likewise, the phrase "**or a female**" serves to include the sources of bodily emissions of a female leper, teaching that they too impart impurity.

What is meant by the sources of bodily emissions of a female leper? If we say that this is referring to the rest of her sources, e.g., her saliva and urine, this can be derived from the halakha of a male leper. Rather, it is referring to her blood, and the verse serves to render impure the blood of a leper discharged during the days of her purity.

The Gemara asks: And how do Beit Shammai, who maintain the blood is ritually pure, interpret the verse? They contend that the halakha with regard to the emissions of a female leper cannot be derived from that of a male leper, as such a comparison can be refuted as follows: What is unique about a male leper? He is unique in that he is required to let his hair grow and rend his garments, and he is prohibited to engage in sexual intercourse. Can you say, then, that the same halakhot should apply to the emissions of a female leper, to whom all the aforementioned requirements do not apply? Consequently, the verse is necessary to teach that the saliva and urine of a female leper are impure.

The Gemara asks: And how do Beit Hillel respond? They respond as follows: If the verse serves to include only the saliva and urine of a female leper, then let the Merciful One write this halakha only with regard to a female leper. And there will be no need to write it with regard to a male leper, as I will say that the saliva and urine of a male leper are impure by an *a fortiori* inference: And what, if with regard to a female leper, who is not required to let her hair grow and rend her garments,<sup>N</sup> and it is not prohibited for her to engage in sexual intercourse, the Merciful One nevertheless includes her sources of bodily emissions as impure, then in the case of a male leper, to whom all the aforementioned requirements apply, is it not all the more so that his emissions are impure?

Therefore, if the phrase "whether it be a male" is not needed for the matter of a male leper, as this halakha may be derived by an *a fortiori* inference, apply it to the matter of a female leper. And if it is not needed for the matter of her other sources of bodily emissions, as they are derived from the phrase "or a female," apply it to the matter of her blood, i.e., to render impure the blood of her days of purity.

The Gemara asks: And how do Beit Shammai respond? They would answer that the halakha with regard to the emissions of a male leper cannot be derived by an *a fortiori* inference from the halakha of a female leper, as it can be refuted as follows: What is unique about a female? She is unique in that she is rendered impure as a *zava* even by sightings that occur due to circumstances beyond her control. Can you say that the same halakhot should apply to the emissions of a male, for whom this is not the case?

The Gemara asks: And how do Beit Hillel respond? They respond as follows: Can it be that we are standing and dealing with the halakhot of a leper, and Beit Shammai are attempting to refute the *a fortiori* inference by citing matters pertaining to a *zav*? The Gemara asks: And as for Beit Shammai? According to Beit Shammai, this is a legitimate refutation of the *a fortiori* inference, as they refute it through the common name of impurity that applies to both a leper and a *zav*.

**NOTES**

A female leper, who is not required to let her hair grow and rend her garments – **נַקְבָּה שְׁאַינָה**: The Torah states with regard to a confirmed leper: "And the leper in whom the plague is, his clothes shall be rent, and the hair of his head shall go loose" (Leviticus 13:45). The Sages derived from the phrase: "He is a leprosy man" (Leviticus 13:44), that these obligations apply only to a male leper (*Karetot* 8b).

**NOTES**

**שְׁכַבֶּת וְעַ**: The minor referred to here is a boy less than nine years old. It was stated in 32b that it is a *halakha* transmitted to Moses from Sinai that the semen of such a minor does not impart impurity. Nevertheless, there are different opinions among the later commentaries with regard to the *halakha* of a minor. Some write that the statement that a minor does not transmit the impurity of a seminal discharge does not mean that his semen does not impart impurity. Rather, it means that it is assumed that as a minor he has not experienced a seminal discharge. But if it is known for certain that he did have a seminal discharge, he is ritually impure even if he is one day old (*Magen Avraham*). Others question this opinion, as the wording of the Gemara here: His semen does not impart impurity, is apparently referring to the semen itself, not the presumptive status of the minor (*Dagul MeRevava*; *Hok Yaakov*; *Hatam Sofer*). Some say that this opinion, that the semen of a minor younger than nine years old does not impart impurity, is the ruling of the Rambam in *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 5:2. Yet others maintain that although the semen of a minor does not impart impurity to others, it does render the minor himself ritually impure, like any other male who had a seminal emission (*Noda BiYehuda*).

The verse teaches with regard to the *zov* that it is impure – **לִימֹד עַל הָזֹב שֶׁהוּא טְמֵן**. The Gemara later on (55a) explains that it is unnecessary for the verse to state that *ziva* imparts impurity through contact, as its status should be no less stringent than semen, which itself imparts impurity through contact. Accordingly, the verse must be coming to add to the impurity of *ziva*, i.e., that it imparts impurity through carrying as well.

**וְאִבְעִיט אִקְמָא אָמְרִי לֹן בֵּית שְׁמַאי: הָא לְזֹכֶר מִבְשִׁי לֵיה, "לְזֹכֶר" – כֹּל שְׁהָזֶה זֶכֶר, הָאִי בֵּין גָּדוֹל בֵּין קָטָן. וּבֵית הַלְּלָן נִפְקָא לְזֹה מִזְאַת תּוֹרַת הַזֹּב" – בֵּין גָּדוֹל בֵּין קָטָן.**

And if you wish, say that *Beit Shammai* could say to you: That phrase “whether it be a male” is necessary to teach another *halakha*, that the phrase “whether it be a male” serves to include anyone who is a male, whether an adult or a minor, in the *halakhot* of a *zav*. And how do *Beit Hillel* respond? They derive this *halakha* from the following verse: “**This is the law of the *zav*, and of him from whom the flow of seed goes out, so that he is unclean through it**” (Leviticus 15:32). The verse indicates that the *halakhot* of a *zav* apply to any male, whether he is an adult or whether he is a minor.<sup>h</sup>

**אָמַר רַב יְזָקֵף, בַּי פְּשִׁיטַ רַבִּי שְׁמֻעָן בֶּן לְקִישׁ בָּבָב, בַּעֲי הָכִי: רַאֲיָה דָּאַשׁוֹנָה שֶׁל זֶבֶב קָטָן מַהוּ שְׂתִּיטָמָא בְּמַעַן? "זִאת תּוֹרַת הַזֹּב וְאַשְׁוֹן, תְּזִיא מִמְּנוּ שְׁכַבֶּת וְעַ**” אמר רחמנא,

**כָּל שְׁשַׁכְבַּת וְעַ שֶׁלּוּ מַטְמָא – רַאֲיָה רַאֲשׁוֹנָה שֶׁל מַטְמָא, וְהָאִי – בֵּין דְּשַׁכְבַּת וְעַ שֶׁלּוּ לֹא מַטְמָא – רַאֲיָה רַאֲשׁוֹנָה נִמְזַיְּתָה נִמְזַיְּתָה אָוֹ דִילְמָא: בֵּין דְּאַיְלוֹ אַיְחוֹ חִזְיָה תְּרַחֵי – מִצְטְּרָפָא, מַטְמִיא?**

**אָמַר רַבָּא: תָּא שְׁמַע, "זִאת תּוֹרַת הַזֹּב" – בֵּין גָּדוֹל בֵּין קָטָן, מַה גָּדוֹל – רַאֲיָה רַאֲשׁוֹנָה שֶׁלּוּ מַטְמָא, אַף קָטָן – רַאֲיָה רַאֲשׁוֹנָה נִמְזַיְּתָה מַטְמָא.**

**בַּעֲי רַב יְזָקֵף: רַאֲיָה רַאֲשׁוֹנָה שֶׁל מַצּוּרָע מַהוּ שְׂתִּיטָמָא בְּמַשָּׁא? מַקּוֹם זִיבָה מַעַן הוּא – מַטְמָא, אָוֹ דִילְמָא לֹא מַעַן הוּא?**

**אָמַר רַבָּא: תָּא שְׁמַע, "זִובּו טְמֵא הוּא" – לִימֹד עַל הָזֹב שֶׁהוּא טְמֵן. בְּמַאֲ? אַיְלָמָא בָבָב גְּרִידָא.**

¶ The Gemara mentioned earlier that a minor is included in the *halakhot* of a *zav*. In this regard Rav Yosef says: When Rabbi Shimon ben Lakish taught the *halakhot* of a *zav*, he raised this dilemma: With regard to the first sighting of *ziva* of a *zav* who is a minor, what is the *halakha* as to whether it imparts impurity through contact? Does one say that as the Merciful One states: “**This is the law of the *zav*, and of him from whom the flow of seed goes out**” (Leviticus 15:32), one’s *ziva* is thereby compared to his semen?

Accordingly, with regard to any male whose semen imparts impurity, his first sighting of *ziva* imparts impurity. And with regard to this minor, since his semen does not impart impurity,<sup>n</sup> his first sighting does not impart impurity either. Or perhaps, since if this minor sees two emissions of *ziva* the first sighting combines with the second sighting to render him impure as a *zav* for seven days, this indicates that the first sighting of a minor is significant, and consequently it should render him impure until the evening, just like an adult male.

Rava says: Come and hear a proof from a *baraita*: “**This is the law of the *zav*,** whether he is an adult or whether he is a minor. Since the verse equates an adult and a minor, just as with regard to an adult his first sighting imparts impurity, so too, with regard to a minor, his first sighting imparts impurity as well.

The Gemara earlier stated that the phrase “whether it be a male” serves to include the sources of bodily emissions of a male leper, teaching that they impart impurity. In this regard Rav Yosef raises a dilemma: Granted, the first sighting of *ziva* of an otherwise ritually pure individual imparts impurity only through contact, as stated above, and only the second sighting imparts impurity through carrying. But with regard to the first sighting of *ziva* of a leper, what is the *halakha* as to whether it imparts impurity even through carrying? Does one say that the place of *ziva* in one’s body is considered a source, and therefore his *ziva* imparts impurity through carrying, like all the sources of bodily emissions of a leper? Or perhaps the place of *ziva* is not considered a source, in which case the first sighting of *ziva* does not impart impurity through carrying.

Rava says: Come and hear proof from a *baraita*: The verse states: “When any man has an issue out of his flesh, his issue [zovo] is unclean” (Leviticus 15:2). The verse teaches with regard to the *zov* that it is impure,<sup>n</sup> and that it imparts impurity through carrying. To what case is the verse referring? If we say it is referring to one who is just a *zav* and not a leper as well, and the verse is teaching that any drop of *ziva* emitted by him imparts impurity through carrying,

**HALAKHA**

This is the law of the *zav* whether he is an adult or whether he is a minor – **זִאת תּוֹרַת הַזֹּב בֵּין גָּדוֹל בֵּין קָטָן**: The *ziva* discharge of a *zav* is a primary source of ritual impurity, like the *zav* himself. Consequently, even the smallest discharge imparts impurity by touch

from the first sighting, and by carrying from the second sighting, whether the *zav* is an adult male or a minor (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 1:12).

## Perek IV

## Daf 35 Amud a

לְאֶחָרִים גּוֹרָם טוֹמֵאָה, לְעַצְמוֹ לֹא בֶּל  
שָׁבֵן? אֲלֹא פִשְׁיטָא – בָּזֶב מְצֻורָע

וּמְדִיאַצְטְּרִיךְ קְרָא לְרֹבְיִי בְּרָאִים שְׁנִיה –  
שְׁמַע מִינָה: מִקּוֹם וַיְבָה לֹא מַעַן הַוָא.

אָמַר לֵיה רֵב יְהוּדָה מַדְסְקָרְתָא לְרֹבָא:  
מַמְאִין? דַיְלָמָא לְעוֹלָם אִימָא לֹא – בָּזֶב  
גּוֹרָם, וּרְקָאָמָרָת לְאֶחָרִים גּוֹרָם טוֹמֵאָה,  
לְעַצְמוֹ לֹא בֶּל שָׁבֵן – שְׁעִיר הַמְשֻׁתָּלה  
לְוַכִּית, שְׁגּוֹרָם טוֹמֵאָה לְאֶחָרִים – וְהוּא  
מְצֻורָע טָהָר!

אָמַר אֲבִי: מַאי תְּבַשֵּׁי לֵיה? וְהָא הוּא  
לְאָמֵר "זֹאת תּוֹרַת הַזָּב" – בֵין גָדוֹל בֵין  
קָטָן, וּבֵין דְנַפְקָא לֵיה מִתְהָתָם – אַיִלָר  
לֵיה "לְזָכָר" לְרָבּוֹת מְצֻרָע לְמַעֲנִותָה,  
לְגַנְקָה – לְרָבּוֹת מְצֻרָעָת לְמַעֲנִותָה.

אָקְשִׁיה וְחַמְנָא מְצֻרָע לְבֶןְמָוָה, מַה זֶב  
גָמוֹר – מְטֻמָא בְּמִשְׁא, אֲךָ רְאִיה רְאִשָּׂוָה  
שֶׁל מְצֻרָע – מְטֻמָא בְּמִשְׁא.

there is no need for the verse to teach this. After all, if this drop of *ziva* causes impurity for others, i.e., if the person emitting the drop imparts impurity through carrying, is it not all the more so that the drop itself imparts impurity through carrying? Rather, it is obvious that the verse is referring to a drop of *ziva* from a *zav* who is also a leper.<sup>b</sup> And it was necessary for the verse to teach this *halakha*, as it could not be derived by means of the *a fortiori* inference. This is because this drop of *ziva* is not what causes the leper to impart impurity through carrying; rather, it is his leprosy that causes him to impart impurity through carrying.

Rava concludes: And as the verse mentions the word “issue” twice, it is evident that it is referring to a second sighting of *ziva*. From the fact that a verse was necessary to include a second sighting of *ziva* of a leper, teaching that his *ziva* imparts impurity through carrying, conclude from it that the place of *ziva* is not considered a source. If it were a source, then even the first sighting of *ziva* would impart impurity through carrying.

Rav Yehuda of Diskarta<sup>b</sup> said to Rava: From where do you know that the verse is referring to a *zav* who is also a leper? Actually, perhaps I will say to you that the verse is referring to the *ziva* of one who is just a *zav*. And as for that *a fortiori* inference that you said: If this drop of *ziva* causes impurity for others, is it not all the more so that the drop itself imparts impurity through carrying, one can counter that inference. The case of the scapegoat<sup>b</sup> brought on Yom Kippur will prove that this *a fortiori* inference is not valid, as it causes impurity to others, since the dispatcher of the scapegoat is rendered ritually impure, and yet the goat itself is pure, as a living animal cannot be rendered impure.

With regard to the dilemma raised by Rav Yosef about the first sighting of *ziva* of a leper, Abaye said: What is the reason he raises such a dilemma? But it was he who said that when the verse states: “This is the law of the *zav*” (Leviticus 15:32), it thereby teaches that the *halakhot* of a *zav* apply whether he is an adult or whether he is a minor. And since he derives this *halakha* from there, the verse: “And of them that have an issue [vehazav] of *ziva*, whether it be a male or a female” (Leviticus 15:33), remains available for him to derive as follows: “Whether it be a male” serves to include a male leper with regard to his sources of bodily emissions,<sup>n</sup> and “or a female” serves to include a female leper with regard to her sources of bodily emissions.

And as this verse discusses a full-fledged *zav*, and the word “issue” is mentioned twice, the Merciful One compares a leper to a full-fledged *zav*: Just as a full-fledged *zav* imparts impurity through carrying, so too, the first sighting of *ziva* of a leper<sup>h</sup> imparts impurity through carrying.

## BACKGROUND

Leprosy – **צָרָעָת**: Traditionally rendered as leprosy, the term used in the Torah is not necessarily the medical equivalent of that disease. The Torah term is referring to symptoms that cause severe ritual impurity. The *halakhot* governing these symptoms are articulated at length in Leviticus, chapters 13–15, and in tractate *Nega'im* of the Mishna. There can be leprosy of the skin, the hair, articles of clothing, and houses. When a symptom appears, it is examined by a priest, as only a priest is authorized to determine whether to quarantine the affected person for a certain period or to declare immediately that the symptom is or is not leprosy.

Leprosy is one of the primary sources of ritual impurity, and it is particularly severe in that it imparts ritual impurity to items found in the same enclosure with it, like the impurity caused by a corpse. A person afflicted with leprosy is sent out of the Israeliite camp and must live alone until his affliction is cured. A cured leper undergoes certain rites outside the city and a purification ceremony in the Temple itself. As part of his purification, he is obligated to bring specific offerings.

Diskarta – **diskarta**: Diskarta is the name of a place, derived from the Middle Persian dastagird, meaning an inherited plot of land.

Scapegoat – **שְׁעִיר הַמְשֻׁלָּח**: On Yom Kippur, the Torah requires lots to be drawn between two goats, one to be sacrificed as a sin-offering in the Temple and one to be sent to Azazel (see Leviticus, chapter 16). This goat was thrown from a high desert cliff, 12–15 km from Jerusalem. Before sending the goat to its death, the High Priest would symbolically burden it with all the sins of the Jewish people, both their intentional and their unwitting violations. Afterward, he would send the goat to the desert with a man specifically designated for this task. The service associated with this goat, an essential part of the Yom Kippur ritual, atoned for sins for which no other offering atoned.

## HALAKHA

**דָאִיה רְאִשָּׂוָה שֶׁל מְצֻרָע**: The first sighting of a leper – The first *ziva* sighting of a leper imparts impurity through carrying by Torah law. The *halakha* is in accordance with the opinion of Abaye (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshev* 1:13).

## NOTES

To include a male leper with regard to his sources of bodily emissions – **רָבוֹת מְצֻרָע לְמַעֲנוֹתָה**: The early commentaries dispute Abaye's exposition of the phrase “for a male” in reference to a male leper, in light of the statement on 34b that according to Beit Hillel this phrase is not necessary for the case of a male

leper but is referring to the blood of purity of a female leper (see *Tosafot*; *Rashba*; *Ran*). Some explain that there is no contradiction between the two statements, as “for a male” is referring to both matters (see *Rashba*).

### HALAKHA

Sighting of a *zav*...due to circumstances beyond his control – בַּרְאֵי הָעֵדָה שֶׁל וּבַמְּחֻמָּת אֲוֹנוֹ: If a *zav* who experienced an emission was examined and it was found that his first emission was caused by an accident while the second was not caused by an accident, he is a *zav*, but the first sighting does not count with two others to render him liable to bring an offering (Rambam Sefer Korbanot, Hilkhot Mehusrei Kappara 2:5, and see also 2:2).

**אָמֵר ר֔ב הָעֵדָה: רְאֵיָה רְאֵשׁוֹנָה שֶׁל וּבַמְּטֻפָּמָה בָּאוֹנוֹ, שָׁנָאֵמֶר: "זֹאת תֹּوتְתַּה הַבְּשִׁבְתָּה וְאֶשְׁר הַצִּיא מִמְּפֹנוֹ שְׁכִיבַת זָעַם", מִה שְׁכִיבַת זָעַם – מְטֻפָּמָה בָּאוֹנוֹ, אֲך֒ רְאֵיָה רְאֵשׁוֹנָה שֶׁל וּבַמְּטֻפָּמָה בָּאוֹנוֹ.**

**R**av Huna says: The first sighting of *ziva* of a *zav* imparts ritual impurity to one who comes into contact with it, even if the emission occurred due to circumstances beyond his control, as it is stated: “This is the law of the *zav*, and of him from whom the flow of seed goes out” (Leviticus 15:32). The verse compares the first sighting of *ziva* to a seminal emission: Just as semen imparts impurity even if it occurs due to circumstances beyond his control, so too, the first sighting of a *zav*<sup>N</sup> imparts impurity even if it occurs due to circumstances beyond his control.

**תֵּא שְׁמַע: רְאֵה רְאֵיָה רְאֵשׁוֹנָה - בָּזְקִינִין אַוְתָוֹ. מַאי לְאוֹ - לְטוּמָה? לֹא, לְקָרְבָּן.**

**תֵּא שְׁמַע: בָּשְׁנִיה בָּזְקִינִין אַוְתָו. לְמַאי? אַלְיִמָּא לְקָרְבָּן, אֶבְלָל לְטוּמָה לֹא, אֲקָרֵי פָּאָן "מְבָשָׂרוֹ" - וְלֹא מְחֻמָּת אֲוֹנוֹ, אֶלְאָ לְאוֹ - לְטוּמָה, וּמְדִסְקִיפָּא לְטוּמָה - רַיְשָׁא נָמֵי לְטוּמָה!**

**מַידִי אִירְאָה? הָא - בָּזְקִינִין, וְהָא - בָּזְקִינִין.**

**תֵּא שְׁמַע, רְבִי אֱלִיעֶזֶר אָוּמֶר: אַף בְּשִׁלְישִׁי בָּזְקִינִין אַוְתוֹ מְפִיט הַקָּרְבָּן. מְכֻלָּל וְתָנָא קָמָא - מִפְנֵי הַטּוּמָה קָאָמָר!**

The Gemara analyzes the statement of Rav Huna: Come and hear a mishna (Zavim 2:2): With regard to a man who saw a first sighting of *ziva*, one examines him<sup>N</sup> to determine whether the discharge was caused by circumstances beyond his control. What, is it not that the purpose of this examination is to clarify that he does not have ritual impurity, i.e., if the discharge was due to circumstances beyond his control he remains pure, which contradicts the statement of Rav Huna? The Gemara responds: No, the purpose of this examination is to determine whether he will be obligated to bring an offering if he experiences another two discharges of *ziva*. If the first sighting was caused by circumstances beyond his control, it is not counted toward the three sightings that render one liable to bring an offering.

The Gemara suggests: Come and hear the latter clause of the same mishna: When he experiences the second sighting of *ziva*, one examines him to determine whether the discharge was caused by circumstances beyond his control. For what purpose does one examine him? If we say that it is to exempt him from bringing an offering in the event that he experiences a third discharge but not to clarify that he does not have ritual impurity, this is untenable, as one may read here the verse: “An issue out of his flesh” (Leviticus 15:2), from which it is derived that one is not rendered a *zav* if the discharge occurred due to circumstances beyond his control.<sup>H</sup> Rather, is it not that the examination serves to clarify that he does not have ritual impurity? And from the fact that the examination in the latter clause is for purposes of impurity, one may conclude that the examination of the first clause is also for purposes of impurity.

The Gemara rejects this: Are the cases comparable? This case is as it is, and that case is as it is. In other words, it is possible that each examination is intended for a different purpose. In particular, the first examination is meant to exempt him from bringing an offering, and the second examination pertains to both the offering and ritual impurity.

The Gemara suggests: Come and hear the same mishna, which states that Rabbi Eliezer says: Even after the third discharge one examines him, because of the offering. In other words, if the third discharge occurred due to circumstances beyond his control, he is not liable to bring an offering. From the fact that according to Rabbi Eliezer the examination is due to the offering, one may conclude by inference that the first *tanna* is saying the examinations are for ritual impurity. If so, then according to the mishna one who has an initial discharge of *ziva* due to circumstances beyond his control remains pure.

### NOTES

Just as semen imparts impurity due to circumstances beyond his control so too the first sighting of a *zav* – *מוֹשְׁבַת זָעַם*: The statement that semen imparts impurity if it occurs due to accident is based on the fact that a seminal emission is caused by the accidental heating of the body (Rashi).

One examines him – *בָּזְקִינִין אַוְתָו*: The mishna in tractate Zavim (2:2) lists seven possible causes of an emission that occurs due

to circumstances beyond one's control: Food, i.e., excessive consumption of food, or consumption of food items that are known to cause *ziva*; excessive drinking; lifting a burden; jumping; sickness; an arousing sight of a woman, even if he was not led to think about her; and the thought of a woman, even if he did not see her. If any of these circumstances were present before a *zav* experienced a second discharge, it is assumed to be the cause of this emission, and the drops of *ziva* do not impart impurity through carrying.

לֹא, דְכּוֹלֵי עַלְמָא לְקַרְבָּן, וְהַכָּא בְּאַתִּים  
קָא מִפְלָגִי, וְבַנְן לֹא דָרְשִׁי אַתִּים, וְבַי  
אֲלִישָׁר דָרְשִׁי אַתִּים.

רְבַנְן לֹא דָרְשִׁי אַתִּים: "זָבוֹב" – חֶדְאָ,  
זָבוֹב – תְּרַתִּי, לִזְכָּר – בְּשִׁלְישִׁי אַקְשִׁיה  
רְחַמְנָא לְנַקְבָּה.

וּרְבַי אֲלִישָׁר דָרְשִׁי אַתִּים: "זָבוֹב" – חֶדְאָ,  
אַתִּ – תְּרַתִּי, זָבוֹב – תִּלְתָּ, בְּרַבִּיעִי  
אַקְשִׁיה רְחַמְנָא לְנַקְבָּה.

כִּא שְׁמַע, רַבִּי יַצְחָק אָמָר: וְהַלְא בְּכָל  
בָּעֵל קָרֵי הִיא, וְלֹמַה יֵצֵא – לְהַקְלָעַלְיוֹ  
וְלְהַחְמָר עַלְיוֹ. לְהַקְלָעַלְיוֹ, שָׁאַי מְטֻמָּא  
בְּאוֹנָס, וְלְהַחְמָר עַלְיוֹ.

The Gemara rejects this suggestion: No, this is not the proper explanation of the mishna. Rather, everyone agrees that the examination serves to exempt him from bringing an offering. And here they disagree with regard to whether one interprets instances of the word “et” in a verse. With regard to a zav, the verse states: “And of them that have an issue of ziva [vehazav et zovo], whether it be a male or a female” (Leviticus 15:33). The Rabbis do not interpret instances of the word “et,” and Rabbi Eliezer interprets instances of the word “et.”

The Gemara elaborates: The Rabbis do not interpret instances of the word “et.” Therefore, they explain the verse as follows: “Hazav” is referring to one sighting; “zovo” makes two sightings, and when the verse states: “Whether it be a male,” this indicates that for the third sighting the Merciful One compares the halakha of a male to that of a female, i.e., just as a woman is rendered impure even through an emission of ziva due to circumstances beyond her control, so too, the third sighting of ziva by a man renders him impure even if it occurs due to circumstances beyond his control. Accordingly, the Rabbis maintain that there is no need for an examination after the third sighting.

And Rabbi Eliezer interprets instances of the word “et.” Therefore, he explains the verse as follows: “Hazav” is referring to one sighting; “et” makes two sightings; “zovo” totals three sightings. Accordingly, even for the third sighting of ziva one must examine whether it was caused due to circumstances beyond his control. If it was, he is not liable to bring an offering. When the verse states: “Whether it be a male,” this indicates that for the fourth sighting the Merciful One compares the halakha of a male to that of a female,<sup>N</sup> in that it is counted as a sighting even if it occurred due to circumstances beyond his control.

The Gemara attempts to refute the statement of Rav Huna: Come and hear that which Rabbi Yitzhak says: But wasn’t a zav included in the category of one who experienced a seminal emission? Why, then, was he taken out and discussed in a separate passage? In order to be lenient with him and to be stringent with him relative to the halakhot of one who experienced a seminal emission. Rabbi Yitzhak elaborates: The separate passage serves to be lenient with him, as he is not rendered impure through an emission that occurs due to circumstances beyond his control, unlike one who experienced a seminal emission. And the separate passage serves to be stringent with him,

## NOTES

For the fourth sighting the Merciful One compares the halakha of a male to that of a female – בְּרַבִּיעִי אַקְשִׁיה רְחַמְנָא לְנַקְבָּה: In other words, the Rabbis maintain that if one experiences a fourth emission of ziva, it negates any clean days counted thus far, even if the ziva was emitted due to circumstances beyond his control.

Perek IV  
Daf 35 Amud b

שַׁהְוָא עֹזֶשֶׁה מִשְׁכָּב וּמוֹשָׁב.

as he renders impure the bedding upon which he lies and the seat upon which he sits, like a primary source of ritual impurity, which is not the case for one who experienced a seminal emission.

אִימָתָה? אֲלִילָא בְּרַאִיה שְׁנִיה – הַיכָּא הוּא  
בְּכָל בָּעֵל קָרֵי? אֲלָא פְשִׁיטָא – בְּרַאִיה  
רְאַשׁוֹנָה, וְקַרְתִּי? לְהַקְלָעַלְיוֹ שָׁאַי מְטֻמָּא  
בְּאוֹנָס!?

The Gemara analyzes Rabbi Yitzhak’s statement: When does this statement apply, i.e., to which sighting of ziva is Rabbi Yitzhak referring? If we say he is referring to the second sighting this is untenable, for where in the verse was such a person included in the category of one who experienced a seminal emission? After the second sighting one is considered a full-fledged zav. Rather, it is obvious that he is referring to the first sighting. And yet Rabbi Yitzhak teaches: The separate passage discussing a zav serves to be lenient with him, as a zav is not rendered impure through an emission that occurs due to circumstances beyond his control. This contradicts the statement of Rav Huna.

### HALAKHA

The discharge of *ziva* is similar to water of barley dough, etc. – זוב דומה למי בזק של שעורים וכו': The *ziva* mentioned in the Torah is a discharge that results from a disease of the places in the body in which semen is collected. It is not discharged from an erect penis like semen, and is not due to lust, nor does its release provide pleasure. Rather, it emerges watery like dough water of dark barley flour, and is similar in appearance to the white of an unfertilized egg. By contrast, semen is viscous and similar in appearance to the white of an egg that is fertilized. The *halakha* is in accordance with the opinion of Rav Huna (Rambam Sefer Korbanot, *Hilkhot Mehusrei Kappara* 2:1).

### NOTES

If she did not immerse and she saw blood she is impure – לא טבילה ורואה טמאה. The later commentaries explain that the wording of the Gemara here apparently indicates that Beit Hillel maintain that even in a case where she counted seven clean days, if she did not immerse and she subsequently experienced bleeding, she forfeits all seven days and is prohibited to her husband until she counts another seven clean days. Nevertheless, the Rambam rules that at this stage she immerses and is permitted to her husband immediately, without having to count seven clean days anew (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 7:8).

ותסבירו "לְחַמִּיר עַלְיוֹ שַׁהוּא עֹשֶׂה מְשֻׁבֵּב  
וּמוֹשָׁב", בראיה ראשונה בר משבב ומושב  
זהו?

אלא ה' כי קאמיר, רב' יצחק אומר: והלא  
וב בכלל בעל קרי היה בראיה ראשונה  
ולפמה יצא בראיה שניה – לדקל עליו  
וללחמו עלייו, להקל עליו – שאנו מטמא  
באוונם, וללחמייד עלייו – שהוּא עֹשֶׂה מְשֻׁבֵּב  
ומוֹשָׁב.

אמר רב הונא: זוב דומה למי בזק של  
שעורים, זוב בא מבשר הפمي, שכבת זו ע  
בא מבשר העז. זוב – דינה, ודומה ללוון  
ביצה המזרת, שכבת זו ע – קשוור, ודומה  
ללוון ביצה שאינה מזרת.

זם היולדת שלא טבלה" וכו'.

תניא, אמרו להן בית הלל לבית שמאי: אי  
אתם מודים בנהה שלא טבלה וראתה דם,  
שהיא טמאה? אמרו להם בית שמאי: לא  
אם אמרתם בנהה – שאפילו טבלה וראתה,  
טמאה. תאמרו ביולדת – שם טבלה  
וראתה, שהיא טהורה.

אמרו להם: يولדת בזוב תוכית, שם טבלה  
וראתה לאחר ימי ספרה – טהורה, לא טבלה  
וראתה – טמאה!

אמרו להם: הוא הדין, והוא התרשובה.

The Gemara rejects this: **And how can you understand** that Rabbi Yitzhak is referring to the first sighting of *ziva*? But Rabbi Yitzhak also says: The separate passage serves to be stringent with him, as he renders impure the bedding upon which he lies and the seat upon which he sits. **With the first sighting of ziva is one fit to render impure his bedding or his seat?**

Rather, this is what he is saying: Rabbi Yitzhak says: **But wasn't a zav with his first sighting included in the category of one who experienced a seminal emission?** Why, then, was he taken out and discussed in a separate passage with regard to his second sighting? In order to be lenient with him and to be stringent with him. In other words, the passage serves to be lenient with him, as he is not rendered impure through an emission that occurs due to circumstances beyond his control. And it serves to be stringent with him, as he renders impure the bedding upon which he lies and the seat upon which he sits.

With regard to *ziva*, Rav Huna says: The discharge of *ziva* is similar to water of barley dough.<sup>h</sup> Whereas the discharge of *ziva* comes from dead flesh, i.e., when one's penis is flaccid, **semen comes from living flesh**, when one's penis is erect. Moreover, the discharge of *ziva* is runny, and is similar in appearance to the white of a unfertilized egg. By contrast, semen is viscous, and it is similar in appearance to the white of an egg that is not unfertilized, i.e., a fertilized egg.

**§** The mishna teaches that Beit Shammai and Beit Hillel disagree with regard to **the blood of a woman who gave birth** and reached the conclusion of her days of impurity, but **did not yet immerse** in a ritual bath. Beit Shammai say: The blood does not retain the halakhic status of menstrual blood; rather, it imparts impurity only while moist. And Beit Hillel say: Since she did not immerse in a ritual bath, her blood is considered like that of a menstruating woman, and it imparts impurity whether it is moist or dry.

With regard to this dispute, it is taught in a *baraita* that Beit Hillel said to Beit Shammai: **Do you not concede with regard to a menstruating woman who did not immerse after seven days and thereafter saw blood, that she is impure** as a menstruating woman in every sense? If so, a woman who failed to immerse after childbirth should likewise be impure as a menstruating woman. **Beit Shammai said to them:** No, this is not a legitimate comparison. Even if you say this is true with regard to a menstruating woman, there the *halakha* is **that even in a case where she immersed and immediately saw blood thereafter, she is impure**. Will you say that this *halakha* applies with regard to a woman who gave birth, where the *halakha* is **that if she immersed and then saw blood she is pure**? Therefore, even if a woman who gave birth neglected to immerse and experienced bleeding, she is not considered a full-fledged menstruating woman, and the blood does not impart impurity whether it is moist or dry.

Beit Hillel said to Beit Shammai: The *halakha* of a woman who gives birth as a *zava* will prove this is in fact a legitimate comparison. A woman who gives birth as a *zava* may immerse only after experiencing seven clean days. The *halakha* is **that if she immersed in her days of purity and then saw blood after the seven days of counting for ziva, she is pure**, as she is in her days of purity. But if she did not immerse and she saw blood, she is **impure**.<sup>n</sup> If so, the same should apply to a woman who gave birth and did not immerse at the conclusion of her days of impurity: She should be considered a full-fledged menstruating woman as long as she has not immersed.

Beit Shammai said to them: **The same is true and this is the refutation**, i.e., we maintain that even in the case of a woman who gave birth as a *zava* and failed to immerse after seven clean days, her blood imparts impurity only while moist. Accordingly, one cannot compare this case to that of a typical menstruating woman.

**לִמְרָא דְפָלָגִי וְהַתְּנָן: מוֹדִים בַּיּוֹלֶדֶת בּוֹזֵב  
שֶׁהָיא מִטְמָאָה לְחַיְבָשׁ!**

**לֹא קָשֵׁיא, בָּאן – שְׁפָרָה, בָּאן – טְלָא  
סְפָרָה.**

**וְהַתְּנָן: יוֹלֶדֶת בָּזָב שְׁפָרָה וְלֹא טְבָלָה  
וְאַתָּה, הַלְכָה בֵּית שְׁמָא לִשְׁטָחָן וּבֵית הַלְּלָא  
לִשְׁטָחָן.**

**איַתִּימֶר, רַב אָמַר: מַעַן אַחֲרֵי הַוָּא, הַתּוֹרָה  
טְמָאָתוֹ וְהַתּוֹרָה טְהָרָתוֹ.**

**- וּלְיַאֲמֵר: שְׁנֵי מַעֲינּוֹת הַם, נִסְתָּהָם הַטָּמֵא  
נִפְתָּח הַטָּהוֹר, נִסְתָּהָם הַטָּהוֹר – נִפְתָּח הַטָּמֵא.**

**מַאי בִּינֵיכֶם? אֵיכָא בִּינֵיכֶם: שׁוֹפְעַת מִתּוֹךְ  
שְׁבָעָה לְאַחֲרֵי שְׁבָעָה, וּמִתּוֹךְ אַרְבָּעָה עָשָׂר  
לְאַחֲרֵי אַרְבָּעָה עָשָׂר, וּמִתּוֹךְ אַרְבָּעָים לְאַחֲרֵי  
אַרְבָּעָים, וּמִתּוֹךְ שְׁמָנִים לְאַחֲרֵי שְׁמָנִים,**

The Gemara asks: **Is this to say that Beit Shammai and Beit Hillel disagree with regard to a woman who gave birth as a zava and counted seven clean days but did not immerse? But didn't we learn in the mishna: And Beit Shammai concede to Beit Hillel in the case of a woman who gives birth as a zava, that any blood she sees imparts impurity whether it is moist or dry?**

The Gemara responds: This is **not difficult**. Here, in the *baraita*, Beit Hillel and Beit Shammai disagree with regard to a woman who **counted** seven clean days for her *ziva*.<sup>H</sup> In such a case Beit Shammai maintain that any blood she sees imparts impurity only when moist. **There**, in the mishna, they agree with regard to a woman who **did not yet count** seven clean days for her *ziva*. In such an instance, even Beit Shammai concede that her blood imparts impurity whether it is moist or dry.

The Gemara notes: **And it is taught likewise in a baraita:** With regard to a woman who gives birth as a *zava*, who **counted** seven clean days after the conclusion of her days of impurity **but did not yet immerse**, and she subsequently **saw** blood, **Beit Shammai follow their opinion** with regard to any woman who gave birth and concluded her days of impurity but did not yet immerse, and **Beit Hillel likewise follow their opinion**. In other words, according to Beit Shammai her blood imparts impurity only while moist, whereas according to Beit Hillel it imparts impurity whether moist or dry.

**§** With regard to blood emitted by a woman during her days of purity after childbirth, it was stated that there is a dispute between the Sages. **Rav says: It is from one source**<sup>H</sup> in a woman's body that pure and impure blood are emitted, but the Torah rendered **impure** the blood emitted during her days of impurity and the Torah rendered **pure** the blood emitted during her days of purity.

**And Levi says: There are two sources**<sup>N</sup> in a woman's body. Blood emitted during her days of impurity emerges from one source, while blood emitted during her days of purity emerges from the other, and these two sources are not active simultaneously. Rather, when the source of the **impure** blood is **closed**, i.e., following her days of impurity, the source of the **pure** blood **opens**, and when the source of the **pure** blood is **closed**, at the conclusion of her days of purity, either thirty-three days for a male child or sixty-six days for a female child, the source of the **impure** blood is **opened**.

The Gemara asks: **What is the practical difference between the opinions of Rav and Levi?** The Gemara responds: **There is a practical difference between them** with regard to the following cases: A woman who **continuously discharges** menstrual blood from **within seven** days of giving birth to a male until sometime after those **seven** days, during her days of purity; **and likewise**, a woman who continuously discharges menstrual blood from **within fourteen** days of giving birth to a female until sometime after those **fourteen** days, during her days of purity; **and a woman who continuously discharges** menstrual blood from **within forty** days of giving birth to a male until sometime after those **forty** days, i.e., after the conclusion of her days of purity; **and a woman who continuously discharges** menstrual blood from **within eighty** days of giving birth to a female until sometime after those **eighty** days, i.e., after the conclusion of her days of purity.

### HALAKHA

Here with regard to a woman who counted seven clean days for her *ziva*, etc. – **כאָן שְׁפָרָה וּכְיִ**: A woman who gives birth in the state of *ziva*, whose flow of blood did not stop, does not have days of purity. Rather, every emission of blood she sees is considered like the blood of *ziva*. If she counted seven clean days, and her fourteen days of impurity for the birth of a female ended and she immersed, and she subsequently experienced bleeding during the eighty days after the birth of the female, or forty days after the birth of a male, this is blood of her days of purity (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 7:7).

It is from one source, etc. – **מַעַן אַחֲרֵי הַוָּא וּכְיִ**: The blood of menstruation, the blood of *ziva*, the blood that accompanies labor, the blood of a woman who gives birth, and the blood of purity of a woman after childbirth are all one type of blood which comes from one source. The status of the woman is established in accordance with the time and the circumstances of the emission, which determines whether it renders her a menstruating woman or a *zava*, or whether it is the blood of purity (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 6:1).

### NOTES

**There are two sources** – **שְׁנֵי מַעֲינּוֹת הַם**: Some commentaries maintain that according to Levi the blood of menstruation and the blood of *ziva* also come from two sources, which is why the sightings of the days of menstruation do not combine with the sightings of the

days of *ziva* to establish a fixed period (*Levush*). Others dispute this claim, citing the Rambam's explicit statement that they come from the same source. They further maintain that this matter does not depend on the dispute between Rav and Levi.

לֹב - רִישָׁא לְקוּלָא וַסְפָּא לְחוֹמְרָא.

The Gemara elaborates: According to Rav, who maintains that both pure and impure blood emerge from the same source, in the cases described in **the first clause**, i.e., if she continuously discharged menstrual blood from within her days of impurity until sometime during her days of purity, one is **to be lenient**. In other words, any blood emitted during her days of purity is pure, since the Torah rendered it pure. And in the cases described in **the latter clause**, when the discharge begins during her days of purity and continues until after the conclusion of her days of purity, one is **to be stringent**, as the Torah deemed impure any blood emitted after her days of purity.

לֹי - רִישָׁא לְחוֹמְרָא וַסְפָּא לְקוּלָא.

According to Levi, who says that there are two different sources in the body, in the cases described in **the first clause** one is **to be stringent**, as the continuous flow of blood indicates this blood is emanating from the source of the impure blood, and the Torah deemed pure only the blood that emerges from the source of the pure blood. And in the cases described in **the latter clause** one is **to be lenient**, as the continuous flow of blood indicates this blood is from the source of the pure blood.

מִתְהִיבֵּי, דֶם הַיוֹלָדָת שֶׁלֹּא טַבֵּלה, בֵּית שְׁמָאי אָוּרִים: בָּרוּקָה וּכְמִימִי וְגַלִּיהָ, בֵּית הַלִּיל אָוּרִים: מְטֻמָּא לְחֵזֶב.

The Gemara raises an objection from the mishna: With regard to the **blood of a woman who gave birth** and reached the conclusion of her days of impurity but did not yet immerse, Beit Shammai say: The blood is like her saliva and urine, and it imparts impurity only while moist. And Beit Hillel say: Her blood is considered like that of a menstruating woman, and it **imparts impurity whether moist or dry**.

קְאָסְלָקָא דַעֲתָן וְפְסָקָה, בְּשִׁלְמָא לֹבֶד דָאָמֵר מַעַן אַחֲרֵי הוּא - מִשּׁוּם הַכִּי מְטֻמָּא לְחֵזֶב, אַלְאָ לֹי, דָאָמֵר שְׁנִי מַעֲשָׂנוֹת הָןָן, אַמְּאי מְטֻמָּא לְחֵזֶב?

It enters your mind to explain that the mishna is referring to a case where a woman's discharge of menstrual blood **ceased** during her days of impurity, and she subsequently experienced bleeding after the conclusion of her days of impurity. If so, granted the mishna is clear according to the opinion of Rav, who said pure and impure blood emanate from **one source**, as it is due to that reason that Beit Hillel maintain that the blood **imparts impurity** whether it is **moist or dry**, since she did not yet immerse. But according to the opinion of Levi, who said there are two separate sources, why do Beit Hillel maintain that the blood **imparts impurity** whether it is **moist or dry**? After all, blood emitted during her days of purity comes from the source of pure blood.

אָמֵר לֹךְ לֹי: הַכָּא בְּמַאי עַסְקִין - בְּשׁוֹפְעָת. אֵי בְשׁוֹפְעָת - מַאי טַעַמָּא דִבְתַּ שְׁמָאי? קְסָבָרִי בֵּית שְׁמָאי: מַעַן אַחֲרֵי הוּא.

The Gemara explains that Levi could say to you: Here we are dealing with a woman who **continuously discharges** menstrual blood from within her days of impurity until sometime during her days of purity. Since the continuous flow of blood indicates that this blood emanates from the source of the impure blood, Beit Hillel rule that it imparts impurity whether it is moist or dry. The Gemara asks: If the mishna is dealing with a woman who **continuously discharges** menstrual blood, **what is the reason** that Beit Shammai maintain this blood imparts impurity only while moist? Isn't it evident that it is impure menstrual blood? The Gemara responds: **Beit Shammai hold** that it is from **one source** that pure and impure blood emanate, and the Torah deemed pure any blood emitted during her days of purity.

בְּשִׁלְמָא לֹי - הַיְנוּ דָאִיכָּא בֵּין בֵּית שְׁמָאי וּבֵית הַלִּיל, אַלְאָ לֹבֶד מַאי בְּיַיִינְיוֹן?

The Gemara questions the opinion of Rav: **Granted**, the mishna is clear according to Levi, who maintains there are two separate sources, as that is how there is a practical difference between the opinions of **Beit Shammai and Beit Hillel**. Beit Hillel hold there are two sources, and the continuous flow of blood from her days of impurity into her days of purity indicates that the blood emanates from the source of the impure blood, whereas **Beit Shammai contend** that pure and impure blood emanate from one source, and the Torah deemed pure the blood of her days of purity. **But according to Rav, what is the reason for the difference between them?**

**אֲכָא בְּיֹמָה יוֹמִי וַטְבִילָה, דֶּבֶית שְׁמָאי סְבִיבֵי בְּיֹמָה תְּלָה וַחֲמָנָא, וַבֵּית הַלְּ סְבִיבֵי בְּיֹמָי וַטְבִילָה.**

**תֵּא שָׁמָע: וּמוֹדִים בַּיּוֹלֶדֶת בְּזֹב שְׁהָא מַטְמָאָה לְחַ וַיְבַש. סְלִקָּא דַעֲתָן הַכָּא נָמֵי דְּפָסָקָה,**

**בְּשַׁלְמָא לְרַב דָּאָמָר מַעַן אַחַד הוּא מִשּׁוּם הַכִּי מַטְמָא לְחַ וַיְבַש, אַלְאָ לְלַיְוָי דָּאָמָר שְׁנֵי מַעֲנִות הָן, אַמְּאָי מַטְמָא לְחַ ? יְבַש?**

**אָמָר לְךָ: הַכָּא נָמֵי בְּשׁוֹפְעָת. אֵי בְּשׁוֹפְעָת – לְמַאַי אַיְצָרָוּ?**

**לְבֵית שְׁמָאי אַיְצָרָוּ, אָךְ עַל גַּב דְּקָאָמָרִי בֵּית שְׁמָאי מַעַן אַחַד הוּא אַבְיּוֹמָי תְּלָה וַחֲמָנָא, הַנִּי מִילִי – בַּיּוֹלֶדֶת וַיְדָרָא, דְּשִׁלְמָוּ לְהוּ יוֹמִי, אֲכָל יוֹלֶדֶת בְּזֹב דְּבָשִׁי סְפִירָה – לֹא.**

**תֵּא שָׁמָע: "דָוַתָּה תִּטְמָא" – לְרוּבָות אֶת בְּזַעַלָה,**

The Gemara responds: The difference **between them** is due to their opinions with regard to the significance of the **days and the immersion** at the conclusion of her days of impurity. As, **Beit Shammai hold that the Merciful One rendered the purity of her blood dependent on days**, which means that once she begins her days of purity her blood is pure regardless of whether or not she immersed. **And Beit Hillel hold that it is dependent on both days and immersion.**<sup>14</sup> Accordingly, if she fails to immerse after her days of impurity, any blood she sees is impure.

The Gemara suggests: **Come and hear proof from the continuation of the mishna: And Beit Shammai concede to Beit Hillel in the case of a woman who gives birth as a zava, that any blood she sees imparts impurity whether it is moist or dry. It enters your mind to explain that here too, the mishna is referring to a case where a woman's discharge of menstrual blood ceased during her days of impurity, and she then experienced bleeding during her days of purity. Since she is still a zava at the beginning of her days of purity, the blood imparts impurity whether it is moist or dry.**

The Gemara continues: If so, **granted**, the mishna is clear according to **Rav, who said that pure and impure blood emanate from one source**, as it is **due to that reason that the blood imparts impurity whether it is moist or dry**, since she is still a *zava* and the Torah has not yet deemed her pure. **But according to Levi, who said there are two sources, why does the blood impart impurity whether it is moist or dry?** Let it be considered like the saliva or urine of a *zava*, which imparts impurity only when moist.

The Gemara explains that **Levi could say to you: Here too, we are dealing with a woman who continuously discharges menstrual blood from within her days of impurity until her days of purity. The continuous flow of blood indicates that the blood emanates from the source of the impure blood.** The Gemara asks: **If the mishna is dealing with a woman who continuously discharges menstrual blood, for what purpose was it necessary for the mishna to teach this halakha?** It is obvious that this blood is impure.

The Gemara answers that it **was necessary for the opinion of Beit Shammai**. The mishna is teaching that **even though Beit Shammai say there is one source, and the Merciful One rendered the purity of her blood dependent on days alone, that statement applies only in the case of a woman who only gave birth, as her days of impurity have been completed at this point. But with regard to a woman who gives birth as a zava, who requires the counting of seven clean days from the end of her days of impurity, that statement does not apply, and blood emitted before she counted seven clean days imparts impurity whether moist or dry, like the blood of a menstruating woman.**

The Gemara suggests: **Come and hear a baraita**, which addresses the verse: "If a woman be delivered, and bear a male, then she shall be impure seven days; as in the days of her menstrual sickness she shall be impure" (Leviticus 12:2). The superfluous phrase "**her menstrual sickness she shall be impure**" serves to include a man who engages in intercourse with her,<sup>HN</sup> teaching that he is rendered impure like a menstruating woman and imparts impurity like her.

## HALAKHA

**בְּיוֹמִי וַטְבִילָה:** If a woman who gave birth did not immerse after seven days following the birth of a male or fourteen days following the birth of a female, any blood she sees imparts impurity whether it is moist or dry, like the blood of a menstruating woman, even if she is in her days of purity. This is because the Torah did not render the status of her blood dependent merely on her days, but rather on two factors: her days and her immersion. The *halakha* is in accordance with the opinion of **Beit Hillel** (*Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 5:2).

**לְרוּבָות אֶת בְּזַעַלָה:** A man who engaged in intercourse with a menstruating woman has the status of a primary source of ritual impurity by Torah law, like her. He imparts impurity to vessels by touch and to people by touch and carrying. Furthermore, he imparts impurity through movement, and he renders impure the bedding upon which he lies and the seat upon which he sits, like a menstruating woman (*Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 3:1).

## NOTES

To include a man who engages in intercourse with her – **לְרוּבָות אֶת בְּזַעַלָה**: In other words, she renders the man who engages in intercourse with her ritually impure like a menstruating woman (Rashi). By contrast, the Gemara in *Pesahim* 68a explicitly states that one who engages in intercourse with a menstruating woman has the status of one who became impure through impurity imparted by a corpse. Some commentaries explain that with regard to matters in which the Torah explicitly compares one

who engages in intercourse with a menstruating woman to a menstruating woman herself, the same *halakhot* apply. But with regard to matters in which the Torah did not expressly compare him to a menstruating woman, he is compared to one who became impure from a corpse, as they both become impure through contact with a source of impurity, and are not themselves sources of impurity.

“דָּוֹתָה תְּטַמֵּא” – לִרְבּוֹת הַלְּילּוֹת.  
“דָּוֹתָה תְּטַמֵּא” – לִרְבּוֹת הַיּוֹלֶת בָּבוֹב  
שְׁאֲרִיכָה שֶׁתָּשִׂבְשָׁב שְׁבֻעָה יָמִים נְקִיִם.  
בְּשַׁלְמָא לְרַב דָּאָמָר מֵשָׁן אַחֲרֵי הוּא –  
מִשּׁוּם הַכִּי בְּעֵיא שְׁבֻעָה יָמִים נְקִיִם.

Furthermore, the phrase “Her menstrual sickness she shall be impure” serves to include the nights; although the verse states: “As in the days,” she is impure during the night as well. Finally, “her menstrual sickness she shall be impure” serves to include a woman who gives birth as a zava, teaching that she must observe seven clean days.<sup>14</sup> The Gemara analyzes this *baraita*: Granted, the *baraita* is clear according to Rav, who said there is one source, as it is due to that reason that a woman who gives birth as a zava requires seven clean days.

#### HALAKHA

A woman who gives birth as a zava...must observe seven clean days – **גַּיְלָדָת בּוֹב שְׁאֲרִיכָה שֶׁתָּשִׂבְשָׁב שְׁבֻעָה יָמִים נְקִיִם:** A woman who gives birth as a zava must observe seven clean days and immerse, only after which is she permitted to her husband.

At this stage she begins her days of purity and subsequently brings the offerings for her ziva and for her childbirth. The *halakha* is in accordance with the ruling of the *baraita* (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 7:5).

#### Perek IV

##### Daf 36 Amud a

אֲלֹא לְלֹוִי דָאָמָר שְׁנֵי מִשְׁעִנּוֹת הָן, לְפֹה  
לִי, שְׁבֻעָה? בְּמַשְׁדוֹ סְגִיאָ!

הַכִּי קָאָמָר: צִוְּיכָה שְׁתַפְסֹק מִשְׁהָגָן  
שְׁעַלְוָה לְהָלִשְׁבָעָה נְקִיִם.

תֵּא שְׁמַע: יְמִי עִבּוּרָה עֲוָלִים לְהָלִימִי  
מִנִּיקּוֹתָה, וְיְמִי מִנִּיקּוֹתָה עֲוָלִים לְהָלִימִי  
עִבּוּרָה.

כַּיְצַד? הַפְּסִיקָה שְׁתִים בַּיּוֹם עִבּוּרָה  
וְאֶחָת בַּיּוֹם מִנִּיקּוֹתָה, שְׁתִים בַּיּוֹם  
מִנִּיקּוֹתָה וְאֶחָת בַּיּוֹם עִבּוּרָה, אֶחָת  
וּמְחַצָּה בַּיּוֹם עִבּוּרָה וְאֶחָת וּמְחַצָּה  
בַּיּוֹם מִנִּיקּוֹתָה – עֲוָלִין לְהָלִשְׁלָש  
עוֹנוֹת.

But according to Levi, who said there are two sources, why do I need this woman to wait seven clean days? It should be enough for her to wait seven days after experiencing any amount of cleanliness from the conclusion of her days of impurity. After all, according to Levi, once the blood ceases to flow from her days of impurity, any blood emitted thereafter is from the source of pure blood. Consequently, even if she experiences a flow of blood during the seven clean days this should not negate her count.

The Gemara explains that this is what the *baraita* is saying: She requires that the blood flow should stop for any amount of time after her days of impurity, so that she will have entered her days of purity, and consequently, the next seven days will be considered for her as the seven clean days required by a zava.

The Gemara suggests: Come and hear a *baraita*: There are certain women with regard to whom the *halakha* is that if they notice an emission of menstrual blood they are deemed impure only from when they saw the blood, and one is not concerned they might have experienced the emission from an earlier time. Two such women are one who is pregnant and one who is nursing. This applies only to a pregnant woman who has been noticeably pregnant for three periods, each thirty days in length, and has not experienced bleeding during the three periods; and to a nursing woman who has been nursing for three periods, each also thirty days in length, and did not experience bleeding during that time. With regard to this the *baraita* teaches: The days of her pregnancy in which she saw no blood count for her toward the days of her nursing in which she saw no blood, to complete three periods, and likewise, the days of her nursing count for her toward the days of her pregnancy.

The *baraita* elaborates: How so? If a woman stopped experiencing bleeding for two periods during her days of pregnancy and one period during her days of nursing; or if she did not experience bleeding for two periods during her days of nursing and one period during her days of pregnancy; or if she did not experience bleeding for one and a half periods during her days of pregnancy and one and a half periods during her days of nursing, the days count for her as three periods in which she did not experience bleeding, and if she experiences bleeding she is deemed impure only from the hour that she saw the blood.

- **בְּשַׁלְמָא לֹבֶד זָמֵר מִשְׁנֵן אֶחָד הוּא,**  
    **מִשְׁוּם הַכִּי בְּעֵד הַפְּסִיק שֶׁלֶשׁ עֲוֹנוֹת,**  
- **אַלְאָה לְלֹי דָמֵר שְׁנֵי מִעֲנִינוֹת הָןְ,**  
    **לִמְהָה לִי הַפְּסִיק שֶׁלֶשׁ עֲוֹנוֹת? בְּמַשְׁחוֹ!**

**הַכִּי קָאָמָר:** צְרִיכָה שְׁתַּפְסּוֹק מִשְׁהָא,  
**כִּי שְׁיַעַלְוּ לָהּ לִשְׁלֶשׁ עֲוֹנוֹת.**

**תֵּא שְׁמַע:** וְשָׂוִין בְּרוֹאָה אַחֲרֵ דָם  
    **טוֹהָר שְׁדִיבָה שְׁעַתָּה.**

**בְּשַׁלְמָא לְלֹי דָמֵר שְׁנֵי מִעֲנִינוֹת**  
    **הָן – מִשְׁוּם הַכִּי דִּיאָ שְׁעַתָּה, אַלְאָה**  
    **לֹבֶד זָמֵר מִשְׁנֵן אֶחָד הוּא אַמְּאָדָה**  
    **שְׁעַתָּה? תְּטַמֵּא מִעֵד לִיעַת!**

**דָּלִיכָא שְׁהוֹת.**

The Gemara analyzes this *baraita*: Granted, the *baraita* is clear according to Rav, who said there is one source, as it is due to that reason that the woman requires a cessation of menstrual emissions for three periods in order that she may be considered a woman whose menstrual emissions have ceased. But according to Levi, who said there are two sources, why do I need a cessation of menstrual emissions for three periods? Provided the woman's menstrual emissions cease for any amount of time at the completion of her days of impurity, it should be enough, as any blood she may emit thereafter is pure and should not negate her count of three periods.

The Gemara explains that this is what the *baraita* is saying: She requires that the blood flow should stop for any amount of time at the conclusion of her days of impurity, in order that her days of purity will be counted for her as part of the three periods, even if she experiences bleeding during her days of purity.

The Gemara suggests: Come and hear a *baraita*: And although Shammai and Hillel disagree with regard to all women who experience bleeding (see 2a), as Shammai maintains they are impure only from when they saw the blood while Hillel holds that they assume ritual impurity status retroactively from the last time they examined themselves and were found to be pure, they agree<sup>N</sup> with regard to a woman who sees blood after seeing blood during her days of purity, that it is sufficient for her to be considered impure from the hour of her seeing the blood.

The Gemara analyzes the *baraita*: Granted, the *baraita* is clear according to Levi, who said there are two sources,<sup>N</sup> as it is due to that reason that it is sufficient for her to be considered impure from the hour of her seeing the blood. In other words, although she experienced bleeding during her days of purity, until this emission she was still considered a woman whose menstrual emissions have ceased. But according to Rav, who said there is one source, if this woman experienced bleeding during her days of purity, she cannot be considered a woman whose menstrual emissions have ceased. If so, why is it sufficient for her to be considered impure from the hour of her seeing the blood? She should be considered impure retroactively for a twenty-four-hour period, like all other women.

The Gemara responds: The *baraita* is referring to a case where there is no time<sup>H</sup> between the conclusion of her days of purity and the subsequent emission of blood. In such a situation, she cannot be considered impure retroactively for a twenty-four-hour period, as the previous twenty-four hours are part of her days of purity.

## HALAKHA

Where there is no time – **דָּלִיכָא שְׁהוֹת:** With regard to a woman who experiences bleeding within twenty-four hours of the conclusion of the days of her blood of purity, it is sufficient for her to be ritually impure from the time she first saw blood, as stated in the *baraita* (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:6).

And they agree, etc. – **זָשְׁנִין וּבִ'י:** Rashi explains that when the *baraita* states: They agree, it is referring to the opinions of Shammai and Hillel at the start of the tractate (2a). They disagree with regard to regular women who experience bleeding, whether it is sufficient for them to be ritually impure from the time they first saw blood, according to Shammai, or if they impart impurity retroactively from examination to examination, as maintained by Hillel. The later commentaries question this interpretation, as the following Gemara suggests that according to Rav she should impart impurity retroactively for a twenty-four-hour period, and neither Shammai nor Hillel maintain that she imparts impurity in this manner (Rabbi Akiva Eiger; Arukh LaNer; *Hiddud Halakhot*). One answer is that the Gemara's question applies according to the opinion of the Rabbis in that mishna, who maintain that she imparts impurity retroactively for a twenty-four-hour period, and that Hillel agrees with this ruling (Arukha LaNer). Alternatively, the phrase: They agree, is referring to Rabbi Meir and the Rabbis, who disagree on 11a with regard to a nursing woman, whether it is sufficient for her to be ritually impure from the time she first saw blood all the days of her nursing (Ramban).

## NOTES

It is clear according to Levi who said there are two sources, etc. – **לְלֹי דָמֵר שְׁנֵי מִעֲנִינוֹת הָן וּכְ'**: Rashi explains that her time is sufficient because her blood has stopped, as several days have passed without her experiencing bleeding from this source. Consequently, this is considered like a woman's first sighting, and a nursing woman is one of those with regard to whom the halakha is that her time is sufficient. Other early commentaries question this interpretation, since if the *baraita* is referring to a nursing woman, why does it present a difficulty to the opinion of Rav? After all, Rav agrees that in this case her time is sufficient regardless of the fact that the blood comes from one source. This is because the blood cycle of a nursing woman stops, since the blood is spoiled and becomes milk (see 9a). They therefore maintain that the *baraita* is referring to a woman who is not nursing, e.g., she had a miscarriage or her baby died. Consequently, the reason her time is sufficient is because she experienced bleeding after her blood of purity. This presents a difficulty to the opinion of Rav, since if the blood comes from one source why should her time be sufficient? (*Tosefot Rid*).

### NOTES

Since there is no possibility of her being impure retroactively for a twenty-four-hour period, etc. – **כין דמעת לילא וכו'**: This answer is based on the standard manner in which the Sages enacted their decrees: In order to ensure that a decree would be established and observed, they would not differentiate and apply it only in certain cases, i.e., they would not issue a decree by half-measures (Ramban in *Milhamot HaShem* on *Beitzah*).

וְתוּמָה מִפְקִידָה לְפִקְדָה! בֵּין דְּמַעַת לְעֵת לִיכָּא, מִפְקִידָה לְפִקְדָה נֹמֵן לֹא גָּרוּ בָה וּבָנָה.

The Gemara raises a difficulty: But still, why is she impure only from when she sees the blood? She should be considered impure from examination to examination, i.e., from the last time she examined herself and found that she was pure. The Gemara responds: Since there is no possibility of her being impure retroactively for a twenty-four-hour period,<sup>N</sup> with regard to impurity from examination to examination as well, the Sages did not decree impurity with regard to her.

**תְּאַשְׁמָע: יוֹלֶדֶת בָּוֹב שְׁפָרָה וְלֹא טְבָלָה וְאַתָּה, הַלְּבֵךְ בֵּית שְׁפָאִי לְשִׁיטָה? בֵּית הַלְּלָה לְשִׁיטָה.**

**בְּשָׁלָמָא לְבָב דָּאָמֵר מַעַן אַחֲרֵי הַזָּא – מִשּׁוּם הַכִּי מִטְמָא לְחַזְבָּשׂ, אַלְאָ לְלֵוִי דָּאָמֵר שְׁנִי מַעַן תָּהָן אַפְּמָא מִטְמָא לְחַזְבָּשׂ?**

**אָמֵר לְךָ לֹוי: אַנְּאָ דָּאָמֵר – כַּתְנָא דְשָׁוִין.**

**וְאִיבְּשָׁת אִימָא: בְּשׁוֹפְעָת. וְהָא "שְׁפָרָה"!**

**הַכָּא בְּיוֹלֶדֶת נִקְרָה בָּוֹב עַסְקִין, וְשָׁבוּעַ קְמָא פְּסָקָה, שְׁבַיעַ בְּתַרְאָא לֹא פְּסָקָה, נִקְרָבָר: יְמִי לִידְתָּה שָׁאוּן רֹאָה בָּהָן – עֲלֵינוּ לָהּ לְסִפְרוֹת וִבְתָה.**

The Gemara further suggests: Come and hear a *baraita*: With regard to a woman who gives birth as a *zava*, who counted seven clean days after the conclusion of her days of impurity but did not yet immerse, and subsequently saw blood, *Beit Shammai* follow their opinion with regard to any woman who gave birth and concluded her days of impurity but did not yet immerse, and *Beit Hillel* likewise follow their opinion. In other words, according to *Beit Shammai* her blood imparts impurity only while moist, whereas according to *Beit Hillel* it imparts impurity whether it is moist or dry.

The Gemara analyzes the *baraita*: Granted, the *baraita* is clear according to Rav, who said there is one source, as it is due to that reason *Beit Hillel* maintain that the blood imparts impurity whether it is moist or dry. In other words, as she has not yet immersed, the Torah does not deem pure her menstrual emissions. But according to Levi, who said there are two sources, any blood she may emit after counting seven clean days must have come from the source of pure blood. If so, why does it impart impurity whether it is moist or dry?

The Gemara explains that Levi could say to you: I say my opinion in accordance with the opinion of the *tanna* of the *baraita* cited above, that Shammai and Hillel agree that with regard to a woman who experiences bleeding after experiencing bleeding during her days of purity, it is sufficient for her to be considered impure from the hour that she saw the blood. That *baraita* apparently indicates that there are in fact two sources.

And if you wish, say instead that this *baraita* is referring to a woman who continuously discharges menstrual blood from within her days of impurity into her days of purity. Accordingly, the blood she sees during her days of purity is still from the source of impure blood. The Gemara objects: But the *baraita* teaches that the woman counted seven clean days.

The Gemara explains: Here we are dealing with a woman who gave birth to a female as a *zava*, and therefore her days of impurity are two weeks in length. And this is a case where in the first week her menstrual emissions ceased, and in the latter week her menstrual emissions did not cease, and they continued until her days of purity. And the *tanna* of this *baraita* holds: The days of her birth, i.e., the days of impurity, in which she does not see blood,<sup>H</sup> count for her toward the counting of her *ziva*. Accordingly, although she is considered to have counted seven clean days, the blood emitted during her days of purity is from the source of impure blood.

### HALAKHA

The days of her birth in which she does not see blood – **יְמִי נִקְרָה שָׁאוּן רֹאָה בָּהָן**: If a woman does not experience bleeding during the days of the impurity of her birth or the days of her menstrual impurity, they are counted toward the seven clean days. This *halakha* is in accordance with the Gemara here and

the opinion of Rava on 37a. Some authorities rule that they do not count toward the seven clean days, as maintained by Abaye (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bi'a* 7:1, and see *Haggahot Maimoniyot* there; *Shulhan Arukh*, *Yoreh De'a* 194:1).

אמר ליה רבינו לא בלב אשוי אמר לנו רב שמן מסכרא. אקלע מושרא לאתירין ודרש: הילכתא בותה דרב לחומרא. הילכתא בותה דלי לחומרא.

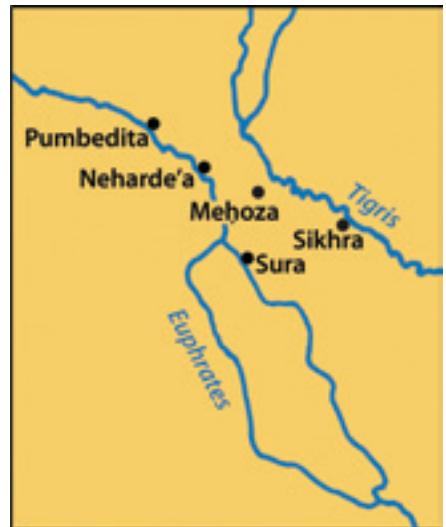
**§** With regard to the dispute between Rav and Levi, Ravina said to Rav Ashi: Rav Shemen from Sirkha<sup>b</sup> said to us: Mar Zutra happened to come to our locale, and he taught that the halakha is in accordance with the opinion of Rav as a stringency,<sup>n</sup> and the halakha is in accordance with the opinion of Levi as a stringency. In other words, if a woman continuously discharges menstrual blood from within her days of purity until sometime after the conclusion of her days of purity, the blood emitted after her days of purity is impure, in accordance with the opinion of Rav. By contrast, if she continuously discharges menstrual blood from within her days of impurity into her days of purity, the blood emitted during her days of purity is impure, in accordance with the opinion of Levi.

רב אשוי אמר: הילכתא בותה דרב, בין לקולא בין לחומרא. דריש מרימר: הילכתא בותה דרב, בין לקולא בין לחומרא. וזה הילכתא בותה דרב בין לקולא בין לחומרא.

Rav Ashi said: The halakha is in accordance with the opinion of Rav, whether as a leniency or as a stringency. Likewise, Mareimar taught: The halakha is in accordance with the opinion of Rav, whether as a leniency or as a stringency. The Gemara concludes: And the halakha is in accordance with the opinion of Rav, whether as a leniency or as a stringency.

#### BACKGROUND

**Sirkha – סירקה:** The city of Sirkha, which was one of the most important in Babylonia, was probably named for the water dam [sekher] of the Tigris, as it was located to the west of that dam. Sirkha was a major commercial center, and various types of merchandise were brought there from the south by means of carrier boats that traversed a network of canals. The city was also known for its great Sages, including the Rav Shemen mentioned here. Due to its significance, Sages such as Mar Zutra would visit Sirkha and teach halakhot there. Their statements were preserved by the local scholars.



Location of Sirkha

#### NOTES

The halakha is in accordance with the opinion of Rav as a stringency, etc. – **הילכתא בותה דרב לחומרא וכו':** The Gemara explicitly states that the halakha is in accordance with the opinion of Rav in cases where this ruling leads to a stringency (*Hasdei David; Yad Malakhi*). In this instance, one does not follow the principle that whenever there is a dispute between Rav and Levi the halakha is always in accordance with the opinion of Levi (*Maggid Mishne* on *Rambam Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 9:1).

The early commentaries are puzzled by the statement that the halakha is in accordance with the opinion of both Rav and

Levi, as their opinions contradict one another, and the Gemara (*Eiruvin* 6b; *Hullin* 44a) applies the verse: "The fool walks in darkness" (Ecclesiastes 2:14) to one who adopts the stringencies of two contradictory opinions. They explain that the Gemara there is referring to a case where one of the opinions is accepted as halakha, e.g., in a dispute between Beit Shammai and Beit Hillel, as the halakha is in accordance with the opinion of Beit Hillel. By contrast, here, as it is uncertain whose opinion is accepted as halakha, it is permitted to act in accordance with the stringencies of two opinions despite the fact that they contradict one another (*Tosafot; Tosefot HaRosh; Rashba*).

## Perek IV Daf 36 Amud b

**מתני' המקשה – נידה. קשטה שלשה ימים ברוחן אחד עשר יום, וشفטה מיעת לעת, וילדה – הרי זו يولדת בזוב, דברי רבי אליעזר.**

**MISHNA** With regard to a pregnant woman who experiences labor pains, and they are accompanied by an emission of blood, her status is that of a **menstruating woman**. If she experienced these pains accompanied by emissions of blood for three consecutive days within the eleven days between periods of menstruation, during which time emissions of blood render a woman a *zava*, and she rested from labor for a twenty-four-hour period, i.e., the pangs subsided, and she then gave birth, it indicates that the emissions were not due to her imminent labor, and this woman is considered one who gives birth as a *zava*.<sup>n</sup> This is the statement of Rabbi Eliezer.

**רבי יהושע אומר: לילה ויום, כלילי שבת ויום. שפטה מן הצער, ולא מן הדם.**

**Rabbi Yehoshua says:** She is considered a *zava* only if the pangs subsided for a twenty-four-hour period of a **night and the following day**, like **Shabbat evening and its accompanying day**.<sup>n</sup> Additionally, she is considered a *zava* in a case where she rested from the pain of labor **but not necessarily from the flow of blood**. In other words, the presence of labor pangs determines whether this blood is due to labor or the impure blood of *ziva*. Accordingly, if the pangs cease for twenty-four hours, she is considered a *zava* even if blood was discharging continuously from when she experienced her labor pains.

#### NOTES

**Gives birth as a zava – يولدة بزوب:** By Torah law, a woman who begins to emit blood from her uterus is rendered a menstruating woman. Provided her emissions cease within seven days of her initial emission, she remains a menstruating woman. Such a woman is impure for seven days, which are counted from her initial emission; on the eve of the eighth day she may immerse and is deemed pure. The eleven days following these days of menstruation are called the days of *ziva*, and any woman who emits blood during these days has the status of a *zava*.

Rabbi Yehoshua says a night and the following day, like Shabbat evening and its accompanying day – **רבנן יהושע אומר ליל ויום כלילי שבת ויום**. Some commentaries explain that according to Rabbi Yehoshua a short amount of time must be added before and after the day, as is the case on Shabbat, when one adds from the non-sacred time to the sacred (Rashba; Ritva, citing *Tosafot*). They further note that Rabbi Yehoshua said: Like Shabbat evening and the day that follows it, in order to indicate that the day follows the night in this context (Ritva).

כמה היא קייניה? רב מאיר אומר:  
אפילו ארבעים וثمانים יום. רב  
יהודה אומר: דקה חרשה. רב יוסף ורבי  
שמעון אומרים: אין קיינוי יותר משתי  
שבות.

How long before birth is pain attributable to her labor pains, which means that the blood is not considered blood of *ziva*? **Rabbi Meir** says: Even forty or fifty days before the birth, any blood she sees during the eleven days of *ziva* is not considered blood of *ziva*. **Rabbi Yehuda** says: It is sufficient that this *halakha* applies only from within one month of her due date. **Rabbi Yosei** and **Rabbi Shimon** say: Labor pains do not occur more than two weeks before birth. Accordingly, if she experiences bleeding for three consecutive days during eleven days of *ziva* that occur before this time, she is a *zava*.

גמ' אטו כל המקשה נדה היא?

אמר רב: נדה ליום. ושמואל אמר:  
חייבין שמאת תשפה.

ורבי יצחק אמר: המקשה אינה בלום.  
והקתי "המקשה – נדה!"

אמר רב בא: ביום נדה – נדה, ביום זיבת –  
טהור. והתני, המקשה ביום נדה –  
נדה, ביום זיבת – טהור.

**GEMARA** The mishna teaches that a pregnant woman who experiences an emission of menstrual blood due to labor pains is considered a menstruating woman. This statement apparently applies to all blood due to labor. The Gemara therefore asks: Is this to say that any woman who experiences an emission due to labor pains is a menstruating woman? But if a woman experiences an emission due to labor pains in the eleven days of *ziva*, she is not rendered a *zava*, nor can this render her a menstruating woman.

**Rav** said: It is correct that a woman who experiences an emission of blood due to labor during the eleven days of *ziva* is not rendered a *zava*, or even a lesser *zava*, who must observe one clean day for the day she experienced an emission. But she is a **menstruating woman for one day**, i.e., she is prohibited to her husband on the day of the emission, and in the evening she may immerse and become permitted to him. **And Shmuel said:** It is a rabbinic decree that she must observe a clean day, as we are concerned<sup>N</sup> lest she rest from labor<sup>N</sup> and thereby be rendered a lesser *zava*, as the cessation of pangs would indicate that her emission was not due to her imminent labor.

**And Rabbi Yitzhak said:** A woman who experiences labor pains during the eleven days of *ziva* is nothing, i.e., she is completely pure and is permitted to her husband. The Gemara asks: But isn't it taught in the mishna that a woman who experiences labor pains is a **menstruating woman**? This apparently includes all women who experience an emission due to labor, even if it occurs during the eleven days of *ziva*.

**Rava** said: The mishna means that if she experienced an emission due to labor **during the days of menstruation**, she is considered a **menstruating woman**;<sup>N</sup> if she experienced the emission **during the days of ziva**, she is **pure**. And it is taught likewise in a *baraita*: A woman who experiences labor pains **during the days of menstruation** is a menstruating woman; if she experiences them **during the days of ziva**, she is **pure**.

#### NOTES

We are concerned, etc. – **חייבין וכו'**: The early commentaries disagree with regard to the precise dispute between Rav, Shmuel, and Rabbi Yitzhak, and the case to which they are referring. Some maintain that both Rav and Shmuel are dealing with the *halakha* of a woman who experiences labor pains in her days of *ziva*. Rav holds that although such a woman cannot become a *zava*, the Sages decreed that she has the status of a menstruating woman for one day. By contrast, Shmuel rules that she must observe a clean day for each day that she experiences a discharge, lest it turn out in retrospect that it was not blood due to labor. Rabbi Yitzhak disagrees with both of them, as he contends that the Sages did not decree at all with regard to one who experiences labor pains in the days of *ziva*, but only if this occurs during her days of menstruation (Rashi; Ritva).

And Shmuel said, as we are concerned lest she rest from labor – **ושמואל אמר חייבין שמאת תשפה**: As for why Rav does not entertain this concern, the early commentaries explain that he maintains this is a rare occurrence, as most women who experience labor pains do not rest from such pains for a night and day prior to giving birth (*Tosafot; Tosefot HaRosh*).

An emission due to labor during the days of menstruation, she is considered a **menstruating woman** – **בבמי נדה נדה**: According to the majority of the early commentaries, the days of menstruation are the days that follow the eleven days of *ziva*. The Rambam has a different calculation with regard to the days of menstruation and the days of *ziva* (see Rashba; Meiri).

**ביצה, קשטה ים אחד ושפיטה שנימ,**  
**או שקשטה שנימ ושפיטה ים אחד, או**  
**שפיטה וקשטה וחורה ושפיטה – הרי**  
**זו يولדה בזוב.**

The *baraita* continues: How so, i.e., when does an emission during the eleven days of *ziva* render a woman one who gives birth as a *zava*? If she experienced labor pains for one day and then rested from labor for two days, and she experienced an emission on all three days; or if she experienced labor pains for two days and rested from labor for one day, and she experienced bleeding on all three days; or if she rested from labor for one day and she then experienced labor pains for one day, and again rested from labor for one day, and she experienced bleeding on all three days; in each of these cases this woman is considered one who gives birth as a *zava*, as the cessation of labor pains indicates that the emission of blood is not due to her imminent labor.

**אבל שפיטה ים אחד וקשטה שנימ,**  
**או ששפיטה שנימ וקשטה ים אחד,**  
**או שקשטה ושפיטה וחורה וקשטה –**  
**אין זו يولדה בזוב. כלו של דבר: קושי**  
**סמוּך ליליה – אין זו يولדה בזוב, שופי**  
**סמוּך ליליה – הרי זו يولדה בזוב.**

But if she rested from labor for one day and then experienced labor pains for two days; or if she rested from labor for two days and experienced labor pains for one day; or if she experienced labor pains for one day and then rested from labor for one day, and again experienced labor pains for one day; this woman is not considered one who gives birth as a *zava*, since the labor pains indicate that the blood is due to her imminent labor. This is the principle of the matter: If she experienced labor pains adjacent to giving birth, this woman is not considered one who gives birth as a *zava*; if she was resting from labor adjacent to giving birth,<sup>h</sup> this woman is considered one who gives birth as a *zava*.

**חנניא בן אחוי רבי יהושע אומר: כל**  
**שחל קישוה בשלישי שלה, אףilo כל**  
**היום כלו בשופי – אין זו يولדה בזוב.**

Hananya, son of Rabbi Yehoshua's brother, says: In any situation where she experiences an emission due to her labor pains that occur on her third day,<sup>h</sup> she is not a *zava*. Even if she was in a state of resting from labor for the entire third day, with the exception of one hour of labor pains, this woman is not considered one who gives birth as a *zava*, since a woman is considered to be resting from labor on the third day only if she was resting for the entire day.

**"כלו של דבר" לאותו מאי? לאאותו?**  
**ורונニア.**

The Gemara asks: The statement that this is the principle of the matter serves to add what? The Gemara answers: It serves to add the ruling of Hananya, son of Rabbi Yehoshua's brother, that for a woman to be considered one who gives birth as a *zava*, she must have rested from labor for the entire third day.

**מן היא מייל? דתנו רבנן: "דממה**  
**דמוה מחמת עצמה ולא מחמת זל."**

§ The mishna teaches that if a woman experiences bleeding due to labor pains during the eleven days of *ziva* she is not considered a *zava*. The Gemara asks: From where are these matters derived? As the Sages taught in a *baraita*: The verse states with regard to a *zava*: "And if a woman has an issue of her blood many days" (Leviticus 15:25). The term "her blood" indicates that only her blood that comes due to herself is impure as blood of *ziva*, but not blood that comes due to her child.

#### HALAKHA

If she was resting from labor adjacent to giving birth – **שופי**: If a woman experienced bleeding on one day without labor pains, and then saw a discharge of blood for two days with labor pains and subsequently gave birth; or for two days without labor pains and experienced labor pains for one day and gave birth; or if she experienced labor pains one day and rested from labor one day, and again experienced labor pains one day and gave birth, that woman is not considered one who gives birth as a *zava*. But if she experienced bleeding one day with labor pains and two without such pain and then gave birth; or if she experienced labor pains two days and rested from labor for one day and gave birth; or if she rested from labor one day, and experienced labor pains one day, and again rested from labor

one day, before giving birth, that woman gives birth as a *zava*. The principle is that if she experienced labor pains near the time of birth, she does not give birth as a *zava*; if she was resting from labor near the time of birth, she gives birth as a *zava*, as stated in the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 7:3).

An emission due to labor pains that occur on her third day – **שחל קישוה בשלישי שלה**: If on the third day of her sighting blood a woman gave birth, she is not considered one who gave birth as a *zava*, even if she rested from labor pains all day. The *halakha* is in accordance with the opinion of Hananya, son of Rabbi Yehoshua's brother, as explained by the Rambam (Rambam Sefer Kedusha, Hilkhot Issurei Bia 7:4, and Maggid Mishne there).

אתה אומר מיחמת ולד, או אין אלא מיחמת אונס? בששה אמר זבוב ר' אונס אמר, ר' מה מה אמי מקימים דמיה? דמיה מיחמת עצמה ולא מיחמת ולד.

The Gemara analyzes the *baraita*: Do you say the verse excludes blood that comes due to her child? Or is it only excluding blood that comes due to circumstances beyond her control? When the verse states: "And if a woman has an issue of her blood," the inclusion of *ziva* due to circumstances beyond her control is already stated in the inclusive phrase: Has an issue. If so, how do I realize the meaning of the term "her blood"? The verse is teaching that only her blood that comes due to herself is impure as blood of *ziva*, but not blood that comes due to her child.

ומה ראית לטהר את הולך ולטמא באונס? מטהר אני בולד – שיש טהרה אחרת, ומטמא אני באונס – שאין טהרה אחרת.

The Gemara asks: But given that the verse contains both an inclusion and an exclusion, what did you see to deem pure the blood emitted due to the child, and to deem impure the blood she sees due to circumstances beyond her control? Perhaps the opposite is the case, that blood emitted due to circumstances beyond her control is pure, whereas blood caused by labor is impure. The Gemara answers: I deem pure the blood emitted due to the child, as there is a period of purity after it, i.e., her days of purity following her days of impurity; and I deem impure the blood she sees due to circumstances beyond her control, as there is no period of purity after it.

אזרבה, מטהר אני באונס – שכן אונס בוב טהרו! השיטה מיה באשה קיימין, ואונס באשה לא אשכחן.

The Gemara objects: On the contrary, I should deem the blood pure in a case where it was emitted due to circumstances beyond her control, as an emission of *ziva* due to circumstances beyond one's control in the case of a male *zav* is pure. The Gemara explains: Now, in any event, we are dealing with the halakha of a woman, and in the case of a woman we do not find that an emission caused by circumstances beyond her control is pure.<sup>4</sup> It is therefore preferable to deem impure an emission caused by circumstances beyond her control, and to deem pure an emission due to childbirth.

ואיבשית אימה: מי דעתין – לטהורי באונס ולטמי בולד? אין לך אונס גדול מזה!

The Gemara adds: And if you wish, say instead: What is your opinion, that one should deem the blood pure in a case where it was emitted due to circumstances beyond her control, and deem the blood impure in a case where it was emitted due to the child? But you have no greater instance of circumstances beyond her control than this, the experience of labor pains.

אי הכי, נדה נמי יימת זבבה – זבבה מיחמת עצמה ולא מיחמת ולד.

The Gemara objects: If it is so that the above verse is interpreted in such a manner, then in the case a menstruating woman as well, with regard to whom the verse states: "And a woman, if she has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days" (Leviticus 15:19), let us say that when the verse states "her issue" this indicates that only her issue that comes due to herself renders her a menstruating woman, but not an issue that comes due to her child.

אתה אומר ולד, או אין אלא אונס? בששה אמר זבוב אמר זבב כי תחה זבבה – ר' אונס אמר, ר' מה מה אמי מקיים זבבה – זבבה מיחמת עצמה, ולא מיחמת ולד!

The Gemara elaborates: Do you say that the verse excludes an issue that comes due to her child? Or is it excluding only an issue that comes due to circumstances beyond her control? When the verse states: "And a woman if she has an issue," the inclusion of an issue due to circumstances beyond her control is already stated. If so, how do I realize the meaning of the term "her issue"? The verse is teaching that only her issue that comes due to herself renders her a menstruating woman, but not an issue that comes due to her child. If the verse can be interpreted in this manner, why does the *baraita* teach that a woman who experiences labor pains during the days of menstruation is considered a menstruating woman?

#### HALAKHA

In the case of a woman we do not find that an emission... regardless of the cause of the emission. The halakha is in accordance with the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:1; Shulhan Arukh, Yoreh De'a 183:1).

אמור ויש לך קיש: אמרו קרא "תשב" – יש לך שיבת אחרת שחייב בזון, ואיזו זו – זו קושי בימי יבנה. ואימא: זו קושי בימי נדה!

אלא אמר אבונה דשומואל: אמר קרא וטמאה שבעים בנדתת – ולא בזיבתת מבילן זיבתת טהור, ואיזו זו – זו קושי בימי יבנה.

השתתא רבתיה "ויטמאה שבעים בנדתת," ומה למה לאו דרמלה? וזה אמר אמינה בנדתת ולא בזיבתת, ואפיקלו בשופי – קא משמע לנו.

שילא בר אבינא עבד עירא כוותיה דרב. כי קא דנchap נפשיה דרב, אמר ליה לרוב אשי: ליל צערעה, ואילא צית – גדריה. הווא סבר אידייה אמר ליה.

בתר דנchap נפשיה דרב, אמר ליה: חדר בך! חדר ביה רב, אמר ליה: אם איתה חדר ביה – לדין הוה אמר לוי לא צית. גדריה. אמר ליה: ולא מסתפי מיר מדייקתא?

אמר ליה: אנא איסי בן יהודה, זה הוא איסי בן גור אריה, זה הוא איסי בן גמליאל, זה הוא איסי בן מלהלאל – אספთא דנחשא. דלא שליט ביה רקבא. אמר ליה: ואני שילא בר אבינא – בוכננא דפרולא, דמתבר אספთא דנחשא.

**Reish Lakish said:** The verse states with regard to the days of purity after childbirth: "She shall observe the blood of purity" (Leviticus 12:5). This indicates that you have another instance of an observance that is like this one, i.e., where the woman is not rendered impure by an emission of blood. **And which is this other case?** This is the case of blood that is emitted due to labor pains during the eleven days of *ziva*. An emission during the days of menstruation, by contrast, renders the woman a menstruating woman. The Gemara asks: **But one can say that this other case is where a woman has an emission of blood due to labor pains during the days of menstruation**, not where she experiences an emission during the days of *ziva*.

Rather, Shmuel's father said the verse states: **"And she shall be impure two weeks, as in her menstruation"** (Leviticus 12:5), and not: **As in her *ziva***. By inference, one may conclude that there is an instance in which an emission of blood that occurs during her days of *ziva* is pure. **And which case is this?** This is the case of blood that is emitted due to labor pains during the eleven days of *ziva*.

The Gemara asks: **And now that it is written: "And she shall be impure two weeks as in her menstruation," why do I need the term "her blood"** (Leviticus 15:25) from which it is likewise derived that blood emitted due to labor pains during the eleven days of *ziva* is pure? The Gemara answers: **If not for the term "her blood," I would say the verse is teaching that a woman who gives birth is impure as in her menstruation, and not as in her *ziva*, and therefore, even if she experienced bleeding during her days of *ziva* in a state of resting from labor pains, she remains pure.** Consequently, the term "her blood" teaches us that this halakha applies only if she experiences bleeding due to labor pains.

§ According to Rav, a woman who emits blood during the eleven days of *ziva* due to labor pains is considered like a menstruating woman for that day, i.e., she is prohibited to her husband until she immerses in the evening. The Gemara relates that Sheila bar Avina<sup>p</sup> ruled in an actual case in accordance with the opinion of Rav. The Gemara further relates that when Rav was dying, he said to Rav Asi:<sup>p</sup> Go and hide this halakha, i.e., inform Sheila bar Avina that my ruling is incorrect. **And if he does not listen to you, drag him [garyei] to your side with convincing claims.** Rav Asi misheard and thought that Rav said to him *gadyei*, excommunicate him.

After Rav died, Rav Asi went to Sheila bar Avina and said to him: Retract your ruling, as Rav himself retracted his opinion.<sup>n</sup> Sheila bar Avina said to Rav Asi: If it is so, that he retracted his opinion, he would have told me, as I was his student; he would not have sent a messenger to inform me of such a retraction. Consequently, Sheila bar Avina did not listen to Rav Asi. Rav Asi excommunicated him, as he thought that this was Rav's instruction. Sheila bar Avina said to Rav Asi: But is the Master not afraid of the fire, i.e., of a punishment for offending me?

Rav Asi said to him, linking in a fanciful manner his own name to the various names of an important *tanna*: I am Isi ben Yehuda,<sup>p</sup> who is Isi ben Gur Arye, who is Isi ben Gamliel, who is Isi ben Mahalalel, and this name alludes to a copper mortar [*asita*], over which rot has no power, i.e., no harm will befall me. Sheila bar Avina said to Rav Asi: And I am Sheila bar Avina, and my father's name alludes to an iron pestle [*bukhna*], which smashes a copper mortar, i.e., harm may befall you through the merit of my ancestors.

## PERSONALITIES

**Sheila bar Avina – שלילא בר אבינה:** Little is known of this Sage, other than the fact that he transmitted statements citing Rav. Apparently, Sheila bar Avina was a man of forceful opinions, who accepted the rulings of his teacher as the *halakha* in practice.

**Rav Asi – רב אשי:** This Rav Asi was the preeminent disciple of Rav, to the extent that he, as well as Rav Kahana, was virtually considered Rav's peer.

Another Sage of the same name, Rav Asi the priest, lived one generation later and was a student of Rav Huna. Consequently, there is much confusion with regard to the events of their respective lives. According to the Gemara here, this Rav Asi remained in Babylonia until his passing, unlike Rav Asi the priest, who ascended to Eretz Yisrael.

**Isi ben Yehuda – עיסי בן יהודה:** Isi ben Yehuda was a *tanna* who lived in the generation before Rabbi Yehuda HaNasi. He is known as Yosef HaBavli because he was a native of Babylonia, from Hutzal, a significant center of Jewish life and scholarship. Isi is one of the Aramaic nicknames for Yosef, and as his father's name was Yehuda he was dubbed *Gur Arye*, the lion's whelp (see Genesis 49:9). There is a tradition that a harsh decree was enacted where Yosef HaBavli lived forced him to flee and change his name to Isi ben Gamliel.

When he came to Eretz Yisrael, Isi studied with several of the students of Rabbi Akiva. According to the Jerusalem Talmud he was also called Rabbi Yosef Katnuta, who is mentioned in the Mishna as one of the last of the famous pious Sages (see *Sota* 49a). His halakhic and aggadic statements are cited in *baraitot* and in the Talmud.

## NOTES

As Rav himself retracted his opinion –  **חדר ביה רב:** Some commentaries explain that Rav retracted in favor of the ruling of Rabbi Yitzḥak that she is entirely pure (Rashi). Other early commentaries raise a difficulty against this interpretation: If so, why did Rav Ashi excommunicate Sheila bar Avina? After all, a Sage is permitted to

accept a more stringent ruling if he so chooses (Ramban; Ran). The later commentaries suggest various answers (see *Aruk LaNer*; *Hokmat Betzalel*). Some contend that Rav ruled more stringently than he did initially (Rashba; Ritva).

חולש רב אסי. עילוה בחמיימי אפקואה  
מקוריין, עילוה בקרריי אפקואה מתחמיימי,  
נח נפשיה דרב אסי.

The Gemara relates that Rav Asi fell ill and contracted one sickness after another, so that when he entered the heat of a fever, he exited a sickness where he felt cold, and when he entered into a sickness where he felt cold, he exited the heat of a fever. Eventually, Rav Asi died.

## Perek IV

### Daf 37 Amud a

#### LANGUAGE

Provisions [zevadata] – מִזְבָּדָה: The modern Hebrew word *mizvada*, suitcase, is derived from this root. *Targum Onkelos* uses this word in his translation of Genesis 42:25: "And to give them provision for the way."

#### BACKGROUND

Myrtle [asa] – אֲסָא: The *asa* is the branch of the myrtle tree, *Myrtus*, which typically grows in the northern coastal regions of Eretz Yisrael. This ornamental plant, which is used for various purposes, is one of the four species that must be taken on the festival of *Sukkot*, in accordance with the verse: "Boughs of thick trees" (Leviticus 23:40).

There was a custom to place a myrtle branch on the bier of the dead, which was considered a mark of honor. Due to the importance of a custom performed in honor of the dead, the Sages permitted the cutting of myrtle branches for this purpose even on the second day of a Festival in the Diaspora. In a very different setting, myrtle branches were used in honor of a groom on his wedding day.



Blossoming myrtle branch

אֹול שִׁלְא אָמֵר לְרַבְיתָהוּ: אֶבֶית לִי  
וּוֹרְתָא. דְלָא לַיְלַמְאָלָה לְרַבְ מִילָּ  
עִילָּאִי. צְבִיתָה לִיהְ וּוֹרְתָא, נַח נַפְשָׁה  
דְשִׁילָאָ. חֹזֶה דְפַרְחָא אָסָא מַהְאִי פּוֹרִיא  
לְהַאי פּוֹרִיא, אָמֵרִי: שְׁבַע מִינָה, עַבְדוּ  
רַבְן פִּיסָּא.

בַּעַזְבָּא: קֹשֶׁי מָהוּ שְׁתַסְתֹּור בַּזִּבְחָה?

דְבָר הַמְטָמֵא סַוִּיר – וְהָאֵי נִמְיָ מַטָּמֵא  
כִּיְמַיְנָה הָאָ, אוֹ דִילְמָא: דְבָר הַגּוֹרָם –  
סַוִּיר, וְהָאֵי – לְאוֹ גּוֹרָם הָוָא?

אָמֵר לִיהְ אָבִי: אָוָנֵס בַּזִּבְחָה יוֹכִיחַ,  
שְׁאַיְנוּ גּוֹרָם – וּסְוִיר!

Immediately upon Rav Asi's death, Sheila bar Avina went and said to his wife: Prepare for me provisions [zevadata],<sup>LN</sup> i.e., shrouds for my burial, as I will soon die. This is in order that Rav Asi will not go and tell Rav matters of criticism about me, that I did not listen to Rav Asi and that I caused his death because I took offense when he excommunicated me. His wife prepared for him the provisions, and Sheila passed away. The biers of Rav Asi and Sheila bar Avina were brought together for burial. Those accompanying the dead saw that the myrtle<sup>8</sup> that was customarily placed on a bier was flying from this bier to that bier.<sup>N</sup> They said: Conclude from it that the Sages, i.e., Rav Asi and Sheila bar Avina, have made peace with one another.

§ The mishna teaches that a woman who experiences an emission of blood due to labor pains is not rendered a *zava* if she sees the blood in days when she can become a *zava*, but rather a menstruating woman if she sees the blood on days during which she can be a menstruating woman. In this regard Rava raises a dilemma: In general, if a *zava* experiences an emission of blood while counting seven clean days, her count is negated and she must begin a new count of seven clean days. But what is the halakha with regard to a *zava* who experienced an emission of blood due to labor pains? Does this emission negate her count with regard to *ziva*?

Rava elaborates: Does every substance that imparts impurity negate the count of seven clean days? If so, as this emission imparts impurity like blood of the days of menstruation, it negates her count as well. Or perhaps only a substance that causes a woman to become a *zava* negates her count,<sup>N</sup> and as this blood is not a substance that causes her to become a *zava* it does not negate her count.

Abaye said to Rava: The case of an emission of *ziva* due to circumstances beyond one's control will prove the halakha with regard to this dilemma, as such an emission does not cause one to be rendered a *zav*, and yet it negates one's count of seven clean days.

#### NOTES

Prepare for me provisions – צְבִית לִי וּוֹרְתָא: The later commentaries explain that Sheila bar Avina instructed his wife to act in this manner because he sensed that he was about to die (Maharsha). Some claim that Sheila willingly brought about his own death, as the righteous can pass on to the upper world when they choose to do so, even if their time has not yet come (see *Or HaHayyim* on Leviticus 26:11).

The myrtle...from this bier to that bier – אָסָא בְּהָאִי פּוֹרִיא לְהַאי פּוֹרִיא: The later commentaries discuss this Gemara in the context of the issue whether or not it is permitted to place flowers other than myrtles on the bier of the dead. Some say the reason why a myrtle was placed on these biers was because the righteous are called myrtles, as in the verse: "And he stood among the myrtle trees" (Zechariah 1:8; Maharsha). If so, this custom applies only to

the myrtle and only to the biers of the righteous (*Nahalat Meir*). Others permit the placement of other flowers on the biers of all individuals (*Kiryat Hana David*; *Yabia Omer*).

Only a substance that causes a woman to become a *zava* negates her count, etc. – דְבָר הַגּוֹרָם סַוִּיר וכו': Some of the early commentaries maintain that Rava's dilemma refers only to blood that accompanies labor pains, whereas if a woman who gives birth as a *zava* experiences bleeding of purity, she negates her counting of seven days. The difference is that according to Rav the blood of both impurity and purity come from the same source, and had she not given birth the blood would have caused impurity of menstruation or *ziva*. It is not comparable to the blood emitted when a woman is experiencing labor pains, as that blood does not cause the impurity of *ziva* at all (*Tosafot*).

**אמור ליה:** לאין, הא נמי גורם הוא. דתנן,  
ראאה ראייה בראשונה – בזדקין אותן,  
שניהם – בזדקין אותן, שלישית – אין  
בזדקין אותן.

**ולבי אלישע,** ואמר אף בשליishi בזדקין  
אותו, ה כי נמי בין דלא גרים לא סתר?  
**אמור ליה:** לבי אלישע, ה כי נמי.

**תא שמע,** רבי אלישע אומר: אף בשלישית  
בזדקין אותן, ברביעית – אין בזדקין אותן.  
מאי לאו – לסתירה?

**תא שמע,** בשלישית, רבי אלישע אומר:  
בזדקין אותן, ברביעית – אין בזדקין אותן.  
**לקרון אמרתי ולא לסתירה.**

**אליא לובי אלישע,** תפשות דבר שאינו  
גורם – סותה, לרבנן מי?

**תא שמע,** דתני אבוה דרבי אבינו: מה גרים  
לו זבו – שבעה, לפיכך – סותה שבעה,  
מה גרים לו קרו – יום אחד, לפיכך – סותה  
יום אחד.

Rava said to him: This is not so [*la'ei*]<sup>1</sup>, as this emission of *ziva* due to circumstances beyond one's control is also a substance that causes one to be rendered a *zav*, as we learned in a mishna (*Zavim* 2:2): With regard to a man who saw a first sighting of *ziva*,<sup>2</sup> one examines him to determine whether the discharge was caused by circumstances beyond his control. After the second sighting of *ziva* as well, one examines him. But after the third sighting one does not examine him, as even if the third sighting occurred due to circumstances beyond his control he is nevertheless rendered a *zav* on its account.

Abaye asked Rava: And according to Rabbi Eliezer, who said: Even after the third discharge one examines him, will you indeed say that since an emission of *ziva* due to circumstances beyond one's control does not cause one to be rendered a *zav*, it does not negate his count? Rava said to Abaye: According to Rabbi Eliezer, this is indeed the case.

The Gemara attempts to reject Rava's explanation of the opinion of Rabbi Eliezer: Come and hear a *baraita*: Rabbi Eliezer says: Even after the third discharge one examines him to establish whether he must bring an offering, but after the fourth discharge one does not examine him. What, is it not correct to say that as he was already rendered a *zav* after three discharges, an examination after the fourth discharge is for the matter of negating any clean days counted thus far? If so, Rabbi Eliezer maintains that an emission of *ziva* due to circumstances beyond one's control negates one's count.

The Gemara rejects this suggestion: No, it is possible that the purpose of the examination after the fourth discharge is to determine whether to render impure that drop of *ziva* such that it imparts impurity through carrying. According to Rabbi Eliezer, the discharge of a *zav* imparts impurity through carrying, even if the discharge occurred due to circumstances beyond his control.

The Gemara suggests: Come and hear another *baraita*: With regard to the third discharge, Rabbi Eliezer says that one examines him, but after the fourth discharge one does not examine him. The reason is as I said, that the purpose of these examinations is to determine liability to bring an offering, and they do not pertain to the matter of negating any clean days counted thus far. Since the fourth sighting does not affect liability to bring an offering there is no need for an examination. Evidently, Rabbi Eliezer maintains that a discharge that occurs due to circumstances beyond one's control does negate his count.

The Gemara concedes: Rather, according to Rabbi Eliezer, one can resolve the dilemma and conclude that even a substance that does not cause one to be rendered a *zav* negates one's count. But what is the *halakha* according to the opinion of the Rabbis?

The Gemara suggests: Come and hear that which the father of Rabbi Avin teaches with regard to the question of why a discharge of *ziva* causes a *zav* to negate his entire count of clean days, whereas a seminal emission negates only the day of the emission itself: What did his *ziva* cause for him? An impurity of seven days. Therefore, a discharge of *ziva* causes him to negate his count of seven clean days. By contrast, what did his seminal emission cause for him? An impurity of one day alone. Therefore, a seminal emission causes him to negate only one day of his count.

## HALAKHA

With regard to a man who saw a first sighting of *ziva*, etc. – **ד'איה ראייה ראשונה וכו'**: In order to determine whether a *zav* has to bring an offering, he is examined with regard to seven ways in which his discharge might have been caused by accident. He is not examined only to the first and second sightings. He is not examined for the third discharge, as even if it was due to an accident he is liable to bring an offering (Rambam *Sefer Korbanot, Hilkhot Meḥusrei Kappara* 2:5).

## LANGUAGE

Not so [*la'ei*] – **לאי**: The root of the word and its meaning are not entirely clear. According to Rashi, it means in truth or indeed. Some maintain that it is a shortened form of the Hebrew expression *lo hi* or the Aramaic phrase *la hai*, both of which mean not so. Alternatively, it is a shortened form of the Aramaic expression *kelapei laya*, just the opposite, which often appears in the Talmud in

a discussion between Sages. The *Arukha* claims that it is a compound of two words, the Aramaic *la* and the Greek *νιός*, *huios*, meaning son. If so, the word *la'ei* would mean: No, my son.

In any event, the expression introduces an inescapable conclusion; it indicates that the statement that follows must be accepted as true.

**NOTES**

Blood emitted due to labor pains does not negate the seven days of *ziva* – אין קושי סותר בזבה: This conclusion applies only to the negation of the seven clean days of *ziva*. In this regard Abaye determined that the *halakha* is in accordance with the opinion of the Rabbis, not Rabbi Eliezer. The early commentaries disagree as to whether this blood that accompanies labor pains is included in the seven days. Some maintain that not only does it not negate the clean days, but that day itself is even included in the seven days (Ramban *Sefer Kedusha, Hilkhot Issurei Bia* 7:10; Ritva, citing Rabbeinu Hananel and Ramban). By contrast, in the extant commentary of the Ramban it is stated that this day is not included, and the *Likkutei Halakhot* writes that this is in fact the opinion of most of the halakhic authorities (see Ra'avad; *Tosefot Rid*).

The birth does not negate her count of seven days of *ziva* – אין לידה סותר בזבה: According to Rashi, the Gemara is referring to a case where a woman gave birth without emitting any blood. In such a situation, Abaye and Rava disagree whether her days of birth are counted toward her seven clean days. Although Rava himself maintains it is impossible for a woman to give birth without emitting some blood, which means that the birth will necessarily negate her count, he is speaking in accordance with the opinion of Rabbi Marinus, who holds that it is in fact possible for a woman to give birth without emitting blood (*Tosafot*).

Abaye says the birth does not negate her count but it does not count, etc. – אבל אמר איננה סותר ואינה זוכה: There is a principle that the *halakha* is in accordance with Rava in his disputes with Abaye, with six exceptions (see, e.g., *Kiddushin* 52a). According to some opinions, this case is one of the six in which the *halakha* is in accordance with the opinion of Abaye. If so, a woman who gives birth as a *zava* must count seven clean days after the days of impurity, which are seven for the birth of a male and fourteen for the birth of a female (*Tosafot*, citing Rabbeinu Tam; *Responsa of the Ge'onim*). Others maintain this is not one of the six exceptions, and rule that the *halakha* is in accordance with the opinion of Rava, who holds that the days of her birth in which she does not experience bleeding are included in the seven clean days of *ziva* (*Rif*; Rabbeinu Hananel; Ramban; Meiri). The Ritva and the *Maggid Mishne* claim this is the consensus opinion among the commentaries and the *ge'onim*.

מאי "שבעה"? אלימא דמתמא שבעה  
האי מה זבו טמא שבעה מבשי ליה,  
אללא לאו: דבר הגוזים – סותר, דבר שאינו  
נורם – אינו סותר, שמע מינה.

The Gemara analyzes this statement: What is the meaning of the claim that *ziva* causes an impurity of seven days? If we say it means merely that *ziva* renders him impure for seven days, then the father of Rabbi Avin should have stated: Just as his *ziva* causes him to be impure for seven days, so too, it negates his count of seven clean days. Rather, is it not that the mention of causation indicates that this is what he is saying: A substance that causes one to be rendered a *zav* negates one's count of seven clean days, whereas a substance that does not cause one to be rendered a *zav*, e.g., an emission of blood due to labor pains, does not negate one's count. The Gemara concludes: Indeed, conclude from it that this is the opinion of the Rabbis.

אמר אביי: נקטין, אין קושי סותר בזבה.  
וא ימשבחת תנאים דאמר סותר – זה הוא רבוי  
אליעזר היא.

תניא. רבוי מרינוס אומר: אין לידה סותרת  
בזבה. איבעיא להו: מהו שתעללה? אבל  
אמור: איננה סותרת ואיינה עוללה. רבא אמר:  
איננה סותרת ועולה.

אמר ר' בא: מנא אמרنا לך – דתנייא,  
אחר תטהר – אחר אוחר לבוכין, שלא  
תזהא טומאה מפסקת בינייהם.

אי אמרות בשלמא עוללה – הינו שלא  
פסקת טומאה, אלא אי אמרות איינה  
עללה – אפסיק לה לידה! ואבוי אמר לך:  
שלא תהא טומאת זבה מפסקת בינייהם.

With regard to the *halakha*, Abaye said: We have a tradition that blood emitted by a woman due to labor pains does not negate the seven clean days of *ziva*,<sup>NH</sup> in accordance with the opinion of the Rabbis. And if you find *tanna* who said that it does negate them, the statement of that *tanna* is in accordance with the opinion of Rabbi Eliezer.

**S** It is taught in a *baraita* that Rabbi Marinus<sup>P</sup> says: In the case of a *zava* who gave birth in the middle of counting seven clean days, the birth does not negate her count of seven clean days of *ziva*.<sup>NH</sup> With regard to this statement, a dilemma was raised before the Sages: What is the *halakha* as to whether her days of impurity may be counted toward the seven clean days of *ziva*? Abaye says: The birth does not negate her count, but it does not count<sup>N</sup> toward the seven clean days. Rava says: The birth does not negate her count and it also counts toward the seven days.

Rava said: From where do I say that the birth is counted toward the seven days? As it is taught in a *baraita*: The verse states: "But if she is purified from her *ziva* then she shall count for herself seven days, and after that she shall be pure" (Leviticus 15:28). The word "after" indicates that she shall be pure only after counting all of them, i.e., that there should not be an impurity separating between any of the seven clean days.

Rava explains: Granted, if you say the birth counts toward the seven clean days, this is in accordance with the requirement that there should not be an impurity separating between any of the seven clean days, as they remain consecutive. But if you say the birth does not count toward the seven clean days, then the birth separates between the seven clean days. The Gemara notes: And Abaye could have said to you that the *baraita* means that there should not be an impurity of *ziva* separating between them. There is no problem with a separation due to birth.

**HALAKHA**

Blood emitted by a woman due to labor pains does not negate the seven days of *ziva* – אין קושי סותר בזבה: If a *zava* began counting seven clean days after the cessation of her blood flow and she emitted blood due to labor pains during those seven days, she does not negate the days she has already counted. According to the Rambam, the days in which she experienced labor pains are included in the seven clean days, although the Ra'avad disagrees (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 7:10).

The birth does not negate her count of seven days of *ziva* – אין לידה סותר בזבה: If a woman gave birth during the seven clean days of her *ziva* she does not negate the days she has counted, in accordance with the opinion of Rabbi Marinus. The days of impurity for her birth are included in the seven clean days despite the fact that she is ritually impure, in accordance with the opinion of Rava (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 7:10).

**PERSONALITIES**

Rabbi Marinus – רבוי מרינוס: Only a few statements of Rabbi Marinus, who was from the fifth generation of *tanna'im*, have been preserved in the *Tosefta* and *baraitot*. It is known that he discussed *halakhot* before Rabbi Hama, Rabbi Oshaya's father, and before bar

Kappara, and that he had a son, Shabbtai. Marinus is a Latin name. Originally a Roman family name, it is either from the name Marius, which in itself may derive from the Roman name Mars, the Roman god of war, or from the Latin word *marinus*, meaning of the sea.

אמר רבא: מנא אמרינו לה – דתניא.  
"מוֹבָה – מוֹבָה וְלֹא מְגַעֵּה, מוֹבָה –  
וְלֹא מְלִידָתָה. ואבוי אמר לך: תני תדרא  
מוֹבָה וְלֹא מְגַעֵּה", וְלֹא תַתְנִי וְלֹא  
מְלִידָתָה.

ורבא – הא מי? אי אמרות בשלהי  
"מוֹבָה וְלֹא מְלִידָתָה", אידי' דעתךין  
לייה לידה – תנא נגע אטו לידה, אלא  
אי אמרות "מוֹבָה וְלֹא מְגַעֵּה" – הא  
מ"ז כי יטהר הוב מוֹבָה נפקא – מוֹבָה  
וְלֹא מְגַעֵּה!

ואבוי – חרד בוב ותוד בובה. וצריכי, דאי  
כתב רחמנא

Rava further said: From where do I say that the birth is counted toward the seven clean days? As it is taught in a *baraita*: The verse states: "But if she is purified from her *ziva* then she shall count for herself seven days" (Leviticus 15:28). This indicates that she counts seven clean days from her *ziva* and not from her leprosy,<sup>H</sup> i.e., she begins counting seven days from the cessation of her *ziva*, even if she is a leper. Likewise, she counts seven clean days from her *ziva* and not from her giving birth, as she counts seven clean days even if they continue through her days of impurity. The Gemara notes: And Abaye could have said to you: From this verse teach one derivation, i.e., from her *ziva* and not from her leprosy, but do not teach: From her *ziva* and not from her giving birth.

And Rava would respond: What is this suggestion? Granted, if you say that the *tanna* of the *baraita* taught: From her *ziva* and not from her giving birth, one can understand why the *tanna* also teaches: From her *ziva* and not from her leprosy: Since it was necessary for the *tanna* to teach this *halakha* with regard to birth, he taught it with regard to her leprosy, due to the fact that he taught it with regard to birth. But if you say that the *tanna* taught only: From her *ziva* and not from her leprosy, then the verse is unnecessary, as this *halakha* is already derived from another verse: "And when the *zav* is purified of his *ziva*" (Leviticus 15:13), i.e., from his *ziva* and not from his leprosy.

And Abaye could respond: One verse discusses the case of a *zav* and the other one discusses the case of a *zava*, and both verses are necessary. As, if the Merciful One had written

### HALAKHA

מוֹבָה וְלֹא מְגַעֵּה: With regard to a *zava* who began counting seven clean days after the cessation of her blood flow, even if she contracts another form of ritual impurity, such as leprosy, she includes those days in her counting, as those other types of impurity do not negate her counting. The *halakha* is in accordance with the ruling of the *baraita* (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 7:10).

## Perek IV

### Daf 37 Amud b

ובוב – משום דלא מטמא באונס, אבל  
ובבה דמטמא באונס – אמר לא,  
זריכא.

this *halakha* only with regard to a *zav*, one might have thought that the Torah was lenient solely in the case of a *zav*, because a *zav* is not rendered impure on account of an emission that occurs due to circumstances beyond his control. But in the case of a *zava*, who is rendered impure on account of an emission that occurs due to circumstances beyond her control, one might say this *halakha* does not apply. It was therefore necessary for the verse to teach that a *zava* may count her seven clean days even if she is a leper.

ואין כתב רחמנא בובה, משום דלא  
מטמא בריאות בבימים, אבל זב  
מטמא בריאות בבימים – אמר לא,  
זריכא.

And if the Merciful One had written this *halakha* only with regard to a *zava*, one might have thought that the Torah was lenient with regard to a *zava*, because she is not rendered impure through three sightings on one day, as she is through sightings on three consecutive days. But with regard to a *zav*, who is rendered impure through three sightings on one day, as he is through sightings on three consecutive days, one might say that this *halakha* does not apply. It was therefore necessary for the verse to teach that a *zav* may count his seven clean days even if he is a leper.

אמר אבוי: מנא אמרינו לה – דתניא:  
"דורתא תטמא" – לרבות את בועליה,

Abaye says: From where do I say that although the birth does not negate the count of a *zava*, it does not count toward the seven clean days? As it is taught in a *baraita* which addresses the verse: "If a woman be delivered, and bear a male, then she shall be impure seven days; as in the days of her menstrual sickness she shall be impure" (Leviticus 12:2). The superfluous phrase: "Her menstrual sickness she shall be impure," serves to include a man who engages in intercourse with her,<sup>N</sup> teaching that he is rendered impure as a menstruating woman and imparts impurity like her.

### NOTES

Her menstrual sickness she shall be impure, serves to include a man who engages in intercourse with her – זוֹתָה תטמָא לְרָבּוֹת אֶת בָּעֵלָה: The later commentaries question the need for this exposition, as the Sages already derived from the verse: "And if any man lie with her, and her impurity be upon him, he shall be impure seven days, and every bed upon which he lies shall be impure" (Leviticus 15:24), that one who engages in sexual intercourse with a menstruating woman acquires her status of impurity. They suggest that the exposition here is teaching that if the woman gave birth to a female and is therefore impure for fourteen days, the man who engages in intercourse with her is likewise impure for fourteen days (*Nezer HaKodesh*).

**LANGUAGE**

**Aḥadevoi – אַחֲדָבוֹי:** This Aramaic name is a contraction of *aha d'avuha*, which literally means father's brother, or uncle. Certain people used this as a first name, similar to the name Abba, father.

**PERSONALITIES**

Rav Aḥadevoi bar Ami – רַב אַחֲדָבוֹי בֶּן אַמִּי: From the third to fourth generation of Babylonian *amora'im*, Rav Aḥadevoi bar Ami was a student of Rav Sheshet. He appears in discussions with Rav Ḥisda. The *amora'im* of the following generation learned from Rav Aḥadevoi bar Ami and they analyze his statements.

“זְהֻתָּה תְּטַמֵּא” – לְרֹבּוֹת אֶת הַלְּילֹת,  
“זְהֻתָּה תְּטַמֵּא” – לְרֹבּוֹת אֶת הַיּוֹלֶדֶת  
בְּזֹבֶשׁ צָרִיכָה שֶׁתָּשִׂבַּע שְׁבָעָה נְקִים.

מאי לאו נקאים מלידה? לא מרים.

ונאמר אבוי: מנא אמייא לה – דעתנו:  
כימין נידחת כנ' ימי לידחת, מה ימי  
nidhat - אין ראיון לוייה ואין ספירת  
שבעה עלה מיה, אף ימי לידחת שאין  
ראיון לוייה - אין ספירת שבעה עלה  
מיה.

ובבא – הַא מִשְׁוֵבֵי אַלְיעָרָה הִיא, דָמָר  
מסתור נמי סתרה.

וב' דני אפשר משאי אפשר?

אמור רב אַחֲדָבוֹי בֶּן אַמִּי: רַבִּי אַלְיעָרָה  
הִיא, דָמָר דַּנִּין אָפְשֵׁר מְשָׁאי אָפְשֵׁר.  
וב' שְׁשָׁת אָמָר: עַל כִּרְחַךְ הַקִּישׁן  
הַכְּתוּב, אִיבָּא דְּאָמָר, אָמָר בֶּן אַחֲדָבוֹי  
בֶּן אַמִּי אָמָר וּבְשִׁתְּה: רַבִּי אַלְיעָרָה  
הִיא, דָמָר דַּנִּין אָפְשֵׁר מְשָׁאי אָפְשֵׁר,  
וב' פָּאָ אָמָר: עַל כִּרְחַךְ הַקִּישׁן  
הַכְּתוּב.

Furthermore, the phrase: “Her menstrual sickness she shall be impure,” serves to include the nights, i.e., although the verse states: “As in the days,” she is impure during the night as well. Finally, the phrase: “Her menstrual sickness she shall be impure,” serves to include a woman who gives birth as a *zava*, teaching that she must observe seven clean days.

Abaye continues: What, is it not correct that the *baraita* means she must observe seven days that are clean from the impurity of birth? Evidently, her days of impurity do not count toward her count of seven clean days. The Gemara rejects this suggestion: No, the *baraita* means that these days must be clean of blood. If she does not experience bleeding during her days of impurity, they may be counted toward her seven clean days.

And Abaye said: From where do I say that the birth does not count toward the seven clean days? As it is taught in a *baraita* with regard to the aforementioned verse: The verse compares the *halakha* of the impurity of birth to the impurity of menstruation, indicating that the days of her menstruation are like the days of her giving birth: Just as the days of her menstruation are unfit for *ziva*, as a woman may be rendered a *zava* only through emissions during the eleven days following the seven days of menstruation, and the counting of seven clean days of *ziva* is not reckoned from them because as long as she remains a *zava* she cannot be deemed a menstruating woman; so too, with regard to the days of her giving birth, which are unfit for *ziva* because a woman cannot be rendered a *zava* on account of blood emitted due to childbirth, the counting of seven clean days of *ziva* is not reckoned from them.

The Gemara notes: And Rava, who maintains that the days of impurity may be counted toward the seven clean days, could say to you: In accordance with whose opinion is this *baraita*? It is in accordance with the opinion of Rabbi Eliezer, who said that not only is the birth not counted toward the seven clean days, it also negates any days counted thus far.

The Gemara analyzes the aforementioned *baraita*, which compares the *halakha* of the impurity of birth to the impurity of menstruation, with regard to *ziva*: But does one derive the possible from the impossible? In other words, how can the *halakha* with regard to impurity after giving birth be derived from that of the days of menstruation? While it is possible for a woman to give birth as a *zava*, it is impossible for a *zava* to simultaneously attain the status of a menstruating woman.

Rav Aḥadevoi<sup>1</sup> bar Ami<sup>2</sup> says: This *baraita* is in accordance with the opinion of Rabbi Eliezer, who said that one derives the possible from the impossible. And Rav Sheshet says a different explanation: Although generally one does not derive the possible from the impossible, perforce the verse juxtaposed the days of impurity after birth and those of menstruation,<sup>3</sup> and a juxtaposition in the verse is expounded even if one case is possible while the other is not. Some say a different attribution of these answers, that Rav Aḥadevoi bar Ami says that Rav Sheshet says: This *baraita* is in accordance with the opinion of Rabbi Eliezer, who said that one derives the possible from the impossible. And Rav Pappa says: Perforce the verse juxtaposed the days of impurity after birth and those of menstruation.

**NOTES**

Perforce the verse juxtaposed the days of impurity after birth and of menstruation – על כירחן הקישן הבתו: There is a principle that one cannot refute a derivation based on juxtaposition by drawing distinctions between the two juxtaposed cases (Rashi; Tosafot). According to the commentaries, this is because one

cannot state juxtapositions by himself; they must be learned as a tradition from one's rabbi, who in turn learned it from his rabbi, as a *halakha* transmitted to Moses from Sinai. Since a juxtaposition is not based on reason, it cannot be refuted by logical argument alone (Rashi on *Menaḥot* 82b).

קְשַׁתָּה שֶׁלּוּשָׁה יָמִים" וּכְךָ.

**S** The mishna teaches that if a woman experienced labor pains accompanied by emissions of blood for three consecutive days within the eleven days between periods of menstruation, and the pangs subsided for a twenty-four-hour period, and she then gave birth, this indicates that the emissions were not due to her imminent labor, and this woman is considered one who gives birth as a *zava*. Additionally, the mishna states that she is considered a *zava* in a case where she rested from the pain of labor, but not necessarily from the flow of blood. Accordingly, if the pangs cease for twenty-four hours, she is considered a *zava* even if blood was discharging continuously.

אִבְעָרָא לֹהֵי שְׁפָתָה מִזָּה וּמִזָּה מִזָּה?  
רַב חֲסִידָא אָמָר: טָמֵאָה, רַבִּי חַנִּינָא  
אָמָר: טָהָרָה.

In this regard, a dilemma was raised before the Sages: If she rested from both this and that, from labor pains and emissions of blood, what is the halakha? Rav Hisda says that as she rested from labor pains it is evident that the emissions of blood were not due to her imminent labor, and she is ritually impure. Rabbi Hanina says that as the emissions of blood also ceased it is apparent that they were due to her imminent labor, and she is ritually pure.

אָמָר רַבִּי חַנִּינָא: מִשְׁלֵל לְמַלְךָ שִׁיצָא  
וְחַיּוֹתָיו לְפָנָיו, בִּירּוּעַ שְׁחִילּוּתָיו  
שֶׁל מַלְךָ הוּא.

Rabbi Hanina says, in explanation of his opinion: Hear a parable; to what is this case comparable? It is comparable to a king who left his palace, and his soldiers left before him. Although the king travels behind them, it is known that they are the soldiers of the king. Likewise, although both the labor pains and the blood subsided, it is clear that the blood she emitted was due to the approaching birth, and therefore she is not a *zava*.

וְרַב חֲסִידָא אָמָר: כָּל שְׁבֵן דְּבֻעַ נִפְשֵׁש  
חִילּוּת טָפִי.

And Rav Hisda says: By the same parable, i.e., assuming that the soldiers arrive before the king, all the more so that there must be many more soldiers accompanying the king upon his arrival. The lack of soldiers before the arrival of the king indicates that they are not in fact soldiers of the king. Likewise, the cessation of labor pains before the birth indicates that the previous emissions of blood were not due to her imminent labor. She is therefore rendered a *zava*.

תַּנִּינָ, רַבִּי יְהוֹשֻׁעַ אָמָר: לִילָה וּיוֹם  
כָּלְלִי שְׁבָתָה וּוֹמָנוֹ, שְׁפָתָה מִן הַצָּעֵר  
וְלֹא מִן הַדָּם. טָמֵא – רַמֵּן הַצָּעֵר  
וְלֹא מִן הַדָּם, הַא מִזָּה וּמִזָּה – טָהָרָה.  
תִּוְיכְּתָא דָרְבָּן חֲסִידָא?

The Gemara raises an objection against the opinion of Rav Hisda: We learned in the mishna that Rabbi Yehoshua says: She is considered a *zava* only if the pangs subsided for a twenty-four-hour period of a night and the following day, like Shabbat evening and its accompanying day. Additionally, she is considered a *zava* in a case where she rested from the pain of labor but not from the flow of blood. The Gemara infers: The reason she is rendered a *zava* is that she rested from the pain of labor and not from the flow of blood. But if she rested from both this and that, from labor pains and emissions of blood, she is ritually pure. The mishna is apparently a conclusive refutation of the opinion of Rav Hisda.

אָמָר לְךָ רַב חֲסִידָא: לֹא מִבְשִׁיא אָמָה  
וּמִזָּה – דְּטָמָאָה, דְּפָסְקִי לְהָוֹת חִילּוּת  
לְגַמְרוּ, אָכְלֵל מִן הַצָּעֵר וְלֹא מִן הַדָּם –  
אִימָרָה: כִּי תַּכְּרִיבָן דְּמָדָם לֹא פְּסָקָה  
מִקּוּשִׁי נִמְלָא פְּסָקָה, וְהָא – תּוֹנְבָא  
בְּעִלְמָא הוּא דְּנַקְטָתָה, קָא מִשְׁבָּעַ  
לֹן.

The Gemara explains that Rav Hisda could say to you: It is not necessary to teach that if she rested from both this and that she is impure, as, in terms of the above parable, the king's soldiers have ceased entirely, i.e., both the labor pains and the blood have completely subsided. But with regard to a case where she rested from the pain but not from the blood, one might say that just as she did not cease emitting blood, so too, she did not cease experiencing labor pains, and the fact that she does not sense any pain is because she was seized by a general disorientation, i.e., she was so weakened by the labor that she was unable to discern pain. Consequently, she should remain pure. Therefore, the mishna teaches us that if she does not feel labor pains, this is indicative that the previous emissions of blood were not due to her imminent labor, and she is a *zava*.

תַּנִּינָ: קְשַׁתָּה שֶׁלּוּשָׁה יָמִים בְּתוֹךְ אַחֲרֵי  
עַשֶּׂר יוֹם, וְשְׁפָתָה מִיעֵת לְעֵת וּלְהָדָה –  
הַרְיָה זֶה יְלִדָת בָּבוּבָה.

The Gemara poses a difficulty with regard to the opinion of Rabbi Hanina: We learned in the mishna: If a woman experienced labor pains for three consecutive days within the eleven days between periods of menstruation, and she rested from labor for a twenty-four-hour period, and she then gave birth, this woman is considered one who gives birth as a *zava*.

היכי דמי? אלימא ברקתי - למה לי  
שלש? בתרי בקושי וחוד בשופי סגיא!

The Gemara analyzes the mishna: What are the circumstances of the scenario described in the mishna? If we say that it is as is taught, i.e., she rested from labor pains but continued to emit blood, then why do I need for her to experience three days of labor pains accompanied by emissions of blood in order for her to be rendered a zava? If she experienced bleeding during two days of labor pains and one day of resting, it would be sufficient to render her a zava, as she experienced bleeding even on the day she rested from labor pains.

אללא לאו דבי קאמו: קשטה שלשה  
ושפטה מזה ומזה, או שקשטה שנים  
ושפטה מעט לעת - הרי זו יולדת בזוב,  
ותיבתא דרבי חנינא!

Rather, is it not correct that this is what the mishna is saying: If she experienced labor pains accompanied by emissions of blood for three days and she then rested from both this and that, or if she experienced labor pains for two days and she then rested from labor pains for a twenty-four-hour period, this woman is considered one who gives birth as a zava? And if so, the mishna is a conclusive refutation of the opinion of Rabbi Hanina.

אמר לך רב רבי חנינא: לא, לעולם ברקתי ני,  
וזא קא משמע לנו: ראה על גב רמתהיל  
- קישוי בשלישי, ושפטה מעט לעת -  
טמאה, לא פוקי מרבי חנינא.

The Gemara explains that Rabbi Hanina could say to you: No, actually the mishna is to be understood as it is taught, that she experienced labors pains for three days and then rested from the pain but continued to emit blood. And this is what the mishna is teaching us: That even though she began experiencing labor pains at beginning of the third day, and she then rested from labor pains for a twenty-four-hour period during which she continued to emit blood, she is impure. And this serves to exclude the opinion of Rabbi Hanina, i.e., Hananya, son of Rabbi Yehoshua's brother, who maintains that if a woman experiences labor pains during even part of her third day of experiencing emissions of blood she is not a zava, even if the pain then subsided for a twenty-four-hour period (see 36b).

"במה היא קשiosa רבי מאיר אומר  
וכו. השטה חמשים מקשיין, ארבעים  
מיביעיא? אמר רב חסדא: לא קשיין,  
באן - להוליה, בגין - לביאיה.

The mishna teaches: How long before birth is pain attributable to her labor pains, such that the blood is not considered blood of ziva? Rabbi Meir says: Even forty or fifty days before the birth. The Gemara asks: Now that you have said that even fifty days before the due date a woman can experience labor pains, is it necessary to teach that she can experience them forty days before? Rav Hisda says: This is not difficult. Here, where the mishna states that she can experience labor pains fifty days before birth, it is referring to a sick woman; there, where the mishna states that she can experience labor pains forty days before birth, it is referring to a healthy woman.

אמר רב לוי: אין היולד מטהר אללא  
יוםן חדואוין להיות בבחן זבה, ורב  
אמר: אפילה בימים הראיין לספרית  
זבה. אמרו רב אדרא בר אהבה: ולטעמיה  
דרב.

§ With regard to the halakha that a woman who experiences labor pains does not contract the impurity of ziva, Rabbi Levi says: The birth of a child renders the mother ritually pure from ziva only if she experienced bleeding during the eleven days that are fit for her to become a zava. But if she experienced bleeding due to labor pains during the days of menstruation that precede or follow those eleven days, she is a menstruating woman. And Rav says: Even if she continued to experience bleeding during the days that are fit for the counting of a zava, i.e., in the seven days following the eleven days of ziva, which are also part of her days of menstruation, she remains pure. Rav Adda bar Ahava says: And according to the reasoning of Rav,

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Daf 38 Amud a

אפילה ימים הראיין לספרית סתיית  
זבה.

even if she continues to experience bleeding during the days that are fit for the new counting following the negation of the days counted by a zava, she remains pure. If a woman experiences bleeding during her seven clean days, she negates any days counted thus far, and must begin a new count of seven clean days. Accordingly, all the days that follow her days of ziva are effectively considered days that are fit for the counting of a zava. Therefore, blood emitted due to labor pains during these days is also ritually pure. Consequently, the blood that accompanies labor pains is ritually impure only if she begins to emit it during her days of menstruation.

תנן, כמה הוא קשיה? רבי מאיר אומר:  
ארבעים ו חמישים יום.

בשלמא לר' – משבחת לה, בר' אדרא  
בר אהבה, אלא ללי קשיה!

אמר לך לוי: מי קתני טהורה בכולן?  
בימי נדה – נדה, ביום זיבת – טהורה.

ליישנא אחרינא אמר, אמרו רב' לוי: אין  
הולד מטהר אלא ימים דראויין להיות  
בזה זיבת גוזלה, מי טעמא דמה נאים  
ובים כתיב.

אבא שאול משמעה דבר אמר: אפילו  
ימים הרואין להיות בהן זבה קטנה,  
מי טעמא – ימי זבל ים חתם  
קחבי.

תנן, כמה הוא קשיה? רבי מאיר אומר:  
ארבעים ו חמישים יום ואין זיבת עולה בהן?  
להרוייהו מי קתני טהורה בכולן?

תניא, היה רבי מאיר אומר: יש מקשה  
מאה וחמשים יום ואין זיבת עולה בהן.  
ביצה, שניים בלבד עת,

The Gemara poses a difficulty with regard to the opinion of Levi: We learned in the mishna: How long before birth is pain attributable to her labor pains? Rabbi Meir says: Even forty or fifty days before the birth. Rabbi Meir apparently maintains that a woman who experiences continuous labor pains accompanied by emissions of blood for forty or fifty days remains pure.

The Gemara explains the difficulty: Granted, the mishna is clear according to Rav, as you find that it is possible that she will remain pure for such a long period, i.e., in accordance with the explanation of Rav Adda bar Ahava that Rav deems the blood pure even during the days that are fit for the new counting following the negation of the days counted by a zava. Accordingly, as long as the woman begins to experience labor pains during her days of ziva, she remains pure until birth, provided the labor pains continue without a twenty-four-hour period of resting. But according to Levi, who maintains that blood accompanying labor pains is pure only during the days of ziva, the mishna is difficult, as it is impossible for her blood to remain pure due to labor pains for fifty days.

The Gemara explains that Levi could say to you: Does the mishna teach that she is pure during all these days, i.e., that she remains pure throughout the days of menstruation and ziva? Not so. Rather, if she emitted blood due to labor pains during the days of menstruation she has the status of a menstruating woman, whereas if she emitted the blood during the days of ziva she is pure. The mishna is teaching only that she will not be deemed a zava on account of this blood.

Some Sages state another version of the above disagreement: Rabbi Levi says: The birth of a child renders the mother ritually pure only if she experienced bleeding during the eleven days that are fit for her to become a greater zava, i.e., if she experienced bleeding on three consecutive days during that time. But if she experienced bleeding on only one or two days she is rendered a lesser zava, and she must observe a clean day for each day she experiences a discharge. What is the reason? It is written: "And if a woman has an issue of her blood many days... all the days of the issue of her impurity she shall be as in the days of her menstruation: She is impure" (Leviticus 15:25). The verse is referring specifically to a greater zava, indicating that the halakha that a woman is not rendered a zava on account of an emission of blood caused by labor pains applies only to a greater zava.

Abba Shaul says in the name of Rav: The birth of a child renders the mother ritually pure even if she experienced bleeding on the days that are fit for her to become a lesser zava. What is the reason? "Days" and "many days" are written there, from which the impurity of a lesser zava is derived. Accordingly, the verse includes a lesser zava in this halakha as well.

The Gemara raises a difficulty: We learned in the mishna: How long before birth is pain attributable to her labor pains? Rabbi Meir says: Even forty or fifty days before the birth. Rabbi Meir apparently maintains that a woman who experiences continuous labor pains accompanied by emissions of blood for forty or fifty days remains pure. If so, the mishna is difficult according to both opinions, as all agree that only emissions of blood due to labor pains that occur during her days of ziva are pure. The Gemara responds: Does the mishna teach that she is pure during all fifty days? Not so. Rather, if she experienced labor pains accompanied by emissions of blood during the days of menstruation she has the status of a menstruating woman, whereas if she experienced them during the days of ziva she is pure.

With regard to the above statement of Rabbi Meir, it is taught in a baraita that Rabbi Meir would say: There is a scenario in which a woman experiences labor pains accompanied by emissions of blood for one hundred and fifty days, and the impurity of ziva is not included in those days, i.e., she will not be rendered a greater zava. How so? First, a woman emits blood for two days not at the time of her menstruation, e.g., she experiences bleeding on the tenth and eleventh days of ziva. She is not rendered a menstruating woman by these emissions, as they occurred during the days of ziva, nor does she become a greater zava, since she experienced bleeding on only two days.

**NOTES**

**Womb [kever]** – **קבר**: Although the Talmud does not shy away from discussing any issue, as all aspects of life require talmudic study, the Sages consistently employ euphemisms. In this case, the word *kever*, literally grave, is a euphemism for the womb. This particular euphemism was influenced by the verse in which these two items are listed together among things that are never satisfied: "The grave and the barren womb" (Proverbs 30:16).

That it is possible for there to be an opening of the womb without blood – **דָאַפְשָׁר לְפִתְחַת הַקֵּר בְּלֹא דַם**: Since it is possible for a woman to give birth without experiencing an emission of blood, then in a case where she has not actually seen an emission of blood, it is assumed she did not experience one, and she is therefore pure from *ziva*. According to the opinion that it is impossible for there to be an opening of the womb without an emission of blood, it is certain that in this scenario she experienced a third emission of blood with the birth. Rashi explains that the *baraita* is referring to a case where she did not experience any labor pains; accordingly, this emission renders her a greater *zava* (Rashi).

וְשַׁבַּעַה נְדָה, וְשַׁנִּים שֶׁל אַחֲרַ הַנְּדָה,  
וְשַׁמּוּנִים שֶׁל נְקָבָה, וְשַׁבַּעַה נְדָה, וְשַׁנִּים  
שֶׁל אַחֲרַ הַנְּדָה,

וְשַׁמּוּנִים שֶׁל נְקָבָה, וְשַׁבַּעַה נְדָה, וְשַׁנִּים  
שֶׁל אַחֲרַ הַנְּדָה.

אָמְרוּ לוּ: אִם כֵּן, יִשְׁ מִקְשָׁה כֵּל יִמְחָה  
אֵין זִבְחָה עֹלָה בָּהּ!

אָמְרָ לְהָנָן: מַאי דְעַתִּיכְבוּ – מִשּׁוּם נְפָלִים,  
אֵין קֹשֵׁי נְפָלִים.

תַּנּוּ רַבָּנִים: יִשְׁ רֹאָה מֵאָה יוֹם וְאֵין  
זִבְחָה עֹלָה בָּהּ: בִּינְצָד, שְׁוּם בְּלֹא עַט,  
וְשַׁבַּעַה נְדָה, וְשַׁנִּים שֶׁל אַחֲרַ הַנְּדָה,  
וְשַׁמּוּנִים שֶׁל נְקָבָה, וְשַׁבַּעַה נְדָה, וְשַׁנִּים  
שֶׁל אַחֲרַ הַנְּדָה.

מַאי קָא מִשְׁמָעַ לֹן? לְאַפּוֹקִי מִפְּאָן  
דָאַמְרָ אֵי אַפְשָׁר לְפִתְחַת הַקֵּר בְּלֹא  
דַם – קָא מִשְׁמָעַ לֹן: דָאַפְשָׁר לְפִתְחַת  
הַקֵּר בְּלֹא דַם.

Rabbi Meir continues: And then she continues to experience bleeding throughout the **seven days of menstruation**. She is not considered to have experienced bleeding of *ziva* for three consecutive days, as the third emission occurred during her days of menstruation. And she then experiences bleeding for the first **two days after the days of menstruation**, i.e., on the first and second days of the eleven days of *ziva*. And on the third day of *ziva* she begins the period of **fifty days** before giving birth, during **which the child renders her pure**. This constitutes a period of sixty-one days during which she is not rendered a greater *zava*.

Rabbi Meir continues: And this period is followed by **eighty days of purity** from *ziva* after giving birth to a **female**, for a total of 141 days during which she does not become a greater *zava* on account of blood emitted. And there are then **seven days of menstruation** following her days of purity, and **another two days after the days of menstruation**, i.e., the first and second days of *ziva*, during which she experiences bleeding, for a total of 150 days during which she does not become a greater *zava* on account of blood emitted.

The Rabbis said to Rabbi Meir: If so, there is also a scenario in which a woman experiences emissions of blood due to labor pains for all the days of her life, and the impurity of *ziva* is not included in them. For example, she gives birth to a female, and at the conclusion of her days of impurity engages in intercourse with her husband and becomes pregnant. She continues to experience bleeding throughout her days of purity, after which she experiences bleeding during the seven days of menstruation and the first two days of the next cycle of *ziva*. She then experiences labor pains accompanied by blood for fifty days, after which she miscarries a female. She subsequently becomes pregnant again within eighty days of the miscarriage, and the above process repeats itself. In this manner, she will never become a greater *zava*.

Rabbi Meir said to them: What is your opinion, that a woman is not rendered a *zava* due to the birth of non-viable newborns? The *halakha* that blood emitted due to labor pains does not render a woman a *zava* does not apply to non-viable newborns.<sup>h</sup>

The Sages taught in a *baraita*: There is a scenario in which a woman sees blood for **one hundred days**, and the impurity of greater *ziva* is not included in them. How so? She emits blood for **two days not at the time of her menstruation, and then throughout the seven days of menstruation, and then for the first two days after the days of menstruation**. And this period is followed by **eighty days of purity** from *ziva* after giving birth to a **female**, and **seven days of menstruation** following her days of purity, and **another two days after the days of menstruation**. This amounts to one hundred days.

The Gemara asks: What is this *baraita* teaching us? The Gemara responds: The *baraita* serves to exclude the opinion of the one who said that it is impossible for there to be an opening of the womb [*hakever*]<sup>n</sup> without an emission of blood. According to this opinion, if a woman gives birth after experiencing bleeding on the first two days after the days of menstruation, it is certain she experienced bleeding on the third day as well, as every birth is accompanied by an emission of blood. Consequently, she has experienced bleeding on three consecutive days during the days of *ziva* and is rendered a greater *zava*. The *baraita* teaches us that it is possible for there to be an opening of the womb without an emission of blood.<sup>n</sup> Therefore, if she gave birth on the third day of *ziva* and she did not experience bleeding, she is not rendered a greater *zava*.

**HALAKHA**

The *halakha* that blood emitted due to labor pains does not apply to non-viable newborns – **אֵין קֹשֵׁי נְפָלִים**: With regard to a pregnant woman who began to feel labor pains and started emitting blood before birth, this is considered the blood that accompanies labor pains, which is ritually pure in the days of *ziva*.

This *halakha* applies only to the birth of a viable child, not if she had a miscarriage. The *halakha* is in accordance with the opinion of Rabbi Meir, since Rava on the following *amud* rules in accordance with his opinion, and the *halakha* follows Rava because he is a late *amora* (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 7:1).

**ר' יְהוּדָה אֹמֵר דִּיאַ" וּכְרוּ. תְּנָא, ר' יְהוּדָה אֹמֵר מְשׁוּם וּר' טְרָפּוֹן: דִּיאַ חֲדַשָּׁה.**  
**וַיֵּשׁ בְּרוּבָר לְהַקְלִיל הַחֲמִיר.**

**בַּיּוֹם קְשַׁתָּה שְׁנִים בְּסֻוףּ שְׁמִינִי וְאֶחָד בְּתִחְלַת תְּשִׁיעִין, וְאֶפְיוֹלוּ בְּסֻוףּ תְּשִׁיעִין לְרִיחָה – חָרִי זוֹ יוֹלָדָת בָּבוֹבָן.**

**אֶבְלָל קְשַׁתָּה יוֹם אֶחָד בְּסֻוףּ שְׁמִינִי וְשְׁתִּינִי בְּתִחְלַת תְּשִׁיעִין, וְאֶפְיוֹלוּ בְּסֻוףּ תְּשִׁיעִין לְרִיחָה – אֵין זוֹ יוֹלָדָת בָּבוֹבָן.**

**אָמָר רַב אֶדָּא בֶּן אַהֲרָה: שְׁמַע מִנְּה, קָسְבָּר רַבִּי יְהוּדָה שִׁיפּוֹרָא גְּרִים. אַיִן, וְהָא אָמָר שְׁמוֹאָל: אֵין אַשְׁהָ מִתְעַבְּרָת וַיְלַדָּת אֶלָּא לְמִתְאַתִּים וְשְׁבָעִים וְאֶחָד יוֹם, אוֹ לְמִתְאַתִּים וְשְׁבָעִים וְשְׁנִים יוֹם, אוֹ לְמִתְאַתִּים וְשְׁבָעִים וְשִׁלְשָׁה!**

**הַוָּא דָאָמָר בְּחַקִּידִים הַרְאָשׁוֹנִים, דְתְנָא:**  
**חַקִּידִים הַרְאָשׁוֹנִים לֹא דִי קְשַׁמְשֵׁין מִטְוֹתִיהָן אֶלָּא בְּרַבִּישִׁי בְּשַׁבָּת, שְׁלָא יָבוֹא נְשָׂותִיהָן**

**§** The mishna teaches that **Rabbi Yehuda says:** It is sufficient that a woman is not rendered a *zava* on account of blood that is emitted due to labor pains only from within one month of her due date. In this regard, it is taught in a *baraita* that **Rabbi Yehuda says in the name of Rabbi Tarfon:** It is sufficient for her not to be rendered a *zava* from within one month of her due date. And there is an aspect of leniency and an aspect of stringency in the matter.

The *baraita* explains: How so? If she experienced labor pains accompanied by an emission of blood for two days at the end of her eighth month of pregnancy, which are days in which she can be rendered a *zava*, and for one day at the beginning of her ninth month, then even if she gave birth at the beginning of the ninth month, the one day from the ninth month joins together with the two days from the eighth month, and this woman is considered one who gives birth as a *zava*. This is an aspect of stringency.

But if she experienced labor pains accompanied by an emission of blood for one day at the end of her eighth month, and for only two days at the beginning of her ninth month, then even if she gave birth at the end of the ninth month, this woman is not considered one who gives birth as a *zava*, and she is pure. This is an aspect of leniency.

**Rav Adda bar Ahava says:** Conclude from the *baraita* that **Rabbi Yehuda holds** that the blast of the shofar at the beginning of the ninth month causes<sup>N</sup> the blood emitted during that month to be pure. That is to say, once the ninth months begins, any blood emitted does not render her a *zava*. The Gemara asks: Is that so, that the entire ninth month of pregnancy is suitable for giving birth, and therefore any blood seen during the ninth month is attributed to the imminent labor? But doesn't Shmuel say that a woman becomes pregnant and gives birth only after 271 days, which is a full nine months, or after 272 days, or after 273 days? She will not, however, give birth during the ninth month itself.

The Gemara responds: Shmuel said his statement in accordance with the opinion of the early generations of pious men. As it is taught in a *baraita*: The early generations of pious men would engage in sexual intercourse only on a Wednesday, so that their wives should not come

**NOTES**  
The shofar at the beginning of the month causes – **שִׁיפּוֹרָא גְּרִים:** Rashi explains that this is referring to the shofar blast by the court at the time of the sanctification of the new month. Some write that this does not mean, as might be inferred from a literal reading, that the sanctification of the month by the court is a factor with regard to the time of birth, since a woman does not give birth in coordination with the lunar months. Rather, the Gemara is speaking of the months of pregnancy in terms of the months of the year. Furthermore, labor pains can be compared to a shofar blast, in keeping with the parable of a king and his soldiers (see 37b), since when a king leaves a city his soldiers blast the shofar to herald his approach (Ritva).

## Perek IV Daf 38 Amud b

**לְיִי חֲלוּל שַׁבָּת. בְּרַבִּישִׁי וְתוּ לֹא? אִימָא: מִרְבִּישִׁי וְאַיְלָן.**

to a desecration of Shabbat. If they were to engage in sexual intercourse on a Sunday, Monday, or Tuesday, their wives might give birth on Shabbat, either 271, 272, or 273 days after conception either. The Gemara asks: If this was indeed the concern of the early generations of pious men, why would they engage in intercourse only on a Wednesday, and nothing more? After all, if they engaged in intercourse on a Thursday, Friday, or Shabbat, they would likewise avoid any desecration of Shabbat. The Gemara answers: Say that the *baraita* means that the early generations of pious men would engage in intercourse each week only from Wednesday onward.<sup>N</sup>

**אמָר מָר זָטוּרָא: מַאי טָעֵמְיַהוּ דְחַקִּידִים הַרְאָשׁוֹנִים – דְכַתְּבִיב "זִיתָן [ה] לְהָה הַרְיוֹן."**  
**"הַרְיוֹן" בְּגִימְטְּרִיאָה מְאַתָּן וְשְׁבָעִים וְחָדָה הוּא.**

Mar Zutra said: What is the reasoning of the early generations of pious men, who state that a woman does not give birth before 271 days have passed from the time of insemination? As it is written with regard to Boaz and Ruth: "And he went in unto her, and the Lord gave her conception [herayon]" (Ruth 4:13). The letters that constitute the word *herayon* are 271 in numerical value.

**NOTES**  
From Wednesday onward – **מִרְבִּישִׁי וְאַיְלָן:** Some commentaries explain that the early generation of pious men would engage in intercourse with their wives only on Wednesdays due to a concern that the conception might not begin until three days later, in which case she might give birth on Shabbat (Ritva). Others maintain that they were concerned that even if their wives did not give birth on Shabbat they might have the child within three days of Shabbat, and the halakha is that one desecrates Shabbat for a childbearing woman in the first three days after the birth (Ran).

אמר בר וטרא: אַפְּלֵו לִמְאָן זֶה מִרְבָּת  
לְהַשְׁעָה - אֵין יֹלְדָת לִמְקוּטִים, יוֹלְדָת  
לְשָׁבֻעָה - יוֹלְדָת לִמְקוּטִים, שנאמר  
זִוְּהִי לְתִקְפּוֹת הַיָּמִים וְתִהְרָת חַנְחָה וְתִלְדָּד  
בָּן", מִיעוּט "תִּקְפּוֹת" - שְׁנִים, מִיעוּט  
יְמִים" - שְׁנִים.

רַבִּי יוֹסֵי וַרְבִּי שְׁמֻעוֹן אָמְרִים אֵין קוֹשֵׁי  
זָהָר מִשְׁתַּי שְׁבָתוֹת". אָמַר שְׁמוּאֵל: מֵאַי  
טְעִמְיוֹן דָּרְבָּן - דְּכְתִיב יְתִמָּאָה שְׁבָעִים  
בְּנִירְתָּה" - בְּנִירְתָּה וְלֹא בְּזִבְחָתָה, מִבְּלָל -  
דְּזִבְחָתָה טְהוֹרָה, וְכַפָּה - שְׁבָעִים.

חַנְנוּ רַבְּנָן: יְשֵׁשָׁה עֲשָׂרִים וְחַמְשָׁה יוֹם  
וְאֵין זִבָּה עַלְלה בְּהַזָּן. בִּינְצָד, שְׁנִים בְּלָא  
עַרְתָּה, וְשָׁבֻעָה נְדָה, וְשְׁנִים שְׁלָאָחָר נְדָה,  
וְאַרְבָּעָה עָשָׂר שְׁחוּלָד מִתְהָרָה.

וְאֵי אָפְּלֵר שְׁתִּתְקַשֵּׁה עֲשָׂרִים וְשָׁשָׁה יוֹם  
בְּלָא וְלֹד, וְלֹא תְּהִיא יוֹלְדָת בּוּבָה.

"בְּלָא וְלֹד"? בְּתִלְתָּא נָמֵי סָגִי? אָמַר רַב  
שְׁשָׁת, אָמָא: בְּמִקּוֹם שְׁשָׁת לֹד. אָמַר לֵיה  
רַבָּא: וְהִיא "בְּלָא וְלֹד" קָתְנִינִי!

**Mar Zutra says:** Even according to the one who said, e.g., Shmuel and the early generations of pious men, that a woman who gives birth at nine months does not give birth after an incomplete number of months,<sup>n</sup> i.e., she carries for a full nine months, nevertheless, a woman who gives birth at seven months can give birth after an incomplete number of months. As it is stated with regard to the birth of Samuel: “And it came to pass, when the seasons of the days had come, that Hannah conceived, and bore a son” (1 Samuel 1:20). The minimal number of “seasons” is two, and as each season of the year is three months, this amounts to six months. And the minimal number of “days” is two.<sup>n</sup> If so, Samuel was born in the seventh month of Hannah’s pregnancy.

¶ The mishna teaches that Rabbi Yosei and Rabbi Shimon say: Labor pains do not occur more than two weeks before birth. Shmuel said: What is the reasoning of the Rabbis, i.e., Rabbi Yosei and Rabbi Shimon? As it is written with regard to a woman who gives birth to a female: “And she shall be impure two weeks, as in her menstruation” (Leviticus 12:5). The verse indicates that she is impure as in her menstruation but not as in her ziva. By inference, one may conclude that her ziva is pure, i.e., if she emits blood accompanied by labor pains she is not rendered a zava. And for how long is this the case? For two weeks.

With regard to the halakha that blood emitted due to labor pains does not impart impurity of ziva, the Sages taught: There is a scenario in which a woman experiences labor pains accompanied by emissions of blood for twenty-five days before birth, and the impurity of greater ziva is not included in them. How so? She emits blood for two days not at the time of her menstruation, i.e., on the tenth and eleventh days of ziva, and then for the seven days of menstruation, and then for the first two days of ziva that come after the days of menstruation. And this period is followed by fourteen days during which the impending birth of a child renders pure the blood she sees.

The baraita continues: And it is impossible for a woman to experience labor pains accompanied by emissions of blood for twenty-six days without a child, such that she will not be a woman who gives birth as a zava. Since a span of twenty-six days includes at least five days of ziva, there will inevitably be three consecutive days of ziva during which she experienced bleeding, therefore rendering her a greater zava.

The Gemara analyzes the baraita: Is the baraita really dealing with a case without a child, i.e., where she is not even pregnant? If there is no child, then experiencing bleeding on three consecutive days after the days of menstruation is also sufficient to render her a greater zava. Rav Sheshet said one should say the baraita as follows: Twenty-six days in a case where there is a child, i.e., where she is pregnant. Rava said to Rav Sheshet: But the baraita explicitly teaches: Without a child.

#### NOTES

A woman who gives birth at nine months does not give birth after an incomplete number of months – **ילְלָת לְהַשְׁעָה אֲנֵיה?**: The early commentaries disagree as to the halakha in the case of a woman who gives birth midway through her ninth month. Some say the child is considered viable in all regards, if it is known that its term of gestation was completed (Ramban). According to some authorities, the nine months must be full and complete for the child to be considered viable (Rambam Sefer Nashim, Hilkhot Yibbum VaHalitza 1:5 and Sefer Shofetim, Hilkhos Evel 1:7).

Nowadays, even women with normal pregnancies often give birth in the middle of the ninth month (see Tosafot on Avoda Zara

24b). The Rema likewise rules that a child born anytime in the ninth month is considered viable (*Shulhan Arukh, Even HaEzer* 156:4, in the comment of Rema).

**The minimal number of days is two – מִיעוּט יְמִים שְׁנִים:** There is a principle that whenever a verse uses a plural form without further specification it is assumed to be referring to the smallest possible number (see *Yoma* 80a). With regard to the matter at hand, this means two days (see Gemara and Rashi on *Sukkah* 5b).

אֵלָא אָמַר רְبָא, הֲכִי קָאָמָר: אֵי אָפֶשׁ שְׁתִּתְקַשֵּׁה עֲשִׂים וְשֶׁהָיָה יוֹם בָּמְקוּם שֵׁישׁ וְלֹד וְלֹא תְהָא יוֹלֶד בּוֹזֶב, וּבָמְקוּם שָׁאיָן וְלֹד אַלְאָנֶפֶל - בְּתִלְתָּא נָמֵי הָרִיא זֶבֶה, מַאי טֻעַמָּא - אֵין קוֹשֵׁי לְנֶפֶלים.

Rather, Rava said that this is what the *baraita* is saying: It is impossible for a woman to experience labor pains accompanied by emissions of blood for twenty-six days in a case where there is a child, such that she will not be a woman who gives birth as a *zava*. And in a case where there is no child born but there is a non-viable newborn, with three consecutive days of emissions she also becomes a *zava*. What is the reason? The *halakha* that blood emitted due to labor pains does not render a woman a *zava* does not apply to non-viable newborns.

**מתני' המקרה בתוך שמונים של נקבה –**  
כל דמים שהיא רואת טהורין, עד שיצא הולך, ובמיוחד מטמא. ובי אלישר מטמא.

אמרו לו לרבי אלישר: ומה במקומות שהחמיר בדם השופי – היקל בדם הקושי, מכיון שהיקל בדם השופי – אין דין שנקל בדם הקושי?

אמר להן: דין לרבי מן הדין להיות בנדון, ממנה היקל עליה – מטומאת זיבת, אבל טמאה טומאת נדה.

**גמ'** פנו ורבנן: "תשב" – לרבות המקרה בתוך שמונים של נקבה, שכל דמים שהיא רואת טהורין, עד שיצא הולך. ובי אלישר מטמא.

**MISHNA** A woman who experiences labor pains within eighty days of giving birth to a female,<sup>NH</sup> e.g., she conceived during the sixty-six days of purity, or she initially conceived twins and she gave birth to a female and the birth of the second fetus was delayed, all blood that she sees is ritually pure, as she is currently within her days of purity. And this remains the *halakha* until the child emerges from the womb, at which point she is rendered impure as a woman who gives birth. And Rabbi Eliezer deems ritually impure the blood that occurs due to these labor pains.

The Rabbis said to Rabbi Eliezer: And what, if in an instance where the verse was stringent with regard to blood emitted while resting, namely if a pregnant woman emits blood after her days of purity without any labor pains she is rendered impure, the verse was lenient with regard to blood that accompanies the labor pains; then in an instance where the verse was lenient with regard to blood emitted while resting, i.e., during a woman's days of purity, is it not right that we will be lenient with regard to blood that accompanies the labor pains?

Rabbi Eliezer said to them: When deriving a *halakha* by means of an *a fortiori* inference, there is a principle that it is sufficient for the conclusion that emerges from an *a fortiori* inference to be like its source.<sup>B</sup> In other words, the status of blood emitted due to labor pains during her days of purity should not be more lenient than that of blood emitted due to labor pains after her days of purity. Rabbi Eliezer elaborates: Concerning what type of impurity was the verse lenient with regard to a woman who experiences an emission of blood due to labor pains? Concerning the impurity of *ziva*. But she may still be rendered ritually impure with the impurity of a menstruating woman. So too, if a woman experiences emissions of blood due to labor pains during her days of purity, she is rendered a menstruating woman.

**GEMARA** With regard to the dispute between Rabbi Eliezer and the Rabbis concerning a woman who emits blood due to labor pains during her days of purity, the Sages taught a *baraita* that addresses a verse discussing a woman who gives birth to a female: "And sixty-six days she shall observe the blood of purity" (Leviticus 12:5). The term "She shall observe" serves to include a woman who experiences labor pains within eighty days of giving birth to a female, teaching that all blood that she sees is ritually pure. And this remains the case until the child emerges from the womb. And Rabbi Eliezer deems ritually impure the blood that occurs due to these labor pains.

## NOTES

A woman who experiences labor pains within eighty days of giving birth to a female – **המקרה בתוך שמונים של נקבה:** The mishna does not refer to the forty days following the birth of a male because this case involves a woman who became pregnant again during her days of purity. Such a scenario is not possible after the birth of a male, as the days of purity end forty days after his birth, and a fetus within forty days of conception is not classified as a fetus with regard to the *halakhot* of experiencing labor pains and birth.

## HALAKHA

A woman who experiences labor pains within eighty days of giving birth to a female – **המקרה בתוך שמונים של נקבה:** If a woman gives birth to a female and after her fourteen days of impurity becomes pregnant again and emits blood while experiencing labor pains within eighty days of the birth of the female, this is considered blood of purity, despite the fact that the *halakha* of blood accompanying labor pains does not apply to miscarriages. The reason is that any blood she sees during her days of purity is pure until she has a miscarriage, at which point she has the impurity of a woman after childbirth, for the amount of days for a male or female depending on the sex of the miscarried fetus. The *halakha* is in accordance with the opinion of the first tanna (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 7:9).

## BACKGROUND

It is sufficient [*dayyo*] for the conclusion that emerges from an *a fortiori* inference to be like its source – **ר' יונה אמרמן בנו ליהו להיות בנדון:** This halakhic principle, referred to in shorthand as *dayyo*, restricts the conclusions that may be derived from an *a fortiori* inference. It prevents the implementation of limitless leniencies or stringencies from an *a fortiori* inference by creating limits for its implementation. The principle of *dayyo* establishes that an *a fortiori* inference

teaches in the following manner: Just as X is more stringent than Y with regard to point A, X is no less stringent than Y with regard to point B. It does not teach: Just as X is more stringent than Y with regard to point A, X is similarly more stringent than Y with regard to point B. If that were the case, there would be no limit to the conclusions derived from such an inference.

אָמְרוּ לוֹ לְרַבִּי אֱלִיעֶזֶר: וּמָה בַּمְקוֹם  
שְׁחַחֲמֵיר בְּשׁוֹפִילְפִּינְ הַוּלְד – הַיְקָל  
בְּשׁוֹפִילְלָאָחָר הַוּלְד. מָקוֹם שְׁהַיְקָל  
בְּקֻשִׁי שְׁלַפְּפִי הַוּלְד – אִינוּ דַיְן שְׁנָקֵל  
בְּקֻשִׁי שְׁלָאָחָר הַוּלְד?

אָמְרוּ לְהָם: דַיְוּ לְבָא מִן הַדִּין לְהִיוֹת  
בְּגַדּוֹן, מִמֶּה הַיְקָל עַלְיהָ – מִשְׁׁוֹמָאָת  
זִבְּהָ, אֲבָל מִטְּמָאָת טָמֵאָת נָדָה.

אָמְרוּ לוֹ: הָרִי אָנוּ מִשְׁבִּין לְקָלְשׂוֹן  
אַחֲרֵי, וּמָה בַּמְקוֹם שְׁחַחֲמֵיר בְּשׁוֹפִילְ  
שְׁלַפְּפִינְ הַוּלְד – הַיְקָל בְּקֻשִׁי שְׁעַמוֹן.  
מָקוֹם שְׁהַיְקָל בְּשׁוֹפִילְלָאָחָר הַוּלְד –  
אִינוּ דַיְן שְׁנָקֵל בְּקֻשִׁי שְׁעַמוֹן?

אָמְרוּ לְהָם: אֲפִילוּ אַתֶּם מִשְׁבִּין בְּלַ  
הַיּוֹם פָּלוּ – דַיְוּ לְבָא מִן הַדִּין לְהִיוֹת  
בְּגַדּוֹן, מִמֶּה הַיְקָל עַלְיהָ – מִשְׁׁוֹמָאָת  
זִבְּהָ, אֲבָל מִטְּמָאָת טָמֵאָת נָדָה.

אָמְרוּ רְבָא: בְּהָא זִכְּרָיו רַבִּי אֱלִיעֶזֶר  
לְרַבָּן, לְאוֹ אָמְרוּתוֹ "דָמָה" – דָמָה  
מִחְמָת עַצְמָה וְלֹא מִחְמָת וְלֹד, הַכִּי  
נִבְמֵי – "וְטַהֲרָה מִמְּקוֹר דָמָה" – דָמָה  
מִחְמָת עַצְמָה וְלֹא מִחְמָת וְלֹד.

אִימָא: בִּימֵי נָדָה – נָדָה, בִּימֵי זִבְּהָ –  
טַהֲרָה! אָמְרוּ קָרְאָא: "תִּשְׁבַּ" – יִשְׁבַּה  
אַחַת לְבּוֹלָן.

**מתני' בְּלַא תַּחֲדֵר עַשְׂרֵה יוֹם בְּחוֹקָת  
טַהֲרָה.**

The Rabbis said to Rabbi Eliezer: And what, if in an instance where the verse was stringent with regard to blood that is emitted while resting before the birth of the child, as such blood renders her a *zava*, the verse was lenient with regard to blood that is emitted while resting after the birth of the child, i.e., during her days of purity; then in an instance where the verse was lenient with regard to blood emitted due to labor pains before the birth of the child, is it not right that we will be lenient with regard to blood that is emitted due to labor pains after the birth of the child?

Rabbi Eliezer said to them: It is sufficient for the conclusion that emerges from an *a fortiori* inference to be like its source. Rabbi Eliezer elaborates: Concerning what type of impurity was the verse lenient with regard to a woman who experiences an emission of blood due to labor pains? Concerning the impurity of *ziva*. But an emission of blood renders her impure with the impurity of a menstruating woman. So too, if a woman experiences emissions of blood due to labor pains during her days of purity, she is rendered a menstruating woman.

The Rabbis said to him: But we will respond to you with another version of the *a fortiori* inference: And what, if in an instance where the verse was stringent with regard to blood that is emitted while resting before the birth of the child the verse was lenient with regard to blood that is emitted due to labor pains that come with it, i.e., which precede the birth of the child; then in an instance where the verse was lenient with regard to blood emitted while resting, namely during a woman's days of purity, is it not right that we will be lenient with regard to blood that accompanies the labor pains that come with it?

Rabbi Eliezer said to them: Even if you respond by citing *a fortiori* inferences of that type throughout the entire day, the principle remains that it is sufficient for the conclusion that emerges from an *a fortiori* inference to be like its source. Concerning what type of impurity was the verse lenient with regard to a woman who experiences an emission of blood due to labor pains? Concerning the impurity of *ziva*. But an emission of blood renders her impure with the impurity of a menstruating woman.

Rava said: With this response Rabbi Eliezer triumphed over the Rabbis: Didn't you say that the reason why a woman is not rendered a *zava* on account of blood that is emitted due to labor pains before birth is because the verse states: "And if a woman has an issue of her blood many days" (Leviticus 15:25)? The term "her blood" indicates that only her blood that comes due to herself is impure due to *ziva*, but not blood that comes due to her child. So too, one can say that as the verse states with regard to a woman who gives birth: "And she shall be purified from the fountain of her blood" (Leviticus 12:7), this indicates that only her blood that comes due to herself is pure from *ziva*, but not blood that comes due to her child.

This Gemara raises a difficulty against the opinion of Rabbi Eliezer: If so, one can say that if she emits blood due to labor pains during the days of menstruation she is a menstruating woman, but if she emits blood in the days of *ziva*, i.e., after the days of menstruation, she is pure. The Gemara explains that the verse states: "She shall observe the blood of purity" (Leviticus 12:5), which indicates that there is one observance for all the days of her purity, i.e., all the blood she emits due to labor pains during her days of purity is either pure or impure.

**MISHNA** For all the eleven days of *ziva* that follow the seven days of menstruation, a woman has the presumptive status of ritual purity,<sup>h</sup> as it is unusual for her to experience bleeding on these days.

#### HALAKHA

All eleven days a woman has the presumptive status of ritual purity – **בְּלַא תַּחֲדֵר עַשְׂרֵה יוֹם בְּחוֹקָת טַהֲרָה:** A woman has the status of purity for all the eleven days after the seven days of menstruation. Consequently, she does not need to examine herself on these days (Rambam Sefer Kedusha, Hilkhot Issurei Bi'a 8:11).

## Perek IV

## Daf 39 Amud a

**שָׁבַת לְהָלֹא בְּדֻקָּה, שְׁגָנָה, נְאָסָה, הַיְדָה  
לְאָלָא בְּדֻקָּה – טְהוֹרָה.**

**הַיְעַ שֵׁעַת וִסְתָּה וְלֹא בְּדֻקָּה – הַרִּי  
וּזְטָמָא. רַבִּי מֵאִיר אָוֹרֶר: אֲםַתְּהָ  
בְּמַחְבָּא וְהַיְעַ שֵׁעַת וִסְתָּה וְלֹא בְּדֻקָּה –  
הַרִּי וּזְטְהָרָה, מִפְנֵי שְׁחָרָה מִסְלָקָת אַתְּ  
הַדְּמִים.**

**אָכְלָל יְמִי הַזְבָּחָה וְשְׁוֹמְרוֹת יוֹם בְּנֵגֶד  
יּוֹם – הַרִּי אַלְוָ בְּחִקְתַּת טָמָא.**

**גַּם לִמְאֵי הַלְּכָתָא? אָמַר רַב יְהוּדָה: לֹמֶר  
שְׁאִינָה צְרִיכָה בְּדִיקָה, וְהָא מִזְקָנָתִין סִפְאָ  
"שָׁבַת וְלֹא בְּדֻקָּה" – מִכֶּל דְּלַכְתָּחָלָה  
בְּעֵיאָ בְּדִיקָה!**

**סִפְאָ אַתָּא לִמְיִנְדָּה, וְהַכִּי קָאָמֶר: כֶּל  
אַחַד עָשָׂר בְּחִקְתַּת טְהָרָה – וְלֹא בְּעֵיאָ  
בְּדִיקָה, אָכְלָל בְּיִמְיִנְדָּה – בְּעֵיאָ בְּדִיקָה.  
שָׁבַת וְלֹא בְּדֻקָּה, שְׁגָנָה, נְאָסָה, הַיְדָה  
לְאָלָא בְּדֻקָּה – טְהָרָה.**

**רַב חֶסְדָּא אָמַר: לֹא צְרִיכָה אַלְוָ לְרַבִּי  
מֵאִיר, דֹאָמָר: אֲשֶׁר שָׁאֵן לְהָלֹא בְּדֻקָּה אָסָרָה  
לְשִׁטְמָשׁ, הַנִּמְלִי – בְּיִמְיִנְדָּה, אָכְלָל בְּיִמְיָא.  
יְבָתָה – בְּחִקְתַּת טְהָרָה קְיֻמָּא.**

If a woman sat and did not examine herself<sup>64</sup> every morning and evening to determine whether she emitted blood and is impure, it makes no difference whether she failed to examine herself **unwittingly** or due to **circumstances beyond her control**, or even if she acted **intentionally** and did not examine herself; she remains **ritually pure**. She is rendered impure only if she examined herself and was found to have emitted blood.

By contrast, if **the time of her menstrual cycle arrived**, when she is required to examine herself, and she did not examine herself, **that woman is ritually impure**, as it is typical for a woman to discharge blood at that time. **Rabbi Meir says:** If a woman was in hiding<sup>65</sup> from danger, and the time of her menstrual cycle arrived and she did not examine herself<sup>64</sup> on that day, **that woman is pure**,<sup>66</sup> because fear drives away blood.<sup>67</sup> There is therefore no concern that she might have emitted blood.

But with regard to the seven clean **days of the zav and the zava**, and with regard to a woman who observes a **clean day for a day** she experiences a discharge during her days of *ziva*, if she fails to examine herself on those days, **these women have a presumptive status of ritual impurity**, as they already experienced a discharge.

**GEMARA** The mishna teaches that throughout the eleven days of *ziva* that follow the seven days of menstruation, a woman has the presumptive status of ritual purity. The Gemara asks: **With regard to what halakha is this stated?** **Rav Yehuda says:** This serves to say that she does not require an examination during these days. The Gemara objects: But from the fact that the latter clause teaches: If she sat and did not examine herself she remains ritually pure, it can be inferred that she requires examination *ab initio*.

The Gemara explains: In the latter clause we arrive at the case of a woman who is in the **days of menstruation**, not in the days of *ziva*. And this is what the mishna is saying: For all the **eleven days of ziva** that follow the days of menstruation, a woman has the presumptive status of ritual purity and she does not require examination. But during the days of her menstruation she requires examination. Nevertheless, if she sat and did not examine herself, whether unwittingly or due to circumstances beyond her control, or even if she acted intentionally and did not examine herself, she remains ritually pure.

**Rav Hisda said a different answer:** The first clause of the mishna is necessary only for the opinion of **Rabbi Meir, who said:** With regard to a woman who does not have a fixed menstrual cycle, she is **forbidden to engage in intercourse**, lest she emit blood during intercourse. The mishna is teaching that **this statement applies only during the days of her menstruation, but during the days of her ziva** even Rabbi Meir concedes that she stands in her **presumptive status of purity** and may engage in intercourse with her husband.

## BACKGROUND

If a woman was in hiding – **אֲםַתְּהָ בְּמַחְבָּא:** Archaeological evidence suggests that this is not merely a theoretical construct, as situations like these were not uncommon during the bar Kokhba rebellion. Caves have been found in the Judean Desert that were clearly used as dwelling places, and under such stressful situations regular ovulation would likely have been affected.

## NOTES

That woman is pure – **הַרִּי זוּ טְהוֹרָה:** According to some of the early commentaries, this means she is completely pure and she is not even required to examine herself *ab initio* (Ba'al HaMaor; Rashba). Others explain that she is pure only after the fact, i.e., she is required to examine herself *ab initio*, but if she failed to do so she remains pure (Rashi; Ra'avad).

Fear drives away blood – **חַרְדָּה מִסְלָקָת אַתְּ הַדְּמִים:** The Gemara later explains that certain mental states, such as fear, anxiety, and terror, can affect a woman's blood flow (71a). As the Gemara states elsewhere in this regard: Trepidation generated by extended worry contracts the muscles and prevents blood from flowing, and sudden fear relaxes the muscles and causes the blood to flow (*Sota* 2ob).

The later commentaries ask why this is not cited by the ruling authorities as a *halakha* that whenever a woman experiences a sudden panic there is a concern for the emission of blood and she is required to examine herself (*Arukha HaShulhan*). Some of the later commentaries do in fact maintain that she must perform an examination under such circumstances (*Darkhei Teshuva*; *Gufei Halakha*; *Tziyunei Tahara*; *Taharat Yisrael*). Others disagree with this conclusion, claiming that the Gemara is merely saying that in such a situation a woman will certainly feel an emission of blood; it does not mean that even if she does not have such a sensation she is assumed to have had a discharge. Consequently, she is not obligated to examine herself (*Hatam Sofer*; *Responsa Meshiv Davar*).

## HALAKHA

If a woman sat and did not examine herself, etc. – **שָׁבַת לְהָלֹא בְּדֻקָּה וְכָ**: If a woman did not examine herself after the eleven days of her *ziva*, whether due to circumstances beyond her control or willingly, she has the presumptive status of ritual purity until she examines herself and finds that she is impure (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 8:12; see also *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 3:5; *Shulhan Arukh*, *Yoreh De'a* 184:9).

If woman was in hiding and the time of her menstrual cycle arrived and she did not examine herself – **הַיְתָה בְּמַחְבָּא וְגַעֲנָה  
שִׁיטָּה וְקָרָה וְלֹא בְּדֻקָּה:** If the time for a woman's period arrived when she was hiding out of fear, she need not be concerned for impurity. Some commentaries say this *halakha* applies only if the time for her period had passed and she did not examine herself or sense any emission of blood, but she is obligated to examine herself at the time of her period *ab initio* (see *Shulhan Arukh*, *Yoreh De'a* 184:8, and in the comment of Rema).

## HALAKHA

A menstruating woman, a *zava*, and a woman who observes a day for a day, etc. – **בָּנְגֵד יֹם וּכְיִ**: A menstruating woman, a *zava*, a woman who observes a day for a day, and a woman after childbirth all impart impurity retroactively for twenty-four hours, or from their last examination before they experienced bleeding. This *halakha* applies by rabbinic law, and this is the twenty-four-hour period mentioned with regard to a menstruating woman. How so? If a woman who was ritually pure and has no fixed period examined herself in the morning and found that she was pure, and then at midday she performed another examination and discovered that she certainly (*Mishne LaMelekh*) had an emission, all pure items she touched in between the two examinations are retroactively impure. Likewise, if she examined herself on one day and she was pure, and two or three days later examined herself again and found blood, all pure items she handled in the previous twenty-four hours are retroactively impure. The *halakha* is in accordance with the opinion of the Rabbis (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:3 and *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshev* 3:4).

A woman does not fix a menstrual cycle for herself during the days of her *ziva* – **אִינָה קוּבְעַת לְהַסְתָּטְבָּזָן** – **אִיְהָ**: A woman does not fix a period during the eleven days of her *ziva*. If she regularly experiences bleeding on the same day during her days of *ziva*, she must be concerned for impurity at that time. The *halakha* is in accordance with the opinion of Rav Pappa (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 8:9).

## NOTES

A woman does not fix a menstrual cycle for herself during the days of her *ziva* – **אִיְהָ**: Some early commentators write that these sightings during the days of *ziva* are considered accidental and are disregarded altogether. Consequently, if a woman experiences bleeding every fifteen days, the occurrences on the days of *ziva* are ignored as though they did not happen at all, and therefore her fixed period is on the twenty-ninth day (*Ra'avad* in *Ba'alei HaNefesh*). Other early commentaries are puzzled by this conclusion, as it is unreasonable to allow an actual interval of fifteen days to be ignored in favor of a supposed regular interval that is not regular at all (Ramban; Rashba; Ba'al HaMaor; Meiri).

**אִיְהָ הַכְּבֵד, אֲמָאִי אָמָר רַבִּי מֵאִיר יוֹצֵא וְלֹא יִחְיוֹר עֲוֹלָמִית? דְּלֹמָא אֲתָא לְקַלְקַלְיָא בִּימֵי נְדָה.**

**הָא מִדְקַתְנִי סִיפָּא "הָגִיעַ שָׁעַת וִסְתָּה וְלֹא בָּרְקָה" – מְפָלֵל דִבָּאשָׁה שִׁישׁ לְהַסְתָּטְבָּזָן עַסְקִין! חֶסְרוּ מַחְסָרָא וְהִכְתַּנִּי: בְּלֹא עֲשָׂר בְּחוֹקָת טָהָרָה וְשָׁרוֹא לְבָעָלָה, בִּימֵי נְדָה אָסָרוֹה.**

**בְּמַה דְּבָרִים אָמָוִים – בְּאָשָׁה שָׁاءִין לְהַסְתָּטְבָּזָן, אָבְלִישׁ לְהַסְתָּטְבָּזָן – מַוְתָּתָה, וְאַרְבָּה בְּרִיקָה, יִשְׁבָּה וְלֹא בָּרְקָה, שְׁגָגָה, נְאָסָה, הַיְדָה וְלֹא בָּרְקָה – טָהָרָה, הָגִיעַ שָׁעַת וִסְתָּה וְלֹא בָּרְקָה – טָמָאָה.**

**הָא מִדְסִיפָּא רַבִּי מֵאִיר – רַיְשָׁא לְאוֹ רַבִּי: מַאֲרִיר! בָּוֹלֵה רַבִּי מֵאִיר הָיא, וְהִכְתַּנִּי: אִם לֹא הִיְתָה בְּמַחְבָּא, וְהָגִיעַ שָׁעַת וִסְתָּה וְלֹא בָּרְקָה – טָמָאָה, שְׁרַבִּי מֵאִיר אָמָר, אִם הִיְתָה בְּמַחְבָּא וְהָגִיעַ שָׁעַת וִסְתָּה וְלֹא בָּרְקָה – טָהָרָה, שְׁחָרָה מְפָלָקָת אֶת הַדָּמִים.**

**רַבָּא אָמָר: לוֹמֶר שָׁاءִינה מִטְמָאָה מַעַת לְעֵת.**

**מִתְּبִיבִי: הַנְּדָה, וְהַזְּבָה, וְהַשּׁוֹמְרָת יוֹם בָּנְגֵד יוֹם וְהַזְּלָדָת – פָּלוּן מִטְמָאָות מַעַת לְעֵת. תִּיְבַּתָּא.**

**רַב הָנוּא בֶּר חִיאָ אָמָר שְׁמוּאֵל: לוֹמֶר שָׁاءִינה קוּבְעַת לְהַסְתָּטְבָּזָן יִבְתַּחַת. אָמָר רַב יוֹסֵף: לֹא שְׁמַיעַ לִי הָא שְׁמַעַתְתָּא.**

The Gemara asks: If so, that even according to Rabbi Meir there are days in which a woman who does not have a fixed menstrual cycle is permitted to engage in sexual intercourse with her husband, why did Rabbi Meir say that her husband must divorce her and he may never take her back, even if she eventually develops a fixed menstrual cycle? Let them engage in intercourse during the eleven days of *ziva*. The Gemara answers: He must divorce her lest the matter lead to failure during the days of menstruation, i.e., in case they come to engage in intercourse during the days of menstruation, when she might experience regular menstrual bleeding.

The Gemara objects: But from the fact that the latter clause teaches: If the time of her menstrual cycle arrived and she did not examine herself, that woman is ritually impure, it can be inferred that we are dealing with a woman who has a fixed menstrual cycle. The Gemara explains: The mishna is incomplete and this is what it is teaching: For all the eleven days of *ziva* that follow the days of menstruation, a woman has the presumptive status of ritual purity and she is permitted to her husband, but during the days of menstruation she is prohibited to her husband.

In what case is this statement said? In the case of a woman who does not have a fixed menstrual cycle, where there is a concern she might experience bleeding during any of the days of menstruation. But in the case of a woman who has a fixed menstrual cycle, she is permitted to engage in sexual intercourse with her husband, and she requires examination. Nevertheless, if she sat and did not examine herself, whether unwittingly or due to circumstances beyond her control, or even if she acted intentionally and did not examine herself, she remains ritually pure. If the time of her menstrual cycle arrived and she did not examine herself, she is impure.

The Gemara objects: But from the fact that the last clause is in accordance with the opinion of Rabbi Meir, it can be inferred that the first clause is not in accordance with the opinion of Rabbi Meir. The Gemara explains that the entire mishna is in accordance with the opinion of Rabbi Meir, and this is what it is saying: If she was not in hiding and the time of her menstrual cycle arrived and she did not examine herself, she is impure, as Rabbi Meir says: If a woman was in hiding and the time of her menstrual cycle arrived and she did not examine herself, she is pure, as fear drives away blood.

Rava says a different explanation of the first clause of the mishna: The mishna is coming to say that if a woman experiences bleeding during the eleven days of *ziva*, as she previously had the presumptive status of purity she does not impart impurity retroactively for a twenty-four-hour period to any ritually pure items she touched. It is assumed that she did not emit any blood before this emission.

The Gemara raises an objection from a *baraita*: With regard to a menstruating woman, and a *zava*, and a woman who observes a day for a day,<sup>4</sup> and a woman who gave birth, they all impart impurity retroactively for a twenty-four-hour period. A woman who observes a day for a day is one who experiences bleeding for one or two days during her days of *ziva*, and the *baraita* teaches that even such a woman imparts impurity retroactively for a twenty-four-hour period. If so, this is a conclusive refutation of Rava's explanation.

Rav Huna bar Hiyya says another explanation of the first clause of the mishna in the name of Shmuel: The mishna is coming to say that a woman does not fix a menstrual cycle for herself during the days of her *ziva*.<sup>HN</sup> In other words, a sighting during these days does not combine with sightings during the previous two periods of *ziva* to establish a fixed menstrual cycle. The Gemara relates that this statement was recited before Rav Yosef, who said: I did not hear this *halakha* from Shmuel.

אמור ליה אבeye: את אמרת ניחלן, ואזה  
אמרת לו, דיתנה למורה להיות רואה  
יום חמשה עשר (יום), ושינתה ליום  
עשרים - זה וזה אסוריין לטעמך. שינתה  
עטמים ליום עשרים - זה וזה אסוריין.

ואמרת לנו עליה אמר רב יהודה אמר  
שמעאל. לא שנא אלא חמשה עשר  
לטבילהתה שחון עשרים ושנים לראייתה.  
זהותם בימי נרחת קאי לה, אבל חמשה  
עשרה לראייתה, בימי יונחתה קאי - לא  
קבעה.

אמר רב פפא, אמריתא לשמעתא  
קמיה רב יהודה מסקרתא: מקבע לא  
קבעה, מיתש מהו דינוחש לה?

אישתיק ולא אמר ליה ולא מייד. אמר  
רב פפא: נחמי אנן, דיתנה למורה להיות  
וואזה ליום חמשה עשר, ושינתה ליום  
עשרים - זה וזה אסוריין.

**Abaye said to him:** But you yourself told us this halakha,<sup>b</sup> and it was with regard to that mishna you told it to us, as we learned in a mishna (63b): If the woman was accustomed to see an emission of blood on the fifteenth day, so that this was her fixed menstrual cycle, and she deviated<sup>h</sup> from her cycle to see an emission on the twentieth day, then on both this day, the fifteenth, and that day, the twentieth, it is prohibited for her to engage in sexual intercourse due to the concern that she might have an emission on either day. If she deviated from her cycle twice, to see an emission on the twentieth day, then on both this day and that day it is prohibited for her to engage in intercourse. If she deviates a third time to see on the twentieth she has established for herself a new fixed menstrual cycle.

Abaye continues: And you said to us with regard to this mishna that Rav Yehuda said that Shmuel said: They taught this halakha only with regard to a woman who normally experiences bleeding fifteen days from her immersion, which are twenty-two days from her sighting of menstrual blood. This means that there, she stands in her days of menstruation. But if she normally experiences bleeding fifteen days from her sighting of menstrual blood, so that she stands in her days of ziva, she has not fixed a menstrual cycle, and the previous cycle is uprooted even if she deviates from it only once.

**S** With regard to the ruling that a woman's menstrual cycle cannot be fixed during her days of ziva, Rav Pappa said: I said this halakha before Rav Yehuda of Diskarta, and I asked him for a clarification of the following matter: Granted, she does not fix a menstrual cycle during the days of ziva, and there is no need for three deviations to uproot her cycle; rather, it is uprooted by even one deviation. But what is the halakha with regard to whether we should be concerned that she might experience bleeding? In other words, if she normally experiences bleeding on a particular day during her days of ziva, must she avoid engaging in sexual intercourse with her husband on that day out of concern that she might emit blood?

Rav Yehuda of Diskarta was silent and did not say anything to Rav Pappa. Therefore, Rav Pappa said: Let us see and try to resolve this ourselves. The mishna cited above states: If the woman was accustomed to see an emission of blood on the fifteenth day, and she deviated from her cycle to see an emission on the twentieth day, then on both this day and that day it is prohibited for her to engage in sexual intercourse.

## BACKGROUND

את אמרת ניחלן – Rav Yosef, who is Rav Yosef bar Hiyya, from the third generation of *amoraim*, was one of the greatest *amoraim* of Babylonia. Among his fine qualities he was praised by being called Sinai, i.e., extremely erudite and possessing an extensive knowledge of Mishna and *baraitot* (see *Berakhot* 64a). Unfortunately, a severe illness caused him to forget much of his Torah knowledge and also left him blind. On many occasions the Gemara relates that Rav Yosef was unable to recall *halakhot* that he himself had stated, and had to be reminded of them by his great student Abaye.

## HALAKHA

שינתה וכו': If a woman was accustomed to seeing a flow of blood on the twentieth day, and she deviated to see blood on the thirtieth, she is prohibited to engage in intercourse with her husband on both the twentieth and the thirtieth days of the following cycle. Upon the twentieth day after her sighting on the thirtieth, she is prohibited due to her initial fixed time, and if she does not experience bleeding on that day she must be concerned for a discharge on the thirtieth day. If she again sees a flow of blood on the thirtieth day, both days remain prohibited. If she sees blood for a third time on the thirtieth day but not on the twentieth day, the thirtieth becomes her new accustomed time to see, and the twentieth day of the following cycle is permitted. If after experiencing bleeding once or twice on the thirtieth day she emits blood on the twentieth day, her fixed period returns to the twentieth and she is permitted on the thirtieth. The halakha is in accordance with the opinion of Rav Yosef, as explained by Abaye (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 8:8; *Shulhan Arukh*, *Yoreh De'a* 189:14).

## Perek IV

### Daf 39 Amud b

ואמר רב יהודה אמר שמואל, לא  
שנאו אלא חמשה עשר לטיבילה שחון  
עשרים ושנים לראייתה,

ושינתה ליום עשרים ושביעת עשרה, וכי הדבר  
ואנו עשרין ותני - קיימת לה בתרוץ  
- מי יונחתה, וקצת יונה וזה אסוריין -  
אלמא דחינין לה.

And with regard to this mishna, Rav Yehuda said that Shmuel said: They taught this halakha only with regard to a woman who normally experiences bleeding fifteen days from her immersion, which are twenty-two days from her sighting of menstrual blood, which means that there, she stands in her days of menstruation.

And when the mishna states that she deviated from her cycle and experienced bleeding on the twentieth day, it means she experienced bleeding twenty days from her immersion, i.e., twenty-seven days from her previous sighting, not twenty-two. This means that when twenty-two days again elapse from when she usually experiences bleeding, she stands within what is now the eleven days of her ziva. And the mishna teaches that both this, the twenty-second day, and that, the twenty-seventh day, are prohibited, despite the fact that the twenty-second day now stands during her days of ziva. Evidently, we are concerned for an emission of blood during the days of ziva if she is accustomed to experiencing bleeding on that day.

### NOTES

**The beginning of the days of menstruation – נְהָרָה וּבְפִתְחָה:** According to Rashi, this phrase is referring to her entire menstrual cycle, i.e., the days of menstruation and ziva combined, as counted from the first day of her cycle. Alternatively, it means the day on which she is certain that she experienced bleeding, from when she begins to count her days of menstruation. Others explain that this phrase, which literally means: A menstruating woman and her opening, is referring euphemistically to the three places in a woman's body where the blood she emits can be found: The room; the corridor; and the upper story (Rabbeinu Yona).

**From where – מַمְאֵי:** The early commentaries disagree with regard to the opinion of Rav Huna, son of Rav Yehoshua. Some maintain he is merely rejecting Rav Pappa's proof but not Rav Pappa's opinion, as indicated by the word: Perhaps (Ritva; Meiri). Others explain that if Rav Huna goes to the trouble of rejecting Rav Pappa's proof from the mishna he certainly disagrees with his conclusion. Determining if Rav Huna disagrees with Rav Pappa is significant for the following reason: Since the halakhot that determine a woman's fixed period apply by rabbinic law, one would follow Rav Huna's lenient ruling and not be concerned for establishing a menstrual cycle during the days of ziva, as neither opinion can be inferred from the mishna (Ramban on 39a; see Ra'avad in *Ba'alei HaNefesh*; *Beit Yosef* on *Yoreh De'a* 189).

**One counts her menstrual cycle from the first of the month – בְּרוּשׁ יְרֵא מִנְיָנָה:** The reason a woman would count this way is that according to Rav Pappa the day of the New Moon causes her to experience bleeding (*Tosafot*; see *Tosafot on Bava Kamma* 37b). This is similar to the Gemara's statement on 38a that the blast of the shofar announcing the new moon is the decisive cause of her beginning to experience bleeding. According to some commentaries, the principle in this regard is that if the earthly court sanctifies the month, the heavenly court follows suit (see *Rosh HaShana* 8b), and this applies even to the effect of the heavenly court on the workings of the human body (Jerusalem Talmud, *Ketubot* 5:2).

וְקִסְּרָר וּבְפֶפֶא: עֲשָׂרִין וּתְרִתְעִין - מַעֲשָׂרִין  
וּתְרִתְעִין מִנְיָנָה, נְהָרָה וּבְפִתְחָה - מַעֲשָׂרִין  
וּבְשֻׁבָּעָה מִנְיָנָה.

אמָר לִיהְ רַב הַונָּא בַּרְהַיְהּ זָרָב הַזָּשָׁע לֹבֶן  
פֶּפֶא: מִפְאָאי? דְּלָמָּא עֲשָׂרִין וּתְרִתְעִין נִמְיָן  
מַעֲשָׂרִין וּבְשֻׁבָּעָה מִנְיָנָה, דְּכַי הַדָּרִי וְאַתְּ  
עֲשָׂרִין וּתְרִתְעִין - קַיְמָא לָהּ בְּתוֹךְ יִמְיָן  
נְהָרָה.

וְהַכִּי נִמְיָן מִסְתְּבָרָא. דָאֵ לֹא תִּמְאֵן הַכִּי  
הָאֵי תְּגִנְגִּילָה אֶדְרָמִיא יוֹמָא וּכְבָשָׁה  
יוֹמָא, וּרְמִיא יוֹמָא וּכְבָשָׁה יוֹמָא, וּכְבָשָׁה  
תוֹרִי יוֹמָי וּרְמִיא חַד יוֹמָא.

כִּי הַדָּרָה נִקְטָה - בְּדַלְקָמִיהָ נִקְטָה אָז  
כִּרְמַעְירָא נִקְטָה? עַל בָּרְחָן בְּדַלְקָמִיהָ  
נִקְטָה!

אמָר לִיהְ רַב פֶּפֶא, אַלְאֵ הָא דָאֵמָר רִישׁ  
לְקִישׁ: אֲשֶׁר קוֹבֵעַ לָהּ וּסְתַת בְּתוֹךְ יִמְיָן  
וּבְדָתָה, וְאֵין אֲשֶׁר קוֹבֵעַ לָהּ וּסְתַת בְּתוֹךְ  
יִמְיָן דָוָתָה. וּבְיִוחָנָן אָמָר: אֲשֶׁר קוֹבֵעַ  
לָהּ וּסְתַת בְּתוֹךְ יִמְיָן דָוָתָה, הַכִּי דָמִיא?

לֹאָוֶן גִּזְוֹן דְּחִזְאִי רִישׁ יְרֵחָא, וְחַמְשָׁא  
בִּירְחָא, וּרְיִשׁ יְרֵחָא, וְחַמְשָׁא בִּירְחָא,  
וְהַשְׁתָּא חֹזֵא בְּחַמְשָׁא בִּירְחָא, וּבְרִישׁ  
יְרֵחָא לֹא חֹזֵא,

וְקִאמְרָא: אֲשֶׁר קוֹבֵעַ לָהּ וּסְתַת בְּתוֹךְ יִמְיָן  
נְהָרָה - אַלְמָא, מַרְיִשׁ יְרֵחָא מִנְיָנָא!

The Gemara elaborates: And Rav Pappa holds that we count twenty-two days of her menstrual cycle from twenty-two days, i.e., from when she usually begins to menstruate, whereas we count the beginning of the days of menstruation<sup>N</sup> from day twenty-seven, when she actually experiences bleeding. Consequently, the twenty-second day of her normal menstrual cycle falls during the days of ziva, according to the actual day of menstruation.

Rav Huna, son of Rav Yehoshua, said to Rav Pappa: From where<sup>N</sup> do you know this is the correct reckoning of her days? Perhaps one also counts those twenty-two days from day twenty-seven, such that when twenty-two days again arrive from day twenty-seven, she stands within her days of menstruation. Accordingly, there is no proof from the mishna with regard to a sighting during the days of ziva.

Rav Huna, son of Rav Yehoshua, adds: And so too, it is reasonable that the twenty-two days are counted from when she actually experiences bleeding. As if you do not say so, then consider the case of this chicken that normally lays an egg on one day and withholds an egg the next day, and lays an egg on the third day and withholds an egg on the fourth day. And the chicken deviated from its routine, so that after laying eggs on the first day and third day, it withheld an egg for two days and then laid an egg on one day, i.e., on the sixth day.

When this chicken again takes hold of its previous routine and starts laying an egg on one day and withholding an egg on the next, does it take hold of the order of the routine ahead of it, i.e., will it withhold an egg on the next day, or does it take hold of its routine as it was from the outset, so that it will lay an egg on the seventh day, as if there had been no deviation? Perforce it takes hold of the order of the routine ahead of it. Likewise, a woman who deviated from her normal menstrual cycle counts the days of her cycle according to the order of the cycle ahead of her, i.e., from the time that she experiences bleeding.

Rav Pappa said to Rav Huna, son of Rav Yehoshua: But if so, a question arises with regard to that which Reish Lakish said: A woman fixes a menstrual cycle for herself during the days of her ziva, but a woman does not fix a menstrual cycle for herself during the days of her menstruation, i.e., when she is already a menstruating woman. And Rabbi Yohanan says: A woman fixes a menstrual cycle for herself during the days of her menstruation. One could ask: What are the circumstances of this dispute? Rabbi Yohanan cannot be referring to a case where all her sightings occurred while she was a menstruating woman, as everyone agrees that a woman's menstrual cycle is not fixed in such a situation (see 11a).

Rather, is it not referring to a case where she saw blood on the first of the month; and then again on the fifth of that same month, when she was a menstruating woman; and subsequently she saw blood on the first of the next month and then again on the fifth of that month; and now in the third month she saw blood on the fifth of the month but on the first of the month she did not see blood? In such a situation, the woman experienced an emission of blood on the fifth of the month for three consecutive months.

Rav Pappa concludes: And it is with regard to this case that Rabbi Yohanan says: A woman fixes a menstrual cycle for herself during the days of her menstruation. Although she was not actually a menstruating woman before she experienced bleeding on the fifth day of the third month, this is nevertheless considered a sighting during her days of menstruation. Evidently, one counts her menstrual cycle from the first of the month,<sup>N</sup> despite the fact that she did not actually experience bleeding. Likewise, with regard to the case involving twenty-two days, one counts from when she generally experiences bleeding, not from the day she emitted blood in practice.

אמור ליה: לא. וכי אמר רבי יוחנן:  
בגון דחנאי ריש ירחה, וריש ירחה,  
ועשרין וחמשה בירחה, וריש ירחה.  
דאמרין דמי תירוי הוא דאותספנו  
בנה.

בן כי אתה רבין וכל נחותך יפה,  
אמורה כרב הונא בריה דרב חזען.

הדרן עלך בנות כותים

Rav Huna, son of Rav Yehoshua, said to Rav Pappa: These are not the circumstances of the dispute. Rather, this is what Rabbi Yohanan said: The dispute is referring to a case where she saw blood on the first of the month; and then again on the first of the next month, and then again on the twenty-fifth day of that month; and again on the first of the next month, which occurs during her days of menstruation. Rabbi Yoḥanan maintains that although she is in her days of menstruation, this sighting on the first of the third month serves to fix her menstrual cycle, as we say with regard to the sighting on the twenty-fifth day of the previous month that it is extra blood that gathered inside her.<sup>N</sup> Therefore, it does not negate her regular cycle.

The Gemara notes: And likewise, when Ravin and all the seafarers<sup>B</sup> came<sup>N</sup> from Eretz Yisrael to Babylonia and transmitted statements of Rabbi Yoḥanan, they said this statement of Rabbi Yoḥanan in accordance with the explanation of Rav Huna, son of Rav Yehoshua.

#### NOTES

דמי תירוי הוא – דמי תירוי הוא: The early commentaries explain that as a result of the collection of a large amount of blood in her body, some of it was emitted on the twenty-fifth day of the month. But when she once again sees a flow of blood on the first of the following month, this is clearly the beginning of her actual menstrual cycle (Rashba; *Torat HaBayit*).

יב אחרא רבין וכו': כל דחותי נפנא וכו': The early commentaries write that the halakha should indeed follow the opinion of Rav Huna, son of Rav Yehoshua, with regard to whether a woman counts from the day she actually experienced bleeding, or from the menstrual cycle, despite the fact that she did not experience bleeding. The halakha is not in accordance with the opinion of Rav Pappa, following the statement of Ravin and the other scholars who came from Eretz Yisrael (Ran; see Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 8:8; Shulhan Arukh, *Yoreh De'a* 189:14).

#### BACKGROUND

Seafarers – בון: In this context the term is referring to Sages who came from Eretz Yisrael to Babylonia for commercial purposes. When they arrived in Babylonia they would recite statements of halakha they had heard in Eretz Yisrael.



## Summary of Perek IV

With regard to the definition of a woman's "time of her menstruation" (Leviticus 15:25), it was determined in this chapter that a woman is rendered a menstruating woman immediately upon experiencing a menstrual discharge. Whether she continued to emit blood or the emission ceased immediately after the initial discharge, she is impure as a menstruating woman for seven days. Assuming her emissions ceased before the end of these seven days, she immerses in a ritual bath on the eve of the eighth day and is then deemed pure. These seven days of menstruation are referred to in the verse as the "time of her menstruation."

The period called: "Not in the time of her menstruation" (Leviticus 15:25), is the period of eleven days following the days of menstruation. If a woman experiences bleeding during this time, the blood is not considered the blood of menstruation but the blood of *ziva*, and she is rendered a *zava*. The Sages call this period the days of *ziva*, as although a woman remains ritually pure during this time provided she does not experience a discharge, these eleven days constitute the only period in which she may be rendered a *zava*.

At the conclusion of her days of *ziva*, the woman once again enters a period in which any blood she sees renders her a menstruating woman. The Sages call this period the days of menstruation, as any blood she sees during this time renders her a menstruating woman for seven days. When she again experiences bleeding she becomes impure for seven days. When seven days are over she again enters the days of *ziva*. Accordingly, the days of *ziva* are also referred to as the course of eleven days between menstrual periods.

The Sages distinguish between a woman who experienced bleeding on one or two days during the days of *ziva* and one who experienced blood on three consecutive days during this period. A woman who emitted blood on only one or two days is called a lesser *zava*, and she must observe the *halakhot* of a woman who observes a clean day for each day she experiences a discharge, i.e., she waits one day to see if her emissions have ceased; if they have indeed ceased she immerses in the evening and is deemed pure. A woman who experienced a discharge of blood on three consecutive days is rendered a greater *zava*, who remains ritually impure until she has successfully counted seven clean days. After counting seven clean days she immerses in a ritual bath, and on the following day she brings an offering and is deemed ritually pure.

Since a woman may be rendered a *zava* only during her days of *ziva*, if she experienced a discharge on the tenth and eleventh days of *ziva*, and again on the following day, she is not rendered a greater *zava*. Rather, this third emission is considered the beginning of her days of menstruation.

It was also taught in this chapter that a woman is not required to examine herself during her days of *ziva* as she must during the days of menstruation, since it is

uncommon for a woman to experience an emission of blood during her days of *ziva*. It is typical for a woman to experience bleeding during her days of menstruation.

With regard to a woman who experiences an emission of blood accompanied by labor pains, it was concluded that if the emission occurred during her days of menstruation she is rendered a menstruating woman; if it occurred during the days of *ziva* she remains pure, as the emission is attributed to an external factor, e.g., childbirth, and such an emission does not render a woman a *zava*.

Other matters relating to the *halakhot* of ritual purity were addressed in this chapter, in particular the status of Samaritan women, who are considered ritually impure from birth, as well as the status of Sadducee women.

## Introduction to Perek V

*If a woman conceives and gives birth to a male, then she shall be impure seven days; as in the days of her menstrual flow she shall be impure. And on the eighth day the flesh of his foreskin shall be circumcised. And she shall continue in the blood of purification thirty-three days; she shall touch no consecrated item, nor come into the Sanctuary, until the days of her purification are fulfilled. But if she gives birth to a female, then she shall be impure two weeks, as in her menstruation; and she shall continue in the blood of purification sixty-six days. And when the days of her purification are fulfilled, for a son, or for a daughter, she shall bring a lamb of its first year for a burnt offering, and a young pigeon, or a dove, for a sin offering, to the door of the Tent of Meeting, to the priest.*

(Leviticus 12:2–6)

*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

One of the *halakhot* of ritual impurity that applies uniquely to a woman, apart from the impurity of menstruation and of a *zava*, is the impurity of a woman after childbirth. The Torah states that a woman who gives birth has the status of a primary source of ritual impurity, and she is prohibited from engaging in intercourse with her husband just as when she menstruates. This is the *halakha* whether she gives birth to a boy or to a girl, and it applies even if the baby is stillborn.

This status of impurity differs from that of menstruation in that it is not a result of the emission of blood. Even if the woman did not emit blood at all during the birth, this impurity status still applies. Another distinctive feature of this impurity is that there is a difference between the birth of a boy and of a girl: If the woman gives birth to a boy she is impure for seven days, whereas if she bears a girl her impurity lasts for fourteen days. These are called the days of impurity.

Once the days of impurity have concluded, the woman enters a period termed the days of purity. It is called this because even if she emits blood during this time, she is not rendered impure by Torah law, neither as a menstruating woman nor as a *zava*, and she remains permitted to engage in intercourse with her husband. Like the days of impurity, the length of this period depends on whether a woman gave birth to a boy or a girl: It lasts thirty-three days in the case of a boy and sixty-six days in the case of a girl. When the days of purity end, she is still not entirely pure with regard to partaking of *teruma* and consecrated food or entering the Temple until she brings the requisite offerings.

The Torah does not state the *halakha* of a birth via caesarean section. In such a case, it is necessary for the Sages to determine the status of the mother with regard to her days of impurity and days of purity, as well as her offerings.

Another issue that requires clarification is the minimum age from which the ritual impurity of a menstruating woman and *ziva* apply.

These are the main issues discussed in this chapter.



## Perek V

## Daf 40 Amud a

**מתני' יוצא דופן – אין יוֹשֵׁבַן עַלְיוֹן טוּמָה וַיִּמְצֵא טהָרָה, וְאַנְתָּךְ בֵּין עַלְיוֹן קָרְבָּן רַבִּי שְׁמֻעוֹן אָמָר: הַיְיָ הָזֶה בַּיּוֹד.**

**כל הנשים מטמאות בבית החיצון. שנאמר "דם היה זה וזה בברשה". אבל הוב ונעל קר – אין מטמאין עד שתצא טומאתן לחוץ.**

**היה אויל בתרומה והוציא שנדע עשו אבריו – אויל באמה, ובולע את התורמה. ומטמאין בכל שהוא, אפילו בעין החדריל ובפחות מכך.**

**גמ' אמר רבי מנិ בר פטיש: מאוי טעם יהו דרבנן, אמר קרא "אשה כי תועישiolדה ובר" – עד שתלד במקום שהיא מוגעת.**

**ורבי שמעון – ההייא, דאפיקלו לא ילדה אלא בעין שהוריעה, אמו טמאת לידה.**

**MISHNA** After the birth of an offspring by caesarean section,<sup>hb</sup> the mother **does not observe** seven or fourteen days of impurity<sup>n</sup> and thirty-three or sixty-six days of purity for male and female offspring, respectively, and she is not obligated to bring for it the offering brought by a woman after childbirth. **Rabbi Shimon says:** The halakhic status of that offspring is like that of an offspring born in a standard birth.

All women become ritually impure with the flow of blood from the uterus into the outer chamber,<sup>h</sup> i.e., the vagina, although it did not leave the woman's body, as it is stated: **"And her issue in her flesh shall be blood,** she shall be in her menstruation seven days" (Leviticus 15:19), indicating that even if her menstrual blood remains in her flesh, she becomes impure. **But one who experiences a gonorrhea-like discharge [zav] and one who experiences a seminal emission<sup>h</sup> do not become ritually impure until their emission of impurity emerges outside the body.**

If a priest was partaking of **teruma**, the portion of the produce designated for the priest, and sensed a quaking of his limbs<sup>h</sup> indicating that a seminal emission was imminent, he should firmly hold his penis to prevent the emission from leaving his body, and swallow the **teruma** while ritually pure. And the emission of a **zav** and a seminal emission **impart impurity in any amount**,<sup>hn</sup> even like the size of a mustard seed or even smaller than that.<sup>n</sup>

**GEMARA** The mishna cites a dispute as to whether or not a birth by caesarean section is considered a birth with regard to the **halakhot** pertaining to childbirth. **Rabbi Mani bar Patish**<sup>p</sup> said: **What is the reason** for the opinion of the Rabbis, who say that it is not considered a birth? It is because the verse states: **"If a woman emitted seed and gave birth to a male,** then she shall be impure seven days... And when the days of her purification are fulfilled, for a son, or for a daughter, she shall bring a lamb of the first year for a burnt offering, and a pigeon or a dove for a sin offering" (Leviticus 12:2–6). It is derived from here that the **halakhot** mentioned in that passage do not apply unless she gives birth through the place where she emits seed.

The Gemara asks: **And how does Rabbi Shimon interpret the term "emitted seed"?** The Gemara answers: **That word serves to teach that even if she gave birth only to a fluid that resembles the seed that she emitted**, i.e., the fetus died and entirely decomposed and dissolved before emerging, **its mother is ritually impure due to childbirth.**

The mother does not observe seven or fourteen days of impurity – **אין יוֹשֵׁבַן עַלְיוֹן טוּמָה**: A mother is ritually pure after a caesarean birth, even if blood emerged together with the child. The reason is that vaginal blood alone renders a woman impure, as Rabbi Yohanan states later in this chapter (41b). The blood itself is ritually impure, in accordance with the opinion that all blood originating in the uterus is impure; see 16a (*Divrei Hamidot*; *Shulhan Arukh*, *Yoreh De'a* 194:14).

**Impart impurity in any amount – מטמאין בכל שהויא:** This is referring to the aforementioned emission of a **zav** and a seminal emission: Even the slightest amount of emission of these fluids renders the one who emits them impure (Rambam's

**NOTES**

Commentary on the Mishna; Rabbi Ovadya Bartenura). According to some of the later commentaries this also refers to menstrual blood, which was mentioned earlier in the mishna as well (Rashash; see *Bah*, explaining Rashi).

**Even like the size of a mustard seed or even smaller than that – בפלוי בין החדריל ובפחות מכך:** Rabbi Zeira taught: The daughters of Israel have accepted upon themselves the stringency that even if they emit a drop of blood as small as a mustard seed, they observe seven clean days before undergoing purification (66a). The commentaries explain that this stringency applies to blood even smaller than the size of a mustard seed (*Shakh*, citing *Agur* and *Sha'rei Dura*).

**HALAKHA**

**Caesarean section – יוצא דופן:** In the case of birth by caesarean section, if no blood emerged through the vagina, the mother is ritually pure from the impurities of childbirth, menstruation, and ziva, in accordance with the opinion of the first *tanna* (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:5; *Shulhan Arukh*, *Yoreh De'a* 194:14).

All women become ritually impure with the flow of blood from the uterus into the outer chamber – **כל נשים מטמאות ב בית החיצון:** A woman becomes ritually impure as soon as blood emerges from the uterus, even if it has not yet emerged from the body. This is the *halakha* only if the woman feels the emergence of the blood from the uterus; if she does not feel it, she is not impure by Torah law. Some hold that she is impure by rabbinic law (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 5:2; *Shulhan Arukh*, *Yoreh De'a* 183:1 and *Shakh* there).

**A zav and one who experiences a seminal emission, etc. – הוב ונעל קרי וכו':** One who experiences a seminal emission is ritually impure only when the semen emerges from his body (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 5:1).

**If a priest was partaking of teruma and sensed a quaking of his limbs – היה אויל בתרומה והוציא שנדע עשו אברי:** If one was partaking of **teruma** and he sensed that his limbs were quaking in the manner that precedes a seminal emission, he should firmly hold his penis to prevent the emission from leaving his body, and swallow the **teruma** (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 7:4).

**Impart impurity in any amount – מטמאין בכל שהויא:** Blood of menstruation, blood of ziva, and blood of childbirth all impart impurity to those who touch or move it, even if it is the most minute amount of blood (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 5:1 and *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 1:8; *Shulhan Arukh*, *Yoreh De'a* 183:1).

**BACKGROUND**

**Birth by caesarean section [yotze dofen] – יוצא דופן:** The term **yotze dofen**, which literally means that which emerges from the side of the body, refers to an offspring born not in the natural way, but by medical intervention through an incision of the abdomen or side. Such procedures were known in ancient times, but it is not mentioned in outside sources as an option for a living woman; rather, it was carried out only in cases where the mother had died carrying a live fetus. It is only in modern times that it became possible to perform such an operation on a living woman, who would survive the procedure. Nevertheless, the Talmud's discussions of this procedure indicate that the practice was carried out among the Jews even on living women.

**PERSONALITIES**

**Rabbi Mani bar Patish – רבי מנִי בר פטיש:** A second-generation *amora* who lived in Eretz Yisrael, Rabbi Mani bar Patish is apparently identical to the Sage Rabbi Mana, who is mentioned frequently in the Jerusalem Talmud. In the Babylonian Talmud he is referred to by the slightly altered form Mani, along with the name of his father, Patish. He was a friend of Reish Lakish, and the two of them would discuss talmudic topics in the presence of Rabbi Yohanan. Rabbi Mani was one of the preservers and transmitters of the Torah knowledge of Rabbi Yannai.

**וְרַבִּי שְׁמֻעוֹן מֵאַי טָעַמְתָּה?** אָמַר רִישׁ לְקִישׁ: אָמַר קֹרֵא "תִּלְדֶּ" – לִרְבּוֹת יוֹצֵא דָוָפָן.

**וְרַבְּנָן – הָא יְמַבְּשִׁיעַ לָיהּ לִרְבּוֹת טָוְמָטוֹם וְאַנְדּוֹגִינָּס.** דָּסְלָקָא דַּעֲתָךְ אֲמִינָא: **"זֶבַר" וּ"נְקָבָה"** בְּתִיב – זֶבַר וּנוֹאֵי, נְקָבָה וְאַתָּה, וְלֹא טָוְמָטוֹם וְאַנְדּוֹגִינָּס, קָא משְׁבָעַ לָן.

**וְרַבִּי שְׁמֻעוֹן – נִפְקָא לִיהּ מִזְתָּנִי בָּר לִיאָי, דְּתָנִי בָּר לִיעָא:** "לְבָנָן" – לְבָנָן מִכְּלָמִיקָּם, "לְבָת" – לְבָת מִכְּלָמִיקָּם.

**וְרַבְּנָן – הָא יְמַבְּשִׁיעַ לָיהּ לְחַיֵּב עַל בֶּלְבָן וּבָנָן, וְלְחַיֵּב עַל בֶּלְבָת וּבָת.**

**וְרַבִּי שְׁמֻעוֹן – נִפְקָא לִיהּ מִזְתָּנִי תְּנָא – קָמְבִּיהּ דָּרְבָּ שְׁשָׁתָּה:** "אֵת הוֹרַת הַלְּלָה" – **כַּלְפָּד שְׁמַבְּאֵיהָ קָרְבָּן אַחֲרֵי עַל וְלֹדוֹת הַרְבָּה.** יָכוֹל תְּבִיאָה עַל לִזְהָה וְעַל זִיבָה **בְּאַתָּה?**

**אֵלָא יוֹלְדָת דָּאכְלָה דִּם, וְיוֹלְדָת דָּאכְלָה חַלְבָּ – בְּחֵד קָרְבָּן תְּסַגֵּילָה!**

The Gemara further asks: **And Rabbi Shimon, what is the reason for his opinion that the halakhot of childbirth apply in the case of a caesarean section? Reish Lakish said that it is because the verse states: "But if she gives birth to a female" (Leviticus 12:5). The term "she gives birth" is superfluous in the context of the passage, as it was mentioned previously, and it therefore serves to include the birth of an offspring by caesarean section.**

The Gemara asks: **And what do the Rabbis derive from this superfluous expression? The Gemara answers: In their opinion, that expression is necessary to include the birth of a child whose sexual organs are indeterminate [tumtum] or a hermaphrodite. As it might enter your mind to say that as the words "male" (Leviticus 12:2) and "female" (Leviticus 12:5) are written in the passage, these halakhot apply only to a definite male and a definite female, but not to a tumtum or a hermaphrodite. Therefore, the term "she gives birth" teaches us that it is the birth itself, not the sex of the offspring, that matters.**

The Gemara asks: **And from where does Rabbi Shimon derive that these halakhot apply to a tumtum and a hermaphrodite? The Gemara answers: He derives it from that which bar Livai teaches, as bar Livai teaches a baraita that discusses the verse: "And when the days of her purity are fulfilled, for a son, or for a daughter" (Leviticus 12:6). Since the verse uses the terms "son" and "daughter," rather than male and female, it is derived from the term "for a son" that these halakhot apply to a son in any case, even if his masculinity is not definite. Similarly, the term "for a daughter" teaches that these halakhot apply to a daughter in any case, even if her femininity is not definite.**

The Gemara asks: **And what do the Rabbis derive from the terms "for a son" and "for a daughter"? The Gemara answers: In their opinion, that term is necessary to obligate the mother to bring an offering for each and every son to whom she gives birth, rather than one offering after having given birth to several sons; and likewise to obligate her to bring an offering for each and every daughter to whom she gives birth.**

The Gemara asks: **And from where does Rabbi Shimon derive this halakha? The Gemara answers that he derives it from a baraita that a tanna taught before Rav Sheshet: The verse states: "This is the law for one who gives birth, whether to a male or a female" (Leviticus 12:7). This teaches that a woman brings a single offering for many offspring<sup>4</sup> born within a short time, e.g., after a multiple birth. One might have thought that she may bring an offering for her childbirth and an offering for an irregular discharge of blood from the uterus [ziva], in a case where she is required to bring one, as one, i.e., that she may fulfill her two obligations with a single offering.**

The Gemara interrupts the baraita to raise a difficulty: **But how could it possibly enter your mind that a woman may bring one offering for two obligations? In the case of a woman after childbirth who consumed blood, or a woman after childbirth who ate forbidden fat, is one offering sufficient for her? One who eats blood or forbidden fat is obligated to bring a sin offering for atonement (see Leviticus 7:25–27). There is no reason to think that a woman after childbirth, who is required to bring a sin offering for a reason other than her childbirth, may bring one offering for both obligations. Similarly, there are no grounds for suggesting that a single offering might suffice for both childbirth and ziva.**

#### HALAKHA

This teaches that she brings a single offering for many offspring – **כַּלְפָּד שְׁמַבְּאֵיהָ קָרְבָּן אַחֲרֵי עַל וְלֹדוֹת הַרְבָּה:** One who gives birth, whether to live or dead offspring, to one child or several children, may bring a single childbirth offering for all these births. This is the halakha only if all the births occurred within the period

of postpartum purification of the first child, i.e., forty days for a male child and eighty days for a female. Any birth that occurs after this period of time requires its own offering, in accordance with the baraita that the tanna taught before Rav Sheshet (Rambam Sefer Korbanot, Hilkhos Mehusrei Kappara 1:8).

**אֲלֹא: יִכְלֶל תְּבֵיא עַל לִידָה שְׁלֵפֶנִי מֶלֶאָת  
וְעַל לִידָה שְׁלֵא חָרָב מֶלֶאָת בְּאַחַת – הַלְמָוד  
לֹומֶר יוֹאָתָר. וּרְבָּן – אַף עַל גַּב דְּכַתְּבֵב יוֹאָתָר,  
אַיִצְטָרִיךְ לְבָנָן אוֹ לְבָתָה.**

**סְלִילָא דַעֲתָן אֲמִינָא: בְּתֵרִי עַבְיוֹרִי (דָחַד הָעֵדָה  
נַפְלָל), אֲבָל בְּחָדָשׁ עַבְיוֹרָא, כִּנְזָן יְהוָה וְחוּקָה  
בְּנֵי בְּנֵי חִיאָא, אִימָר בְּחָדָשׁ קְרָבָן סְגִילָה – קָא  
מְשֻׁמֵּשׁ לָן.**

**אִמְרָה רַבִּי יוֹחָנָן: וּמוֹדָה רַבִּי שְׁמֻעוֹן בְּקָרְדִּים  
שְׁאַיְנוּ קְדוּשָׁה. מֵאַיִל טָעַמָּא, גָּמוּ לִידָה לִידָה  
מִבְּכָורו, מֵהַذְּתָם – פְּטָר רַחֲם, אַף בָּאָן  
פְּטָר רַחֲם.**

**וְלֹגְמָר לִידָה לִידָה מְאָרָם, מֵהַזְּתָם – יוֹצֵא  
דוֹפָן, אַף בָּאָן – יוֹצֵא דּוֹפָן?**

**מִסְתְּבָרָא, מִבְּכָור הָוָה לִיה לְמִילָּה, שְׁבָן  
"אַמּוֹ" מַ"אֲפָמוֹ". אֲדָרְבָּה, מְאָדָם הָוָה לִיה  
לְמִילָּה, שְׁבָן פְּשָׁוט מִפְּשָׁוֹתָן!**

**אֲלֹא, מִבְּכָור הָוָה לִיה לְמִילָּה, שְׁבָן: אָם.  
בְּהַמִּתְּקָנָתָן קְרָדִים, פְּגָול, נַוְתָּר, וְטַמָּא.**

Rather, the statement of the *baraita* should be revised, as follows: One might have thought that a woman may bring an offering for a childbirth that occurred before the completion of her term of postpartum purity, and for a second childbirth that happened after the completion of that period, as one, i.e., she may fulfill her two obligations with a single offering. Therefore, the verse states: "This is the law for one who gives birth" (Leviticus 12:7), indicating that each birth, unless it occurred within the period of purity following another birth, requires its own offering. The Gemara asks: And how do the Rabbis respond to this derivation? The Gemara answers that in their opinion, even though it is written: "This is the law," it was still necessary for the verse to state: "For a son, or for a daughter."

The Gemara explains: Had the Torah stated only the verse: "This is the law," it might enter your mind to say that one offering does not suffice for two births that occurred as a result of two pregnancies, as the second one was a miscarriage whose conception occurred during the woman's period of purity following the first birth. But if both births occurred as a result of one pregnancy, such as in the case of Yehuda and Hizkiyya, the twin sons of Rabbi Hizkiyya, who were born three months apart (see 27a), I would say that one offering for both births is sufficient for her. Therefore, the verse "for a son, or for a daughter" teaches us otherwise.

**§ Rabbi Yohanan says:** And Rabbi Shimon, who maintains that childbirth by caesarean section has the halakhic status of regular childbirth, concedes in the case of consecrated animals<sup>h</sup> that if one attempts to consecrate an animal born by caesarean section, it is not consecrated. What is the reason for this opinion? He derives it by means of a verbal analogy from the word **birth** that is written with regard to consecrated animals (see Leviticus 22:27), and the word **birth** that is written in connection with a **firstborn** animal (see Deuteronomy 15:19). Just as there, in the case of the firstborn, the *halakhot* apply specifically to one who "opens the womb" (Exodus 13:15), so too here, in the case of consecrated animals, the *halakhot* apply only to one who **opens the womb**.

The Gemara objects: And let Rabbi Shimon derive a different conclusion by a similar verbal analogy, as the word **birth** is written with regard to consecrated animals, and the word **birth** is also written with regard to a person, i.e., a woman who gives birth (see Leviticus 12:2): Just as there, in the case of humans, childbirth by caesarean section has the status of childbirth according to Rabbi Shimon, so too here, in the case of consecrated animals, an animal born by caesarean section is considered the same as an animal born via a natural birth.

The Gemara answers: It is more reasonable for Rabbi Shimon to derive the *halakha* of a consecrated animal from a **firstborn** animal, rather than from the *halakha* of childbirth, as it is written with regard to a consecrated animal: "Its mother" (Leviticus 22:27), and it is likewise written with regard to a firstborn animal: "Its mother" (Exodus 22:29). The Gemara objects: On the contrary, he should derive it from human births, as that would be a derivation of the *halakha* concerning consecrated animals that are **ordinary**, i.e., not firstborns, from the *halakha* concerning human births of children that are **ordinary**, and not firstborns.

The Gemara adopts a different line of reasoning: Rather, Rabbi Shimon should derive it from a **firstborn** animal, as they both share the following five characteristics: In both cases it is written: "its mother"; both are cases of a **sacrificial animal**; both are subject to **piggul**, the disqualification of an offering through improper intent during its sacrificial rites; both are subject to **notar**, the disqualification of sacrificial meat after a prescribed time; and finally, both are subject to disqualification by becoming **ritually impure**. By contrast, humans do not share any of these characteristics.

**HALAKHA**

And Rabbi Shimon concedes in the case of consecrated animals: **מוֹדָה רַבִּי שְׁמֻעוֹן בְּקָדְשִׁים**: An animal born by caesarean section may not be used as an offering, even if it is unblemished. This ruling is unanimous, as even Rabbi Shimon, who maintains that caesarean births are like regular births, agrees that this does not apply to sacrificial animals, as stated by Rabbi Yohanan (Ramban Sefer Avoda, *Hilkhot Issurei Mizbe'ah* 3:4, 11).

אֲזֹרְבָּה, מְאַדָּם הָוֹה לִיהְ לְמִילָּה, שֶׁבָּן:  
פְּשָׁטוֹת, זֶכֶר, קָדוֹשׁ, בְּמִתְנָהָה הַנְּדָר נְפִישָׁן.

The Gemara objects: **On the contrary, he should derive it from human births**, as both cases share the following four characteristics: They are both instances of **ordinary**, non-firstborn offspring; they both apply to the offspring of either sex, and are not exclusively **males**; they are both dealing with offspring that are not automatically **sacred** at birth; and they both apply to offspring that are not a **gift** to a priest, but belong to an individual non-priest. By contrast, firstborn animals do not share any of these characteristics. The Gemara answers that the comparison to firstborn animals is preferable to the comparison to human childbirth because **these shared characteristics are more numerous**. The comparison to consecrated animals includes five shared characteristics, whereas the comparison to human births involves only four.

אמָרוּ וּבְחַיָּא בְּנֵיהֶן דָּרְבָּה הַוְנָא מִשְׁמָמָה  
דָּרְבָּא: תְּנִיאָה וְמַסְעָה לִיהְ לְבִי יוֹחָנָן, רַבִּי  
יְהוּדָה אָוּמָר: "זֹאת תֹּורַת הַעֲלָה הִיא  
הַעֲלָה" – הַרְיָה אַלְוֹ שְׁלֹשָׁה מִיעוּטִין,

Rav Ḥiyya, son of Rav Huna, said in the name of Rava: A *baraita* is taught which supports the statement of Rabbi Yohanan: Rabbi Yehuda says: “This is the law of the burnt offering; that is the burnt offering that goes up on the pyre upon the altar” (Leviticus 6:2). It is derived from this verse that the *halakha* is that if a part of a disqualified offering is taken up to the altar it should be burned there, rather than taken down, despite its unfit status. **There are three expressions which indicate exclusion in this verse:** The term “this is,” which indicates this one and not another one; the term “that is,” indicating that one and not another one; and the term “the burnt offering” instead of “a burnt offering.”

## Perek V

### Daf 40 Amud b

#### HALAKHA

To the exclusion of an offering that was slaughtered at night – **פְּטָלְשָׁתָה בְּלִילָה**: A sacrificial animal that was slaughtered at night is disqualified. Even if it was placed upon the altar it must be taken down, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Korbanot*, *Hilkhot Pesulei HaMukdashin* 3:6).

And one whose blood was left overnight and one that was itself taken out of the Temple courtyard, etc. – **דָּרְבָּה הַלְּוִיְצָא וּכְ**: If the blood or flesh of sacrificial animals, whether the parts that should be consumed or the parts that should be burned on the altar, remained beyond its permitted time frame, it should not be placed on the altar. If it was placed on the altar it should not be taken down. The same applies to sacrificial flesh that left the precincts of the Temple courtyard, and sacrificial flesh that became ritually impure, and an offering that was disqualified because one of its rites was performed with the wrong intent, and one which was disqualified because its blood was collected or sprinkled by ritually impure priests, and one that was disqualified because its blood was sprinkled in the wrong place on the altar, and an offering of the most sacred order that was slaughtered, or whose blood was collected, at the south side of the altar. All these offerings are disqualified and should not be placed on the altar, but if they were placed there they should not be taken down (Rambam *Sefer Korbanot*, *Hilkhot Pesulei HaMukdashin* 3:7).

פְּרַט לְנִשְׁחָתָה בְּלִילָה, וְשְׁנִשְׁפָּךְ דָּמָה,  
שְׁשִׁיצָא דָמָה חֹזֵן לְקָלְעִים – שָׁאֵם עַלְתָּה  
תְּרֵד.

רַבִּי שְׁמֻעוֹן אָוּמָר: "עֲלָה" – אֵין לִא אֶלְא  
עֲלָה בְּשָׂרָה, מִנֵּן לְרֹבוֹת שְׁנִשְׁחָתָה  
בְּלִילָה, וְשְׁנִשְׁפָּךְ דָּמָה, וְשִׁיצָא דָמָה חֹזֵן  
לְקָלְעִים, וְהַלְּוִיְצָא, וְהַיְצָא, וְהַטְּמָא, וְהַנּוֹתָר,  
וְשְׁנִשְׁחָתָה חֹזֵן לְמִנְטוֹ וְחֹזֵן לְמִקְמוֹ,

These three expressions allude to the exclusion of the following three cases from the above principle: An offering that was disqualified because it was **slaughtered at night**,<sup>h</sup> and an offering whose blood spilled before it could be sprinkled on the altar, and an offering whose blood was disqualified because it was **taken outside the curtains** [*lakelaim*] surrounding the courtyard of the Tabernacle in the wilderness, i.e., it left the Temple courtyard. These three cases are excluded, as in these instances, if parts of the disqualified offering **ascended**, i.e., were brought upon the altar, **they must descend**, i.e., be taken down.

Rabbi Shimon says: From the verse’s reference to a **burnt offering**, I have derived only that a valid **burnt offering** should not be taken down from the altar. From **where** is it derived that the verse also serves to include the following disqualified offerings: An offering that is invalid because it was **slaughtered at night**; and one whose blood spilled before sprinkling; and one whose blood was **taken outside the curtains**, i.e., the Temple courtyard; and one whose blood was **left overnight**; and one that was itself **taken out of the Temple courtyard**,<sup>h</sup> and one that became **ritually impure**; and one that was **left overnight**; and one that was **slaughtered** with the intent to eat its flesh **beyond its designated time or outside its designated area**.

#### LANGUAGE

**קְלָעִים** – The term curtains, or hangings, refers to the partition that delineated the limits of the courtyard of the Tabernacle built by the Israelites in the wilderness. In the Temple, the corresponding limits were demarcated by solid walls. Although the *baraita* is dealing with the *halakhot* of offerings in

the Temple, the term curtains is retained as an allusion to the original manner in which the demarcation was delineated. In fact, curtains were used initially in the Second Temple as well (see *Zevahim* 107b).

וְשִׁקְבָּלֶ פָּסְלֵין נֹזַעַקְוּ אֲתָה רְמֻן, וְהַנְּתַנְנִי  
לְמַעַלָּה שְׁנִתְנַן לְמַטָּה, וְהַנְּתַנְנִי לְמַטָּה  
שְׁנִתְנַן לְמַעַלָּה, וְהַנְּתַנְנִי בְּחוֹזֵן שְׁנִתְנַן  
בְּפְנִים, וְהַנְּתַנְנִי בְּפְנִים שְׁנִתְנַן בְּחוֹזֵן,  
וְהַפְּסָחַ וְהַחֲטֹאת שְׁנִתְנַן שְׁלָא לְשָׁמָן?  
מִינִין?

תַּלְמֹד לֹמֵר – "זֹאת תּוֹرַת הַעַלְלה".  
רַיבָּה תּוֹרַה אֲתָה לְכָל הַעֲלוֹלִין – שָׁם  
עַלּוּ לְאַיְרוֹג.

כָּל שָׁאַנִי מִרְבָּה אֲתָה הַרְבָּעַ, וְהַרְבָּעַ,  
וְהַמְּוֹקָצָה, וְהַשְׁעָבָד, וְאַוְתָּן, וְהַמְּחַיִּיר,  
וְהַכְּלָאִים, וְהַפְּרָחָה, וְיִצְאָא דָוָן. תַּלְמֹדוֹ  
לֹמֵר "זֹאת"!

וְמַה רְאִית לִרְבּוֹת אֲתָה אַלּוּ וְלְהַזְּצִיא  
אֲתָה אַלּוּ?

**And likewise, from where is it derived that the verse serves to include offerings that those who are unfit for performing the Temple service collected or sprinkled their blood; and offerings whose blood is supposed to be placed above the red line of the altar<sup>g</sup> but which one placed below that line; and offerings whose blood is supposed to be placed below the red line of the altar but which one placed above it; and offerings whose blood should be placed on the altar situated outside the Sanctuary but which one instead placed on the altar inside the Sanctuary; and offerings whose blood should be placed on the altar inside the Sanctuary but which one placed on the altar outside; and a Paschal offering and a sin offering that one slaughtered not for their own sake,<sup>h</sup> i.e., while slaughtering he actually intended to sacrifice a different offering? From where is it derived that although these offerings are disqualified, if they were brought up to the altar they are not taken down?**

**The verse states:** "This is the law of the burnt offering." The verse thereby included in one law all items that ascend upon the altar, even disqualified offerings, teaching that if they ascended the altar, they shall not descend.

Rabbi Shimon continues: One might have thought that I should also include an animal that copulated with a person;<sup>h</sup> and an animal that was the object of bestiality; and an animal that was set aside for idol worship; and an animal that was worshipped as a deity; and an animal that was given as payment to a prostitute or as the price of a dog; and an animal that is an offspring of diverse kinds, i.e., crossbreeding; and an animal with a wound that will cause it to die within twelve months [*tereifa*]; and an animal born by caesarean section. Therefore, the verse states: "This," to exclude these disqualifications.

Rabbi Shimon elaborates: **And what did you see**, i.e., what is the reason to include these particular cases and to exclude those particular cases?

יבָּל שָׁאַנִי מִרְבָּה אֲתָה  
חַרְבָּעַ וּכְיַחַד:  
All animals that are disqualified from being sacrificed upon the altar, e.g., a male animal that copulated with a woman, a female animal that copulated with a man, an animal that had been set aside for idolatry, an animal that was worshipped as a

deity, an animal that was given as payment to a prostitute, an animal that was exchanged for a dog, a *tereifa*, and an animal born by caesarean section, may not be placed upon the altar, and should be taken down if they were placed there. The reason is that they were unfit for sacrifice from the outset (Rambam Sefer Avoda, *Hilkhot Pesulei HaMukdashin* 3:5).

## BACKGROUND

Offerings whose blood is supposed to be placed above the red line of the altar, etc. – **הַנְּתַנְנִי לְמַעַלָּה וּכְיַחַד**: The terms above and below, in regard to the altar, refer to the two sections of the external altar of the Temple. The border between them is designated by a red line surrounding the altar at the midpoint of its height. The blood of certain offerings, notably the sin offering, must be placed on the top of the altar, whereas the blood of others, such as the burnt offering, the guilt offering, and the peace offering, must be placed on the bottom half.



View of the altar from the south, with the red line at its midpoint

## NOTES

And a Paschal offering and a sin offering that one slaughtered not for their own sake – **וְהַפְּסָחַ וְהַחֲטֹאת שְׁנִתְנַן שְׁלָא לְשָׁמָן**: With regard to the Paschal offering, the later commentaries note that this is referring specifically to an offering that was slaughtered on the afternoon of the fourteenth of Nisan, which is the proper time for the slaughter of Paschal offerings. A Paschal offering slaughtered any other time of the year is not disqualified at all if it is slaughtered not for its own sake, as it has the status of a peace offering.

## HALAKHA

One might have thought that I should also include an animal that copulated with a person, etc. – **יבָּל שָׁאַנִי מִרְבָּה אֲתָה חַרְבָּעַ וּכְיַחַד**:

All animals that are disqualified from being sacrificed upon the altar, e.g., a male animal that copulated with a woman, a female animal that copulated with a man, an animal that had been set aside for idolatry, an animal that was worshipped as a

Perek V  
Daf 41 Amud a

אַחֲר שְׁרִיבָה הַכְּתוּב וּמִיעַט, אַמְרָת:  
מִרְבָּה אֲנִי אֲתָה אַלּו – שְׁהִיא פָּסְלֵין  
בְּקָרָשׂ, וּמוֹצִיאָא אֲנִי אֲתָה אַלּו – שְׁלָא  
הַיָּה פָּסְלֵין בְּקָרָשׂ.

Rabbi Shimon explains: **After the verse both included some disqualified offerings in this principle and excluded others, you should say: I include in the items that should not be taken down if they had been placed on the altar those whose disqualification occurred in the sacred area**,<sup>i</sup> i.e., the Temple courtyard, in the course of the sacrificial service, e.g., an offering that was slaughtered at night, or whose blood spilled before sprinkling. **And I exclude those whose disqualification was not in the sacred area**, such as an animal that copulated with a person, as these animals were disqualified before their sacrificial process began. This concludes the *baraita*.

## NOTES

Those whose disqualification occurred in the sacred area – **שְׁהִיא פָּסְלֵין בְּקָרָשׂ**: This translation follows the commentary of Rashi, who says that this category is referring specifically to disqualifications that occurred while the animal was inside the sacred grounds of the Temple, not those which occurred beforehand. Other commentaries indicate that the phrase means disqualification in sanctity, and is referring to disqualifications that are due to the performance of the sacrificial rites, not those that occurred to the animal itself (see *Tosafot*; *Tosefot HaRosh*).

קַתְנִי מֵיהֶת יוֹצֵא דָוָפָן רַלְאָ, מַאי לָאו –  
יוֹצֵא דָוָפָן דָּקְדָּשִׁים? אָמַר רַב הַוָּא בְּרִיה  
רַב נָתָן: לֹא, יוֹצֵא דָוָפָן דָּבְכָו.

The Gemara explains how this *baraita* supports the opinion of Rabbi Yohanan. The *baraita* teaches, in any event, that an animal born by caesarean section is not fit for sacrifice. What, is it not referring to one who consecrates an animal born by caesarean section and renders it a sacrificial animal? Evidently, although Rabbi Shimon maintains that a human birth by caesarean section has the halakhic status of a regular birth, he concedes that animals born in this manner are unfit for sacrifice. Rav Huna, son of Rav Natan, said: No, the *baraita* is dealing with a firstborn animal born by caesarean section, and it is this animal that is disqualified as an offering. A firstborn animal is sacred only if it emerged from the womb.

בְּכָו – מִפְּטָר רְחִם "נַפְקָא!

The Gemara objects to this interpretation of the *baraita*: How can it be referring to a firstborn animal? The *halakha* that firstborn status does not apply to an animal born by caesarean section is derived from the phrase “opens the womb,” which teaches that only animals born in the natural manner are endowed with the sanctity of firstborn animals and may be sacrificed on the altar. Since an animal born by caesarean section is not sacred at all, and it is clear that a non-sacred animal cannot be sacrificed upon the altar, it is obvious that the animal must be taken down if it was placed there in error.

אֲלָא מַאי, דָּקְדָּשִׁים? מִ"אמָנו" "אָמוֹן"  
נַפְקָא!

The Gemara responds to this objection: Rather, what would you say? Would you say that the *baraita* is referring to an ordinary animal, not a firstborn, that had been consecrated as a sacrificial animal? But this animal is not sacred either, as derived from the verbal analogy of the term “its mother” stated with regard to the firstborn and the term “its mother” stated in connection with consecrated animals, as Rabbi Yohanan taught earlier. If one seeks to consecrate as an offering an animal that was born by caesarean section, it is not rendered sacred at all. Accordingly, the same reasoning applies as before: It is evident that a non-sacred animal may not be placed on the altar, and it must be removed if placed there in error.

הָאִי מַאי, אֵי אָמְרוֹת בְּשַׁלְמָא דָקְדָּשִׁים –  
הַיּוֹנָן דָּאָזְרִיכִי תְּרִי קְרָאִי, וְהַד – לְבָהָמָת  
חַלְוִין דָּאָוְלִיד דָּרְךָ דָּוָפָן וְאַקְדָּשָׁה.

The Gemara rejects this response: What is this comparison between firstborn animals and consecrated animals? Granted, if you say that the *baraita* is referring to animals that are consecrated to be offerings, that is why two verses are necessary: One verse, the verbal analogy between consecrated animals and firstborn animals, teaches that a non-sacred animal whose mother gave birth to it by caesarean section and whose owner subsequently consecrated it as an offering is not sacred at all, and must therefore be removed from the altar if it was placed there in error.

וְהַד – לְבָהָמָת קְרָשִׁים דָּאָוְלִיד דָּרְךָ  
הַוָּוָן, וְקִסְּבָּר וְלִדוֹת קְרָשִׁים בְּהַוָּיִת  
הַן קְדּוֹשִׁים. אֲלָא אֵי אָמְרוֹת דָּבָכָו –  
מִפְּטָר רְחִם "נַפְקָא!"

And one verse: “This is the law of the burnt offering; that is the burnt offering that goes up on the pyre upon the altar” (Leviticus 6:2), teaches with regard to a sacrificial animal that gave birth by caesarean section, that although the offspring is sacred by virtue of its mother’s sanctity, it may not be sacrificed and must be removed from the altar if placed there in error. And the *tanna* of this *baraita* maintains that the offspring of sacrificial animals are automatically sacred upon their emergence<sup>N</sup> from the womb. But if you say that the *baraita* is referring to a firstborn animal that was born by caesarean section, the *halakha* that this animal is not sacred is derived from the phrase “opens the womb.”

#### NOTES

Offspring of sacrificial animals are automatically sacred upon their emergence – **לִדוֹת קְרָשִׁים בְּהַוָּיִת הַן קְדּוֹשִׁים**: There is a dispute with regard to the sacred status of animals born to consecrated mothers: Some maintain that the sacred status applies at

birth, whereas others claim that the sanctity is attained already in the fetal stage. Since the relevance of this dispute to the Gemara’s discussion here is not apparent, Rashi recommends deleting this line altogether (see *Tosafot* for a possible explanation).

**הַכִּי נִבְיֵי מִסְתָּבְרָא, מִזְקָנִי "הַרְוָבָעַ וְהַנְּבָעַ וְהַמְּקוֹצָה וְהַנְּבָדֵד וְהַכְּלָאָם".**

The Gemara adds: **So too, it is reasonable to interpret the baraita** in this manner, that it is referring to an offspring born to a sacrificial animal by caesarean section, **from the fact that the baraita teaches that an animal that copulated with a person, and an animal that was the object of bestiality, and an animal that was set aside for idol worship, and an animal that was worshipped as a deity, and an animal that is an offspring of diverse kinds, must all be removed from the altar if placed there in error.**

**הַנִּי מִהְכָּא נַפְקָא? מִזְחָתָם נַפְקָא! "מִן הַבָּהֶמֶת" – לְהַזְּכִיאָה הַרְוָבָעַ וְהַנְּבָעַ. "מִן הַקְּבָרָה" – לְהַזְּכִיאָה אֶת הַנְּבָדֵד. "מִן הַצָּאן" – לְהַזְּכִיאָה אֶת הַמְּקוֹצָה. "וּמִן הַצָּאן" – לְהַזְּכִיאָה אֶת הַנְּגָתָה.**

The Gemara explains: Now are these disqualifications **derived from here**, from the verse adduced by the baraita? No, they are **derived from elsewhere**, as taught in a baraita: The verse states: “You shall bring your offering from the cattle, even from the herd or from the flock” (Leviticus 1:2). The expression “**from the cattle**” serves to exclude from eligibility as an offering **an animal that copulated with a person<sup>h</sup>** and **an animal that was the object of bestiality**. The expression “**from the herd**” serves to exclude an animal that was worshipped<sup>h</sup> as a deity. “**From the flock**” serves to exclude an animal set aside for idol worship. The word “or” in the expression “**or from the flock**” serves to exclude an animal that gored<sup>h</sup> a person, killing him. In all these cases the animal cannot be consecrated at all, and therefore it is not necessary for the Torah to teach that they must be removed from the altar if placed there in error.

**וְתוּ, בְּלָאִים, מִהְכָּא נַפְקָא? מִזְחָתָם נַפְקָא: "שׂוֹר אוֹ כָּבֵשׂ אוֹ עֵזׂ". "שׂוֹר אוֹ עֵזׂ" – פָּרֶט לְכָלָאִים, "אוֹ עֵזׂ" – פָּרֶט לְנְדָמָה!**

**And furthermore**, is the disqualification of an animal born of a mixture of diverse kinds **derived from here**? No, it is **derived from elsewhere**, as taught in a baraita: The verse states: “When a bull or a sheep or a goat is born, it shall be seven days under its mother; but from the eighth day and onward it may be accepted for an offering” (Leviticus 22:27). The term “**a bull**” serves to exclude an offspring of diverse kinds<sup>h</sup> from being used as an offering. The phrase “**or a goat**” serves to exclude an animal that **resembles** another,<sup>h</sup> i.e., a sheep that is the offspring of sheep but that looks like a goat, or vice versa. Once again, as these animals cannot be consecrated at all, it is not necessary for the Torah to teach that they must be removed from the altar if placed there in error.

**אַלְאָ אֲצִירָכְךָ תְּרִיאָ, חֹד – לְבָהֶמֶת חֹוֵלִין, וְחֹד – לְבָהֶמֶת קְרָדִים, הַכְּאָבָנִי – אַיִצְּרִיךְ תְּרִיאָ.**

Rather, it must be that **two verses are necessary** for each of these cases: **One** to teach that a **non-sacred animal** that is subject to any of these disqualifications cannot be consecrated, and the other **one** to teach that with regard to a **sacrificial animal** that was born with this status by virtue of its mother’s sanctity, if it is subject to one of these disqualifications it may not be sacrificed and must be removed from the altar if placed there in error. Accordingly, it stands to reason that **here too**, in the case of an animal born by caesarean section, **two verses are necessary** for the same reason: One for a non-sacred animal, to teach that it cannot be consecrated, and another for the offspring of a sacrificial animal.

**תְּנִי רְבָנָן: הַפְּקָשָׁה שֶׁלְשָׁה יָמִים, וַיֵּצֵא בָּלֶד דָּרָן – הָרִי זָוֵף – וְזָוֵף בָּזָבָב, וְרַבִּי שְׁמֻעוֹן אָמַר: אֵין זָוֵף בָּזָבָב, וְרַבִּי הַיּוֹצֵא מִשְׁם – טָמֵא, וְרַבִּי שְׁמֻעוֹן מַטָּה.**

**§** The Sages taught in a baraita: Although a woman who experiences a discharge of uterine blood after her menstrual period is rendered a **zava** and must count seven clean days before immersing and purifying herself, if a pregnant woman experiences birth pangs accompanied by bleeding for **three days<sup>n</sup>** after her menstrual period, at the end of which she gives birth, she is not rendered a **zava**, as the bleeding is attributed to the childbirth. **And if the offspring emerged by caesarean section<sup>h</sup>** she is considered **one** who has given birth during a period of **ziva**. But Rabbi Shimon says: She is not considered **one** who has given birth during a period of **ziva**. And the blood that emerges from there is ritually impure, but Rabbi Shimon deems it pure.

## HALAKHA

To exclude an animal that copulated with a person, etc. – **לְהַזְּכִיאָה הַרְוָבָעַ וְכַיִלְבָד:** An animal that copulated with either a woman or a man may not be sacrificed upon the altar, although it is permitted to eat its meat (Rambam Sefer Avoda, Hilkhot Issurei Mizbe’ah 3:6).

To exclude an animal that was worshipped – **לְהַזְּכִיאָה אֶת הַמְּקוֹצָה וְהַנְּבָדֵד:** An animal that was worshipped as a deity, and likewise one set aside to be used as an idolatrous sacrifice, may not be sacrificed upon the altar, although it is permitted to eat their meat. This halakha is in accordance with the mishna on Temura 28a (Rambam Sefer Avoda, Hilkhot Issurei Mizbe’ah 3:6).

To exclude an animal that gored – **לְהַזְּכִיאָה אֶת הַנְּגָתָה:** An animal or bird that killed a person may not be sacrificed upon the altar (Rambam Sefer Avoda, Hilkhot Issurei Mizbe’ah 3:6).

To exclude an offspring of diverse kinds – **פָּרֶט לְכָלָאִים:** An offspring of diverse kinds may not be sacrificed upon the altar, even if it is unblemished (Rambam Sefer Avoda, Hilkhot Issurei Mizbe’ah 3:4).

To exclude an animal that resembles another – **פָּרֶט לְלַנְדָמָה:** An animal that resembles a different species, even if it is not a hybrid, may not be sacrificed upon the altar. How so? If a ewe gives birth to an offspring that resembles a goat, or if a goat gives birth to an animal that resembles a sheep, the offspring may not be sacrificed, even if it has certain characteristics that cause it to resemble its mother. It is similar to a blemished animal, as there is no greater blemish than an abnormal appearance (Rambam Sefer Avoda, Hilkhot Issurei Mizbe’ah 3:5).

And if the offspring emerged by caesarean section – **בְּצִאָה לְזָוֵף וְזָבָב:** If a pregnant woman experienced labor pains accompanied by bleeding, and subsequently gave birth by caesarean section, the blood that emerged from the vagina is ritually impure, either as menstrual blood or blood of **ziva**, depending on the time in the woman’s **ziva** cycle when it emerged. Whatever blood emerged from the abdominal incision is impure. If no blood emerged from the vagina, the woman is ritually pure; she is not rendered impure for seven days by the blood that emerged from the abdominal incision (Rambam Sefer Kedusha, Hilkhot Issurei Bia 10:5 and Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 1:9).

## NOTES

If a pregnant woman experiences birth pangs accompanied by bleeding for three days, etc. – **הַפְּקָשָׁה שֶׁלְשָׁה יָמִים** וּכְרִי: As the Gemara stated earlier (36b), once a woman begins experiencing labor pains, any bleeding that occurs at that time, even over a period of several days, does not render her impure as a **zava**, provided that it is immediately followed by a live birth. If there is

a daylong pause between the bleeding and the birth, or if there is no birth at all, the blood renders her impure as a **zava**. Since Rabbi Shimon and the Rabbis disagree whether or not a birth by caesarean section is halakhically considered a birth, it follows that they also disagree whether bleeding followed by a caesarean birth renders the woman ritually impure.

בְּשַׁלְמָא וַיֹּאמֶר – רַبִּי שִׁמְעוֹן לְטֻעַמִּיה, וְבָנָן  
לְטֻעַמִּיהוּג, אֲלֹא כִּפֵּא – בַּמְאֵי פָּלוּגִים? אָמָר  
רַבִּינָא: בָּנוּן שִׁיזְזָא וְלֹד דָּרָךְ דָּופָן.

The Gemara analyzes the *baraita*: Granted, the first clause of the *baraita* is clear: Rabbi Shimon conforms to his line of reasoning, cited in the mishna, that birth via caesarean section has the halakhic status of childbirth; and the Rabbis, i.e., the first *tanna*, conform to their line of reasoning, that birth via caesarean section does not have the halakhic status of childbirth. But in the latter clause, with regard to what matter do they disagree? Ravina said: The latter clause is referring to a case where the offspring emerged by caesarean section,

## Perek V

### Daf 41 Amud b

#### NOTES

The location of a woman's source is ritually impure – בְּקֹרֶה מִקּוּמוֹ טָבָא: Rashi explains that the blood that comes from the uterus becomes impure through its contact with the uterus, and it imparts ritual impurity to the woman when it leaves her body and comes into contact with the outside of her body. Since it does not render her impure as a menstruating woman, she is permitted to her husband.

זֶה דָּרָךְ רְחֵם, וְאַזְדָּא רַבִּי שִׁמְעוֹן לְטֻעַמִּיה  
וּרְבָּנָן לְטֻעַמִּיהוּג.

מִתְהַקֵּף לְהָרְבָּנָן יְסָפֵף: חֶדְרָא – דָּהִי נוּ וַיֹּאמֶר  
עוֹזֶד, "מִשְׁם" – מִקּוּמוֹ וְלֹד מִשְׁמָעוֹן.

אֲלֹא אָמָר רַב יוֹסֵף: בָּנוּן שִׁיזְזָא וְלֹד וְהַמִּ  
דָּרָךְ דָּופָן.

בְּמִקּוֹר מִקּוֹמוֹ טָמֵא קְמִיפְלֵגִי, מַר סָבָר –  
מִקּוֹר מִקּוֹמוֹ טָמֵא, וַיַּרְא סָבָר – מִקּוֹר מִקּוֹמוֹ  
לְהַזּוֹר.

and blood emerged through the womb, i.e., vaginally, during the three days preceding the birth. And Rabbi Shimon conforms to his line of reasoning, that a caesarean birth is a full-fledged birth, and therefore the blood that emerged prior to the birth is ritually pure, and the Rabbis conform to their line of reasoning, that a caesarean birth is not halakhically considered a birth, which means that the blood which emerged beforehand is considered the blood of *ziva*, and is ritually impure.

Rav Yosef objects to this explanation: One difficulty is that according to this interpretation, the latter clause of the *baraita* is superfluous, as the dispute recorded there is identical to that of the first clause. And furthermore, the words: From there, in the phrase: The blood that emerges from there, indicate that this is referring to a place already mentioned in the *baraita*, i.e., the place from which the offspring emerged, which is the abdominal incision of the caesarean section, not the vagina.

Rather, Rav Yosef said that this is the explanation of the latter clause of the *baraita*: It is referring to a situation where both the offspring and blood emerged through the incision in the abdomen.<sup>H</sup> It is in such a case that the first *tanna* deems the blood which emerged impure and Rabbi Shimon deems it pure.

And the matter with regard to which they disagree is whether or not the location of a woman's source, i.e., her uterus, is ritually impure. One Sage, the first *tanna*, holds that the location of a woman's source is ritually impure,<sup>NH</sup> and therefore any blood that emerges from it, regardless of how it came out of her body, is impure as well. And one Sage, Rabbi Shimon, holds that the location of a woman's source is pure, and blood that emerges from there is also pure. Only uterine blood which emerges vaginally is impure.

#### HALAKHA

Where both the offspring and blood emerged through the incision in the abdomen – בְּשַׁלְמָא וְלֹד וְהַמִּ: If a woman experienced pain associated with childbirth and gave birth to a child by caesarean section, both the blood that emerged vaginally and that which emerged through the abdominal incision are ritually impure. If no blood emerged vaginally, the woman is pure, despite the fact that the blood emerging from the abdomen is impure. This ruling is in accordance with the opinion of the first *tanna* of the *baraita* (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:5 and *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 1:9, and see *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:5).

The location of a woman's source is ritually impure – בְּקֹרֶה מִקּוֹמוֹ טָמֵא: If a woman gave birth by caesarean section and blood emerged from the abdomen along with the child, that blood is a primary source of ritual impurity, just like the vaginal blood of menstruation, childbirth, and *ziva*. The reason is that the place of a woman's source, i.e., the uterus, is ritually impure. The woman herself is not rendered impure except when emitting blood vaginally (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 1:9, and see *Sefer Kedusha*, *Hilkhot Issurei Bia* 10:5).

אמר ריש לחייב הנטמא בדם – מטמא באשה, לחייב המטהר בדם – מטהר באשה. ורבו יוחנן אמר: אף לחייב הנטמא בדם – מטהר באשה.

ואזרא ורבו יוחנן לטעמה, דאמור רבוי יוחנן משים רבוי שמעון בן יוחנן: מפני שאין אישת טמאה עד שיצא מזרה דרך ערובה, שנאמר: "ויאיש איש אשר ישכב את אשה רזה וגללה את ערובה את מקורה הערה" – מלבד שאין אישת טמאה עד שיצא מזרה דרך ערובה.

אמר ריש לחייב משות ורביה יהודה נשיאה: מקורו שנעקר ונפל לארצה – טמאה, שנאמר עין השפּר נחשך וגללה ערונות.

למי? אילימא לטומאת שבעה – "דם אמר רחמנא, ולא חתיכה! אלא לטומאת עיר."

אמר רבוי יוחנן: מקור שהזיע בשתי טפי מרגליות – טמאה. למאי? אילימא לטומאת שבעה – חמשה דמים טמאין באשה, ותו לאו אלא לטומאת ערב ודווקא תרתי, אבל חזרא – אם מא מעילמאอาทיה.

**§ Reish Lakish says:** According to the statement of the one who deems the blood impure, the first *tanna*, he deems the woman impure<sup>n</sup> as well, as though it were blood of menstruation. Likewise, according to the statement of the one who deems the blood pure, Rabbi Shimon, he deems the woman pure as well. But Rabbi Yoḥanan says: Even according to the statement of the one who deems the blood impure, the first *tanna*, he deems the woman pure.

And Rabbi Yoḥanan follows his standard line of reasoning here, as Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai: From where is it derived that a woman does not become impure due to menstruation unless the flow of blood emerges from her nakedness, i.e., genitalia? As it is stated: "And a man who lies with a woman having her flow, and shall uncover her nakedness, he has made naked her source" (Leviticus 20:18) This teaches that a woman is not impure due to menstruation unless the flow emerges from her nakedness.

**Reish Lakish says in the name of Rabbi Yehuda Nesia:**<sup>p</sup> If a woman's source, i.e., her uterus, became dislodged and fell out of her body onto the ground, she is ritually impure, as it is stated: "Because your foundation was poured out, and your nakedness was uncovered" (Ezekiel 16:36). The word "foundation" alludes to the uterus, and the verse is referring to it after it has been "poured out," i.e., detached, as an uncovering of nakedness, which indicates that it is still a source of impurity even after it has been detached from its place.

The Gemara asks: To what kind of impurity is this woman subject in this situation? If we say that she is subject to the impurity of seven days of menstruating women, that is impossible, as the Merciful One states in the Torah that such impurity is caused by "blood" (Leviticus 15:19), and not a piece of flesh. Rather, she is subject to impurity that lasts until the evening, as a result of the surface of her body having come into contact with the uterus, which is a source of impurity.

**Rabbi Yoḥanan says:** In the case of a woman's source that discharged two whitish, clear, pearl-like [margaliyyot]<sup>q</sup> drops,<sup>h</sup> she is impure. The Gemara asks: To what kind of impurity is this woman subject in this situation? If we say that she is subject to the impurity of seven days of menstruating women, that is impossible, as the mishna (*Nidda* 19a) states that there are five distinct colors of ritually impure blood in a woman, but no more, and pearly white is not one of those colors. Rather, she is subject to impurity that lasts until the evening, as a result of her body having come into contact with a discharge from the uterus, which is a source of impurity. And this is the halakha specifically if there were two drops, but if there was only one such drop she is not impure, as I can say that the drop came from elsewhere,<sup>h</sup> not from the uterus.

## PERSONALITIES

**Rabbi Yehuda Nesia – רבי יהודה נשיאה:** Three different Sages were known by this name, each the grandson of his namesake. The first, who lived during the first and second generations of *amoraim* in Eretz Yisrael, was the son of Rabban Gamliel, who was himself the son of Rabbi Yehuda HaNasi, the redactor of the Mishna. In order to distinguish him from his grandfather, also named Yehuda, the grandson was called Rabbi Yehuda Nesia, the Aramaic form of Yehuda the *Nesi*, or patriarch. Like his grandfather, he is sometimes referred to simply as Rabbi. The grandson of this Rabbi Yehuda, a disciple of Rabbi Yoḥanan and Reish Lakish, was also known as Rabbi Yehuda Nesia. The grandson of this later Rabbi Yehuda Nesia, a fourth-generation *amora* in Eretz Yisrael and a contemporary of Rabbi Yirmeya, was likewise called by the same name.

## LANGUAGE

**Pearls [margaliyyot] – מרגליות:** The source of this word is the Greek μαργαρίτης, *margarités*, with a shift from the letter *r* to the letter *l*. The meaning of the word in Greek, as in Hebrew, is pearl. There is a similar Greek word which denotes a precious stone. In talmudic Hebrew the word can likewise have both meanings.

## HALAKHA

A woman's source that discharged two whitish clear pearl-like drops – **בקור שהייע כתמי טפי מרגליות:** If a woman's source, i.e., her uterus, discharged two pearl-like, i.e., clear white, drops, she is impure until the evening. She is not a menstruating woman, which would entail seven days of ritual impurity, unless she emits one of the five types of blood listed in the mishna on 19a. This is in accordance with the opinion of Rabbi Yoḥanan. (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 1:10).

If there was only one drop she is not impure as I can say it came from elsewhere – **חד אינמא מעילמא:** **אינו:** If a woman discharges a single pearl-like drop she is not rendered impure, as it is assumed that it did not originate in the uterus. This is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 1:11).

## NOTES

According to the statement of the one who deems the blood impure he deems the woman impure – **לחייב הנטמא בדם – מטמא באשה:** Reish Lakish, like Rav Yosef, maintains that the latter clause of the *baraita* is referring to blood that emerges from the abdominal incision. Yet his explanation differs from the previous explanations of this clause in that he holds that according to the first *tanna*, the blood is considered menstrual blood despite its emergence from a place other than the vagina.

With regard to Reish Lakish's explanation of the opinion of Rabbi Shimon in this latter clause of the *baraita*, there are two opinions among the early commentaries. According to one opinion, Rabbi Shimon agrees that in theory, uterine blood which emerges due to an abdominal incision can render a woman a menstruating woman or a *zava*. But in this particular case, since the bleeding was

followed by a birth, it is considered pure, as is the case with any painful bleeding followed by a birth. The first *tanna*, by contrast, does not consider a caesarean birth a full-fledged birth, and therefore he rules that the woman's bleeding does render her impure. Consequently, the dispute between Rabbi Shimon and the first *tanna* in the latter clause of the *baraita* is directly related to their dispute in the first clause (*Tosafot; Tosefot HaRosh*).

According to the other opinion, Reish Lakish maintains that Rabbi Shimon disagrees altogether with the basic assertion of the first *tanna* that uterine blood emerging from anywhere other than the vagina can be considered blood of menstruation or *ziva*. Therefore, the woman experiencing such bleeding remains pure (Ramban; Ran).

### NOTES

Is the area between the teeth-like projections itself considered as internal or as external – בין השרים לבין הצלבונים? This question is due to the ambiguity of the word: Until. The Talmud often discusses whether this term includes or excludes the specified endpoint.

The place of threshing – מקום דישחה: According to the Rambam (Sefer Kedusha, Hilkhota Issurei Bia 5:2), this place of threshing is a description of the area previously called: Between the teeth-like projections (Rashbatz).

כִּלְבָשׁוֹת הַנְּשָׁיִם מִטְפְּמָאֵין בְּבֵית הַחֲצֹזֶן. הַיְּהוּ בֵּית הַחֲצֹזֶן? אָמָר רֵישׁ לָקִישׁ: כִּלְבָשׁוֹת הַנְּשָׁיִת יוֹשֶׁבֶת וְנָרָאת.

אָמָר לִיהְ רֵבִי יוֹחָנָן: אָתוֹ מִקּוֹם - גָּלוֹי  
הַוְאָ אֲצַל שְׂרֵץ! אֲלֹא אָמָר רֵבִי יוֹחָנָן: עַד  
בֵּין הַשְּׁרִים.

אִיבְּשֵׂעָא לְהָה: בֵּין הַשְּׁרִים. כְּלָפָנִים אֲז  
כְּלָחֹזֶן? פָּא שְׁמַע, דְּתַנֵּי רֵבִי זָקְנָא: עַד  
בֵּין הַשְּׁרִים. בֵּין הַשְּׁרִים עַצְמָן - כְּלָפָנִים.

בְּמִתְנִיתָא תְּנָא: מִקּוֹם דִישָׁה. מַאי "מִקּוֹם  
דִישָׁה"? אָמָר רֵב יְהוּדָה: מִקּוֹם שְׁהַשְׁמֵשׁ  
דְשׁ.

תָנוּ רַבָּנִי: "בְּבִשְׁרָה" - מָלֵך שְׁמַטְמָאָה  
בְּפָנִים כְּבָחוֹץ. וְאַז לִי אֲלֹא נְדָה, זְבָה  
בְּפָנִים - תַּלְמוֹד לוֹמֵר זְבָה בְּבִשְׁרָה.

פּוֹלֶת שְׁבַבָּת וְעַמְינָן - תַּלְמוֹד לוֹמֵר  
"זְבָה." וּרְבִי שְׁמֻעוֹן אָמָר: דֵיהַ כְּבָעוּלָה,  
מַה בּוּזָלָה - אֵינוֹ מְטֻמָּא עַד שְׁתִיצָא  
טוּמָאָה לְחוֹזֶן, אֲז הָיא - אַיְהָ מְטֻמָּא  
עַד שְׁתִיצָא טוּמָאָה לְחוֹזֶן.

§ The mishna teaches: All women become ritually impure with the flow of blood from the uterus into the outer chamber, i.e., the vagina, as it is stated: “And her issue in her flesh shall be blood” (Leviticus 15:19). The Gemara asks: What exactly is the outer chamber? Reish Lakish says: Any place which can be seen when a little girl sits with her legs spread. When the blood reaches that area in the vagina, the woman becomes ritually impure.

Rabbi Yoḥanan said to Reish Lakish in objection: That place is considered exposed even with regard to contact with the carcass of a creeping animal. If one comes into contact with the carcass of a creeping animal he becomes impure. This is the halakha only if the animal touches a part of the body that is exposed, not an internal cavity such as the inside of the mouth. Since the area of the vagina described by Reish Lakish is considered an exposed part of the body for the purposes of the impurity imparted by the carcass of a creeping animal, it should not be necessary for the mishna to derive the halakha of her impurity from the expression “in her flesh.” Rather, Rabbi Yoḥanan says: The term outer chamber extends until the area between the teeth-like projections<sup>H</sup> inside the vagina.

A dilemma was raised before the Sages: Is the area between the teeth-like projections itself considered as internal, which would mean that blood there would not render the woman impure, or as external?<sup>N</sup> Come and hear a resolution, as Rabbi Zakkai teaches a baraita: The term outer chamber extends to the area between the teeth-like projections, but the area between the teeth-like projections themselves is considered as internal.

It was taught in a baraita that a woman becomes impure when the blood reaches the place of threshing,<sup>N</sup> which is a euphemism. The Gemara asks: What is the meaning of this euphemism, the place of threshing? Rav Yehuda says: It is referring to the place in the vagina where the penis threshes, i.e., reaches, during intercourse.

§ The Sages taught in a baraita: It is written concerning a menstruating woman: “And if a woman has an issue, and her flow in her flesh shall be blood, she shall be in her menstruation seven days” (Leviticus 15:19). The term “in her flesh” teaches that she becomes impure while the blood is still inside her flesh just as when the blood emerges outside her body. I have derived only that this applies in the case of a menstruating woman. From where is it derived that it applies to a zava as well? The same verse states: “Her flow [zovah] in her flesh.”

From where is it derived that this also applies to a woman who discharges semen after intercourse?<sup>H</sup> The same verse states the apparently superfluous term “shall be.” And Rabbi Shimon says: In the case of discharging semen, it is sufficient for her to be like the man who engaged in intercourse with her: Just as the man who engaged in intercourse with her does not become impure until the source of impurity, the semen, emerges outside his body, so too, she does not become impure until her source of impurity, the semen, emerges outside her body. It does not render her impure while it is still inside her body.

### HALAKHA

Until the area between the teeth-like projections – עד בין השרים: Blood that emerges from the uterus, even if it has not yet left the body, renders the woman impure by Torah law once it has gone beyond the area between the teeth-like projections, as all women become ritually impure with the flow of blood from the uterus into the outer chamber. This is the halakha only if the woman feels the blood discharged from the uterus. If she does not feel it she is not rendered impure by Torah law, but only by rabbinic law (Shakh). The area of the teeth-like projections is equivalent to the place where the penis reaches during intercourse. If the blood reaches the area of the teeth-like projections itself, without going beyond it, it is considered as though the

blood has not yet been emitted, in accordance with the opinion of Rabbi Yannai (Rambam Sefer Kedusha, Hilkhota Issurei Bia 5:2).

A woman who discharges semen after intercourse – פולשת שְׁבַבָּת וְעַז: A woman who discharged semen is rendered impure like a man who emits semen, provided that it is emitted within three time periods after intercourse, with each time period consisting of an entire day or night. Even if the semen did not leave the woman's body, she becomes impure as soon as it reaches the area between the teeth-like projections, in accordance with the opinion of the first tanna in the baraita (Rambam Sefer Tahara, Hilkhota She'ar Avot HaTumot 5:11).

וְסִבְרָרְבֵּי שְׁמַעַן דֵּיהַ בְּבֹועַלָּה? וְהַתְּנִינָא.  
 רַחֲצָו בְּמַיִם טַמְאָו עַד הַעֲרָב." אָמָר  
 רַבִּי שְׁמַעַן: וְכִי מֵה בָּא זֶה לְלִפְנֵינוּ? אָמָר  
 לְעַנְיוֹן נָגַע בְּשִׁכְבָּת וּרְעוּ - הַרְוי בְּבָרְנָא  
 לְמַטָּה "אוֹ אִישׁ,"

אַלְאָ מִפְנִי שְׁטוּמָתָ בֵּית הַסְּתָרִים הִיא,  
 וְשְׁטוּמָתָ בֵּית הַסְּתָרִים אַיִלָּה מַטָּמָא,  
 אַלְאָ שְׁגֹוֹת הַכְּתוּב וְהָא!

לֹא קַשְׁיאָ, כִּאן - בְּמַשְׁמַשָּׁת, פָּאן -  
 בְּפּוֹלְטָת.

פּוֹלְטָת - תִּיפּוֹק לִיהְ דֵּיהַ שְׁמַחָה!  
 בְּשִׁטְבָּלה לְשְׁמוֹשָׁה.

לִמְימָרוֹא דְמַשְׁמַשָּׁת בְּטֻומָת עַרְבָּ סָאִי  
 לְהָ? וְהָא אָמָר רַבָּא: מַשְׁמַשָּׁת - כָּל  
 שְׁלָשָׁה נִימִים אַסּוּרָה לְאַכְול בְּתְרוּמָה,  
 שָׁאֵי אָפְשָׁר לְהָ שְׁלָא תְּפָלוּת!

הַכָּא בַּמְאֵי עַסְקָנִין - שְׁהַטְבִּילָה בְּמַטָּה,  
 מְכֻלָּל דְכִי קָאָמָר רַבָּא - דָאָוָלה אַיִה  
 בְּכַרְעָה וּטְבָלָה, דִילְמָא בְּהִזִּי דִקְאָוָלה  
 שְׂדִיתָא?

The Gemara asks: **And does Rabbi Shimon in fact hold that it is sufficient for her to be like the man who engaged in intercourse with her? But isn't it taught to the contrary in a baraita:** The verse states: “The woman also with whom a man shall lie carnally, they shall both bathe themselves in water, and be impure until the evening” (Leviticus 15:18). Rabbi Shimon said: **And what does this verse come to teach us? If it teaches with regard to one who comes into contact with semen that they are impure, it is already stated below** (Leviticus 22:4): “**Or a man from whom the flow of seed goes out,**” from which it is derived that coming into contact with semen renders one impure.

Rather, this verse is necessary because in the case of intercourse the contact with the source of impurity occurs in a concealed part of the body, and contact with impurity by a concealed part of the body generally does not render one impure.<sup>h</sup> But here it is a Torah edict that the woman does become impure in this manner. This baraita proves that according to Rabbi Shimon a woman is rendered impure by semen even when it is inside her body.

The Gemara answers that this is not difficult. Here, this second baraita is dealing with a woman who engages in intercourse, whereas there, the first baraita is dealing with a woman who discharges semen after intercourse. It is only during the act of intercourse that a woman becomes impure due to the semen. If she later discharges semen, she does not become impure, according to Rabbi Shimon, until the semen leaves her body and touches her on the outside.

The Gemara objects: But in the case of a woman who discharges semen, one can derive that she is impure due to the fact that she engaged in intercourse prior to the discharge.<sup>n</sup> The Gemara answers: Rabbi Shimon is referring to a case where she immersed herself, thereby purifying herself from the impurity from her intercourse, and she subsequently discharged semen.

The Gemara asks: Is this to say that in the case of a woman who engages in intercourse it is sufficient for her to simply immerse herself, and then she is in a state of impurity only until evening? But didn't Rava say: A woman who engages in intercourse is prohibited from partaking of teruma, even if she is married to a priest, for the entire three days<sup>h</sup> following the intercourse, as it is impossible for her not to discharge semen throughout this period, and teruma may not be consumed by one who is impure?

The Gemara answers: Here we are dealing with a case where others immersed the woman while she was still in bed, and she remained there. If she remains lying down, it is possible for her not to discharge semen following intercourse, and the immersion after intercourse purifies her. The Gemara asks: By inference, one can conclude that when Rava said that a woman is in a constant state of impurity for three days after intercourse, he was referring to a case where she walked to the ritual bath by foot and immersed herself. But if so, perhaps while she was walking she released all the semen in her body even before the three days were over, and therefore will not subsequently become impure.

## HALAKHA

Contact with impurity by a concealed part of the body does not render one impure – **וְטוּמָת בֵּית הַסְּתָרִים אַיִלָּה**: **מַטָּמָא:** Ritual impurity is imparted to a woman who engages in intercourse not due to the contact with semen, as this contact takes place internally, and contact with an impure substance in a concealed part of the body is not considered contact. Rather, the woman's impurity is imposed by Torah law because of the act of intercourse itself, as explained by Rabbi Shimon (Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot 5:9; see also Hilkhot Tumat Met 1:3).

A woman who engages in intercourse is prohibited from partaking of teruma for the entire three days – **מַשְׁמַשָּׁת כָּל שְׁלַשָּׁה יְמִים אַסּוּרָה לְאַכְול בְּתְרוּמָה**: With regard to a woman after intercourse, if she did not turn over during intercourse, she may immerse immediately and partake of teruma in the evening. This immersion would have to be performed while she is still lying in bed (Ra'avad; see Radbaz and Kesef Mishne). If she did turn over during intercourse, she is prohibited from partaking of teruma for three days, as it is impossible that she did not emit some semen over this period, thereby rendering herself impure, in accordance with the statement of Rava (Rambam Sefer Zera'im, Hilkhot Terumot 7:7).

## NOTES

One can derive that she is impure due to the fact that she engaged in intercourse prior to the discharge – **פּוֹלְטָת יִפּוֹק לִיהְ דֵּיהַ שְׁמַחָה!**: The Gemara first explained that according to Rabbi Shimon, a woman is subject to ritual impurity by insemination in two distinct ways, through intercourse and through discharge of semen. The Gemara proceeds to ask: What is the point of these two separate categories, as a discharge of semen

is necessarily preceded by intercourse in any event? The question could not be posed to the first tanna, as according to him it is possible that there are not two categories, but rather, the Torah declares a woman impure after intercourse only because of the discharge of semen that necessarily follows it (Ramban; Ran). See Tosafot for a different explanation.

Perek V  
Daf 42 Amud a

**NOTES**

Here he is referring to a woman who turns around, there he is speaking of a woman who does not turn around – **בָּאַן בְּמִתְהִפְכֶּת בָּאַן בְּשָׁאֵנָה מִתְהִפְכֶּת**: Rashi offers two different interpretations of this sentence. The first is that the turning around mentioned by the Gemara is referring to the woman's movement after she has immersed. If she turned from side to side after the immersion, Rava maintains that she certainly discharges semen throughout the three-day period and is therefore impure. When Rabbi Shimon indicates that it is possible for her to remain pure after immersion, he is referring to a case where she does not turn from side to side. The majority of the early commentaries adopt this interpretation (Ramban; Rashba; Ritva; Rashbatz).

Rashi's second explanation is that the turning around mentioned by the Gemara is referring to her position at the time of intercourse. If she remained still at that time, the semen is better absorbed inside her body and is not necessarily discharged thereafter. If she turned from side to side during that time, she will constantly be discharging semen over the next three days, as stated by Rava. The Rambam explains the Gemara in accordance with this second interpretation.

ובִּי תִּקְמֹא: דִּילְמָא אֲשַׁתְּיִיר, אֵי הַכִּי  
חַיִּישֵׁין שְׁפָא נְשַׁתְּיִיר" מִבְּשִׁיעַ לִיהְיָה

אַלְאָ לְבָבָא נָמִי - שְׁהַטְבִּילָה בְּמִתְהִפְכֶּת, וְלֹא  
קְשִׁיאָה, בָּאַן - בְּמִתְהִפְכֶּת, בָּאַן - בְּשָׁאֵנָה  
מִתְהִפְכֶּת.

וּרְبָא אָקְרָא קָאֵי, וְהַכִּי קָאָמָר: בַּיּוֹתְבָעַ  
בְּהַמְּנָא" "וְרֹחֵץ בְּמִים וְטַמֵּא עַד הַעֲרָבָה"  
בְּשָׁאֵנָה מִתְהִפְכֶּת, אַבְלָא בְּמִתְהִפְכֶּת,  
כָּל שְׁלֹשָׁה יָמִים אָסִירָה לְאַכְלָל בְּתֻרוֹנָה,  
שָׁאֵי אָפֵּשֶׂר לְהָשְׁלָא תְּפִלוֹת.

And if you would say that it is certainly possible that she released all the semen, but Rava's concern was that **perhaps** some of it might have **remained**, if so, he should have said: We are concerned that **perhaps** some semen **remained** and will be discharged, rather than: It is impossible for her not to discharge semen throughout this period.

Rather, according to Rava too, this is referring even to a case where others immersed her while she was still in bed and she remained there for three days. And the contradiction is not difficult: Here, in the statement of Rava, he is referring to a woman **who turns around** in bed from side to side. It is therefore certain that she will discharge semen over the course of three days. There, in the statement of Rabbi Shimon, he is speaking of a woman lying in bed **who does not turn around**<sup>N</sup> from side to side. Such a woman will not discharge semen at all.

And the statement of Rava is referring to a verse in the Torah, and this is what he is saying: When the Merciful One writes in the Torah, with regard to a man and woman who engaged in intercourse: "They shall both bathe themselves in water, and be impure until the evening" (Leviticus 15:18), which indicates that when evening comes the woman's purification is complete, it is dealing with a case where she is in bed and **does not turn around** from side to side. But in a case where she **does turn around**, she is prohibited from partaking of *teruma* for the entire three days following the intercourse, as it is impossible for her not to discharge semen throughout this period.

בעא מיניה רב שמואל בר ביסנא מאבוי:  
פּוֹלַטְתָּ שְׁכַבְתָּ וְרֹעָ, רֹואָה הָיוּא אוֹ נְגַעַת  
חוֹיָא?

נְפָקָא מִינָה: לְסִתוֹר, וְלַטְמָא בְּמִשְׁהָוָה,  
וְלַטְמָא בְּפָנִים כְּבָחוֹזָה.

מַהְוָה נְפָשָׁךְ, אֵי שְׁמַעַי לְהָמִתְנִיתִין לְרַבֵּן  
רֹואָה הָיוּא, וְלֹא בְּשִׁמְעוֹן - נְגַעַת הָיוּא.

וְאֵי לֹא שְׁמַעַי לְהָמִתְנִיתִין, מִסְתְּבָרָא -  
נְגַעַת הָיוּא!

The practical difference between these two possibilities is threefold: Whether or not the discharge **negates** her counting of seven clean days at the end of the *ziva* period, whether or not it **renders** her **impure by any amount**, and whether or not it **renders** her **impure** while still **inside** her body as it would after emerging **out** of her body. If it is considered an emission of an impure substance, it negates her count of seven clean days, and it renders her impure even in the slightest amount, and it renders her impure even before it emerges from her body. If it renders her impure because she came into contact with it, it does not negate her count, it renders her impure only if a certain minimum amount emerges, and it renders her impure only after touching the outside of her body.

Before addressing the dilemma, the Gemara raises a difficulty with Rav Shmuel bar Bisna's question itself: Whichever way you look at it, the question is problematic. If he had heard the *baraita* cited above, the answer is obvious: According to the Rabbis, her status is that of one who **experienced** an emission of an impure substance, as the *baraita* clearly states that in the Rabbis' opinion the woman is rendered impure even before the semen emerges from her body. And according to Rabbi Shimon, her status is that of one who **came into contact** with the impure substance, as Rabbi Shimon states that the woman is impure only when the semen emerges from her body.

And if Rav Shmuel bar Bisna did not hear the *baraita* and was unaware of it, it is certainly more reasonable to assume that her status should be that of one who **came into contact** with the semen. Why would he think otherwise, as after all, the emitted substance did not originate in her body?

לְעוֹלָם שְׁמַיִע לֵיה מִתְנִיתִין, וְאַלְיבָא  
דְּבָנָן - לֹא קָמַבְשָׂא לֵיה, בְּקָא מִבְשָׂא  
לֵיה - אַלְיבָא דָרְבִּי שְׁמַעַן.

וְלֹטֶפֶת אֲבָנִים כְּבָחוֹז - לֹא קָמַבְשָׂא לֵיה,  
בְּקָמַבְשָׂא לֵיה - לְסֻתוֹר וְלֹטֶפֶת בְּכָל  
שְׁהָוָא, מָא?

בְּקָאָפוּ רַבִּי שְׁמַעַן דִּיה בְּבָעוּלָה - הַנִּינְמָלִי לְטֶפֶת בְּפֶגֶם כְּבָחוֹז, אַבְלָלְסֻתוֹר  
וְלֹטֶפֶת בְּכָל שְׁהָוָא - רֹואָה הַוְיָא, אוּ  
דִּילְמָא - לֹא שְׁנָא?

אֲיַבָּא דָאָמַרְיָה: לְעוֹלָם לֹא שְׁמַיִע לֵיה  
מִתְנִיתִיא, וְהַכִּי קָמַבְשָׂא לֵיה, מַדְאַחֲמִיר.  
רַחֲמָנָא אַפְּעָלִי קְרִין בְּסִיעִי - רֹואָה הַוְיָא.

אוֹ דִילְמָא: לֹא גַּמְרִין מִסִּיעִי, דְּחַדּוֹשׁ הַוְיָא,  
דְּהָא בְּין וּמִצְרָעִים דְּחַמְּרִי - וְלֹא אַחֲמִיר  
בְּהוּ רַחֲמָנָא?

אָמָר לֵיה: רֹואָה הַוְיָא. אַתָּא שְׁיִילָה לְרָבָא,  
אָמָר לֵיה: רֹואָה הַוְיָא. אַתָּא לְקָמַפִּיה דָרְבָּא,  
יֹסֵף, אָמָר לֵיה: רֹואָה הַוְיָא. תַּדְרֵר אַתָּא  
לְקָמַפִּיה דָאָבִי, אָמָר לֵיה: פְּוַלְכָו בְּרוֹקָא  
תַּדְאָתְפִּיתָו.

The Gemara answers: Actually, Rav Shmuel bar Bisna had heard the *baraita*, and he did not raise the dilemma according to the opinion of the Rabbis. According to their opinion it is clear that the woman has the status of one who experienced an emission of an impure bodily substance. Rather, when he raises the dilemma, it is according to the opinion of Rabbi Shimon.

**And he does not raise the dilemma with regard to the question of whether or not the semen renders her impure when it is inside the body as it would after emerging outside the body, as Rabbi Shimon states explicitly that the woman is impure only when the semen leaves her body. Rather, when he raises the dilemma, it is only with regard to the other two issues mentioned above: Whether or not the discharge negates her counting of seven clean days at the end of the *ziva* period, and whether or not it renders her impure in any amount.** He therefore asked: What is the status of her discharge of semen with respect to these two matters?

The Gemara explains the sides of the dilemma: It is possible that when Rabbi Shimon says: It is sufficient for her to be like the man who engaged in intercourse with her, this statement applies only with regard to the question of whether or not the semen renders her impure when it is inside the body as it would after emerging outside the body. It does not render her impure unless it touches her body on the outside. But with regard to the question of whether or not the discharge negates her counting of seven clean days at the end of the *ziva* period and whether or not it renders her impure in any amount, perhaps she is considered impure as one who experienced an emission of an impure substance. Or perhaps there is no difference. Rather, with regard to all three issues she has the status of one who came into contact with an impure substance.

There are those who say a different explanation of Rav Shmuel bar Bisna's dilemma: Actually, he did not hear the *baraita* and was unaware of it. And as for the question of why he would think that the woman should have the status of one who experienced an emission of an impure bodily substance, this was his dilemma: Since the Merciful One was stringent before the giving of the Torah on Mount Sinai with regard to men who had experienced a seminal emission, in that they were prohibited from attending that event, as it is stated: "Be ready on the third day; do not come near a woman" (Exodus 19:15), whereas those who had come into contact with other impure items were not prohibited from attending, perhaps the stringency of this particular source of impurity should likewise be applied to a woman who discharges semen. If so, her status should be like one who experienced a seminal emission, rather than one who merely came into contact with semen.

The Gemara explains the other side of the dilemma: Or perhaps we should not derive any *halakhot* from the instructions given before the revelation at Sinai, as that was a novelty. The Gemara cites a proof for this claim: As that was the case with regard to *zavin* and lepers, whose impurity is even more stringent than that of one who experiences a seminal emission, but nevertheless the Merciful One was not stringent with regard to them, as He permitted them to attend the ceremony of the giving of the Torah.

After clarifying Rav Shmuel bar Bisna's dilemma, the Gemara cites Abaye's answer to him. Abaye said to him: The woman's status is that of one who experienced an emission of semen. Rav Shmuel bar Bisna came and asked Rava the same question, and he too said to him: The woman's status is that of one who experienced an emission. He came before Rav Yosef, and he too said to him: Her status is that of one who experienced an emission. Rav Shmuel bar Bisna came back to Abaye and said to him: You are all spewing the same saliva. None of you are teaching anything new, as you all repeat the same unsatisfactory answer.

**HALAKHA**

They all become impure while the blood is inside their bodies just as when it emerges outside their bodies – כוֹלֶן מְטֻמָּאֹת בַּפִּנֵּים כְּבָחֵץ: If blood emerged from a woman's uterus, she is ritually impure by Torah law even if it did not leave her body (*Shakh*), as all women are rendered impure by blood in the outer chamber, i.e., the vagina. This is the *halakha* only if the woman senses the emergence of the blood from the uterus; if she does not feel it, she is not impure by Torah law, although the *Shakh* maintains that she is impure by rabbinic law (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 5:2; *Shulhan Arukh, Yoreh De'a* 183:1).

A woman after childbirth who descended to immerse to emerge from her status of impurity to purity, etc. – יְלִדָּת שִׁירָה לְטַבּוֹל מְטֻמָּאָה לְטוֹרָה וּכְיָ: If a woman after childbirth descended to immerse in order to transition from her days of impurity to her days of purity, and blood emerged from her uterus and left the area between the teeth-like projections inside the vagina, she is impure. The immersion was ineffective with regard to this blood, despite the fact that it is still in her flesh. If the blood emerged from her uterus upon her ascent from the ritual bath, she is pure, as the immersion was effective for any blood encapsulated in her limbs to render it the blood of her days of purity. The *halakha* is in accordance with the statement that Rabbi Zeira said that Rabbi Hyya bar Ashi said that Rav said (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 5:3).

**LANGUAGE**

He nodded [*karkish*] – קַרְקִישׁ: This phrase means that he tipped his head toward another, which is a gesture of acquiescence to the other's comment.

אמָר לְיה: שְׁפִיו אָמָרִי לְךָ, עַד כִּאן לְאַתָּה רַבִּי שְׁמֻעוֹן דִּיא בְּבוּנָה – אַלְאָתָם בַּפִּנֵּים כְּבָחֵץ, אֲבָל לְסִתּוֹר וְלִטְמָא בְּכָל שְׂהָוָה – רֹוֹתָה הָוִיא.

Abaye said to him: I said well to you, i.e., my response was correct. Rabbi Shimon says that it is sufficient for the woman to be like the man who engaged in intercourse with her only with regard to the question of whether or not the semen renders her impure while still inside her body as it would after emerging out of her body. Rabbi Shimon rules that it does not render her impure until it touches her on the outside. But with regard to the other two issues, i.e., negating the woman's count of seven clean days at the end of a *ziva* period and rendering her impure in any amount, Rabbi Shimon maintains that the woman's status is that of one who experienced an emission. Therefore, the discharge negates her count and renders her impure by any amount.

תַּנְךְ וּרְبָנָן: הַנְּדָה, וְהַזְּבָה, וְהַשּׁוּמָרָת יוֹם  
בְּגִינְעָד יוֹם, וְהַזְּלָה – כוֹלֶן מְטֻמָּאֹת בַּפִּנֵּים  
כְּבָחֵץ.

בְּשַׁלְמָא כְּוֹלָה – לְחֵי, אַלְאָתָא יוֹלְדָת, אַ  
בְּיִמְיָה נְדָה – נְדָה, אַיִ בִּימִי זִבָּה – זִבָּה:

The Gemara asks: Granted, with regard to all those other cases, it is well, i.e., one can understand this ruling with regard to blood that has not left the body. But the *halakha* of a woman after childbirth is puzzling, since if this is referring to blood that she discharges in her days of menstruation, then she is a menstruating woman, and she is included in the earlier category. Likewise, if the *baraita* is referring to blood that she discharges in her days of *ziva*, she has the status of *ziva*, and once again is included in a previously mentioned category.

לֹא צְרִיכָא – שִׁירָה לְטַבּוֹל מְטוּמָא  
לְפָנָה.

וְכִי ذָא דָאָמָר רַבִּי זִירָא אָמָר רַבִּי חִיא  
בְּרַאשְׁיָה, אָמָר רַבִּי יוֹלְדָת שִׁירָה לְטַבּוֹל  
מְטוּמָאָה לְטוֹרָה, וְנַעֲקֵר מִמְּנָה דָם.  
בִּירִידָה – טָמָאָה, בְּעַלְיָה – טָהָרָה.

אמָר לְיה רַבִּי יַרְמֵיה לְרַבִּי זִירָא: בִּירִידָה  
אַמְמַאי טָמָאָה? טָמָאָה בְּלוֹעָה הִיא! אָמָר  
לְיה: זַל שִׁילָה לְרַבִּי אַבִין, זְאַסְכּוּת  
נִהְלִילָה, וּכְרַפֵּישׁ לִי בְּרִישָׁה בַּיּוֹדָרָשָׁא.

The Gemara answers: No, the mention of a woman after childbirth is necessary only in a case where the days of ritual impurity after childbirth, which are seven for a male and fourteen for a female, have passed, and the woman descended to immerse in a ritual bath in order to emerge from her status of impurity to purity.

And the *halakha* here is like that which Rabbi Zeira said that Rabbi Hyya bar Ashi said that Rav said: In the case of a woman after childbirth who descended to immerse in a ritual bath in order to emerge from her status of impurity to purity,<sup>H</sup> and blood was uprooted from her uterus but it did not leave her body, her status is as follows: If this occurred on her descent to the ritual bath, she remains impure, as the immersion is ineffective. If it happened on her ascent from the bath, she is pure, as her period of purity, which is thirty-three days for a male and sixty-six for a female, has commenced.

Rabbi Yirmeya said to Rabbi Zeira, with regard to this *halakha*: If the blood emerged on her descent to immerse, why is she impure? After all, the blood is a substance of impurity that is encapsulated inside a body,<sup>N</sup> and there is a *halakha* that an encapsulated source of impurity does not impart impurity to other items (see *Hullin* 71a). Rabbi Zeira said to Rabbi Yirmeya: Go and ask Rabbi Avin, as I explained to him the reason for this *halakha*, and he nodded [*vekharkish*]<sup>L</sup> his head to me in the study hall, in affirmation of my explanation.

**NOTES**

**It is a substance of impurity that is encapsulated inside a body – טָמָאָה בְּלֶשֶׁה הִיא:** There is a *halakha* with regard to ritual impurity that an impure item which is encapsulated inside another item does not transfer impurity. Likewise, if a ritually pure item is inside another item, it is not susceptible to impurity. For example, a vessel inside someone's intestines is not considered part of his body, neither with regard to purity, i.e., if the vessel was impure it remains so even if he immersed in a ritual bath, nor with regard to impurity, i.e., if the vessel was pure it is not rendered impure when the individual who swallowed it contracts impurity.

This principle is derived from a verse discussing an animal carcass: "And he who eats of its carcass shall wash his clothes, and be impure until the evening" (Leviticus 11:40). Since this verse applies even to one who ate from the carcass near sunset, this means that it was still undigested at sunset, and yet he still becomes pure in the evening. Evidently, an impure item inside a person does not render the individual impure (see *Hullin* 71a).

**אָל שִׁילְיָה, אָמַר לֵיה: עֲשָׂוֹת כְּנַבְלָת  
עַזְּרָה וְהָרָה, שְׁפָטָמָה בְּגָדִים בְּבֵית  
הַבְּלָעָה. מַיְ דָּמִי?**

The Gemara relates that Rabbi Yirmeya indeed went and asked Rabbi Avin the reason, and Rabbi Avin said to Rabbi Yirmeya: The Sages rendered this blood like the unslaughtered carcass of a kosher bird,<sup>4</sup> which imparts impurity even to the garments of the one who eats it, when there is an olive-bulk of it in his throat, despite the fact that this source of impurity is encapsulated in his body. Rabbi Yirmeya asked Rabbi Avin: Are these cases comparable? How can one compare the impurity of a woman after childbirth to the impurity of one who eats the unslaughtered carcass of a kosher bird?

**HALAKHA**

**נְבָלָת**  
**עַזְּרָה וְהָרָה:** An unslaughtered carcass of a kosher bird imparts impurity by Torah law. It does not transfer impurity by touch or carrying, or when it is in one's mouth, but only while an olive-bulk is in the throat. One who contracts impurity in this manner renders his garments impure until he separates from his impurity. How so? If one swallowed an olive-bulk of an unslaughtered carcass of a kosher bird and touched vessels at the time, the vessels have first-degree ritual impurity. Once he has swallowed the carcass, he does not impart impurity to other vessels, as he is comparable to an object that has first-degree ritual impurity and has separated from the source of its impurity. Such an object does not impart impurity to vessels, despite the fact that it requires immersion and the passing of sunset before it becomes ritually pure. This halakha is in accordance with the baraita in *Torat Kohanim* (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 3:1).

**Perek V****Daf 42 Amud b**

**הַתָּם – אֵין לְהָטוֹמָה בְּחוֹזֶה, הַכָּא – כִּי  
נִפְקֵל בְּרָאֵי לִיטְמֵי! הַכָּא נָמֵי – בְּשִׁיצָא  
לְרוֹזָן.**

Rabbi Yirmeya elaborates: There, with regard to the impurity contracted by swallowing an unslaughtered bird carcass, this unusual type of impurity **does not have an equivalent form of impurity outside**, since if one merely touches an unslaughtered bird carcass, he and his garments remain pure. By contrast, here, with regard to the blood of a woman after childbirth, **let it become impure only when it emerges outside** her body, like all other items that impart impurity by contact once they are no longer encapsulated. Rather, due to this difficulty one must explain that **here too**, Rabbi Zeira is referring to a case where the blood emerged outside her body after her immersion; otherwise she remains pure.

**אֵי יָצָא לְחוֹזֶן – מַיְ לִמְרָא? מַהוּ  
דְּתִימָא: מַגְוַיְ דְּמַהְעַי טְבִילָה לְדָם דְּאַיְכָא  
גּוֹאֵי – תְּהִify נָמֵי לְהָאֵי, קַא מְשֻׁמָּעַ לְזָנָן.**

The Gemara asks: If the reason that the woman is pure is that the blood emerged outside her body, what is the purpose of stating this halakha? Certainly, this blood renders the woman impure upon contact. The Gemara answers that this ruling is necessary, lest you say: Since the woman's immersion is effective for any blood that is inside her, i.e., it prevents that blood from rendering her impure, let it also be effective for this blood, which did not leave her body until after the immersion. Therefore, Rabbi Zeira teaches us that this is not the halakha.

**שְׁמַעְתֵּין – אִי פְּרִיק, אַלְאָ יוֹלְדָת, אֵי  
בְּמִינָה – נָדָה, אֵי בְּיִמְיָבָה – יְבָתָה!**

The Gemara objects: We have resolved our halakha, the statement of Rabbi Zeira, but the difficulty remains with regard to the case of a woman after childbirth. In light of the explanation of Rabbi Zeira's opinion, the baraita cited at the beginning of the discussion, which states that a woman after childbirth becomes impure by blood that is still inside her body, cannot be interpreted in accordance with his opinion, as Rabbi Zeira maintains that the blood does not render her impure unless it emerges outside her body. Accordingly, the original difficulty remains: If the baraita is referring to blood that she discharges in her days of menstruation, then she is a **menstruating woman**, and if the baraita is referring to her days of *ziva*, it has the status of *ziva*, both are which are already listed in the baraita.

**הַכָּא בְּמַאי עַסְקִין – בְּלִידָה יְבָשָׁתָא.  
לְלִידָה יְבָשָׁתָא מַאי "מְטָמָא בְּפָנִים  
בְּבֵחוֹזֶן" אִי בָּא?**

The Gemara explains: Here we are dealing with a dry birth, without the emission of blood, and the baraita is teaching that the woman is rendered impure despite the fact that no blood emerged. The Gemara asks: If the baraita is referring to a **dry birth**, what blood is there that becomes impure while still inside the woman's body just as it would when emerging **outside** her body? There is no blood at all in the case of a dry birth.

### BACKGROUND

**Circumcision on Shabbat – מיילָה בְּשַׁבָּת:** By Torah law, all male Jews must be circumcised (see Genesis 17:10–14). This obligation is assigned to the father of a son eight days after birth. The Sages derived that the obligation to circumcise on the eighth day overrides the prohibitions of Shabbat (see Leviticus 12:3). Nevertheless, if the circumcision had been postponed due to the infant's illness or if there exists some uncertainty as to whether Shabbat is truly the eighth day after birth, the circumcision may be performed only on a weekday.

### HALAKHA

A child making a noise at nightfall on Shabbat eve but it was not born until Shabbat – **ולד דצויין אפניא דמעלן:** If a child reached its head out from the corridor on Shabbat eve, or if he was heard crying, even if he fully emerged only on Shabbat he is not circumcised on Shabbat. Rather, his circumcision is performed on the following Shabbat eve, which is the eighth day after the emergence of his head. The halakha is in accordance with the opinion of Rava (Rambam Sefer Ahava, Hilkhot Mila 1:15; Shulhan Arukh, Yoreh De'a 262:4).

Where another woman inserted an olive-bulk of an animal carcass into that place – **תִּתְחַזֵּה לְהָרְבֹּתָה בֵּיתָה:** If one inserted a ritually impure object with a stick into the body cavity of a woman below, without the impure object touching her flesh, she is not rendered impure by this contact, as internal contact is not considered touching with regard to this halakha. This ruling is in accordance with the opinion of Rava (Rambam Sefer Tahara, Hilkhot Tumat Met 1:3; see 1:8).

בָּגָן שְׂחוֹצִיא וְלֹד רָאשׁוֹ חַזֵּץ לְפָרוֹזָדוֹר,  
וּכְדֹבֶר אֲוֹשְׁעָא. דָמָרְ רְבָ אֲוֹשְׁעָא:  
גָּוֹרָה שְׁמָא יָצַא הַולֵּד רָאשׁוֹ חַזֵּץ  
לְפָרוֹזָדוֹר.

The Gemara answers that this clause is not referring to blood; rather, this is a situation where the offspring put his head out of the corridor, in which case it is considered born and renders its mother impure, despite the fact that the rest of its body has not emerged. And this is in accordance with the statement of Rav Oshaya, as Rav Oshaya said: If a midwife inserted her hand into the womb of a woman whose fetus is dead, she is rendered impure due to contact with a corpse. This is a rabbinic decree lest the midwife touch it after the offspring puts his head out of the corridor and it dies afterward, in which case the fetus is considered born and therefore she would be ritually impure by Torah law.

וּכְיֵהוֹא דָאָתָא לְקַפִּיהַ דְּרָבָא, אָמָר  
לִיה: מִתּוֹ לְמִמְּהָל בְּשַׁבָּתָא? אָמָר לִיה:  
שְׁפִירְ דְּמִי. בָּתְרְ דְּבָקָ, אָמָר רְבָא: סְלָקָ  
דְּעַתְךָ דְּהָוָא גְּבָרָא לֹא יָדַע דְּשָׁרִי  
לְמִמְּהָל בְּשַׁבָּתָא? אָוֹל בְּתָרִיהַ, אָמָר  
לִיה: אִימָּא לֵא אַיִי, נַפְאָ דְּעֻבְּדָא הַכִּי  
הַוָּה?

אָמָר לִיה: שְׁמַעְתָּ וְלֹד דְּצַוֵּין אֲפְנִיא.  
דְּמַעַלְיִ שְׁבָתָא, וְלֹא אַתְּהִלֵּד עַד שְׁבָתָא.  
אָמָר לִיה: הוּא – הַוָּצָא רָאשׁוֹ חַזֵּץ  
לְפָרוֹזָדוֹר הוּא, וְהִי מִילָּה שְׁלָא בּוֹמָה,  
וְכָל מִילָּה שְׁלָא בּוֹמָה – אֵין מְחַלְלִין  
עַלְיהָ אֶת הַשְּׁבָתָה

The Gemara adds: And this is similar to an incident involving a certain man who came before Rava and said to him: What is the halakha with regard to whether one may circumcise on Shabbat?<sup>8</sup> Rava said to him: One may well do so. After that man left, Rava said to himself, perplexed: Can it enter your mind that that man did not know that it is permitted to circumcise on Shabbat, and he approached me to inquire about such a basic matter? There must be an unstated aspect to his question. Rava therefore went after him and said to him: Say to me, my friend [izi],<sup>9</sup> how did the incident itself happen?

לְמַאי נַפְקָא מֵיָה? בָּגָן שְׁתַחַבָּה לְהָ  
חַבְּרִיתָה בְּזַיִת נַבְלָה בְּאָוֹתָן מָקוֹם. אִי  
אַמְרוֹתָ בְּלֹועַ הוּא – טוֹמָא בְּלוּעָה לֹא  
מְטֻפָּא, וְאִי אַמְרוֹתָ בֵּית הַסְּתָרִים הָוִי –  
נַהֲ דְבָמָעַ לֹא מְטֻפָּא, בְּמַשָּׁא מִהָּא  
מְטֻפָּא!

אַבְּיִ אָמָר: בְּלֹועַ הוּא. רְבָא אָמָר: בֵּית  
הַסְּתָרִים הָוִי. אָמָר רְבָא: מִנָּא אַמְנָא  
לְהָ – דְתַנְיָא, אַלְאָ מִפְנֵי שְׁטוּמָא בֵּית  
הַסְּתָרִים הָיא.

The man said to Rava: I heard the child making a noise at nightfall on Shabbat eve, before Shabbat began, but it was not born until Shabbat.<sup>10</sup> Rava said to him: This is a baby who put his head out of the corridor, as otherwise his voice would not have been heard. Consequently, it is considered born already on Friday, which means that it should be circumcised on the following Friday, the eighth day after its birth. And if it is circumcised afterward, this is a circumcision performed not at its appointed time, and there is a halakha that although circumcision on the eighth day overrides Shabbat, nevertheless, with regard to any circumcision performed not at its appointed time, one does not desecrate Shabbat for its performance.

§ A dilemma was raised before the Sages: With regard to that place in a woman, i.e., her vagina, how is it defined? Is an impure substance located there considered encapsulated, or is it considered to be located in a concealed part of the body?

לְמַאי נַפְקָא מֵיָה? בָּגָן שְׁתַחַבָּה לְהָ  
חַבְּרִיתָה בְּזַיִת נַבְלָה בְּאָוֹתָן מָקוֹם. אִי  
אַמְרוֹתָ בְּלֹועַ הוּא – טוֹמָא בְּלוּעָה לֹא  
מְטֻפָּא, וְאִי אַמְרוֹתָ בֵּית הַסְּתָרִים הָוִי –  
נַהֲ דְבָמָעַ לֹא מְטֻפָּא, בְּמַשָּׁא מִהָּא  
מְטֻפָּא!

אַבְּיִ אָמָר: בְּלֹועַ הוּא. רְבָא אָמָר: בֵּית  
הַסְּתָרִים הָוִי. אָמָר רְבָא: מִנָּא אַמְנָא  
לְהָ – דְתַנְיָא, אַלְאָ מִפְנֵי שְׁטוּמָא בֵּית  
הַסְּתָרִים הָיא.

The Gemara explains: What is the practical difference as to whether it is considered encapsulated or concealed? The difference is in a case where another woman inserted an olive-bulk of an animal carcass, which is the size that imparts impurity, into that place.<sup>11</sup> If you say that it is considered encapsulated, an encapsulated source of impurity does not impart impurity. But if you say that it is considered located in a concealed part of the body, although the woman does not become impure by contact, she at least becomes impure by carrying the olive-bulk of the carcass.

Abaye said: It is considered encapsulated. Rava said: It is considered located in a concealed part of the body. Rava further said: From where do I say this? As it is taught in a baraita: The verse states: "The woman also with whom a man shall lie carnally, they shall both bathe themselves in water, and be impure until the evening" (Leviticus 15:18). Rabbi Shimon said: Now what does this verse teach? If it teaches that one who touches semen is rendered impure, this is derived from the verse: "Or a man from whom the flow of seed goes out" (Leviticus 22:4). Rather, it must be teaching that a woman who engages in intercourse is rendered impure by the man's semen, despite the fact that the semen did not touch her on the outside of her body.

### LANGUAGE

My friend [izi] – אִיִּי: Some commentaries maintain that this word means my friend, and is a term of affection and closeness, as translated here. However, the source and the definition of the word *izi* and its alternative form *izo* are unclear. Some claim that

it is a form of an Aramaic phrase meaning: Therefore, or; If so. Alternatively, it is related to the Persian *zi*, meaning: Now, rendering the phrase in the Gemara as: Say to me now.

וְטוֹמָא בֵּית הַסְּתָרִים לֹא מַטְמָא, אֶלָּא  
שְׁוֹרוֹת הַפְּטוּב הִיא.

ואֲבִי – חֶדֶר וְעַזְדָּקָא מִאָמָר, חֶדֶר – דַּטְמָא  
בְּלֹועַ הָיא, וְעַזְדָּקָא – אֲפִילָא אֶם תִּמְצֵא לְמַרְאָה  
טוֹמָא בֵּית הַסְּתָרִים הִיא – אֲנֵה מַטְמָא,  
אֶלָּא שְׁוֹרוֹת הַפְּטוּב הִיא.

אי בעיא להה: מוקם נבלת עז' טהורה, בלוע  
הוי או בית הסתרים הוי?

לְמַאי נִפְקָא מִינָה כְּגֹון שְׁתַחַב לוּ חַבּוּ  
כּוֹיָת נִבְלָה לְתוֹךְ פִּי. אֵי אָמָרָת בְּלֹוע  
הַי – טְמָא בְּלֹועַ לֹא מַטְמָא. (אֶלָּא אִי  
אָמָרָת בֵּית הַסְּתָרִים הַי – נָהָי נְמִי דְּבָמָעַ  
לֹא מַטְמָא, בִּמְשָׁא מִיהָא מַטְמָא.

אֲבִי אָמָר: בְּלֹוע הַי, וּרְבָא אָמָר: בֵּית  
הַסְּתָרִים הַי. אָמָר אֲבִי מִנָּא אָמַנְיָא לוּ  
הַתְּנִינָה, יָכוֹל תְּהָא נְבָלָת בְּהַמָּה מַטְמָא  
בְּגִידִים אֲפִית הַבְּלִיעָה – תְּלִמּוֹד לוּמָר  
“נִבְלָה וַעֲרָפה לֹא יָאֵל לְטָמָא בָּה”.

מי שאין לו טומאה אלא אכילתה, יצתה  
וז טומאה קודם שיأكلנה.

The *baraita* continues: This is a novelty because the semen is a source of **impurity** located in a **concealed part** of the body, and ordinarily contact with a source of **impurity by a concealed part** of the body **does not render one impure**. But here it is a **Torah edict** that the woman does become impure in this manner. Evidently, an impure substance in the vagina is considered located in a concealed part of the body.

The Gemara asks: **And Abaye**, how does he respond to Rava's proof? The Gemara answers that Abaye would explain that the *tanna* of this *baraita*, Rabbi Shimon, **states one reason and adds another**: One reason that this *halakha* is a novelty is that semen in the vagina is an **encapsulated substance of impurity**, and another reason is that even if you were to say that the semen is considered located in a concealed part of the body, which ordinarily **does not render one impure**, but here, it is a **Torah edict** that the woman does become impure in this manner.

**§** A similar **dilemma** was raised before the Sages: With regard to the place in a person's throat where an **unslaughtered carcass of a kosher bird** renders him ritually impure, how is it defined? Is the meat of the carcass considered **encapsulated**, or is it considered located in a **concealed part** of the body?

The Gemara explains: **What is the practical difference?** The difference is in a case where another individual **inserted an olive-bulk of an animal carcass into his mouth**.<sup>nh</sup> If you say that an impure item located in one's throat is considered **encapsulated**, an **encapsulated source of impurity does not impart impurity**. But if you say that it is considered located in a **concealed part** of the body, although the one swallowing the meat of the carcass **indeed does not become impure by contact**, he at least becomes impure by **carrying**<sup>hi</sup> the meat.

Abaye and Rava disagree with regard to this issue as well. Abaye said: It is considered **encapsulated**, and Rava said: It is considered located in a **concealed part** of the body. Abaye further said: From where do I say that it is considered **encapsulated**? As it is taught in a *baraita*: One might have thought that an animal carcass should **impart impurity to garments** when it is in one's throat, like an **unslaughtered carcass of a kosher bird**. Therefore, the verse states: "That which dies of itself, or is torn of animals, he shall not eat to render himself impure through it" (Leviticus 22:8).

The *baraita* continues: This verse, which is dealing with impurity through eating, applies to **that which has impurity only by means of its consumption**, i.e., an **unslaughtered carcass of a kosher bird**, which imparts impurity solely when it is in one's throat. Therefore, the verse **excludes this** animal carcass from impurity by consumption, as it is **impure**, i.e., it imparts impurity, even **before one eats it**, by touch and carrying. This ruling, that other sources of impurity do not impart impurity in the throat, supports Abaye's opinion that an item located in the throat is considered **encapsulated**, which is why it does not impart impurity.

## NOTES

Where another individual inserted an olive-bulk of an animal carcass into his mouth – שְׁתַחַב לוּ חַבּוּ בְּוֹיָת נִבְלָה לְתוֹךְ פִּי: The Gemara does not say that one inserted the olive-bulk into his own mouth, as in such a case he would already be rendered impure because he touched the animal carcass (Rashi).

## HALAKHA

Another individual inserted an olive-bulk of an animal carcass into his mouth – שְׁתַחַב לוּ חַבּוּ בְּוֹיָת נִבְלָה לְתוֹךְ פִּי: If someone inserted with a stick a ritually impure food into the throat of a pure individual, without the impure object touching his tongue, the one who swallows it is not rendered impure. The reason is that internal contact is not considered touching. This ruling is in accordance with the opinion of Rava (Rambam *Sefer Tahara, Hilkhot Tumat Met* 1:3; see 1:8).

He at least becomes impure by carrying – בִּמְשָׁא מִיהָא מַטְמָא: If one carries in a concealed part of his body an impure item which imparts impurity by carrying, he is rendered impure. The reason is that although he is not considered to be touching the item, he is nevertheless carrying it. If he swallowed the impure item he does not become impure through carrying it, as the contact of an impure item in one's stomach is of no consequence, neither with regard to touching nor with regard to carrying. This *halakha* is in accordance with the opinion of Rava (Rambam *Sefer Tahara, Hilkhot Tumat Met* 1:8; see 1:1).

### LANGUAGE

**Fold [kummat]** – קומט: From the root *kuf, mem, tet*, this word is used to describe limbs in the body which shrink as a result of various movements. See the verse "And you have shriveled me up [vatikmeteni], which is a witness against me" (Job 16:8).

וַיְהִי בָּקָל וַיֹּאמֶר מִנְבָּלֶת עַזְּתָּהוּ:  
וְמֵה גָּבְלָת עַזְּתָּהוּ, שְׁאֵן לְהָטוּמָה  
בְּחוֹצֵץ – יִשְׁלַׁחֲתָה בְּפִנִּים, זֶה שְׁיַשְׁלַׁחֲתָה  
לְהָטוּמָה בְּחוֹצֵץ – אַיִלְׁוֹן דַּיְשַׁלְׁחַ לְהָ  
טוּמָה בְּפִנִּים?

אמָר קֹרְאָ בָּהּ – בָּהּ וְלֹא בְּאַחֲרָה.

אם פָּנָה תַּלְמִיד לְמָרֵר "וְהִאכְלֵי?"

לִיְתָן שִׁיעָר לְנוּגָע וּלְנוֹשָׂא בְּאַוְלָה,  
בְּהָאַוְלָה – בְּכִוִּית, אַף נָגָע וּנוֹשָׂא –  
בְּכִוִּית.

אמָר וְבָא: שָׁרֵץ בְּקוּמוֹתו – טָהוֹר, גָּבְלָה  
בְּקוּמוֹתו – טָמֵא.

שָׁרֵץ בְּקוּמוֹתו טָהוֹר – שָׁרֵץ בְּגִנְיָעָה הוּא  
דָּמַטְמָא, וּבֵית הַסְּתָרִים לֹא וְבָר מִגְעָ  
הָוּא. גָּבְלָה בְּקוּמוֹתו – טָמֵא, גָּדֵי דִּבְמִגְעָ  
לֹא מִטְמָא – בְּמִשְׁא מִיהָא מִטְמָא.

שָׁרֵץ בְּקוּמוֹתו, וְהַכִּנְסָו לְאַוְר הַתְּנוּר –  
טָמֵא. פְּשִׁיטָא! מַהוּ דִּתְמָא: "תוֹכוֹ"  
אמָר רַחְמָנָא,

The Gemara raises a difficulty with regard to the *baraita*: **And let it be derived** that an animal carcass imparts impurity to garments when it is in one's throat by an *a fortiori* inference from the *halakha* of an unslaughtered carcass of a kosher bird, in the following manner: If an unslaughtered carcass of a kosher bird, whose status is relatively lenient, as it does not have impurity outside the body, since if one touched it or carried it he is not rendered impure, and yet it has impurity inside the throat, then with regard to this animal carcass, whose status is more stringent, as it does have impurity outside the body, is it not right that it should have impurity inside the throat?

The Gemara answers that **the verse states**: "That which dies of itself, or is torn of animals, he shall not eat to become impure through it," which indicates that one becomes impure when the item is in the throat only **through it**, i.e., an unslaughtered carcass of a kosher bird, and not through another, i.e., an animal carcass.

The Gemara asks: **If so, what is the meaning when the verse states** with regard to an animal carcass: "**And he who eats** of its carcass shall wash his clothes and be impure until the evening" (Leviticus 11:40), which indicates that an animal carcass does impart impurity by means of consumption?

The Gemara explains that this verse is written to provide a measure for the impurity of an animal carcass, but this measure applies only to **one who touches and to one who carries it**, not to one who eats the carcass. This measure is like the amount that one eats. Just as the minimum amount that one eats is an olive-bulk, i.e., this is the minimum measure that has the halakhic status of consumption, so too, the minimum measure of an animal carcass that imparts impurity to one who touches or carries it is an olive-bulk.

§ The Gemara further discusses the impurity of a concealed part of the body. Rava says: If the carcass of a creeping animal is found in the folds [*bekometo*]<sup>l</sup> of one's body, e.g., the armpit, he is ritually pure. If the flesh of an animal carcass is found in the folds of one's body, he is impure.

Rava elaborates: If the carcass of a creeping animal is found in the folds of one's body he is ritually pure, as it is through contact that a creeping animal imparts impurity, and a concealed part of the body is not susceptible to impurity through contact. By contrast, if the flesh of an animal carcass is found in the folds of one's body he is impure, as although it does not impart impurity through contact, since it is in a concealed part of the body, it at least imparts impurity by carrying, and he is considered to be carrying the animal carcass.

Rava further said: If there was the carcass of a **creeping animal in the folds of one's body**, and he brought the creeping animal that was in the fold into the airspace of a large earthenware vessel, such as an oven, the oven is thereby rendered impure,<sup>h</sup> as is the *halakha* when a creeping animal is placed in its airspace. The Gemara asks: Isn't this obvious? The Gemara answers: **Lest you say** that as the **Merciful One states** with regard to the impurity of creeping animals: "And any earthenware vessel into whose interior any of them fall, whatever is in it shall be impure, and if you shall break" (Leviticus 11:33), this teaches that impurity applies only if the creeping animal fell inside the vessel itself,

### HALAKHA

If there was the carcass of a creeping animal in the folds of one's body and he brought it into the airspace of an oven it is impure – **שָׁרֵץ בְּקוּמוֹתו וְהַכִּנְסָו לְאַוְר הַתְּנוּר טָמֵא**: If one had a lentil-bulk of the carcass of a creeping animal in one of the folds of his

body, and he brought it into the airspace of an oven, the oven is rendered ritually impure, despite the fact that the impure item is inside a fold. This *halakha* is in accordance with the opinion of Rava (*Rambam Sefer Tahara, Hilkhot Kelim* 14:5).

## Perek V

## Daf 43 Amud a

ולא תוך תוכו, קא משמע לו.

אמור ריש ל'קיש: קנה בקומתו של זב, והסיט בו את הטהרו – טהרו. קנה בקומתו של טהרו, והסיט בו את הוב – טמא.

מאי טעם – ר' אמר קרא "וכל אשר גע בו הוב יידי לא שט בפם" – וזה הפטו של זב, שלא מצינו לו טומאה בכל התורה כולה.

ואפקיה רחמנא בלשון נגיעה, למימרא ב' – דהשיט ונגיעה בידיו, מה התרם – מאבראי, אף הכא – מאבראי.

"אכל הוב בעיל קרי אין מטמאין" וכו'. ב' – ר' כתיב "בי יהה זב מבשורי", עד שיצא זבו מבשורי. בעיל קרי – ר' כתיב: "איש כי תצא ממנה שכבה ווע".

"היה אוכל בתורמה והרגיש" וכו'. אזהר והתניא. ר' אלישר אומר: כל האות באפה ומשתין, באילו מביא מבול לעולם!

**and not if it was in the interior of its interior**, i.e., contained within something else, such as a fold, which is inside the vessel, therefore Rava teaches us that a fold in one's body is not considered like the interior of the interior of a vessel. Rather, this definition applies only when the carcass of the creeping animal was actually inside another vessel whose opening was outside the oven.

§ The Gemara continues to discuss the folds in the body with regard to ritual impurity. Reish Lakish says: If there was a **pole** or a stick placed in the **folds** of an individual impure with the impurity of a **zav**,<sup>h</sup> and he moved a **ritually pure** person with it, that individual is **pure**, despite the fact that a **zav** imparts impurity by moving an item. If the **pole** was placed in the **folds of one who is pure**, and he moved the **zav with it**,<sup>nh</sup> the **pure** individual is thereby rendered **impure**, as is the **halakha** of one who carries a **zav**.

The Gemara explains: **What is the reason** that if a **zav** moved another with a pole in his own folds he does not render the other person impure? As the verse states: "**And whoever a zav touches, without having rinsed his hands in water**,<sup>n</sup> he shall wash his clothes, and bathe himself in water" (Leviticus 15:11). This is referring to the impurity imparted by the **movement of a zav**, as we have not found an impurity similar to it in the entire Torah. Only a **zav** imparts impurity to items by moving them.

**And the Merciful One expresses this impurity imparted by movement using the language of touch**, in order to say that the **moving and touch of a zav are like his hands**: Just as there, with regard to the impurity imparted by contact with the hands, it occurs **external to the body**, so too here, impurity by means of movement applies only to moving an item with the **external portions of the body of the zav**.

§ The mishna teaches that a woman becomes ritually impure with the flow of blood from the uterus into the vagina, even if it did not leave the woman's body. But the **zav and one who experiences a seminal emission do not become ritually impure** until their emission of impurity emerges outside the body. The Gemara explains: This is the **halakha** with regard to a **zav**, as it is written: "**When any man has an issue out of his flesh**" (Leviticus 15:2). The verse teaches that a **zav** is not impure until his issue emerges out of his flesh. With regard to one who experiences a seminal emission, the reason is that it is written: "**And if the flow of seed goes out from a man**" (Leviticus 15:16),<sup>n</sup> which indicates that the flow must exit his body.

§ The mishna further states that if a priest was partaking of **teruma** and sensed a quaking in his limbs, indicating that a seminal emission was imminent, he should firmly hold his penis to prevent the emission from leaving his body, and swallow the **teruma** while ritually pure. The Gemara asks: May one hold his penis? But isn't it taught in a **baraita** that **Rabbi Eliezer says: Anyone who holds his penis and urinates is considered as though he is bringing a deluge to the world**, as masturbation was one of the sins that led to the flood?

## NOTES

If the pole was in the folds of one who is pure and he moved the **zav** with it, etc. – **קנה בקומתו של טהרו**: Rashi explains that the individual is impure because he carried a **zav**. A **zav** imparts impurity by being carried, as it is stated: "And whoever touches anything that was under him shall be impure until the evening; and he that bears those things shall wash his clothes, and bathe himself in water, and be impure until the evening" (Leviticus 15:10). If one becomes impure by carrying that which was under a **zav**, this applies *a fortiori* with regard to carrying the **zav** himself.

And whoever a **zav** touches without having rinsed his hands in water, etc. – **וכל אשר גע בו הוב יידי לא שט בפם**: The **halakha** that a **zav** imparts impurity by moving an item is derived from the first part of this verse: "And whoever he that has the issue touch." This section of the verse is superfluous, as it is already stated earlier in the chapter: "And he who touches the flesh of him who has the issue shall wash his clothes, and bathe himself in water, and be impure until the evening" (Leviticus 15:7). Therefore, the verse is expounded as referring not to touch but to the impurity of movement.

**ויאיש כי תצא ממנה שכבה ווע**: The Gemara does not explain how this **halakha**, that one who experiences a seminal emission becomes impure only after his emission emerges outside his body, is derived from the verse. On 22a it is stated that the **halakha** is learned from the word "from." Some claim that the derivation is based on the term "goes out," which indicates that the flow has entirely left its previous place (Malbim).

## HALAKHA

A pole in the folds of a **zav**, etc. – **קנה בקומתו של זב וכו'**: If a **zav** had a pole placed in the folds of his body and he moved a ritually pure individual or vessel with it, they remain ritually pure. The **halakha** is in accordance with the opinion of Reish Lakish (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 8:5).

The pole was in the folds of one who is pure and he moved the **zav** with it – **קנה בקומתו של טהרו והסיט בו את הוב** – If a ritually

pure individual had a pole placed in the folds of his body and he moved a **zav** with it, he is rendered impure. The reason is that the impurity caused by moving an impure individual or item is similar to carrying it, and just as carrying impurity in a concealed part of the body imparts impurity, the same applies to movement by a concealed part of the body. The **halakha** is in accordance with the opinion of Reish Lakish (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 8:5).

אמור אבוי במתלית עבה. רבא אמר:  
אפיקו תינא במתלית רכה, כיון  
דעקר – עקרו. ואבוי – חיש דילמא אתי  
לא אסופי, ורבא – לא אסופי לא חיש.

**Abaye said**, in resolution of this difficulty, that the mishna is referring to one who holds his penis **with a coarse cloth**. **Rava said**: You may even say that the mishna is referring to a priest who holds his penis **with a soft cloth**, and the reason it is permitted is that **once** the semen has already been uprooted from his body, it is **uprooted**, and his subsequent holding of the penis, even with a soft cloth, does not increase the flow of semen. **And Abaye prohibits** the use of a soft cloth, as he is concerned that perhaps one might come to increase the emission of semen, due to the contact of this cloth. **But Rava is not concerned** that one might come to increase the emission.

והתניא: למה זה דומה – לנונן אצבע  
בעין, שבלazon שאצבע בעין – מרמעת  
חוות ומרמעת!

The Gemara raises a difficulty with regard to the opinion of Rava. Isn't it taught in a *baraita*: To what is this holding of a penis comparable? It is comparable to one who places a finger in his eye, in that as long as the finger is in the eye, the eye will tear and continue to tear. Here too, the priest's action will lead to an increased emission of semen.

ורבא – כל אחמוני והדור אחמוני  
בשעתה – לא שכית.

The Gemara answers that Rava would maintain that if the priest's limbs were not quaking and the semen was coming out in drops, there is indeed a concern that holding the penis might increase the emission. But when he feels his limbs quaking, this concern does not apply. The reason is that any such event, i.e., a heating of the body that leads to a seminal emission and which is then followed by another heating of that kind at the time when the semen has been uprooted, is **uncommon**. Consequently, in this case the priest may hold his penis even with a soft cloth.

אמור שמואל: כל שכבת ורע שאין כל  
גופו מרגיש בה – איןנה מטמאה. מאי  
טעמא? "שכבת ורע" אמר רחמנא –  
בראויה להריע.

**Shmuel says**: Any emission of semen that is not felt by one's entire body<sup>h</sup> does not render him impure. What is the reason? The Merciful One states: "The flow of seed" (Leviticus 15:16), which indicates that it is referring to an emission that is fit to fertilize, i.e., it is referring only to the kind of emission which is felt as it exits the body.

מיתיבי: היה מהרתו בלילה, ועמד  
ומצא בשרו חם – טמא! תרגמא רב  
הונא: במשמש מטתו בחלומו, דאי  
אפשר לשמש בלבד הרגשה.

The Gemara raises an objection from a mishna (*Mikvaot* 8:3): If one was having sexual thoughts at night and he arose and found that his flesh was warm, he is ritually impure, despite the fact that he did not sense the emission of semen. This shows that the impurity of a seminal emission applies even if one did not feel it in his entire body. The Gemara answers: Rav Huna interpreted this mishna as referring to one who engaged in intercourse in his dream.<sup>h</sup> Since it is impossible to engage in intercourse without the accompanying sensation, he certainly must have felt it, despite the fact that he was unaware of this when he awoke.

ליישנא אחרינא, אמר שמואל: כל  
שכבת ורע שאינו יורה בכח – איןנה  
מטמאה. מאי אייכא בין הא ליישנא  
להאי ליישנא? אייכא בינייה: נערקה  
בהריגשה, ויצאה שלא בהריגשה.

The Gemara cites another version of the above statement. **Shmuel says**: Any semen that is not shot like an arrow does not render one impure. The Gemara asks: What practical difference is there between this version of Shmuel's ruling and that version of Shmuel's ruling? The Gemara answers that the difference between them is a case where the semen was uprooted accompanied by a sensation, but it emerged without a sensation.<sup>h</sup> According to the first version the man is rendered impure, as he sensed the uprooting of the semen, whereas according to the second version he is not impure, as this is not considered semen shot like an arrow.

#### HALAKHA

Any emission of semen that is not felt by one's entire body – **כל** שכבת ורע שאינו גוף מרגיש בה: Any emission of semen that is not felt by one's entire body does not cause ritual impurity. Therefore, if one emitted semen without an erection and without any lustful thoughts, he does not have the impurity of one who experienced a seminal emission. This halakha is in accordance with the opinion of Shmuel, following the first and second versions of his statement (Rambam). The Ra'avad maintains that the halakha follows the last version of Shmuel's ruling, and he is impure (Rambam *Sefer Tahara, Hilket She'ar Avot HaTumot* 5:4 and *Kesef Mishne* there).

One who engaged in intercourse in his dream – **במשמש מטתו בחלומו**: If one was thinking impure thoughts at night and he saw himself engaging in intercourse in a dream, and upon awakening he found that his penis was warm, even if he did not find any

semen he is impure. The reason is that as he dreamed of engaging in intercourse he must certainly have experienced an emission accompanied by a sensation, which is why his penis was warm. As for why he did not find any semen, that is because he emitted only a small amount which was rubbed away on his skin or clothing. This halakha is in accordance with the baraita as explained by Rav Huna (*Rambam Sefer Tahara, Hilket She'ar Avot HaTumot* 5:5).

Was uprooted accompanied by a sensation but it emerged without a sensation – **נערקה בהריגשה ויצאה שלא בהריגשה**: If semen was uprooted from a man accompanied by a sensation, he is impure, even if there was no sensation when it emerged. This halakha is in accordance with the second version of the opinion of Shmuel (Rambam *Sefer Tahara, Hilket She'ar Avot HaTumot* 5:4).

**מיילחא דפישטיא ליה לשמואל מיבצעו  
ליה לרבא. דבש רבא: עקירה בהרשות,  
ויצתה שלא בהרגשה, מהו?**

**תא שמעו: בעל קרי שטבל ולא היטיל  
מים, לכשיטיל מים טמא. שאני הtam  
דרבבה בהרגשה נפק.**

**ליישנא אחרינא אמר ליה, אמר שמואל:  
כל שכבת ורע שאיינו יורה בחוץ – איןנה  
מעיטה, איזורעוי הווא דלא בזירעא, הא  
טפויי – מטפמייא, שנאנו: כי היה בך –  
איש אשר לא היה טהור מקרובה –  
אפילו קרי בעולם.**

**בעי רבא: גוי שהרהר, וירד וטבל, מהו?**

**אם תמיין לומר בתר עקייה אולין, הני  
מיili – לחומרא, אבל הכא דליך לא  
לא אמרין, או דילמא לא שנא? תיקון.**

**בעי רבא: זבה שנעקרו מימי רגילה  
ירדה וטבלה, מהו?**

**אם תמיין לומר בתר עקייה אולין,  
הני מיili שכבת ורע, דלא מצוי נקיות לה,  
אבל מימי רגילה דמצוי נקיות לה – לא.  
או דילמא לא שנא? תיקון.**

The Gemara notes that this matter, which is obvious to Shmuel, is raised as a dilemma by Rava. As Rava raises a dilemma: If semen was uprooted accompanied by a sensation but it emerged without a sensation, what is the halakha? Is the man ritually impure or not?

The Gemara suggests: Come and hear a proof from a mishna (*Mikvaot* 8:3): With regard to one who experienced a seminal emission, and who subsequently immersed but did not urinate before doing so,<sup>14</sup> when he later urinates he is rendered impure, as some semen will also be emitted. The reason that he is rendered impure by this emission, which he does not sense, must be because the uprooting of the semen was accompanied by a sensation. The Gemara refutes this proof: There it is different, as the majority of the semen emerged accompanied by a sensation, and therefore he is rendered impure by this small amount even without a sensation.

Some say another version of the previous discussion. Shmuel says: Any semen that is not shot like an arrow cannot fertilize, i.e., impregnate a woman. The Gemara infers: It cannot fertilize, but it does render the man who emits it ritually impure, as it is stated: "If there be among you any man who is not ritually pure by reason of that which happened to him by night" (Deuteronomy 23:11). This teaches that even mere semen which cannot fertilize renders one impure.

Rava raises a similar dilemma: With regard to a gentile who had sexual thoughts, on account of which semen was uprooted but not emitted from his body, and he subsequently descended and immersed<sup>14</sup> for the purpose of conversion, which means that he is now Jewish, and he then emitted semen, what is the halakha with regard to his status of ritual purity?

The Gemara explains the dilemma: Even if you say that we follow the moment of uprooting, at which point he was still a gentile, one can maintain that this statement applies only when it entails a stringency, as is the case with regard to a born Jew. But here, where this would lead to a leniency, as the gentile would be ritually pure, perhaps we do not say that one follows the moment of uprooting. Or perhaps there is no difference in the application of this principle between a born Jew and a convert, but rather, one always follows the moment of uprooting. The Gemara concludes that the dilemma shall stand unresolved.

Rava raises a further dilemma: With regard to a woman who experienced a discharge of uterine blood after her menstrual period [*zava*], whose urine, which imparts impurity like all liquids that she discharges vaginally, was uprooted but not emitted from her body, and she descended to the ritual bath and immersed to purify herself from her *ziva*, and urinated afterward, what is the halakha?

The Gemara explains the sides of the dilemma: Even if you say that generally we follow the moment of uprooting, and therefore she should be impure, since the urine was uprooted when she was a *zava*, nevertheless one can claim that this statement applies only with regard to semen, as the man cannot hold it back from emission. But with regard to the urine of a *zava*, which she can hold in, one does not follow the moment of uprooting. Or perhaps there is no difference in the application of this principle between urine and semen, but rather, in both cases one follows the moment of uprooting. Here too, the Gemara concludes that the dilemma shall stand unresolved.

Rava raises yet another dilemma: With regard to a gentile *zava*, who is not impure by Torah law, although by rabbinic law she is considered a *zava* in all regards, whose urine was uprooted when she was a gentile,

## HALAKHA

One who experienced a seminal emission who immersed but did not urinate before doing so – **בעל שטבל ואלה הטיל מים**: If one who experienced a seminal emission immersed for his ritual purification but did not urinate beforehand, when he later urinates he is rendered impure by the drops of semen which invariably accompany this urination. This applies only to a sick or elderly individual, but with regard to a young, healthy man, even if he urinates only after immersion he remains pure, as his semen is shot like an arrow and all of it is emitted from his body (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 5:7).

A gentile who had sexual thoughts and he subsequently descended and immersed – **גוי שהרהר וירד וטבל**: If a gentile sensed that semen had been uprooted from his body and he then converted and immersed, after which he felt the emission of semen, he is uncertainly impure, as this dilemma is left unresolved by the Gemara (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 5:18).

**בעי רבא: גויה זבה שנעקרו מימי רגילה  
rangleיה, מהו?**

Perek V  
Daf 43 Amud b

**HALAKHA**

And she descended and immersed – **וַיֵּרֶד וַיְשִׁבַּלָּה**: In the case of gentile zava whose urine was uprooted, and who subsequently converted, immersed, and then urinated, it is uncertain whether we follow the moment of uprooting, and therefore she is impure, or if we follow the moment of emission, which would mean that her urine is like that of a ritually pure Jew (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 2:9).

A *zav* must experience a discharge substantial enough to cause a blockage of the tip of the penis – **בְּצִירָקָתָה פִּי**: There is no minimum measure of discharge necessary to cause impurity as a *zav*, but rather, one who sees even a minute amount becomes ritually impure. This halakha is in accordance with the opinion of the *tanna* of the mishna, not Rabbi Yishmael (Rambam *Sefer Korbanot, Hilkhot Mehusrei Kappara* 2:9).

A discharge which is moist imparts impurity but a dry discharge does not impart impurity – **לֹא כְּטֻמָּא אֲזִינוּ מִטְמָא**: The issue, saliva, and semen of a *zav* impart impurity only when they are moist, not when they are overly dry. This ruling is unanimous, as the Rabbis and Rabbi Yishmael disagree only with regard to the source of the halakha (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 2:1).

The verse teaches with regard to a *zav* who experienced three emissions that he is obligated to bring an offering – **לִימְדָה עַל בְּכָל שְׁלֹשׁ רְאוּתָה שְׁחִיבָּבְקָרְבָּן**: A *zav* who experienced three emissions must bring an offering. This halakha is learned by a tradition transmitted to Moses at Sinai (Rambam *Sefer Korbanot, Hilkhot Mehusrei Kappara* 2:6).

**וַיֵּרֶד וַיְשִׁבַּלָּה, מַה?**

**אִם תִּמְצֵא לֹום בְּתוֹךְ עֲקִיה אַזְלִים – אֶنְכֶּנָּה דְּמַצֵּא נִקְטָה לְהֹה, דְּבִי מַלְיָה – יִשְׂרָאֵלִית דְּתִמְאָה דְּאָוָרִיָּתָא, אֶבְלָגָה בְּבָה, דְּתִמְאָה דְּבָקָן – לֹא, אָז דִּילְמָא – לֹא שְׁנָא? פִּיקָּו.**

and she descended to the ritual bath and immersed<sup>h</sup> for the sake of conversion, what is the halakha?

Once again, the Gemara explains the dilemma: If you say that we follow the moment of uprooting even though she can hold in the urine, nevertheless one can claim that this statement applies specifically to a Jewish woman, who is impure by Torah law. But with regard to a gentile *zava*, who is impure by rabbinic law, it is possible that one does not follow the moment of uprooting. Or perhaps there is no difference in the application of this principle between the case of a Jewish woman and a gentile woman, as in both cases one follows the moment of uprooting. The Gemara again concludes that the dilemma shall stand unresolved.

**וּמְטַמֵּאָין בְּכָל שָׁהָן. אָמָר שְׁמוּאֵל: בְּצִירָקָתָה פִּי הָאָמָה, שְׁנָאָמָר: אָז הַחִתִּים בְּשָׁוֹ מוֹזָבָו.**

§ The mishna teaches that the emission of a *zav* and a seminal emission impart impurity in any amount. Shmuel says: In order for a *zav* to become ritually impure, he must experience a discharge substantial enough to cause a blockage of the tip of the penis,<sup>h</sup> as it is stated: “And this shall be his impurity in his issue: Whether his flesh run with his issue, or his flesh be stopped from his issue, it is his impurity” (Leviticus 15:3).

**וְהַآنָּתָנָן: מְטַמֵּאָין בְּכָל שָׁהָן! הוּא דָאָמָר רַבִּי נָתָן. דָתְנָא, רַבִּי נָתָן אָמָר מְשׁוּם רַבִּי יִשְׁמָעָאֵל: בְּצִירָקָתָה פִּי הָאָמָה, וְלֹא הַזְדוֹלָה.**

The Gemara asks: But didn’t we learn in the mishna that the emission of a *zav* and a seminal emission impart impurity in any amount? The Gemara answers that Shmuel said his ruling in accordance with the statement of Rabbi Natan, as it is taught in a baraita that Rabbi Natan says in the name of Rabbi Yishmael: In order for a *zav* to become ritually impure, he must experience a discharge substantial enough to cause a blockage of the tip of the penis, but the Rabbis did not concede to his opinion, as they maintain that any amount is sufficient. The *tanna* of the mishna agrees with the opinion of the Rabbis, whereas Shmuel agrees with the statement of Rabbi Natan in the name of Rabbi Yishmael.

**מַאי טֻמָּא דָרְבִּי יִשְׁמָעָאֵל? דָאָמָר קָרָא “אָז הַחִתִּים בְּשָׁוֹ מוֹזָבָו.”**

The Gemara asks: What is the reason for the opinion of Rabbi Yishmael, i.e., what is the source in the Torah for his ruling? The Gemara answers: His source is, as mentioned above, that the verse states: “And this shall be his impurity in his issue: Whether his flesh run with his issue, or his flesh be stopped from his issue, it is his impurity” (Leviticus 15:3). This verse indicates that the emission must be enough to cause a blockage of his penis.

**וּרְבָּנָן? הַהוּא מְבַשֵּׁי לִיה לְחַמְטָמָא. אֲזִינוּ מְטַמָּא בְּשָׁ.**

The Gemara asks: And the Rabbis, who disagree with Rabbi Yishmael, what do they derive from this verse? The Gemara explains that according to the Rabbis, that verse is necessary to teach a different halakha with regard to a *zav*, that it is only a discharge which is moist, and which therefore could cause a blockage of the organ, that imparts impurity, but a dry discharge does not impart impurity.<sup>h</sup>

**וּרְבִּי יִשְׁמָעָאֵל? הַהוּא מִזְרָעָנָה נִפְקָא.**

The Gemara asks: And from where does Rabbi Yishmael derive that only a moist discharge imparts impurity? The Gemara answers: That halakha is derived from the word “run” in the verse “And this shall be his impurity in his issue: Whether his flesh run with his issue.”

**וּרְבָּנָן? הַהוּא לְמִנְינָא הוּא דְאַתָּה: זְזֻבּוֹ – חַדָּא, רַרְבָּשָׁוֹ – תְּרוּ, אַתְּ זְזֻבּוֹ – תְּלָת, לִפְנֵד עַל בְּכָל שְׁלֹשׁ רְאוּתָה שְׁחִיבָּבְקָרְבָּן.**

The Gemara asks: And what do the Rabbis derive from this word? The Gemara explains that according to the Rabbis, that verse comes to teach the number of emissions by which a *zav* is rendered impure, as follows: The term “his issue” is one emission, the term “his flesh run” is another emission so that there are two emissions, and the term “with his issue” makes a total of three emissions. The verse thereby teaches with regard to a *zav* who experienced three emissions that he is obligated to bring an offering<sup>h</sup> as part of his purification process.

- אָו הַחֲתִים בְּשָׁרוֹ מֵזֶבֶן טָמֵא" מִקְצָת וּבוֹ טָמָא, לִימֹד עַל זֶבֶן טָמָא שְׁתִי רְאִוֹת שְׁמַטְמָא מִשְׁכָב וּמוֹשֵׁב. רַבִּי יִשְׁמָעֵאל מִנְנָא מַנָּא לִיה? נִפְקָא לִיה מִרְבִּי סִימָאי,

דָתְנִיא, רַבִּי סִימָאי אָוֹמֶר: מִנָּה הַכְּתוּב שְׁתִים - וְקָרְאוֹ טָמָא, שֶׁלֶשׁ - וְקָרְאוֹ טָמָא. הָא בִּיצְדָּק? שְׁתִים - לְטוּמָאָה, שֶׁלֶשׁ - לְקָרְבָּן.

לְמַמְאן דְּנִפְקָא לִיה תְּרוּיִיחַו כ"ז אָתָה תְּהִיחַ טוֹמָא תְּבוּנוֹ, "אִישׁ בַּיְהִיה וּבְמִבְשָׁרוֹ" מַאֲעֵבֵד לִיה? מִבְשָׁר לִיה - עַד שִׁיצָא מִבְשָׁרוֹ.

"זֶבֶן טָמָא" לִמְהַ לִי? לִימֹד עַל הַזֶּבֶן שַׁהוּא טָמָא.

אָמֶר רַב חַנִּילָי מִשּׁוּם רַבִּי אַלְשָׁנָה - בָּרְבִּי שְׁמֻעוֹן: שְׁכַבָּת וּזֶעָר, לְרוֹאָה בְּמִשְׁחוֹ, לְפָגָע - בְּכֻנְדָשָׁה. וְהַאֲנָקָם בְּמִטְפָּאִין בְּכָל שְׁהָן" תְּנַנִּי מַאֲלָא - לְפָגָע? לֹא, לְרוֹאָה.

The Gemara continues: From the last section of the verse: “**Or his flesh be stopped from his issue, it is his impurity**,” it is derived that one is **impure** even by means of **part of his issue**, i.e., even if he did not experience three emissions. Here the verse **teaches with regard to a zav who experienced two emissions** that although he is not obligated to bring an offering, he renders a surface designated for **lying** and a surface designated for **sitting ritually impure** by lying or sitting on them, even without touching them directly. The Gemara asks: **And Rabbi Yishmael, from where does he derive this halakha of the requisite number of emissions?** The Gemara answers that **he derives it from that which Rabbi Simai said.**

As it is taught in a *baraita* that Rabbi Simai says: **The verse enumerated two emissions and called the zav impure:** “When any man has an emission out of his flesh, due to his issue he is impure” (Leviticus 15:2). And yet, another verse enumerates **three** emissions and it too **called him impure:** “And this shall be his impurity in his emission: Whether his flesh runs with his emission, or his flesh be stopped from his emission, it is his impurity” (Leviticus 15:3). **How can these verses be reconciled?** If one is impure after two emissions, for what purpose does the Torah mention three? It is to teach that **two emissions are necessary to establish impurity, and three are necessary to render a zav liable to bring an offering.**

The Gemara asks: **And according to the one who derives both the halakha of impurity and the obligation to bring an offering from the single verse: “And this shall be his impurity in his issue,” what do they, i.e., the Rabbis, do with the other verse: “When any man has an emission out of his flesh”?** The Gemara answers that this verse is **necessary** to teach the *halakha* that a *zav* is not impure unless the discharge emerges from his flesh.

The Gemara further asks: **Why do I need the last part of the previous verse, which can be read as: His issue is impure (Leviticus 15:2)?** The Gemara explains that this **teaches with regard to the issue itself that it is impure**, i.e., not only does it render the man who emitted it impure, but the substance itself is impure and imparts impurity to others by contact.

**§** With regard to the statement of the mishna that the issue of the *zav* and a seminal emission render them impure in any amount, **Rav Hanilai says in the name of Rabbi Elazar, son of Rabbi Shimon: Semen imparts impurity to the man who emits it in any amount**,<sup>4</sup> whereas **with regard to one who touches semen, it imparts impurity only in the amount of a lentil-bulk.** The Gemara asks: **But didn't we learn in the mishna that the emission of a zav and a seminal emission impart impurity in any amount? What, is it not referring to one who touches semen?** The Gemara answers: No, the mishna is referring **to the man who emits it.**

### HALAKHA

**Two emissions to establish impurity – שְׁתִים לְטוּמָא:** One who experiences two emissions of *ziva* is a *zav* and must count seven days clean of emissions and immerse in spring water to become ritually pure. Nevertheless, he is not obligated to bring an offering. This *halakha* is also learned by tradition, as transmitted to Moses at Sinai (Rambam *Sefer Korbanot, Hilkhot Mehusrei Kappara* 2:6).

**His issue is impure – זֶבֶן טָמָא:** The issue of a *zav*, like the *zav* himself, is a primary source of ritual impurity and imparts impurity by touch and carrying in any amount. This *halakha* does not apply equally to all emissions of a *zav*. His first emission imparts impurity by touch alone, whereas his second emission imparts impurity by touch and carrying (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 1:12).

Semen imparts impurity to the man who emits it in any amount, etc. – **שְׁכַבָּת וּזֶעָר לְרוֹאָה בְּמִשְׁחוֹ וּכְבָשָׁר:** Semen is a primary source of ritual impurity, and it imparts impurity to people and vessels by touch and to earthenware vessels when it is in their airspace. It does not impart impurity by carrying, nor does one who contracted impurity from semen render his garments impure while he is in contact with it. There is no difference in this regard between one who touches semen and one who experiences an emission of semen, as both have first-degree ritual impurity by Torah law. Nevertheless, there is a difference between them with regard to the amount by which they are rendered impure, as one who touches semen becomes impure only if it is at least a lentil-bulk, whereas one who experiences a seminal emission is rendered impure by any amount. This *halakha* is in accordance with the opinion of Rav Hanilai, citing Rabbi Elazar, son of Rabbi Shimon (Rambam *Sefer Tahara, Hilkhot She'ar Avot Ha'Tumot* 5:1).

### NOTES

So too the impurity discussed in the *baraita* with regard to semen is imparted by contact – אַךְ שְׁכָבֶת וּרֹעַ בְּנִינְשָׁה: It is for this reason that the early authorities write that one should be careful that there should be no semen on his body or his clothes (*Sefer Hasidim*, 509). Some later commentaries add that semen on one's skin is considered like excrement with regard to the prohibition of reciting *Shema* in its presence (*Shulhan Arukh, Orah Hayyim* 76:4, in the comment of Rema). If the semen is only on his garments and it is covered, it is permitted to recite *Shema* (*Shulhan Arukh, Orah Hayyim* 76:4 and *Magen Avraham* there).

תֵּא שְׁמֻעָה: חֹמֶר בְּשִׁכְבָּת וּרֹעַ מִבְשָׁרֶץ,  
וְחֹמֶר בְּשִׁרֶץ מִבְשָׁבָבָת וּרֹעַ. חֹמֶר  
בְּשִׁרֶץ – שְׁהַשְׂרֵץ אֵין חִילּוֹקָה טוֹמָא תּוֹמָא,  
מֵה שְׁאֵין כִּן בְּשִׁכְבָּת וּרֹעַ – שְׁהַשְׁכָבָת וּרֹעַ מִטְפָּא  
בְּכָל שְׁהָוָא, מֵה שְׁאֵין כִּן בְּשִׁרֶץ.

The Gemara suggests: Come and hear a proof from a *baraita*: There is an element of stringency which applies to the impurity of semen that does not apply to the impurity of the carcass of a creeping animal, and likewise there is an element of stringency which applies to the impurity of the carcass of a creeping animal that does not apply to the impurity of semen. The *baraita* elaborates: The stringency which applies to the carcass of a creeping animal but not to semen is that with regard to the carcass of a creeping animal there is no differentiation in its impurity, which is not the case with regard to semen, as certain types of semen impart impurity while others do not. The stringency which applies to semen but not to the carcass of a creeping animal is that semen imparts impurity in any amount, which is not the case with regard to the carcass of a creeping animal, which must be at least a lentil-bulk.

מַאי לֹא – לְנוּגָעַ? לֹא, לְרוֹאָה.

– וְהִיא דּוֹמֵיא דְּשִׁרֶץ קְתָנִי, מֵה שְׁרֶץ  
בְּנִינְשָׁה, אַךְ שְׁכָבָת וּרֹעַ – בְּנִינְשָׁה! אָמַר  
רַב אֲדָדَا בֶּר אֲהַבָּה: שָׁוֹם שְׁרֶץ קְתָנִי,  
וְשָׁוֹם שְׁכָבָת וּרֹעַ קְתָנִי.

The Gemara analyzes this *baraita*: What, is it not referring to one who touches semen, and the *baraita* rules that he is rendered impure by any amount? The Gemara again answers: No, the *baraita* is speaking of the man who emits semen, whereas one who touches it becomes impure only if it is at least as large as a lentil-bulk.

The Gemara raises a difficulty with regard to this answer: But the *baraita* teaches the case of semen as similar to that of the carcass of a creeping animal, which indicates that just as the impurity of the carcass of a creeping animal is imparted by contact, so too, the impurity discussed in the *baraita* with regard to semen is imparted by contact.<sup>N</sup> Rav Adda bar Ahava said in response: The *baraita* teaches the category of the carcass of a creeping animal, and it likewise teaches the category of semen, i.e., it is referring to these types of impurity in general, but this does not mean that these types of impurity are contracted in the same manner.

וְשְׁרֶץ לֹא מִטְפָּא בְּמִשְׁחוֹ? וְהִיא אַנְתָּךְ:  
הָאָבָרִים אֵין לְהָם שִׁיעָר. פְּחוֹתָ מִכְּיוֹת  
בְּשָׂר הַפְּתָחָה, וּפְחוֹתָ מִכְּיוֹת בְּשָׂר נְבָלָה,  
וּפְחוֹתָ מִכְּעוֹדָה מִן הַשְּׁרֶץ!

The Gemara asks: And does the carcass of a creeping animal not impart impurity in any amount? But didn't we learn in a mishna (*Oholot* 1:7): The limbs of impure bodies that are whole have no minimum measure with regard to imparting ritual impurity. Even if a limb is less than an olive-bulk of a human corpse,<sup>H</sup> or less than an olive-bulk of an animal carcass,<sup>H</sup> or less than a lentil-bulk of the carcass of a creeping animal,<sup>H</sup> it imparts ritual impurity. If so, how can the *baraita* state that there is a minimum measure of a lentil-bulk with regard to the impurity of a creeping animal?

שְׁאֵין אֲבָר – דּוֹכְלִיה בָּמִיקּוֹם עַדְשָׁה  
קְאָי, דּוֹהָא אַיְלָה חִסְרָ פּוֹרָתָא – אֲבָר  
כִּי קְמַטְמִיאָ?

The Gemara answers that the halakha of a limb is different, as when all of it is intact it stands in place of a lentil-bulk, i.e., a whole limb is considered like a lentil-bulk of the carcass of a creeping animal, regardless of its actual size. The proof is that if it were lacking any slight bit, thereby causing this limb of a creeping animal to be less than a lentil-bulk, would it impart impurity? Certainly not. Clearly, then, the impurity of a limb is due to its wholeness, not its size.

### HALAKHA

**Less than an olive-bulk of a corpse** – פְּחוֹתָ מִכְּיוֹת בְּשָׂר הַפְּתָחָה: A limb cut from a living person is considered like a whole corpse, and it imparts impurity by touch, carrying, and through the impurity of a tent. This applies even to a small limb of a one-day-old baby, as there is no minimum measure with regard to the impurity of limbs. This is the halakha only if the limb is whole, including the flesh, sinews, and bones. If any amount was lacking from the bone of the limb, the entire limb is pure. In a case where some of the flesh is lacking, if there is enough flesh left on the limb to heal it were it attached to a living person, it imparts impurity by touch, carrying, and through the impurity of a tent. If there is not enough flesh for healing, it imparts impurity by touch and carrying, but not through the impurity of a tent. The halakha is in accordance with the ruling of the mishna in *Oholot* (Rambam *Sefer Tahara, Hilkhot Tumat Met* 2:3).

**Less than an olive-bulk of an animal carcass** – פְּחוֹתָ מִכְּיוֹת בְּשָׂר נְבָלָה: With regard to ritual impurity, the limbs of an animal, whether kosher or non-kosher, have no minimum measure. Even if the limb is only the size of a barley seed, or even less than that, it renders one ritually impure, whether it came from a living animal or from a fetus inside it. This is the halakha only when the limb is whole, with its bones and sinews and enough flesh for the limb to heal. If there is not enough flesh for healing, the person who came in contact with it remains pure. This halakha is in accordance with the mishna in *Oholot* (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 2:3).

**Less than a lentil-bulk of a creeping animal** – פְּחוֹתָ מִכְּעוֹדָה מִן הַשְּׁרֶץ: Although the flesh of a creeping animal imparts impurity only in the amount of a lentil-bulk, there is no minimum measure for its limbs when they are whole. This halakha is in accordance with the mishna in *Oholot* (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 4:2-3).

שְׁבָבַת זֶרֶעַ דְּחִילָה טוֹמֵא תָּוֹמֵא מַה זֶּה?  
 אַיִלְמָא בֵּין יִשְׂרָאֵל לְדָגָם - הַכִּי בְּנֵי  
 אַיְכָא עֲכָבָר דִּים וְעֲכָבָר דִּיבְשָׁה!

The *baraita* teaches: The stringency that applies to the carcass of a creeping animal but not to semen is that with regard to a creeping animal there is no differentiation concerning its impurity, which is not the case with regard to semen. The Gemara asks: **What is the differentiation with regard to the impurity of semen?** If we say that this is referring to the difference between the semen of Jews, to which this impurity applies, and the semen of gentiles,<sup>h</sup> to which it does not apply, **there is also a differentiation with regard to the impurity of the carcass of a creeping animal between a sea mouse,<sup>hn</sup> which is not impure, and a land mouse,<sup>b</sup> which is impure.**

אַלְאָ - בֵּין קָטָן לְגָדוֹל.

אמָר רַב פַּפָּא: כַּתְנָאֵי, מִינֵּן לְרֻבּוֹת נָגֵעַ  
 בְּשְׁבָבַת זֶרֶעַ - תַּלְמוֹד לוֹמֵד "או אִישׁ".

Rather, the *baraita* is referring to the differentiation between the emission of a minor, which is not classified as semen and which does not render him impure, and that of an adult,<sup>h</sup> which does render him impure. By contrast, there is no such differentiation with regard to the impurity of the carcass of a creeping animal, as it imparts impurity regardless of its age and size.

**§ Rav Pappa said:** The amount of semen which imparts impurity to one who touches it is subject to a dispute between *tanna'im*, as it is stated in a *baraita*: From where is it derived that the Torah includes one who touches semen, in addition to one who emits semen, as impure? The verse states with regard to the impurity of the carcass of a creeping animal: "Or whoever touches any creeping animal, whereby he may become impure" (Leviticus 22:5). It is inferred from the inclusive phrase "or whoever" that one who touches semen is also impure.

וּפְלִיגִי תַּנְאֵי בָּעָלָמָא, דְּאַיְכָא דְּאַמְרוֹ  
 דָּזָן מִינָה וּמִינָה, וְאַיְכָא דְּאַמְרוֹ דָזָן מִינָה  
 וְאַזְקִי בְּאַתְרָא.

And in general, *tanna'im* disagree with regard to the possibility of deriving a *halakha* in this manner. As some say with regard to a *halakha* that is inferred from another *halakha*: Infer from it, and derive the details of the *halakha* from it as well. And some say with regard to such a *halakha*: Infer from it, but interpret the *halakha* according to its own place, i.e., not all aspects of the source case are applied to this *halakha*.

לְמַאן דְּאַמְרָה דָזָן מִינָה וּמִינָה: מַה  
 שָׁרֵץ - בְּגִיעַת, אַף שְׁבָבַת זֶרֶעַ -  
 בְּגִיעַת. וּמִינָה, מַה שָׁרֵץ - בְּכַעַדְשָׁה,  
 אַף שְׁבָבַת זֶרֶעַ - בְּכַעַדְשָׁה.

The Gemara explains how this general dispute applies to the case at hand. According to the one who says that one infers from it and again from it, the derivation is as follows: Just as the carcass of a creeping animal imparts impurity by contact, so too, semen imparts impurity by contact. And one again infers from the impurity of the carcass of a creeping animal that just as the carcass of a creeping animal imparts impurity in the amount of a lentil-bulk, so too, semen imparts impurity in the amount of a lentil-bulk.

וּלְמַאן דְּאַמְרָה דָזָן מִינָה וְאַזְקִי בְּאַתְרָא:  
 מַה שָׁרֵץ - בְּגִיעַת, אַף שְׁבָבַת זֶרֶעַ -  
 בְּגִיעַת. וְאַזְקִי בְּאַתְרָא: מַה שְׁבָבַת זֶרֶעַ  
 לְרוֹאָה - בְּמִשְׁהָה, אַף לְנוֹגֵעַ - בְּמִשְׁהָה.

And according to the one who says: Infer from it, but interpret the *halakha* according to its own place, one derives as follows: Just as the carcass of a creeping animal imparts impurity by contact, so too, semen imparts impurity by contact. But one must interpret the *halakha* according to its own place: Just as semen imparts impurity to the one who emits it in any amount, so too, it imparts impurity to the one who touches it in any amount.

## HALAKHA

בֵּין יִשְׂרָאֵל - בֵּין גַּוּגּוֹן:  
**לְגַוּגּוֹן:** The semen of a gentile is ritually pure (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 5:17 and Hilkhos Metamei Mishkav UMoshav 2:10).

Sea mouse – עֲכָבָר דִּים: Vessels fashioned from the bones or skin of sea creatures are ritually pure (Rambam Sefer Tahara, Hilkhos Kelim 1:3).

Between the emission of a minor and that of an adult – בֵּין קָטָן לְגָדוֹל: The semen of a minor does not impart impurity until he is nine years and one day old (Rambam Sefer Tahara, Hilkhos She'ar Avot HaTumot 5:2).

## BACKGROUND

Sea mouse and land mouse – עֲכָבָר יְבָשָׂה:  
 Some maintain that a sea mouse is a type of snail which lives near water (see Sanhedrin 91a), whereas others claim that it is a sea creature which bears a resemblance to a land mouse. This latter suggestion may refer to what is now known as the sea mouse, *Aphrodita aculeata*, which is a type of marine worm covered in hair-like structures that can be found in the Mediterranean.

As for the term land mouse, this refers to the house mouse, *Mus musculus*, a small rodent that grows up to 8 cm. It is gray in color and has a white underbelly. This mouse feeds on various remnants it finds around the house, particularly bread crumbs.



Freshwater snails



Sea mouse

## NOTES

Sea mouse – עֲכָבָר דִּים: This creature does not impart impurity, as a *baraita* teaches that the verse: "And these are they which are impure to you among the creeping animals that creep on the earth" (Leviticus 11:29), indicates that this impurity applies only to

the carcasses of creeping animals that traverse the earth, not those of the sea (Rashi; see Hullin 126b). This follows Rashi's opinion that a mouse of the sea is a fish which looks like a mouse. All creatures of the sea are ritually pure (see Kelim 17:13).

## BACKGROUND

**Teruma – תרומה:** Whenever the term *teruma* appears without qualification, it refers to *teruma gedola*, the great *teruma*. The Torah commands that *teruma* must be separated from grain, wine, and oil and must be given to the priest (see Deuteronomy 18:4 and Numbers 18:12). The Sages extended the scope of this mitzva to include all produce. This mitzva applies only in Eretz Yisrael. *Teruma* is sacred and may be consumed only by a priest and his household while they are in a state of ritual purity (see Leviticus 22:9–15).

אמור ליה רב הונא בריה דרבנן לר' פפא: מפאי דת' או איש" דשרץ קמורי לייה, דילמא מ"או איש אשר תצא מפנוי שכבת ווע" קמנובי ליה. ורקולי עלמא דון מיניה ומיניה?

שיילינו לתרנא, איך דתני בר' פפא,  
ואיך דתני רב הונא בריה דרבנן.

**מתני'** הנוקת בת יום אחד – מטמאה  
בנרה, בת עשרה ימים – מטמאה  
בזורה.

תנוק בן יומ אחד – מטמאה בזורה,  
ומטמא בנגעים, ומטמא בטמא מות,  
ווזק ליום, ופטור מן היבום, ומאלל  
בתרומה, ופוסל (את) [מן] התרומה,

**Rav Huna, son of Rav Natan, said to Rav Pappa:** From where do you infer that the *tanna* of the *baraita* derives the impurity of one who touches semen from the phrase “or whoever” that is stated with regard to the impurity of the carcass of a **creeping animal**? Perhaps he derives it from the previous verse: “Or from whoever the flow of seed goes out” (Leviticus 22:4), and everyone agrees that when a *halakha* is derived from a verse dealing with the same matter, one should **infer from it and derive the details of the halakha from it** as well. If so, the amount of semen that imparts impurity by contact should be derived from the amount that renders the one who emitted it impure, which is any amount.

The Gemara relates that the Sages asked the *tanna'im*, i.e., those who recite *mishnayot* and *baraitot*, whether the derivation of the *baraita* is from the verse dealing with the carcass of a **creeping animal** or from the one dealing with semen. They discovered that **there are those who teach this halakha in accordance with the assumption of Rav Pappa**, that it is derived from a **creeping animal**, and **there are those who teach this halakha in accordance with the opinion of Rav Huna, son of Rav Natan**, that the source is the verse referring to semen.

**MISHNA** A baby girl, even one who is **one day old**, who experiences an emission of blood, becomes **impure** with the impurity of a **menstruating woman**.<sup>H</sup> A baby girl who is **ten days old** who experiences an emission of blood for three consecutive days after the conclusion of the seven days fit for menstruation becomes **impure** with the impurity of *ziva*, and is therefore obligated to observe seven clean days before immersion.

A baby boy, even one who is **one day old**, becomes **impure** with the impurity of *ziva*,<sup>H</sup> and becomes **impure** with the impurity of **leprosy marks**,<sup>H</sup> and becomes **impure** with **impurity imparted by a corpse**,<sup>H</sup> and he creates a levirate bond requiring the widow of his childless brother to enter into **levirate marriage** with him,<sup>H</sup> and he exempts his widowed mother from the obligation of **levirate marriage**,<sup>H</sup> freeing her to marry anyone she chooses; and he enables his mother, an Israelite woman who is no longer married to his father, a priest, to continue to partake of *teruma*,<sup>B</sup> and he disqualifies his mother, the daughter of a priest who is no longer married to his father, an Israelite man, from continuing to partake of *teruma*, because the child is unfit to partake of *teruma*;

## HALAKHA

**A baby girl even one day old becomes impure with the impurity of a menstruating woman – תנוקת בת יום אחד מטמאה בנרה:**

A female can become impure and impart the impurity of menstruation even on the day of her birth. This is a *halakha* learned by tradition, that there is no difference between a minor and an adult woman with regard to the impurities of menstruation and *ziva* (Rambam Sefer Tahara, *Hilkhot Metamei Mishkav UMoshav* 1:3 and Sefer Kedusha, *Hilkhot Issurei Bia* 4:1).

**A baby boy one day old becomes impure with the impurity of ziva – לתנוק בן יום אחד מטמאה בזורה:** A one-day-old baby boy can become impure with the impurity of *ziva* (Rambam Sefer Tahara, *Hilkhot Metamei Mishkav UMoshav* 1:4).

**And becomes impure with the impurity of leprosy marks – ומטמא בנגעים:** A one-day-old baby boy can become impure with the impurity of leprosy marks (Rambam Sefer Tahara, *Hilkhot Tumat Tzara'at* 9:1).

**And becomes impure with impurity imparted by a corpse – ומטמא באבניא מות:** A minor Jew, even one who is one day old, can become ritually impure with all forms of impurity, including the impurity imparted by a corpse, like an adult. Therefore, if he touched, carried, or formed a tent over the dead, he has the impurity of one who came into contact with the dead. This is the *halakha* only if the baby was born after nine months of pregnancy, but if he was born after eight months he is considered like

a stone and is not susceptible to ritual impurity (Rambam Sefer Tahara, *Hilkhot Tumat Met* 1:14).

**And he creates a levirate bond requiring the widow of his childless brother to enter into levirate marriage with him – זוקק ליום:** If a deceased, childless husband had a paternal brother, even a one-day-old baby, he creates a levirate bond requiring the widow to enter into levirate marriage with him, provided that his head and most of his body emerged into the world before the husband's death (Rambam Sefer Nashim, *Hilkhot Yibbum VaHalitza* 1:6; *Shulhan Arukh*, *Even HaEzer* 157:1).

**And he exempts his widowed mother from the obligation of levirate marriage – זפטור מן היבום:** In a case where a husband died childless and was survived by a pregnant wife, if she gave birth to a living child, she is exempt from the obligation of *halitzah* and levirate marriage, even if the child subsequently died. By rabbinic law this child renders the mother exempt only if it is established for certain that it was born after a full nine months of pregnancy. The Rema writes that according to some opinions, in the present time, even if the mother entered into the first day of her ninth month, not including the day on which she became pregnant, the child is considered viable and she is exempt, as the nature of pregnancies has changed from the time of the Gemara (Rambam Sefer Nashim, *Hilkhot Yibbum VaHalitza* 1:5; *Shulhan Arukh*, *Even HaEzer* 156:4).

## Perek V

## Daf 44 Amud a

ונַחַל וּמְנִיחָל, וְהַזְרֹגֶנוּ חַיֵּב, וְהִי הוּא  
לְאָבוֹ וְלְאָמוֹ וְלִכְלָל קָרוּבֵינוּ בְּחַתּוּ שָׁלָם.

and he inherits<sup>b</sup> the estate of his mother if she died on the day of his birth; and if he dies, he bequeaths<sup>h</sup> that inheritance to his paternal brothers; and one who kills him is liable for his murder,<sup>hn</sup> as it is written: “And he that smites any man mortally shall be put to death” (Leviticus 24:17), i.e., any man, including a child who is one day old; and if he dies, his status in relation to his father and to his mother and to all his relatives, in terms of the halakhot of mourning, is like that of a full-fledged groom [kehatan shalem],<sup>l</sup> whose death is deeply mourned.

- גַּם מִנְהָעִי מִילִּי? דְּתַנוּ רַبָּנִים: “אֲשֶׁר אֵין לִי אֶלְאָ אֲשֶׁר, בֶּת יּוֹם אַחֲרֵי נָתָרָה מִפְנֵי? תַּלְמֹוד לֹמֵר זְאַשָּׁה.”

**GEMARA** The Gemara asks: From where is this matter, that the halakhot of menstruation apply even to a one-day-old baby girl, derived? As the Sages taught in a baraita: The verse states: “And if a woman has an issue, and her issue in her flesh is blood, she shall be in her impurity seven days” (Leviticus 15:19). When the verse states “a woman,” I have derived only that the halakhot of menstruation apply to an adult woman. From where do I derive that the impurity of a menstruating woman also applies to a one-day-old baby? The verse states: “And a woman,” to include even a baby girl.

בֶּת עֲשָׂרָה יָמִים לְזִבְחָה. מִנָּא הַנִּי מִילִּי?  
דְּתַנוּ רַבָּנִים: “אֲשֶׁר – אֵין לִי אֶלְאָ אֲשֶׁר,  
בֶּת עֲשָׂרָה יָמִים לְזִבְחָה מִפְנֵי? תַּלְמֹוד לֹמֵר  
זְאַשָּׁה.”

The mishna further teaches that a baby girl who is ten days old who experiences an emission of blood for three consecutive days after the conclusion of the seven days fit for menstruation, becomes impure with the impurity of ziva. Again, the Gemara asks: From where are these matters derived? As the Sages taught in a baraita: The verse states: “And if a woman has an issue of her blood many days not in the time of her menstruation... she shall be as in the days of her menstruation: She is impure” (Leviticus 15:25). When the verse states “a woman,” I have derived only that the halakhot of a zava apply to an adult woman. From where do I derive that the impurity of ziva also applies to a ten-day-old baby? The verse states: “And a woman,” to include even a baby girl.

תַּינְזָק בֶּן יוֹם אַחֲרֵי כֻּוּ. מִנָּא הַנִּי מִילִּי?  
דְּתַנוּ רַבָּנִים: “אִישׁ אִישׁ.” מִה תַּלְמֹוד  
לֹמֵר אִישׁ אִישׁ? לְרֹבּוֹת בֶּן יוֹם אַחֲרֵי  
שְׁמַטְמָא בְּזִבְחָה, דִּבְרֵי רַבִּי יְהוּדָה.

The mishna further teaches that a baby boy, even one who is one day old, can become impure with the impurity of ziva. Once again, the Gemara asks: From where are these matters derived? As the Sages taught in a baraita: The verse states with regard to a zav: “When any man has an issue out of his flesh, his issue is impure” (Leviticus 15:2). It would have been enough for the verse to state “a man.” Why must the verse state “any man”? It is in order to include even a one-day-old baby boy who has such a discharge, to teach that he becomes impure with the impurity of ziva. This is the statement of Rabbi Yehuda.

רַבִּי יִשְׁמָעֵאל בֶּן שְׁלֹמֹה יְהוּחָן בֶּן בָּרוֹקָא  
אָוּמֶר: אֵינוֹ צִדְקָן, הַרְיָה הוּא אָוּמֶר “וְהַזּוֹב  
אֶת זָבוֹן לְזִבְחָה וְלִקְבָּה”. “לְזִבְחָה” – בֶּל  
שַׁהֲוָא, בֵּין גָּדוֹלָה בֵּין קָטָן. “לִקְבָּה” – בֶּל  
שַׁהֲיָא, בֵּין גָּדוֹלָה בֵּין קָטָן. אָם בֶּן מַה  
תַּלְמֹוד לֹמֵר “אֶשׁ אִישׁ”? דִּבְרֵה תּוֹרָה  
בְּלִשׁוֹן בְּנֵי אָדָם.

Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says that this derivation is not necessary, as the verse states: “And of those who have an issue, whether it be a male or a female” (Leviticus 15:33). The phrase “whether it be a male” includes anyone who is a male, whether he is an adult or whether he is a minor; “or a female” includes anyone who is a female, whether she is an adult or whether she is a minor. If so, why must the earlier verse state “any man”? The Torah spoke in the language of people, i.e., this emphasis is not unusual and therefore one should not derive a halakha from the superfluous word.

## HALAKHA

וְנוֹתֵל וּמְנִיחָל – And he inherits and he bequeaths – If a mother predeceased her son, even if he was a one-day-old baby he inherits from her, and his heirs from his father’s family inherit from him. The Rema writes that if she died while pregnant the fetus does not inherit from her to bequeath to his heirs from his father’s family, because the assumption is that the fetus died before the mother, in accordance with the opinion of Rav Sheshet later on in the Gemara (Rambam Sefer Mishpatim, Hilkhos Nahalot 1:13; Shulchan Arukh, Hoshen Mishpat 276:5).

וְהַזְרֹגֶנוּ – And one who kills him is liable for his murder – בְּנִי: One who kills a one-day-old baby, whether male or female, is like one who killed an adult, and he is liable to be put to death if he did so intentionally, or to exile if he acted unwittingly. This applies only to a baby whose months of pregnancy were fully completed, but one born before nine months is considered like a stillborn until thirty days have passed. Consequently, if someone kills him within thirty days, he is not liable to be put to death (Rambam Sefer Nezikin, Hilkhos Rotze’ah Ushmirat HaNefesh 2:6).

## NOTES

וְהַזְרֹגֶנוּ – And one who kills him is liable for his murder – בְּנִי: The early commentaries note that this applies only to a one-day-old baby, whereas one who kills a fetus is not liable to be put to death, as a fetus is not classified as “any man” (Tosafot; Ramban; Rashba; Ritva; Ran). Even so, it is prohibited to kill a fetus, although the early commentaries disagree with regard to the nature of this prohibition. Some say that it applies by rabbinic law (see Tosafot on Nidda 44a; Tzitz Eliezer 9:51:3), whereas others maintain that it is by Torah law (Rabbeinu Hayyim HaLevi Soloveitchik on Rambam Sefer Nezikin, Hilkhos Rotze’ah Ushmirat HaNefesh 1:39).

תַּלְמֹוד לֹמֵר זְאַשָּׁה – The verse states: And a woman – בְּנִי: The commentaries note that although this one-day-old baby girl remains ritually impure until she has immersed, one who engages in intercourse with her is not liable, as any act of intercourse with a girl less than three years and one day old is not considered intercourse (Rambam Sefer Kedusha, Hilkhos Issurei Bia 4:1 and Maggid Mishne there).

## LANGUAGE

Full-fledged groom [hatan shalem] – בְּנִי שָׁלָם: The term *hatan* generally refers to a man who is about to marry a woman. His prospective father-in-law is called a *hoten*, his future mother-in-law a *hotenet*, and the ceremony itself a *hatuna*, wedding. The term is also used in reference to those experiencing a joyful event of a great mitzva, e.g., a circumcision, a bar mitzva, and those celebrating achievements in Torah study.

## BACKGROUND

Inheritance – נְחַלָּה: This is referring to the right of a relative to inherit the property of his deceased kin. The basic halakhot of inheritance are stated in the Torah (see Numbers 27:8–11). The main provisions are that a father’s property is inherited by his sons, with the firstborn son receiving a double share. If the deceased had no sons, or if his sons died and left no heirs, his daughters

receive the inheritance. If he has no offspring at all, the inheritance passes to his father, and then to his father’s heirs. The process continues generation by generation, moving back through the paternal family. With regard to this matter the Sages established the principle that in matters of inheritance a father takes precedence over all his offspring.

### HALAKHA

**פרט למעוברת:** Which excludes a pregnant woman – A fetus renders one disqualified from partaking of *teruma* and does not enable one to partake of *teruma*. How so? An Israelite woman who was pregnant from a priest may not partake of *teruma* on account of the fetus. By contrast, if the daughter of a priest was pregnant from an Israelite, she is prohibited from partaking of *teruma* due to the fetus (Rambam Sefer Zeraim, Hilhot Terumot 8:2).

"וְמַטָּפָא בְּגָנְעִים". דכתיב: "אָדָם כִּי יִהְיֶה  
בָּעוֹר בְּשָׁרוֹ" – אָדָם כֵּל שָׂהָר.

The mishna teaches: And a one-day-old baby becomes impure with the impurity of leprous marks. The Gemara explains that this is derived from that which is written with regard to leprous marks: "When a person shall have in the skin of his flesh" (Leviticus 13:2). This serves to include anyone who is a person, irrespective of age.

"וְמַטָּפָא בְּטָמָא מַתָּה". דכתיב: "זַעַל  
הַגְּפֻשּׁוֹת אֲשֶׁר הִי שָׁם" – נֶפֶשׁ כָּל דָּהָר.

The mishna further teaches: And a one-day-old baby becomes impure with impurity imparted by a corpse. The Gemara explains that this is derived from that which is written in the context of purification from impurity imparted by a corpse: "And a pure person shall take hyssop, and dip it in the water, and sprinkle it upon the tent, and upon all the vessels, and upon the people that were there" (Numbers 19:18). This apparently superfluous mention of "people" serves to include anyone who is a person, irrespective of age.

"יוֹזֵק לִבּוֹם". דכתיב: "בַּיִשְׁבּוּ אֶחָדים  
הַדָּרוֹ" – אֶחָדים שָׁהִיא לָהֶם יִשְׁיבָה אֶחָת  
בְּעוֹלָם.

The mishna also teaches: And a one-day-old baby creates a levirate bond requiring the widow of his childless brother to enter into levirate marriage with him. The Gemara explains that this is derived from that which is written: "If brothers dwell together and one of them dies, and he has no child, the wife of the dead man shall not be married outside of the family to one not of his kin. Her brother-in-law will have intercourse with her and take her to him to be his wife, and consummate the levirate marriage" (Deuteronomy 25:5). This verse is referring to brothers who had one dwelling in the world, i.e., who were alive at the same time, which includes a baby who was born the day his brother died.

"וְפָטוּר מִן הַיְבוּם". יובן אַיִן לו"א אמר  
רְחַמְנָא – וְהִיא אִיתָה לָהּ.

The mishna teaches: And a one-day-old baby exempts his widowed mother from the obligation of levirate marriage. The Gemara explains the derivation: The Merciful One states: "And one of them dies, and he has no child" (Deuteronomy 25:5), and this late husband has a child, albeit one who is one day old.

"וְמִאֵיל בְּתוֹרָמָה". דכתיב: "וַיָּלִיד בֵּיתוֹ  
הַיּוֹם יָאַכְלֹו בְּלָחָמוֹ", קרי ביה: "יָאַכְלֹו  
בְּלָחָמוֹ".

The mishna teaches: And a one-day-old baby enables his mother, an Israelite woman who is no longer married to his father, a priest, to continue to partake of *teruma*. The Gemara explains that this is as it is written, with regard to those who are entitled to partake of *teruma* on account of a priest: "And those who are born in his house, they may eat [yokhelu] of his bread" (Leviticus 22:11). Read into the verse: Those who are born in his house enable others to eat [ya'akhilu] of his bread, i.e., on account of her son the priest, the Israelite mother may continue to partake of *teruma* even after the death of his father.

"וְפָסַל מִן הַתְּרוּמָה". וּוּרְעָא יָיִן לְהָא אמר  
רְחַמְנָא – וְהִיא אִיתָה לָהּ.

¶ The mishna also teaches: And a one-day-old baby disqualifies his mother, the daughter of a priest who is no longer married to his father, an Israelite man, from continuing to partake of *teruma*. The Gemara explains that the reason is that the Merciful One states: "But if a priest's daughter becomes a widow, or divorced, and has no child, and is returned to her father's house, as in her youth, she may eat of her father's bread" (Leviticus 22:13), and this daughter of a priest has a child.

מאי אִירְאָיוּרָע? אֲפִילוּ עַופָּר נָמִי, דכתיב:  
"כְּנֻוּרִיהָ" – פְּרַט לְמַעֲובָרָתָה

The Gemara asks: Why state specifically that she has a child? Even if she has a fetus in her womb from an Israelite man, the same *halakha* applies, as it is written: "As in her youth," which excludes a pregnant woman,<sup>h</sup> since her pregnancy has changed her physical state from that of her youth.

אֲזִירִי, דֵּאי בְּתֵבָב רְחַמְנָא "וּוּרְעָא יָיִן לְהָא"  
מִשּׁוּם דְּמַעַיְקָרָא תְּדִ גּוֹפָא וְהַשְׁתָּא תְּרִי  
גּוֹפָי, אֲבָל הַכְּבָא – דְּמַשְׁיקָרָא תְּדִ גּוֹפָא  
וְהַשְׁתָּא תְּדִ גּוֹפָא – אִימָא פְּיכָול, בְּתֵבָב  
רְחַמְנָא "כְּנֻוּרִיהָ".

The Gemara answers that both derivations are necessary. As, if the Merciful One had written only: "And has no child," I would say that the reason the daughter of a priest who has a child from an Israelite man may no longer partake of *teruma* is due to the fact that at the outset, before she married, she was one body, and now she has developed into two bodies, herself and her child. But here, in a case when she is merely pregnant, when at the outset she was one body and now she remains one body, one might say that she should be permitted to partake of *teruma*. Therefore, the Merciful One writes: "As in her youth."

**ואֵי בְּתָבְרַת רְחִמָּנוּ "בְּנָעוֹרִיךְ" – מִשּׁוּם**  
**דְּמַעַקְרָא גּוֹפָה סְרִיקָא וְהַשְׁתָּא גּוֹפָה**  
**מְלִיאָ, אֲבָל הַכָּא – דְּמַעַקְרָא גּוֹפָה**  
**סְרִיקָא וְהַשְׁתָּא גּוֹפָה סְרִיקָא – אֵימָא**  
**תִּכְלֹל, אַרְכָּא.**

And by contrast, if the Merciful One had written only: “As in her youth,” I would say that the reason that the daughter of a priest who is pregnant from an Israelite man may no longer partake of *teruma* is due to the fact that at the outset she had an empty body and now she has a full body, and consequently she is not returning to her father’s household in her initial state. But here, after she has given birth, where at the outset she had an empty body and now she still has an empty body, one might say that she should be permitted to partake of *teruma*. Therefore, the Merciful One writes: “And has no child.” Therefore, both derivations are necessary.

**קְרָאֵי – אֲחִרּוֹז, אֶלְלָא מִתְנִיתִין, מַאי**  
**אֲרִיכָּא בֵּן יוֹם אַחֲרָ – אֲפִילּוּ עֲוֹבֵר נִמְנִי**  
**אָמֵר רְבָבָ שְׁתָתָ: הַכָּא בְּמַאי עֲסִקִּין –**  
**בְּכַחְןָן שְׁיַשׁ לֹא שְׁתִי נְשִׁים אַחֲתָ גּוֹשָׂה**  
**וְאַחֲתָ שָׁאִינָה גּוֹשָׂה, וַיֵּשׁ לֹא בְּנִים**  
**מִשְׁאִינָה גּוֹשָׂה, וַיֵּשׁ לֹא בֵּן יוֹם אַחֲרָ**  
**מִן הָגְרוֹשָׂה,**

**דְּפָסֶל בְּעֵבֶד אָבָיו מְלֻאָכָל בְּתִרוּמָה.**  
**וְלֹא פָסֶל מִנְדָּבִי יוֹסֵי דְּאָמֵר עֲוֹבֵר נִמְנִי**  
**פָסֶל, קָא מְשֻׁמָּעַ לֹא, בֵּן יוֹם אַחֲרָ – אַיִן**  
**עֲוֹבֵר – לֹא.**

**נְזַחֵל וּמְנַחֵּיל.** נְזַחֵל מִמְּאָבוֹי?  
**וּמְנַחֵּיל לְפָאָן? לְאָחִי מִאָבוֹי, אֵי בְּשִׁ –**  
**מִאָבוֹה לְרוּתִי וְאֵי בְּשִׁ – בְּמִפְנֵה לִיהְתֵּן!**

**אָמֵר רְבָבָ שְׁתָתָ: נְזַחֵל בְּנָכְסֵי הָאָם,**  
**לְהַנְחֵיל לְאָחִיו מִן הָאָב. וְדוֹקָא בֵּן יוֹם**  
**אַחֲרָ – אֲבָל עֲוֹבֵר – לֹא. מַאי טַעַמָּא –**  
**דְּהֵוָא קְיִיט בְּרִישָׁא, וְאַיִן הַבָּן יָוֹרֶשׁ**  
**אֶת אָמוֹ**

The Gemara asks: The need for both verses has been resolved, but the mishna remains difficult: What is the reason the mishna is referring specifically to a baby who is one day old, when, as stated above, the same halakha applies even to a fetus? Rav Sheshet said: Here we are dealing with a priest who has two wives: One who is a divorcée, as she was previously divorced from another man, and who was therefore married to this priest in violation of halakha, and one who is not a divorcée. And he has sons from the wife who is not a divorcée, and he has a baby boy who is one day old from the wife who is a divorcée. This son is disqualified from the priesthood and may not partake of *teruma*.

Rav Sheshet continues: The mishna is teaching that this baby disqualifies his father’s Canaanite slaves from partaking of *teruma* again. Since this child is entitled to a portion of his father’s inheritance, which includes his slaves, they may no longer partake of *teruma* due to his presence in the world. And the mishna teaches this to exclude the opinion of Rabbi Yosei, who said that a fetus also disqualifies his father’s slaves from partaking of *teruma*. For this reason, the *tanna* of the mishna teaches us that with regard to a one-day-old baby boy, yes, he disqualifies his father’s slaves from partaking of *teruma*, but a fetus does not.<sup>h</sup>

**§** The mishna teaches that this baby inherits and he bequeaths. The Gemara asks: From whom does he inherit? It must be from his father. And to whom does he bequeath? Presumably, he bequeaths to his paternal brother, in a case where the baby inherited his father’s property and then died on the same day, as maternal half-brothers do not inherit from each other. The Gemara raises a difficulty with regard to this interpretation: What is the novelty of the halakha that the brother of this one-day-old baby inherits from him? After all, if the surviving brother wants, let him inherit from his father, and if he wants, let him inherit from the one-day-old baby. Either way, he receives his late father’s property.

Rav Sheshet said: The mishna is teaching that a one-day-old baby inherits his mother’s property if she died on the day he was born, so that he is able to bequeath it, even if he dies after a day, to his heirs who are not the mother’s heirs, e.g., a paternal half-brother. And in such a case it is specifically when he is at least one day old that he inherits from his mother and bequeaths the property to his paternal half-brothers, but a fetus, whose mother died before he emerged, does not inherit from his mother. What is the reason for this? The reason is that presumably the fetus died first,<sup>n</sup> before its mother died, and there is a halakha that a son does not inherit from his mother

## HALAKHA

A one-day-old baby boy yes but a fetus does not – בְּכָן יוֹם אַחֲרָ אין עֲוֹבֵר לֹא: If an Israeli woman was pregnant from her husband, a priest, and he died, her slaves may not partake of *teruma* on account of the fetus. The reason is that only a child enables one to partake of *teruma*, not a fetus. Consequently, if the fetus was disqualified from the priesthood, e.g., his mother is a divorcée, he does not disqualify the slaves from partaking of *teruma*; rather, they may partake of *teruma* on account of his brothers who are of unflawed lineage until the fetus is born and disqualifies them (Rambam). The Ra’avad disagrees and maintains that these slaves may not partake of *teruma*, due to the portion of the disqualified son in his father’s inheritance even when he is a fetus (Rambam *Sefer Zeraim, Hilkhot Terumot* 8:4).

## NOTES

The reason is that presumably the fetus died first – **דְּהֵוָא קְיִיט**:  
**בְּרִישָׁא:** The commentaries explain that this applies only if the mother died by the hand of Heaven, but not if she was killed, as in that case the fetus might have survived (*Tosafot*; see *Arakhin* 7a). Furthermore, if she died during labor it is also possible that the fetus might survive, as once it has been uprooted from its

place to emerge from the womb, it would no longer die. This is similar to the statement of Shmuel on *Arakhin* 7a with regard to a woman who was in the throes of labor and died on Shabbat, that one should bring a knife and tear open her abdomen and remove the fetus, as it may still be alive and it might be possible to save its life.

## Perek V

## Daf 44 Amud b

## BACKGROUND

Lizard [*lēta'a*] – לְטָאָה: The *lēta'a* is almost certainly one of the many species of lizards from the Lacertidae family. These lizards range in length from 15 to 25 cm, and they have developed limbs that allow them to run quickly. Their skin is generally so soft that it wrinkles, although in some species the skin is tight on the body.



Small-spotted lizard, native to Eretz Yisrael

**גַּבְעַת הַלְּטָאָה – מִמְּפֻרְכָּת:** After a limb, e.g., the tail of a lizard, is severed, the nerves continue functioning in an involuntary manner for a brief period. This is caused by the release of neurotransmitters, which cause a twitching of the muscles. Nevertheless, such neurological activity is not a sign of life. Likewise, the twitching of a fetus might be a neurological reaction which does not prove that it is alive.

**In Sura...in Pumbedita – בְּסֻרָא...בְּפָמְבִּידִיתָא:** In the first generations of *amora'im*, two main academies were established in Babylonia, those of Sura and Pumbedita. On occasion these academies, for various reasons, were disbanded or split up, but overall they continued for many years. From the outset the methodology of the academy of Sura was probably more similar than that of Pumbedita to that of Eretz Yisrael, with an emphasis on broad knowledge, from the Bible to statements of *tanna'im*.

## HALAKHA

**A one-day-old child reduces the portion of the firstborn – בְּמִנְשָׁטָן בְּחֶלְקָה בְּכֹרָה:** A one-day-old child reduces the portion of the firstborn, in accordance with the ruling of Mar, son of Rav Yosef, citing Rava, as the Gemara on *Bava Batra* 142a accepts this opinion as halakha (Rambam *Sefer Mishpatim*, *Hilkhot Nahalot* 2:5; *Shulhan Arukh*, *Hoshen Mishpat* 277:5).

**A son who was born after his father's death does not reduce the portion of the firstborn – בְּן שְׁנָוֹלֵד אַחֲרֵי מִתְתָּהָבָבָה:** A son who was born after his father's death does not reduce the firstborn's share, in accordance with the opinion of Mar, son of Rav Yosef, citing Rava, as the Gemara on *Bava Batra* 142a accepts this opinion as halakha (Rambam *Sefer Mishpatim*, *Hilkhot Nahalot* 2:5; *Shulhan Arukh*, *Hoshen Mishpat* 277:5).

**A firstborn who was born after his father's death – בְּכוֹר שְׁנָוֹלֵד לְאַחֲרֵי מִתְתָּהָבָבָה:** A firstborn son who was born after his father's death does not receive a double portion in his father's inheritance, in accordance with the opinion of Rava as cited by Mar, son of Rav Yosef (Rambam *Sefer Mishpatim*, *Hilkhot Nahalot* 2:2; *Shulhan Arukh*, *Hoshen Mishpat* 277:3).

בְּקָבָר לְהַנְּחִיל לְאַחֲרֵי מִתְתָּהָבָבָה.

אִין, וְהָא הוּה עִירָדָא וְפָרָבָס עַד תְּלַתְּ פְּרָפָסָן! אָמָר מִר בְּרִיה דָּרְבָּא אֲשִׁי: מִידָּה אֲזַנְבָּה הַלְּטָאָה דְּמִפְּרָבָסָת.

while in the grave, i.e., after death, in order to bequeath to his paternal half-brother.

The Gemara asks: Is that so, that it is presumed that the fetus died before its mother? But wasn't there an incident in which the mother died and the fetus made up to three spasmodic motions afterward? Mar, son of Rav Ashi, said: That is just as it is with the tail of the lizard,<sup>b</sup> which twitches<sup>b</sup> after being severed from the lizard, but it is merely a spasmodic motion which does not indicate that it is still alive.

מַר בְּרִיה דָּרְבָּא יָסַף מִשְׁמִימָה דָּרְבָּא אָמָר:  
לְוָמָר שְׁמַמְעַט בְּחֶלְקָה בְּכֹרָה. וְאָמָר מַר  
בְּרִיה דָּרְבָּא יָסַף מִשְׁמִימָה דָּרְבָּא: בְּן שְׁנָוֹלֵד  
אַחֲרֵי מִתְתָּהָבָבָה – אַינוּ מִמְעַט בְּחֶלְקָה  
בְּכֹרָה, מַאי טָעַמָּא – "וַיַּלְדוּ לוּ" בְּעַיִן.

Mar, son of Rav Yosef, said a different explanation of the mishna's ruling in the name of Rava: The mishna teaches that a one-day-old baby inherits in order to say that such a child reduces the portion of the firstborn.<sup>h</sup> A firstborn is entitled to a double portion of the inheritance, which is calculated by taking into account the portion due to his dead brother. And Mar, son of Rav Yosef, further said in the name of Rava: A son who was born after his father's death does not reduce the portion of the firstborn.<sup>h</sup> Therefore, the *halakha* in the mishna does not apply to a fetus. What is the reason for this? We require fulfillment of the verse: "If a man has two wives, the one beloved, and the other hated, and they bore him children" (Deuteronomy 21:15), and this does not apply to a fetus not yet born at the time of the father's death.

בְּסֻרָא מַתְנוֹן הַכִּי. בְּפָמְבִּידִיתָא מַתְנָה  
הַכִּי: אָמָר מַר בְּרִיה דָּרְבָּא יָסַף מִשְׁמִימָה  
דָּרְבָּא, בְּכוֹר שְׁנָוֹלֵד לְאַחֲרֵי מִתְתָּהָבָבָה –  
אַינוּ נוֹטֵל פִּי שָׂוִים, מַאי טָעַמָּא – "וַיַּבְרֵר"  
בְּעַיִן, וְהָא לִיכָּא.

וְהַלְכָתָא כָּל הַנִּי לִישְׁנִי דָמָר בְּרִיה דָרְבָּא  
יָסַף מִשְׁמִימָה דָרְבָּא.

The Gemara notes: In Sura they taught Mar's statement that way, whereas in Pumbedita<sup>b</sup> they taught it this way: Mar, son of Rav Yosef, said in the name of Rava: A firstborn who was born after his father's death<sup>h</sup> does not receive a double portion.<sup>n</sup> What is the reason for this? We require fulfillment of the verse: "But he shall acknowledge the firstborn...by giving him a double portion" (Deuteronomy 21:17), and in this case the father is not there<sup>n</sup> to acknowledge him.

The Gemara concludes: And the *halakha* is in accordance with all these versions of the statement of Mar, son of Rav Yosef, in the name of Rava, i.e., a one-day-old baby reduces the portion of the firstborn, a son born after his father's death does not reduce the portion of the firstborn, and a firstborn born after his father's death does not receive a double portion.

## NOTES

To say that such a child reduces the portion of the firstborn – בְּנָוֹלֵד לְוָמָר שְׁמַמְעַט בְּחֶלְקָה בְּכֹרָה: A fetus inherits his father just like a one-day-old child. The difference between them is how they affect the portion of the firstborn. If the son was not yet born at the time of the father's death, and in addition to him there was a firstborn and an ordinary son, the firstborn receives one-third of the inheritance as his firstborn portion, as though the fetus does not exist, and the remainder is divided into three portions, i.e., for the firstborn, the fetus, and the other brother. If that fetus dies after it is born (Ri Migash on *Bava Batra* 142a), the firstborn and the ordinary son divide his portion of the inheritance evenly between them. By contrast, if he was a one-day-old child, he reduces the portion of the firstborn: The firstborn receives one-fourth as his firstborn portion, and the remainder is divided in the manner described above.

A firstborn who was born after his father's death does not receive a double portion – בְּכוֹר שְׁנָוֹלֵד לְאַחֲרֵי מִתְתָּהָבָבָה אֲבִי אַיִתְנָה: The commentaries explain that there are two ways in which a firstborn born after his father's death might have a

brother. Either he is a twin, or his father had several wives who all gave birth after his death.

We require fulfillment of the verse: But he shall acknowledge, and in this case the father is not there – בְּכּוֹר בְּעַיִן וְהָא לִיכָּא. The early commentaries disagree with regard to this condition. Some say that it does not mean that the father must acknowledge his firstborn in practice; rather, he must have the potential to acknowledge him. Accordingly, even if the father was overseas when his firstborn son was born, that firstborn is entitled to a double portion of his inheritance (Rashbam on *Bava Batra* 142a, citing Rabbeinu Hananel). Likewise, if the birth of the firstborn occurred while the father was on his deathbed, provided that he is still alive he is considered able to acknowledge him, despite the fact that he cannot actually do so (Meiri). Others disagree, maintaining that the father must be physically capable of acknowledging his firstborn in practice, which excludes a case where he is dying (Rashbatz and *Nimmukei Yosef* on *Bava Batra* 142a).

**וְיָהּוּ רֹגוֹ חִיבָּ". דְּכַתֵּב: "אֲישׁ כִּי  
יְבַחַד כָּל נֶפֶשׁ" - מִכֶּל מְקוּם.**

**וַיְהִי הוּא לְאָבִיו וּלְאָמוֹ וְלְכָל קְרוּבָיו  
בְּחַתֵּן שְׁלָמָם". לְמַאי הַלְכָתָא? אָמָר  
רַב פָּפָא: לְעַנְנִין אֲבָלוֹת.**

**כְּמַאּן? וְלֹא בָּרוּךְ שָׂמָעוֹן בֶּן גַּמְלִיאֵל,  
דָּמָר: כָּל שְׁשָׁהָה שְׁלָשִׁים יוֹם  
בָּאָדָם - אֵינו נֶפֶל, הָא לֹא שָׁהָה -  
סְפָקָה חִוִּי הָכָא בְּמַאי עַסְקִין - זְקִים  
לִיה שְׁבָל לוֹ חִדְשָׁיו.**

**מַתְנִי בֶת שְׁלַשׁ שָׁנִים יוֹם אֶחָד  
מִתְקֻדְשָׁת בְּבִיאָה. וְאָס בָּא עַלְיהָ  
בָּם - קְנָאָה, וְחִיבָּן עַלְיהָ מְשׁוּם  
אֲשֶׁת אֲישׁ**

**וּמְטַמֵּא אָת בְּזִלְלָה לְטַמֵּא מִשְׁבֵּב  
תְּחִתּוֹן בְּעַלְיוֹן.**

**§** The mishna teaches: **And one who kills a one-day-old baby is liable for his murder.** The Gemara explains that the reason for this is as it is written: **"And he who smites any man mortally shall be put to death"** (Leviticus 24:17), where the phrase "any man" indicates that this verse applies in any case,<sup>N</sup> even in the case of a one-day-old baby.

The mishna further teaches: **And if a one-day-old baby dies, his status in relation to his father and to his mother and to all his relatives is like that of a full-fledged groom.** The Gemara asks: **With regard to what halakha is this stated? Rav Pappa said: With regard to mourning.<sup>H</sup>**

The Gemara comments: **In accordance with whose opinion is this stated?** It is not in accordance with the opinion of Rabban Shimon ben Gamliel,<sup>N</sup> who said: **With regard to humans, any child that remained alive thirty days after birth is not considered a non-viable newborn.** It can be inferred from this statement that if he did not remain alive for thirty days after birth, he is of uncertain status. The Gemara refutes this proof: **Here we are dealing with a case where one is certain that its months of gestation were completed,** and therefore it is certainly a viable newborn.

**MISHNA** A girl who is three years and one day old, whose father arranged her betrothal, is betrothed through intercourse,<sup>H</sup> as the halakhic status of intercourse with her is that of intercourse in all halakhic senses. **And in a case where the childless husband of a girl three years and one day old dies, if his brother the yavam engages in intercourse with her,<sup>H</sup> he acquires her as his wife; and if she is married, a man other than her husband is liable for engaging in intercourse with her due to violation of the prohibition against intercourse with a married woman.<sup>H</sup>**

And if she is impure due to menstruation, **she imparts impurity to one who engages in intercourse with her<sup>H</sup>** who then renders impure all the layers of bedding beneath him, rendering them impure like the upper bedding covering a *zav*, in the sense that it assumes first-degree ritual impurity and does not become a primary source of ritual impurity, and it renders impure food and drink, but it does not render impure people and vessels.

**NOTES**  
As it is written: And he who smites any man mortally shall be put to death, where this applies in any case – **דְּכַתֵּב אֲישׁ כִּי יְבַחַד כָּל נֶפֶשׁ מִכֶּל מְקוּם:** In other words, the verse is referring to any human being (*Tosefot HaRosh*). Some commentaries read a clearer version of the text: And he that smites any man mortally, any sort of man (*Tosafot*).

It is not in accordance with the opinion of Rabban Shimon ben Gamliel. **דְּלֹא בָּרוּךְ שָׂמָעוֹן בֶּן גַּמְלִיאֵל:** The early commentaries disagree as to the meaning of this statement. Some say that it is referring to the entire mishna (Rashi). Although this claim is mentioned only in connection with the end of the mishna, the Gemara first explained all the *halakhot* of the mishna before stating that it is not in accordance with the opinion of Rabban Shimon ben Gamliel. Others maintain that the statement is referring only to the last clause of the mishna, with regard to mourning (Rambam).

#### HALAKHA

**With regard to mourning – לְעַנְנִין אֲבָלוֹת:** If a baby died within thirty days of birth, including the thirtieth day, one does not mourn for him, even if his hair and nails were fully developed. If he died later than that point one does mourn for him, unless it is known that he was born after eight months of pregnancy. If it is known for certain that he completed a full term of gestation, then one mourns for him even if he died on the day of birth. The *halakha* is in accordance with the opinion of Rav Pappa, not Rabban Shimon ben Gamliel (Rambam *Sefer Shofetim*, *Hilkhot Evel* 1:6–7; *Shulhan Arukh*, *Yoreh De'a* 374:8).

A girl who is three years and one day old is betrothed through intercourse – **בֶת שְׁלַשׁ שָׁנִים יוֹם אֶחָד מִתְקֻדְשָׁת בְּבִיאָה:** A girl who is three years and one day old can be betrothed by means of sexual intercourse, with her father's consent. If she is younger than that she cannot be betrothed in this manner (Rambam *Sefer Nashim*, *Hilkhot Ishut* 3:11; *Shulhan Arukh*, *Even HaEzer* 37:1).

If his brother the *yavam* engages in intercourse with her – **אָס בָּא עַלְיהָ בָּם:** Intercourse with a *yevama* aged less than three years and one day does not effect levirate marriage. If she was older than that and the *yavam* engaged in intercourse with her, he acquires her as his wife. Nevertheless, she cannot perform

*halitzah* until she is twelve years and one day old, and she has been examined and found to have two pubic hairs (*Shulhan Arukh*, *Even HaEzer* 167:4).

**A man other than her husband is liable...due to the prohibition against intercourse with a married woman – חִיבָּן ...בְּשָׁוּם אֲשֶׁת אֲישׁ:** If a father accepts betrothal for his minor daughter, and another man engages in intercourse with her, the second man is executed by strangulation, while she is exempt from punishment. If she was married off by her mother or brothers, i.e., in a situation where her father was not alive, such a marriage does not take effect by Torah law and she does not require a bill of divorce to leave her husband. Therefore, if she refused her husband, the second man is exempt from the death penalty, but the court administers lashes for rebelliousness (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 3:2).

**She imparts impurity to one who engages in intercourse with her, etc. – מְטַמֵּא אָת בְּזִלְלָה וּכְיָ:** One who engages in intercourse with a minor girl who is menstruating is rendered impure, as is the case with any menstruating woman. This applies only if he is at least nine years and one day old, and she is at least three years and one day old (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 3:3).

### NOTES

If she marries a priest she may partake of *teruma* – נְשָׁאת לְכַהּן – תָּאכַל בֶּתְרוּמָה: Although the betrothal of a girl younger than three years old is valid when performed by her father, a marriage canopy does not take effect in her case, as the purpose of a marriage canopy is to permit intercourse between a couple, and she is too young for intercourse (Rashi). Therefore, she has the status of a betrothed woman, not a married one, and the Sages say that a woman betrothed to a priest should not partake of *teruma* before she enters the marriage canopy (Rashi on *Sanhedrin* 55b).

נְשָׁאת לְכַהּן – תָּאכַל בֶּתְרוּמָה. בְּאַעֲלָה  
אַחֲרֵד מִן הַפְּסָולִין – פְּסָלָה מִן הַכְּבָנָה.  
בְּאַעֲלָה אַחֲרֵד מִבְּלַעַד הַעֲרִיוֹת הַאֲמָרוֹת  
בְּתוֹרָה – מוֹמַתִּין עַלְיהָ, וְהִיא פְּטוּרָה.

If she marries a priest, she may partake of *teruma*,<sup>NH</sup> like any other wife of a priest; if she is unmarried and one of the men who are unfit for the priesthood, e.g., a *mamzer* or *halal*, engaged in intercourse with her,<sup>H</sup> he disqualifies her from marrying into the priesthood, and if she is the daughter of a priest, she is disqualified from partaking of *teruma*. Finally, if one of all those with whom relations are forbidden, as stated in the Torah, e.g., her father or her husband's father, engaged in intercourse with her,<sup>H</sup> they are executed by the court for engaging in intercourse with her, and she is exempt, because she is a minor.

### פְּחוֹת מִן – בְּנוֹתָן אַצְּבָע בְּעֵינָן.

גַּם תְּנוּ רַבָּנָן: בַּת שְׁלַשׁ שָׁנִים מִתְקֻדְשָׁת  
בְּבִיאָה, דָּבְרֵי רַבִּי מֵאִיר. וּחַכְמִים אָמְרִים:  
בַּת שְׁלַשׁ שָׁנִים יוֹם אַחֲרֵי בִּיאָה?  
אמְרֵי רַבִּי יְהוָנָא: שְׂרֵב וְאֶשְׁר הַשְׁנָה  
אִיכְּבָא בְּיַנִּיהָו.

וּרְבֵּי יוֹחָנָן אָמָר: שְׁלִשִּׁים יוֹם בְּשָׁנָה חֲשׂוּבִין  
שָׁנָה אִיכְּבָא בְּיַנִּיהָו.

מִתְיַבֵּי, בַּת שְׁלַשׁ שָׁנִים, וְאַפְּיָלוּ בַת שְׁתִּי  
שָׁנִים וְיוֹם אַחֲרֵד מִתְקֻדְשָׁת בְּבִיאָה – דָּבְרֵי  
רַבִּי מֵאִיר. וּחַכְמִים אָמְרִים: בַּת שְׁלֹשָׁה  
שָׁנִים וְיוֹם אַחֲרֵי.

**GEMARA** The Sages taught in a *baraita*: A girl who is three years old is betrothed through intercourse; this is the statement of Rabbi Meir. And the Rabbis say: She must be three years and one day old. The Gemara asks: What is the difference between their opinions, as both agree that she cannot be betrothed before the age of three? The Sages of the school of Rabbi Yannai said: There is a difference between their opinions in the case of a girl on the eve of the first day of the fourth year of her life. According to Rabbi Meir, she can be betrothed through intercourse, as on this day three years are complete, whereas the Rabbis maintain that she cannot be betrothed in this manner, as she has not yet entered the first day of her fourth year.

**And Rabbi Yoḥanan said:** There is a difference between their opinions with regard to the issue of whether thirty days in a year are considered equivalent to a year. Rabbi Meir maintains that thirty days in a year are considered equivalent to a year, and therefore a girl aged two years and thirty days is already considered like a three-year-old and may be betrothed through intercourse. By contrast, the Rabbis contend that thirty days in a year are not considered equivalent to a year, and she may be betrothed through intercourse only upon reaching the age of three years and one day.

The Gemara raises an objection against the explanation of Rabbi Yannai from a *baraita*: A girl who is three years old, and even one who is two years and one day old, is betrothed through intercourse; this is the statement of Rabbi Meir. And the Rabbis say: She must be three years and one day old.

### HALAKHA

If she marries a priest she may partake of *teruma* – נְשָׁאת לְכַהּן – תָּאכַל בֶּתְרוּמָה: The daughter of a non-priest who marries a priest may partake of *teruma* and eat the breast and thigh, which are portions designated to priests from peace offerings, even if she is only three years and one day old (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:3).

If she is unmarried and one of the men who are unfit for the priesthood engaged in intercourse with her – בְּאַעֲלָה אַחֲרֵד מִן הַפְּסָולִין: With regard to any woman who engages in intercourse with a man to whom she is forbidden by a prohibition that would give her the status of a *zona*, whether she was raped or acted willingly or unwittingly, and whether it was regular or anal intercourse, once the man has performed the initial stage of intercourse she is considered a *zona* and thereby disqualified from marrying into the

priesthood, and she may not partake of *teruma*. This is the *halakha* provided that she is three years and one day old, and he is at least nine years and one day old (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:6; *Shulhan Arukh*, *Even HaEzer* 6:9; see 7:10).

If one of all those with whom relations are forbidden as stated in the Torah engaged in intercourse with her – בְּאַעֲלָה אַחֲרֵד מִבְּלַעַד הַעֲרִיוֹת בְּתוֹרָה: If a man engages in intercourse with a girl to whom he is forbidden and who is three years and one day old, he is liable to receive the death penalty, *karet*, or lashes, depending on the circumstances, e.g., whether he did so intentionally or unwittingly, and the nature of the forbidden relationship, whereas she is exempt from any punishment. If she was younger than this, this act is not considered intercourse and they are both exempt (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 1:13).

## Perek V

## Daf 45 Amud a

**בְּשַׁלְמָא לֹבֵי יוֹחָנָן, פִּי הַיִּכְיָדִיבָּא**  
**תָּנָא דָקָא אָמָר: יוֹם אֶחָד בְּשָׁנָה חֲשׂוֹב**  
**שָׁנָה, הַכִּי נִמְיָא אַיְכָא תָּנָא דָקָא.**  
**שְׁלָשִׁים יוֹם בְּשָׁנָה חֲשׂוֹבֵין שָׁנָה.**

**אַלְאָ לֹבֵי יְנָאי קָשְׁיָא! קָשְׁיָא.**

**פְּחוֹתָה מִכָּאן בְּנוֹתָן אֲצַבע בְּעַזְןָן**  
**אַיְבָעָא לְהָהָה: הַנִּי בְּתוּלָן מִילָּאָוְלָה**  
**וְאַתָּה, אוֹ דְלָמָא אַטְצָרוּ הַוָּא דָלָא**  
**מוֹתָצָדי עַד לְאַחֲרָ שְׁלָשָׁ?**

**לְמַאי נַפְקָא מִינָה? בְּגַזְן שְׁבָעַ בְּתוֹךְ**  
**שְׁלָשׁ וּמִצָּא דָם, וּבָעַל לְאַחֲרָ שְׁלָשׁ**  
**וְלֹא מִצָּא דָם. אֵי אָמָרָת מִילָּאָוְלָה**  
**וְאַתָּה – שְׁחוֹת הַוָּא דָלָא הַיִּיאָ לְהָגָ**

**אַלְאָ אֵי אָמָרָת אַטְצָרוּ הַוָּא דָלָא**  
**מוֹתָצָדי עַד לְאַחֲרָ שְׁלָשָׁ, הָא – אַחֲרָ**  
**בָּא עַלְיהָ, מַאי?**

The Gemara asks: Granted, according to the opinion of Rabbi Yohanan, just as there is a *tanna* who says that one day in a year is considered equivalent to a year, so too, there is a *tanna* who says that thirty days in a year are considered equivalent to a year.<sup>n</sup> The *baraita* states that according to Rabbi Meir, a girl two years and one day old is considered like a three-year-old, following the opinion that one day in a year is equivalent to a full year. Similarly, Rabbi Yohanan maintains that there is a second *tanna* who says that thirty days in a year are considered equivalent to a full year, and therefore a girl can be betrothed by intercourse from the age of two years and thirty days.

**But according to the opinion of Rabbi Yannai,<sup>n</sup>** that Rabbi Meir requires a full three years, this *baraita* is **difficult**, as it explicitly states that in Rabbi Meir's opinion even a girl aged two years and one day can be betrothed by intercourse. The Gemara concludes: Indeed, this *baraita* is **difficult<sup>n</sup>** according to the opinion of Rabbi Yannai.

**¶** The last clause of the mishna teaches that if the girl is **less than that age**, i.e., younger than three years and one day, the status of intercourse with her is **like placing a finger into the eye**.<sup>n</sup> A **dilemma was raised before the Sages**: What happens to **this hymen**, i.e., to the hymen of a girl under three with whom a man engaged in intercourse? Does it **disappear and come back again**<sup>h</sup> later, or perhaps it is not removed at all until after she reaches the age of **three**?

The Gemara asks: **What difference is there in halakha between these two suggestions?** The Gemara answers that there is a practical ramification in a case **where a priest engaged in intercourse with a girl to whom he is married within her first three years, and found blood on her due to that intercourse, and again engaged in intercourse with her many times, including after she turned three, but on that occasion he did not find blood.** If you say that after engaging in intercourse when the girl is younger than three, the hymen **disappears and comes back again**, here one can maintain that it disappeared due to the first time they engaged in intercourse and did not grow back because **there was not enough time** without intercourse **for it to grow back**.

**But if you say that the hymen is not removed at all until after she reaches the age of three,** the fact that **this girl did not emit blood after three years must be because another man engaged in intercourse with her**<sup>n</sup> after she turned three, in which case she is classified as a *zona*, a woman who has engaged in sexual intercourse with a man forbidden to her by the Torah, and is forbidden to her husband the priest. The Gemara reiterates: **What, then, is the resolution of the dilemma?**

## NOTES

So too there is a *tanna* who says that thirty days in a year are considered a year – **הַכִּי נִמְיָא אַיְכָא תָּנָא דָקָא שְׁלָשִׁים יוֹם בְּשָׁנָה חֲשׂוֹבֵין שָׁנָה:** According to Rabbi Yohanan, one can explain that the two *tanna'im* who taught these two *baraitot* agree that Rabbi Meir maintains that part of a year is considered like a complete year. They disagree with regard to Rabbi Meir's exact opinion on how much of a year this must be. According to the *tanna* of one *baraita*, a single day of a year is enough to count as a full year, whereas according to the *tanna* of the other *baraita*, a complete month is required. By contrast, according to Rabbi Yannai, who holds that Rabbi Meir is of the opinion that full three years are required, there is no way of reconciling his ruling with the opinion cited in the second *baraita*.

**But according to Rabbi Yannai –** **אַלְאָ לֹבֵי יְנָאי**: The early commentaries explain that everyone agrees that in many areas of *halakha*, thirty days are considered a year. The Rabbis disagree with Rabbi Meir only with regard to this specific case of the intercourse of a minor girl, as they had a tradition that her physical signs of virginity are removed due to intercourse only if she is at least three years and one day old. Consequently, an act of intercourse with a girl younger than that is not considered intercourse and she cannot be betrothed through them (Ritva).

**This baraita is difficult [kashya] –** **קָשְׁיָא**: The term *kashya*, meaning: This is difficult, indicates that there is a problem here which must be addressed, but the opinion itself is not necessarily rejected. By contrast, the corresponding term *teyuva*: Conclusive refutation, which also appears often in the Gemara, is an indication of a severe difficulty for which there is no answer and on account of which the opinion is rejected.

**Less than that is like placing a finger into the eye –** **פְּחוֹתָה מִכָּאן בְּנוֹתָן אֲצַבע בְּעַזְןָן**: Everyone agrees that an act of intercourse with a girl younger than three is not considered intercourse. Therefore, when she grows older and marries her marriage contract is two hundred dinar, like that of a virgin (Rashi on *Ketubot* 11b). The commentaries further note that as an act of intercourse with such a young girl is not classified as intercourse, it does not render her a *zona* and she is not forbidden to a priest (Responsa of the Rashba).

The fact that this girl did not emit blood after three years must be because another man engaged in intercourse with her – **אַא אַחֲרָ בָּא עַלְיהָ**: This suggestion has halakhic ramifications. Although there is a principle that the seduction of a minor girl is considered rape (see *Yevamot* 33b), if the minor who was raped was married to a priest, she is rendered prohibited to him. This is because the wife of a priest is forbidden to him due to any act of intercourse with another man, even if she was raped. By contrast, if the girl who was raped was married to an Israelite man, she is not rendered forbidden to him (*Tosafot*; see Rashi, Ritva, and Meiri).

## HALAKHA

This hymen of a girl under three, does it disappear and come back again, etc. – **הַנִּי בְּתוּלָן בְּיַיִל אֲלִיל וְאַרְנוּכִי**: If a man engaged in intercourse with a girl or a woman who is a virgin and she did not bleed, and he again engaged in intercourse with her and this time she did bleed, even if she was a minor and not of an age at which a girl usually menstruates, but older than three years of age, this is considered to be blood of menstruation. The reason for this is that if it was the blood

from the tearing of the hymen, one could assume she would have bled the first time they engaged in intercourse. If a man engages in intercourse with a girl younger than three years of age and she bleeds, this is assumed to be blood from the tearing of the hymen, in accordance with Rav Hisda's resolution of the Gemara's dilemma (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 5:25).

## LANGUAGE

**Yusteni – יוסטני:** The name Yusteni, or Justina for a woman, and the name Justin and similar variations for a man, were common names in the Roman period. They are all derived from the Latin justus, meaning righteous.

## BACKGROUND

**Asveirus son of Antoninus – אסווירוס בן אנטונינוס:** Some claim that this Antoninus is Marcus Aurelius Antoninus, the emperor nicknamed Caracalla, who ruled from 211 to 217 CE. He was known for his close relations with the Jews, with stories of such an affinity dating back to his childhood. Others assert that the reference here is to a different emperor: the Emperor Septimius Severus, Caracalla's father, who ruled from 193 to 211 CE. He, too, maintained friendly relations with the Jews. Yet others contend that this is Marcus Aurelius Antoninus, who ruled from 161 to 180 CE.



Bust of Caracalla

מתקף לה רב ח'יא ביריה ר' איקא: ומפני  
ליכא לנו דמכה שבתוך שלש אינ'ה חזרה  
לאלתר? שמא חזרה לאלתר, וה'א - אחר  
בא עלייה!

אלא נפקא מינה: בגון שבעל בתוך שלש  
ומצא דם, ובעל לאחר שלש ומצא דם. אי  
אמרת מייל אלי ואתו - האי דם בתולין  
הוא, אלא אי אמרת אהזורי הוא דלא  
מתוך אלא עד לאחר שלש - האי דם נדה  
הוא,מאי?

אמר רב הסדא: תא שמע, פחות מכאן -  
בנותן אצבע בעין, ליפה ול' למתני "בנותן  
אצבע בעין"? ל'ני פחות מכאן - ולא  
בלום", מאין לאו - הא קא משמע לו: מה  
עין - מຽעת וחזרה ומירעת, אף בתולין -  
מייל אלי ואתו.

תנו רבנן, מעשה ביוסטני בתו של אסווירוס  
בן אנטונינוס שבאת לפניו רבי. אמרה לו: רבי,  
אשה בכתה נישת? אמר לה: בת שלוש שנים  
ויום אחד.

ובכמה מתחברת? אמר לה: בת שתים עשרה  
שנה ויום אחד. אמרה לו: אני נשאהתי בשיש  
וילדי בשבוע, אווי לשלש שנים שאבדתי  
בבית אבא!

ומי מעבירה? והתני רב ביב' קפיה ר' בר נחמן:  
שלש נשים מושמשות במזון, קתנה מעוברת  
ומניקה.

קנתה - שמא תרüber ותמות, מעוברת -  
שמא תעשה עופרה סנדל, מניקה - שמא  
תגמול את בנה ווירות.

**Rav Hyya, son of Rav Ika, objects to this explanation of the practical ramifications of the dilemma: But even if one maintains that the hymen of a girl younger than three disappears and grows back, one can still contend that this girl engaged in intercourse with another man, as who will say to us that a wound that was inflicted within three years of a girl's birth is not restored and healed immediately? Perhaps it is restored immediately, and this girl did not emit blood because another man engaged in intercourse with her previously, and she is therefore a *zona* who is forbidden to a priest.**

Rather, the practical difference between the two suggestions relates to a case where the husband engaged in intercourse with this girl within her first three years, and found blood, and engaged in intercourse with her again after she turned three, and again found blood. If you say that the hymen disappears and comes back again, this blood emitted when she is less than three years old is blood from the tearing of the hymen, which does not render her impure. But if you say that the hymen is not removed at all until after she reaches the age of three, then this blood she emitted when she was younger than three is menstrual blood, which renders her impure. What, then, is the resolution of the dilemma?

**Rav Hisda said:** Come and hear the mishna: If the girl is less than that age of three years and one day, intercourse with her is like placing a finger into the eye. Why do I need the mishna to teach: Like placing a finger into the eye? Let it teach simply: If she is less than that age, intercourse with her is nothing. What, is it not correct that this is what the mishna teaches us, by its comparison to an eye: Just as placing a finger in an eye causes it to tear and tear again, when another finger is placed in it, so too after the intercourse of a girl under three the hymen disappears and comes back again?

¶ The Sages taught in a *baraita*: There was an incident involving a gentile woman called Yusteni,<sup>1</sup> the daughter of Asveirus, son of Antoninus,<sup>2</sup> a Roman emperor, who came before Rabbi Yehuda HaNasi. She said to him: My teacher, at what age is a woman fit to marry, i.e., at what age is it appropriate for a woman to engage in intercourse, which would therefore be the appropriate time to marry? Rabbi Yehuda HaNasi said to her: She must be at least three years and one day old.

Yusteni further inquired: And at what age is she fit to become pregnant? Rabbi Yehuda HaNasi said to her: When she is at least twelve years and one day old. She said to him: I married when I was six, and gave birth a year later, when I was seven. Woe for those three years, between the age of three, when I was fit for intercourse, and the age of six, when I married, as I wasted those years in my father's house by not engaging in intercourse.

The Gemara asks: And can a minor of that age become pregnant? But didn't Rav Beivai teach a *baraita* before Rav Nahman: Three women may engage in intercourse while using a contraceptive absorbent cloth, a soft fabric placed at the entrance to the womb to prevent conception, despite the fact that this practice generally is prohibited. They are a minor; a pregnant woman; and a nursing woman.

The *baraita* specifies the reason for allowing these women to use contraceptive absorbent cloths: A minor, lest she become pregnant and perhaps die from this pregnancy; a pregnant woman, lest she be impregnated a second time and her older fetus become deformed into the shape of a sandal fish, by being squashed by the pressure of the second fetus; and a nursing woman, lest she become pregnant and her milk dry up, in which case she weans her son too early, thereby endangering him, and he dies.

**ואיוויה קטנה – מבת אחת עשרה שנה  
וים אחד ועוד ששים עשרה שנה ויום  
אחד. פחות מכאן, או יותר על בן  
משמשת והולכת – דברי רבבי מאיר.**

**וחכמים אומרים: אחת זו ואחת זו  
משמשת בדרכה והולכת, וכן השם  
ירחמו, שנאמר "שומר פתאים ה"!**

**איובית אימא: "אשר בשר חמורם  
בשרם." ואיבעת אימא: "אשר פיהם  
דבר שוא וימים ימי שקר."**

**תנו רבנן, מעשה באשה אחת שבאת  
לפני רבי עקיבא, אמרה לו: רבי, נבעלתי  
בתוך שלוש שנים, מה אני לכהונת? אמר  
לה:بشرת את לכהונת.**

**אמרה לו: רבי, אמושול לך משל, למה  
הדבר דומה – לתינוק שטמנן לך אצבע  
בדבש. פעם ריאשנה ושניה – גויר בה,  
שלישית – מצחה. אמר לה: אם כן  
פסלה את לכהונת.**

**ראה התלמידים מסתכלים זה בזה. אמרו  
להם: למה הדבר קשה בעיניכם? [אמרו]  
לה: בשים של הזרה הלה למשה  
משני, בק פחותה מבת שלוש שנים –  
بشرת לכהונת הלה למשה מסני, ואך  
רבי עקיבא לא אמרה אלא לחדוד בת  
את התלמידים.**

**מתני' בון תשע שנים ויום אחד שבא  
על יבמותו – קנאה, ואין נותן גיט עד  
שגידיל.**

**ומטמא בגיןה לטמא משכב תחתון  
כעלין.**

The *baraita* continues: **And who is considered a minor?** It is a girl from the age of eleven years and one day until the age of twelve years and one day. If she was younger than that or older than that, she may go ahead and engage in intercourse in her usual manner, i.e., without contraception. This is the statement of Rabbi Meir. Since it is assumed that a minor who is less than eleven years old cannot become pregnant, she is considered to be in no danger.

**And the Rabbis say:** Both in this case of a minor girl who can become pregnant and in that case of a minor girl who cannot become pregnant, she may go ahead and engage in intercourse in her usual manner, and Heaven will have mercy upon her and prevent any mishap, as it is stated: **"The Lord preserves the simple"** (Psalms 116:6). In light of the statement of Rabbi Meir, how could Yusteni have become pregnant at age seven?

The Gemara answers: **If you wish, say** that Yusteni was able to become pregnant at such a young age because she was a gentile, and the verse states with regard to gentiles: **"Their flesh is the flesh of donkeys"** (Ezekiel 23:20). **And if you wish, say** instead that Yusteni was lying when she said she became pregnant at age seven, as it is stated with regard to gentiles: **"Whose mouth speaks falsehood, and their right hand is a right hand of lying"** (Psalms 144:8).

**The Sages taught in a baraita:** There was an incident involving a certain woman who came before Rabbi Akiva and said to him: My teacher, I engaged in intercourse within three years of my birth; what is my status with regard to marrying into the priesthood? Rabbi Akiva said to her: You are fit to marry into the priesthood.

She said to him: My teacher, I will tell you a parable; to what is this matter comparable? It is comparable to a baby whose finger one forcibly dipped in honey. On the first time and the second time, he moans at his mother for doing so, but on the third occasion, once he is used to the taste of honey, he willingly sucks the finger dipped in honey. She was insinuating to Rabbi Akiva that she engaged in intercourse several times, and although the first couple of times were against her will, the third incident was with her consent. Rabbi Akiva said to her: If so, you are disqualified from marrying into the priesthood.

Rabbi Akiva saw his students looking at each other, puzzling over this ruling. He said to them: Why is this matter difficult in your eyes? They said to him: Just as the entire Torah is a *halakha* transmitted to Moses from Sinai, so too this *halakha* of a girl who engaged in intercourse when she was less than three years old, i.e., that she is fit to marry into the priesthood, is a *halakha* transmitted to Moses from Sinai, and it applies whether she engaged intercourse against her will or with her consent. The Gemara notes: And even Rabbi Akiva did not say to the woman that she was unfit to marry into the priesthood because that is the *halakha*; rather, he did so only to sharpen the minds<sup>h</sup> of his students with his statement, to see how they would respond.

**MISHNA** In the case of a boy, nine years and one day old, whose brother had died childless, who engaged in intercourse with his *yevama*,<sup>h</sup> his brother's widow, the status of the intercourse is that of halakhic intercourse and he acquires her as his wife; but he cannot give her a bill of divorce, if he chooses to end the marriage, until he reaches majority.

And he becomes ritually impure after engaging in intercourse with a menstruating woman<sup>h</sup> to the degree that he renders impure all the layers of bedding beneath him, such that they become impure like the upper bedding covering a *zav*. Accordingly, the bedding assumes first-degree ritual impurity status and does not become a primary source of ritual impurity, and it renders impure food and drink and does not render impure people and vessels.

**HALAKHA**

**לזהר בָּה וּכְיִ –** It is proper for a teacher to mislead his students occasionally through speech or action in order to test them and see if they recall their studies (Rambam Sefer HaMadda, Hilkhos Talmud Torah 4:6; Shulchan Arukh, Yoreh De'a 246:12).

A boy nine years and one day old whose brother had died childless, who engaged in intercourse with his *yevama*, his act effects acquisition like the levirate betrothal of an adult. Although he acquires the *yevama* as his wife, he cannot divorce her with a bill of divorce until he reaches majority and then engages in intercourse with her. If he does not engage in intercourse with her after reaching majority and he wishes to divorce her, she requires a bill of divorce and *halitzah* (Rambam Sefer Nashim, Hilkhos Yibbum VaHalitzah 1:16; Shulchan Arukh, Even HaEzer 167:2).

And he becomes ritually impure after engaging in intercourse with a menstruating woman – **ונטמא בָּה:** A boy who is a minor and engages in intercourse with a menstruating woman becomes ritually impure to the same degree as an adult man who does so. This is the *halakha* provided that she is at least three years and one day old (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 3:3).

**HALAKHA**

And he disqualifies her but he does not enable her to partake of *teruma* – פּוֹסֵל וְאִינֶנּוּ מַאכְלֵל בְּתֻרּוֹמָה, וּפּוֹסֵל אֲתָה הַבָּהָמָה מַעַל גְּבַי הַפּוֹזֶב, וַיַּסְקַלֵּת עַל יָדוֹ. וְאִם בָּא עַל אַחֲת מִפְלֵל הָעִירִית הַאמּוֹרוֹת בְּתוֹרָה – מוֹמַתִּין עַל יָדוֹ, וְהַוָּא פְּטוּר.

And if he engages in bestiality he disqualifies the animal from being sacrificed upon the altar – הַבָּהָמָה מַעַל גְּבַי הַמִּזְבֵּחַ: A nine-year-old boy who copulates with an animal disqualifies it from being sacrificed as an offering. If he is under the age of nine, he does not disqualify it (Rambam). The Ra'avad disagrees, maintaining that this applies only when the animal is passive in the act of copulation; but if the animal is the active party, the age of the boy makes no difference, as the animal is disqualified in any case (Rambam Sefer Avoda, Hilkhot Issurei Mizbe'ah 4:3, and see Kesef Mishne and Lehem Mishne there).

And if he engaged in intercourse with one of all those with whom relations are forbidden as stated in the Torah – בָּא עַל אַחֲת מִפְלֵל הָעִירִית הַאמּוֹרוֹת בְּתוֹרָה: If a minor boy who is at least nine years old engages in intercourse with an adult female relative who is forbidden to him, she is liable to receive the death penalty, excision, or lashes, depending on the circumstances, e.g., what type of forbidden relation she is, whereas he is exempt. If he is under the age of nine, they are both exempt (Rambam Sefer Kedusha, Hilkhot Issurei Bia 1:13).

The Sages rendered the intercourse of a boy nine years and one day old like that of levirate betrothal by an adult man – עַשׂ בְּאָתָה בְּנֵי שְׁאָלָן בְּנֵי נָדָל: If a minor *yavam* aged nine years and one day engaged in intercourse with his *yevama*, the intercourse does not fully consummate the levirate marriage. Rather, it is equivalent to an adult's betrothal to his *yevama*, which applies by rabbinic law. The *halakha* is in accordance with the ruling of the *baraita* (Rambam Sefer Nashim, Hilkhot Yibbum VaHalitza 5:18; Shulhan Arukh, Even HaEzer 167:1).

וּפּוֹסֵל אֲתָה הַבָּהָמָה מַעַל גְּבַי הַפּוֹזֶב, וַיַּסְקַלֵּת עַל יָדוֹ. וְאִם בָּא עַל אַחֲת מִפְלֵל הָעִירִית הַאמּוֹרוֹת בְּתוֹרָה – מוֹמַתִּין עַל יָדוֹ, וְהַוָּא פְּטוּר.

And if he is disqualified from the priesthood and the woman with whom he engages in intercourse is the daughter of a priest, he **disqualifies** her from partaking of *teruma*; but if he is a priest who marries an Israelite woman, he **does not enable her to partake of *teruma***.<sup>h</sup> And if he engages in bestiality, he **disqualifies the animal from being sacrificed upon the altar**,<sup>h</sup> and the animal is stoned due to his act. **And if he engaged in intercourse with one of all those with whom relations are forbidden**, as stated in the Torah,<sup>h</sup> e.g., his aunt or his mother, **they are executed by the court due to having engaged in intercourse with him**, because they are adults; **but he is exempt**, as he is a minor.

**GEMARA** *גַּמְ' לְבָשִׂיגְדִּיל, בְּגִטְ סָגִיל הַתְּנִינָא:*  
עַשׂ בְּאָתָה בְּנֵי תְּשֻׁעָה בְּמַאֲמָר בְּגִדּוֹל,

The mishna teaches that a boy aged nine years and one day cannot give his *yevama* a bill of divorce until he reaches majority. The Gemara asks: **And even when he reaches majority, is a bill of divorce enough to enable her to marry any man? But isn't it taught in a baraita that the Sages rendered the halakhic status of the act of intercourse of a boy nine years and one day old like that of levirate betrothal by means of money or a document performed by an adult man**,<sup>h</sup> which is an acquisition by rabbinic law? Accordingly, she is not his full-fledged wife.

מה מַאֲמָר בְּגִדּוֹל צָרִיךְ גַּט לְמַמְּאָרוֹ –  
וחַלְצָה לְיוֹקָתוֹ, אַף בְּאָתָה בְּנֵי תְּשֻׁעָה –  
צָרִיךְ גַּט לְמַמְּאָרוֹ וְחַלְצָה לְיוֹקָתוֹ!

Therefore, one can assert as follows: **Just as after a levirate betrothal performed by an adult man, the *yavam* must give the *yevama* a bill of divorce to release her from his levirate betrothal and perform *halitza* to release her from his levirate bond, so too with regard to the intercourse of a boy nine years and one day old, the *halakha* should be that he **must give her a bill of divorce for his levirate betrothal and perform *halitza* to release her from his levirate bond**.**

אָמָר רַב, חַכִּים קָאָמָר,

Rav said in response that this is what the *tanna* of the mishna is saying:

**Perek V****Daf 45 Amud b****NOTES**

When he reaches majority he may engage in intercourse with her and he can give her a bill of divorce – לְבָשִׂיגְדִּיל בְּעַל וַיַּתְן גַּט: When the *yavam* engages in intercourse with his *yevama* as an adult man, their levirate marriage is consummated and she becomes his wife in all halakhic senses. Consequently, if he wishes to divorce her, she does not require *halitza* but only a bill of divorce. This *halakha* is derived from the verse: "Her husband's brother shall go in unto her, and take her to him to wife, and perform the duty of a husband's brother unto her" (Deuteronomy 25:5), i.e., once he has performed that duty she is considered his wife in all regards (Rashi).

לְבָשִׂיגְדִּיל יְבָעוֹל וַיַּתְן גַּט.

**When he reaches majority he may engage in intercourse with her, and thereby acquire her as his full-fledged wife, and if he wished to divorce her he can then give her a bill of divorce<sup>NH</sup> without having to perform *halitza*.**

**HALAKHA**

When he reaches majority he may engage in intercourse with her and he can give her a bill of divorce – לְבָשִׂיגְדִּיל בְּעַל וַיַּתְן גַּט: If a boy aged nine years and one day engaged in intercourse with his *yevama*, he cannot divorce her with a bill of divorce until he reaches majority and then engages in intercourse with her. If he does not engage in intercourse with her after reaching majority and he wishes to divorce her, she requires a bill of divorce and

*halitza*. The bill of divorce is required by virtue of the fact that he engaged in intercourse with her, creating a situation that is parallel to levirate betrothal; and she also requires *halitza* because his initial act of intercourse did not serve to acquire her as his wife in all regards (Rambam Sefer Nashim, Hilkhot Yibbum VaHalitza 5:21; Shulhan Arukh, Even HaEzer 167:2).

**מִתְנֵי** בַת אַחַת עֲשָׂרָה שָׁנָה וּוֹם  
אַחַד – נְדָרִיה נְבָדָקִין, בַת שְׁתִים עֲשָׂרָה  
שָׁנָה וּוֹם אַחַד – נְדָרִיה קִיְמִין, וּבְזָקִין  
כָּל שְׁתִים עֲשָׂרָה.

בַן שְׁתִים עֲשָׂרָה שָׁנָה וּוֹם אַחַד – נְדָרִיה  
בְּזָקִין, בַן שְׁלֹשׁ עֲשָׂרָה שָׁנָה וּוֹם אַחַד –  
נְדָרִיה קִיְמִין, וּבְזָקִין כָּל שְׁלֹשׁ עֲשָׂרָה.

קוֹדֶם לִמְעֵן הַזֹּה, אָף עַל פִּי שָׁאָמָרוּ "יוֹדְעָנָה"  
אָנוּ לְשָׁם מִנְדָרְנוּ, לְשָׁם מִהַקְדְּשָׁנוּ –  
אֵין נְדָרִיה מִגְדָּר, וְאֵין הַקְדָּשָׁנוּ הַקְדָּשָׁ.  
לְאַחֲרַ הַמְּעֵן הַזֹּה, אָף עַל פִּי שָׁאָמָרוּ  
אֵין אָנוּ יוֹדְעָנָה לְשָׁם מִנְדָרְנוּ, לְשָׁם מִ  
הַקְדָּשָׁנוּ – מִדָּר וְהַקְדָּשָׁן הַקְדָּשָׁ.

**גַּם'** וּבַינְן דְּתַנְאָ "בַת אַחַת עֲשָׂרָה שָׁנָה  
וּוֹם אַחַד – נְדָרִיה נְבָדָקִין", "בַת שְׁתִים  
עֲשָׂרָה שָׁנָה וּוֹם אַחַד – נְדָרִיה קִיְמִין"  
לְמִהְוָה לִי? סְלָקָא דְעַתָּךְ אַמְּנִיאָ: בְּזָקִין  
לְעוֹלָם, קָא מְשֻׁמָּעָלָן.

כַּבְינְן דְּתַנְאָ "בַת שְׁתִים עֲשָׂרָה שָׁנָה וּוֹם  
אַחַד – נְדָרִיה קִיְמִין", "בְּזָקִין כָּל שְׁתִים  
עֲשָׂרָה" לְמִהְוָה לִי? סְלָקָא דְעַתָּךְ אַמְּנִיאָ:  
הַאִיל וְאָמֵר מַר שְׁלֹשִׁים יוֹם בְּשָׁנָה  
חַשׁוּבִים שָׁנָה, הַיכָּא דְבָזָקָנוּ שְׁלֹשִׁים  
וְלֹא יָצָה לְהַפְלוֹת – אַיִמָּא: תָו לָא  
לְבָזָקָ, קָא מְשֻׁמָּעָלָן.

וְלֹתְנֵי הַיְלָדִת בְּבִי: "בַת שְׁתִים עֲשָׂרָה  
שָׁנָה וּוֹם אַחַד – נְדָרִיה קִיְמִין, וּבְזָקִין  
כָּל שְׁתִים עֲשָׂרָה", "בַת אַחַת עֲשָׂרָה וּוֹם  
אַחַד – נְדָרִיה נְבָדָקִין" לְמִהְוָה לִי?

**MISHNA** With regard to a girl who is eleven years and one day old, her vows<sup>b</sup> are examined to ascertain whether she is aware of the meaning of her vow and in Whose name she vowed. Once she is twelve years and one day old and has grown two pubic hairs, which is a sign of adulthood, even without examination her vows are in effect. And one examines her vows throughout the entire twelfth year until her twelfth birthday.

With regard to a boy who is twelve years and one day old,<sup>h</sup> his vows are examined<sup>n</sup> to ascertain whether he is aware of the meaning of his vow and in Whose name he vowed. Once he is thirteen years and one day old and has grown two pubic hairs, even without examination his vows are in effect.<sup>n</sup> And one examines his vows throughout the entire thirteenth year until his thirteenth birthday.

Prior to that time, eleven years and one day for a girl and twelve years and one day for a boy, even if they said: We know in Whose name we vowed and in Whose name we consecrated, their vow is not a valid vow and their consecration is not a valid consecration. After that time, twelve years and one day for a girl and thirteen years and one day for a boy, even if they said: We do not know in Whose name we vowed and in Whose name we consecrated, their vow is a valid vow and their consecration is a valid consecration.

**GEMARA** The Gemara asks: But since the mishna teaches: With regard to a girl who is eleven years and one day old her vows are examined, why do I need the mishna to further state: Once she is twelve years and one day old her vows are in effect? After all, by this stage she is already an adult. The Gemara answers that this ruling is necessary, as it might enter your mind to say that one examines her vows forever, even when she is an adult. Therefore, the mishna teaches us that the vows of an adult are valid even without examination.

The Gemara further asks: And since the mishna teaches: Once she is twelve years and one day old her vows are in effect, why do I need it to further state: One examines her vows throughout the entire twelfth year? The Gemara answers that this ruling is necessary, as it might enter your mind to say: Since the Master says that thirty days in a year are considered equivalent to a year, in a case where we examine her for thirty days after she turned eleven and she did not know how to utter a vow properly, i.e., she did not have a clear understanding of the meaning of the vow, one might say that one should examine her no further until she reaches the age of twelve. Therefore, the mishna teaches us that she is examined throughout her twelfth year.

The Gemara asks: And let the mishna teach only these two clauses: Once she is twelve years and one day old her vows are in effect, and one examines her vows throughout the entire twelfth year. Once both of these have been taught, why do I need the ruling: With regard to a girl who is eleven years and one day old, her vows are examined?

A girl eleven years and one day old...a boy twelve years and one day old, etc. – בַת אַחַת עֲשָׂרָה שָׁנָה וּוֹם אַחַד...בַן שְׁתִים עֲשָׂרָה שָׁנָה וּוֹם אַחַד...  
שָׁנָה: The vows of a boy or girl in the year before reaching majority, and who understands the nature of vows, are valid, as are those of one who has reached the age of adulthood who lacks this understanding, even if he or she has not reached

maturity through the appearance of two pubic hairs. If a male who is twelve years old or a female who is eleven years old utters a vow, the court examines it. Before the male reaches the age of twelve and the female the age of eleven, their vows are invalid even if they know in Whose name they vowed (Rambam Sefer Hafla'a, Hilkhot Nedarim 11:1-3; Shulhan Arukh, Yoreh De'a 233:1).

## BACKGROUND

**Vows** – נְדָרִים: This is referring to a personal vow, i.e., a voluntary obligation to refrain from deriving benefit from a specific item or from deriving benefit from a specific person. This is, in effect, a type of reverse consecration. The person pledges to regard an item or person as consecrated to the Temple. Such a vow can take effect with regard to any item, and one who fails to fulfill his vow violates the mitzva: "He shall not profane his word" (Numbers 30:3). It is also possible to prohibit one's own property to another by means of a vow; the other person must then treat that property as consecrated. Nevertheless, one cannot prohibit another's property to anyone other than himself.

The Sages were very strongly opposed to the taking of vows and encouraged people who had vowed to have them dissolved. If one issues a statement worded in the form of a vow, and it is evident that the intention was not to utter a vow but rather to make a point by means of exaggeration or hyperbole, such a vow is not binding.

## NOTES

With regard to a boy who is twelve years and one day old his vows are examined – בַן שְׁתִים עֲשָׂרָה שָׁנָה וּוֹם אַחַד...  
**נְדָרִיה נְבָדָקִין:** The Sages call this period in which vows are examined the age of vows, and the child is called a discriminating minor on the brink of adulthood [mufla samukh le'ish], following the verse: "When a man or a woman shall clearly utter [yafla] a vow" (Numbers 6:2). The Sages distinguish between two stages of maturity with respect to vows. The first is within a year of reaching majority, e.g., a boy between twelve and thirteen. During that stage, if he is able to utter clearly [lehafla] and articulate that his vow is in the name of God, his vows are valid. The second stage is when he has reached the age of majority, e.g., a boy from age thirteen but who has yet to produce physical signs of puberty, according to one opinion. At this point, his vows are valid even if he is unable to articulate that his vow is in the name of God. Accordingly, the phrase means one who took a vow [hifli] when he was on the brink of adulthood.

The *amoraim* on 46b disagree whether the vows of a discriminating minor on the brink of adulthood take effect by Torah law or by rabbinic law. There are also divergent opinions among early commentaries with regard to the period of a discriminating minor on the brink of adulthood. Some maintain that it applies one year before adulthood, i.e., a year before the age of twelve and the development of pubic hairs for a girl, and a year before the age of thirteen and the development of pubic hairs for a boy (*Tosafot* on 46b; *Rashba*; *Ritva*). Other commentaries refer to two different periods: A girl from the age of eleven to the age of twelve; and then from the age of twelve until she develops pubic hairs, and for a boy from the age of twelve to the age of thirteen, and then from the age of thirteen until he develops pubic hairs (*Rambam*).

**His vows are in effect** – נְדָרִיה קִיְמִין: The only condition mentioned in the mishna for the vows of a boy to be in effect is that he is thirteen years and one day old. But the commentaries explain that it means that he has reached this age and has also developed two pubic hairs, a sign of maturation. The majority of the early commentaries maintain that this is the requirement for all Torah obligations, that he must reach that age and have the physical signs, and vows are no exception (e.g., Rabbi Betzalel Ronsburg). Others contend that once a boy is thirteen years and one day old his vows are valid, even if he does not have two pubic hairs (*Rambam Sefer Hafla'a, Hilkhot Nedarim* 11:3). If so, the *halakha* of vows is unique in that the determination of the age of vows is based solely on one's age, not the physical signs of maturation. Some explain that this is due to a concern that he might have grown two pubic hairs and they have fallen out (Rabbi Akiva Eiger).

## HALAKHA

- אַיִצְתָּרֵין, סְלָקָא דַעֲתָן אֲמִינָא: סְתָמָא  
 - בְּשְׁתִים עֹשֶׂה בַעַיא בְּרִיקָה, בָאַחַת עֹשֶׂה -  
 לֹא בַעַיא בְּרִיקָה, וְהִיכָא דַתְוַעַן לְהַדְרוּפָא  
 טַפִי - מִבְדָקָה בָאַחַת עֹשֶׂה, קָא מְשֻׁבָעָן.

קְוֹדָם תָּזְמִין תָּזָה" ו"אַחַר תָּזְמִין תָּזָה" לְמַה לֵי?  
 סְלָקָא דַעֲתָן אֲמִינָא: הַיְמִילִי - הַיכָא דַלָא  
 קְאַמְרִי אַיִיהו, אֶבְלָה הַיכָא דַקְאַמְרִי אַיִיהו -  
 נְסָמוֹךְ עַלְיִיהו, קָא מְשֻׁבָעָן.

תַּנְךְ רְבָנָן, אַלְוּ דְבָרֵי רְבִי. רְבִי שְׁמַעוֹן בֶּן אַלְעָזָר  
 אָזָמֵר: דְבָרִים הַאֲמֹרִים בַתְנוֹקָת - בַתְיֻנָק  
 אֲמֹרִים, דְבָרִים הַאֲמֹרִים בַתְנָעַק - בַתְנוֹקָת  
 אֲמֹרִים.

אָמֵר וּבְחַקְדָא: מַאי טַעַמָא דַרְבִי - וְכַתְבֵיב  
 "וַיַּבְנֵן ה' [אֱלֹהִים] אֹתָהּ הַצְלָע" - מַלְפֵד שְׁבָטָן  
 הַקָּדוֹשׁ בָּרוּךְ הוּא בִּנְהָא יִתְרָה בָאָשָׁה יוֹתָר  
 מַבָּאֵישׁ.

וְאַיִיךְ - הַהוּא מְבַעַי לִיהְ לְכַדְרִישׁ לְקִישׁ:  
 דַאֲמָר רִישׁ לְקִישׁ מִשְׁמָרְבִּי שְׁמַעוֹן בֶּן נְמַסְיָא:  
 "וַיַּבְנֵן ה' [אֱלֹהִים] אֹתָהּ הַצְלָע אֲשֶׁר לְקִחְמָן  
 הָאָדָם לְאָשָׁה וּבְאָחָת אֶל הָאָדָם" - מַלְפֵיד  
 שְׁקָלָעָה הַקָּדוֹשׁ בָּרוּךְ הוּא לְחוֹתָה וּבְיִאהָ  
 אַצְלָ אָדָם הָרָאֵשׁוֹן, שְׁבָן בְּכַרְבֵי הַיּוֹם קָרוֹן  
 לְקַלְעִיתָא - בְּנִיְתָא.

וּרְבִי שְׁמַעוֹן בֶּן אַלְעָזָר מַאי טַעַמָא? אָמֵר רְבִי  
 שְׁמוֹאֵל בֶּן רְבִי יְצָחָק: מִתְנַעַן שַׁהְתְּנוֹקָמָצִי  
 בֵּיתְךָ וּבְךָ, נִכְנַסְתָּה בָוּרְמָוּמִית תְּחִלָה.

The Gemara answers that this clause was necessary, as it might enter your mind to say: In an ordinary case, a girl requires examination in her twelfth year, whereas in her eleventh year she does not require examination. But in a case where we discern about her that she has a very sharp mind, perhaps she should be examined already in her eleventh year. Therefore, the *tanna* teaches us that she is not examined in her eleventh year irrespective of how intelligent she is, as she is too young.

The Gemara asks: Why do I need the mishna to teach that prior to that time their vows and consecration are always not valid and after that time they are always valid? These *halakhot* can be inferred from the previous statements of the mishna. The Gemara answers that these rulings are necessary, as it might enter your mind to say: These matters apply only in a case where they do not say: We know in Whose name we vowed, when they are younger than the periods mentioned in the mishna, or: We do not know in Whose name we vowed, when they are older. But in a case where they do say such statements, perhaps we rely on their claim. Therefore, the *tanna* teaches us that when they are younger than the periods stated in the mishna their vows are never valid, and when they are older, their vows are always valid.

**§** The mishna indicates that the intellectual development of a girl is faster than that of a boy. In this regard, the Sages taught in a *baraita*: This opinion, with regard to the periods of vows for girls and boys, is in accordance with the statement of Rabbi Yehuda HaNasi. But Rabbi Shimon ben Elazar says the opposite, that the matter stated here with regard to a girl is actually stated with regard to a boy, whereas the matter stated with regard to a boy is in fact stated with regard to a girl, as the intellectual development of males is faster than that of females.

Rav Hisda said: What is the reason of Rabbi Yehuda HaNasi? As it is written, with regard to the creation of woman: “And the rib, which the Lord God had taken from the man, He made [*vayiven*] a woman, and brought her to the man” (Genesis 2:22). This teaches that the Holy One, Blessed be He, granted a woman a greater understanding [*bina*] than that of a men.

The Gemara asks: And what does the other *tanna*, Rabbi Shimon ben Elazar, derive from this verse? The Gemara answers: He requires that verse for that which Reish Lakish taught, as Reish Lakish said in the name of Rabbi Shimon ben Menasya with regard to the verse: “And the rib, which the Lord God had taken from the man, He made a woman, and brought her to the man.” This teaches that the Holy One, Blessed be He, braided the hair of Eve, and then brought her to Adam the first man. As in the cities overseas [*bikhrakei hayyam*]<sup>1</sup> they call braiding hair, building [*benayita*].

The Gemara asks: And Rabbi Shimon ben Elazar, what is the reason that he maintains that the intellectual development of males is faster than that of females? Rav Shmuel bar Rav Yitzhak says: Since a boy frequents his teacher’s house, cleverness enters his mind first.

#### LANGUAGE

The cities overseas [*kerakei hayyam*] – כְּרָכִי הַיּוֹם: The term *kerakh* generally refers to a large city, typically one surrounded by a wall. Some claim that it is from the Greek χάραξ, *kharax*, which can mean a place fortified by beams. Others maintain that it has a Semitic origin, related to the root *kaf, reish, kaf*, meaning revolution or circumference, which matches the appearance of a walled city.

The term *hayyam* is a shortened version of *medinot hayyam*, meaning overseas countries. It refers to places outside of Eretz Yisrael on the shore of the Mediterranean Sea, and is used in the Gemara as a broad term for any country outside of Eretz Yisrael.

**אֲבָשְׂעִיא לְהֹהֶן תּוֹךְ וּמַן בְּלֵפִנִּי וּמַן אוֹ  
כְּלָאָחָר וּמַן?**

§ The mishna teaches that there are three periods in the development of girls and boys: When their vows are examined, i.e., the twelfth year for a girl and the thirteenth year for a boy, which will be termed below: During the time; the period beforehand, when their vows are entirely invalid, called: Before the time; and after that period, when their vows are always valid, known as: After the time. But the mishna does not address the issue of their physical development during these periods, with regard to the appearance of two pubic hairs. In this regard, a dilemma was raised before the Sages: If a boy or girl developed pubic hairs **during the time**, is this year considered like the development of signs indicating puberty **before the time** that the child reaches majority, and therefore they are not treated as signs indicating puberty, **or** is it considered as **after the time**?

**לְמַאי הַלְכָתָא? אֵי לְנַדְּרוֹם - לֹא בְּלֵפִנִּי  
וּמַן דְּמַיָּא, וְלֹא כְּלָאָחָר וּמַן דְּמַיָּא.**

The Gemara asks: **With regard to what halakha** is this dilemma raised? If it is **with regard to vows**, the development of pubic hairs **is not considered as before the time, but it is not considered as after the time** either. Instead, the status of the vow is determined in accordance with the examination of the child's understanding, as stated in the mishna.

**אַלְאָ, לְעַזְנֵשִׁין מָאִ? רַב וּרְبִי חַנִּינָא  
דָּאָמְרִי תְּרוּיִיהָ: תּוֹךְ וּמַן - בְּלֵפִנִּי וּמַן  
רַבִּי יְחָנָן וּרְבִי יוֹהָשָׁעַ בֶּן לְוי דָאָמְרִי  
קְרֻוּיִיהָ: תּוֹךְ וּמַן - כְּלָאָחָר וּמַן.**

Rather, the dilemma is raised **with regard to punishments**, i.e., whether such a boy or girl is punished like an adult for violating the prohibitions of the Torah. **What**, then, is the *halakha*? The Sages disagree. **Rav and Rabbi Hanina both say:** The development of pubic hairs **during that time** is considered as **before the time**, and therefore the boy or girl is not liable to receive punishment for his or her actions. **Rabbi Yohanan and Rabbi Yehoshua ben Levi both say:** The development of pubic hairs **during that time** is considered as **after the time**, and they are punished.

**אָמַר רַב נַחֲמָן בֶּן יִצְחָק, וּסְמִינָּק: "זֹאת  
לְפָנִים בִּשְׂרָאֵל."**

**Rav Nahman bar Yitzhak** says: And your mnemonic, to remember which Sages said which ruling, is the verse: "Now this [vezot] was the custom in former times in Israel" (Ruth 4:7). The Sage whose name has a feminine form like the word *vezot*, namely, Rav Hanina, maintains that the development of pubic hairs during the time is considered as before the time, like the former times mentioned in the verse.

**מִתְּبִיב רַב הַמְּנוּנָא: אַחֲר וּמַן הַזֹּה, אַךְ  
עַל פִּי שָׁאָמְרוּ "אֵין אָנוּ יוֹדְעִים לְשֵׁם  
כִּי נִדְרָנוּ, לְשֵׁם מֵהַקְדְּשָׁנוּ" - נִדְרִים  
- נִדְרַ וְהַקְדְּשָׁן הַקְדָּשָׁ, הֵא תּוֹךְ וּמַן -  
בְּלֵפִנִּי וּמַן!**

**Rav Hamnuna** raises an objection to the opinion of Rabbi Yohanan and Rabbi Yehoshua ben Levi from the mishna: **After that time**, twelve years and one day for a girl and thirteen years and one day for a boy, even if they say: **We do not know in Whose name we vowed and in Whose name we consecrated, their vow is a valid vow and their consecration is a valid consecration.** Rav Hamnuna infers from this ruling that if they issued this statement **during the time**, it is considered as **before the time**, even if they had developed two hairs.

**אָמַר לִיהְ רַבָּא: אִימָא רִישָׁא, קֹדֶם הַזֹּה  
הַזֹּה, אַךְ עַל פִּי שָׁאָמְרוּ "יוֹדְעִים אָנוּ  
לְשֵׁם מֵנִדְרָנוּ, לְשֵׁם מֵהַקְדְּשָׁנוּ" - אֵין  
נִדְרִים נִדְרַ וְהַקְדְּשָׁן הַקְדָּשָׁ, הֵא  
תוֹךְ וּמַן - כְּלָאָחָר וּמַן!**

**Rava** said to Rav Hamnuna, in rejection of this proof: **Say the former clause** in the mishna: **Prior to that time**, eleven years and one day for a girl and twelve years and one day for a boy, even if they said: **We know in Whose name we vowed and in Whose name we consecrated, their vow is not a valid vow and their consecration is not a valid consecration.** One can infer the opposite from here, that if they issued this statement **during the time**, it is considered as **after the time**.

**וְלֹא הִיא, רַבָּא קָטָעִי, הַוָּא סְבָר: רַב  
הַמְּנוּנָא מִפְשָׁנָה יִתְּרָה קָדָרִיק, וְאַזְרָרִיק  
מִסְפִּיפָּא - לִידּוֹק מְרוּישָׁא.**

The Gemara responds: **And that is not so**, as Rava erred. He thought that Rav Hamnuna inferred from the superfluous statement of the mishna, i.e., that the clause Rav Hamnuna cites is unnecessary for the *halakha* it states, which is why Rav Hamnuna inferred his conclusion from it. **And therefore Rava responded that rather than inferring from the latter clause** of the mishna that if the boy or girl claims not to know in Whose name he or she vowed during the time, it is considered as before the time, **let him infer from the former clause** that it is considered as after the time, as Rava demonstrated.

ולא היא, רב המננה מגופא דמתניתין  
כא דיק, הא לאחר זמן היכי דמי? אי  
דלא אידיitti שתי שערות - קטן הוא, אלא  
לאו - דאייתי שתי שערות.

The Gemara continues: **But it is not so;** rather, Rav Hamnuna inferred that it is considered as before the time **from the statement of the mishna itself**, without assuming that it is superfluous, as follows: In that mention in the mishna of: **After that time, what are the circumstances?** If it is referring to a case where the boy has not yet developed two pubic hairs, he is a minor. Rather, is it not referring to a case where the boy has developed two pubic hairs,

## Perek V

### Daf 46 Amud a

#### HALAKHA

A nine-year-old boy who developed two hairs, etc. – בָּבִן תְּשׁוּע שָׁנִים שַׁהֲבֵיא שְׂתִּים שְׁעוֹרוֹת וּכְאֵלֶּה: If a boy grows two hairs before the age of thirteen, these are considered merely the hairs of a mole. If he developed two pubic hairs when he is at least thirteen years and one day old, he is classified as an adult (Rambam *Sefer Nashim*, *Hilkhot Ishut* 2:10).

#### BACKGROUND

Sign indicating puberty – סימן: The physical sign marking the transition from childhood to adulthood, according to *halakha*, is the appearance of at least two hairs in the pubic area. There is no precise time for the appearance of this sign, and several variables affect its earlier or later appearance, such as genetics, nutrition, and climate. Nevertheless, there are average ages for the growth of this hair in boys and girls. The appearance of such hair extremely early is not usually a sign of adulthood, except in rare cases of disease, and it should instead be treated as being only a mole.

ותעמא דלאחר זמן הווא דגמרא לה  
למיילתייה, הא תזק זמן - בלבני זמן.

עוד, מתייב רבי זира: "איש כי יפלא לנדר  
נ"ר מה תלמוד לומר "איש" - לרבות  
בן שלוש עשרה שנה ויום אחד, שאף על  
פי שאינו יודע להפליליא - נדריו קיימים.

היכי דמי? אי דלא אידיitti שתי שערות -  
קטן הוא. אלא לאו דאייתי שתי שערות,  
ותעמא - רבן שלוש עשרה ויום אחד הווא  
דזהה ליה" איש, הא תזק זמן - בלבני  
זמן! תיבטה.

אמר רב Nahman: כתנא, בין תשע שנים  
שהביא שתי שערות – שום. מבן תשע  
עד שתים עשרה שנה ויום אחד – שום.  
רב יוסף ברבי יהודה אומר: סימן. בן שלוש  
עשרה שנה ויום אחד – דברי הכל סימן.

הא גופא קשייא, אמרות מבן תשע עד  
שתיים עשרה שנה ויום אחד – שום, הא  
שלש עשרה שנה גופא – סימן. והדר תנינ  
בן שלוש עשרה שנה ויום אחד – סימן,  
הא שלוש עשרה שנה גופא – שום!

and the reason that the development of two hairs renders him an adult is that the onset of his matter, i.e., his reaching puberty, was completed for him after the time? Rav Hamnuna infers from here that if the child developed two hairs **during the time**, it is considered **as before the time**, and he or she is not classified as an adult.

And furthermore, Rabbi Zeira raises an objection to the opinion that the development of signs indicating puberty during the time is equivalent to their development after the time. It is taught in a *baraita* which deals with the verse: "Speak to the children of Israel and say to them: When either man or a woman shall clearly utter a vow" (Numbers 6:2). What is the meaning when the verse states "man," after it has already stated "the children of Israel"? This serves to include anyone who is thirteen years and one day old, that even if he does not know how to utter clearly and articulate the meaning of his statements, his vows are in effect.

Rabbi Zeira analyzes this *baraita*. What are the circumstances? If it is referring to a case where the boy has not yet developed two pubic hairs, then he is a minor, and the *halakha* with regard to him cannot be derived from the word "man." Rather, is it not referring to a case where the boy has developed two pubic hairs? And by inference, the reason that he is considered a man due to his development of pubic hairs is that he is thirteen years and one day old, but if the boy developed two hairs **during the time**, it is considered **as before the time**. The Gemara concludes: This is indeed a **conclusive refutation** of the opinion of Rabbi Yohanan and Rabbi Yehoshua ben Levi that developing pubic hairs during the time is equivalent to developing hairs after the time.

Rav Nahman said that the *baraita* is not a refutation of the opinion of Rabbi Yohanan and Rabbi Yehoshua ben Levi, as this matter is subject to a dispute between *tanna'im*, since there is another *baraita* which teaches the following: Everyone agrees with regard to a nine-year-old boy who developed two hairs<sup>4</sup> that this is not considered a sign of puberty, as they are treated as hairs that grow on a mole. From nine years of age until the age of twelve years and one day, even if the hairs have not fallen out, this is still considered a mole. Rabbi Yosei, son of Rabbi Yehuda, says: At this stage it is a sign indicating puberty.<sup>5</sup> If he is thirteen years and one day old and has grown two hairs, all agree that it is a sign indicating puberty.

Rav Nahman analyzes the *baraita*. This *baraita* itself is difficult, as you initially said that from nine years of age until the age of twelve years and one day it is a mole, from which it can be inferred that if he developed two pubic hairs in the thirteenth year itself, it is a sign indicating puberty. And then the *baraita* teaches that if he is thirteen years and one day old and has grown two hairs, this is a sign indicating puberty, which indicates that if he developed the hairs in the thirteenth year itself, it is a mole.

**מַאי לֹא - תְנַאי הִיא, דָמֶר סָבָר: תּוֹךׁ זָמָן -  
כֵלָאָחֵר זָמָן, וּמָרוֹסָבָר: תּוֹךׁ זָמָן - כֵלְפָנִי זָמָן!**

לא, דברי עולם תוך ימן בלחין ימן, ואידי  
ויאידי בתינוקת. ורישא - רבינו, וסיפה - רבינו  
שמעון בן אלעזר.

רבי שמעון בן אלעזר, וסיפה – רב.

וְאַיִלָּה אֲמֵתָה - בַּתְּנִינָה. וְאַיִלָּה אֲמֵתָה - בַּתְּנִינָה.  
וְרֹבֵי שְׁמֻעוֹן בֶּן אֱלֹעָר, הָא - בַּתְּנִינָה. וְרֹבֵי שְׁמֻעוֹן בֶּן אֱלֹעָר, הָא -  
בַּתְּנִינָה.

**רבי יוסי ברבי יהודה אומר:** סימן אמר רבי כהנא אמר בריה דרב שפטאי וזה שעוזר בו.

תנינאי נמי הקי, בן תשע שנים ויום אחד  
שהבביה שתי שערות – שומם. מבן תשע  
עד שתים עשרה שנה ויום אחד ועד בן –  
שומם. ובו יוסי ברבי יהודה אומר: סיכון.

אמור ורבא: הילכתא תורה זמן - קלפוי זמן.  
ובר שמואל בר ווטרא מתיין לה לשמעתא  
ודרבא בהאי לשנא, אמר זרבא: קטנה, כל  
שותים עשרה שנה - ממענות והולכת, מכאן  
ויאילד - אינש ממענות ואינש חילצן.

Rav Nahman concludes: **What, is it not correct to say that there is a dispute between *tanna'im*, as one Sage, the *tanna* who states the first line of the *baraita*, holds that during that time is considered as after the time, and one Sage, the *tanna* of the last line of the *baraita*, holds that during that time is considered as before the time?** If so, the opinion of Rabbi Yohanan and Rabbi Yehoshua ben Levi is one side of a dispute between *tanna'im*.

The Gemara rejects this suggestion: **No, everyone**, i.e., the *tanna'im* of both clauses of the *baraita*, agrees that **during that time** is considered as before the time, and this clause and that clause of the *baraita* are both referring to a young girl. And the difference between them is that **the first clause** of the *baraita* is in accordance with the opinion of **Rabbi Yehuda HaNasi**, who maintains that the thirteenth year for a female is considered after the time, and therefore the development of two pubic hairs at this stage is a sign of maturation; and **the last clause** is in accordance with the opinion of **Rabbi Shimon ben Elazar**, who holds that the thirteenth year for a female is considered before the time.

**And if you wish, say that this clause and that clause are both dealing with a young boy, and the first clause is in accordance with Rabbi Shimon ben Elazar and the last clause is in accordance with the opinion of Rabbi Yehuda HaNasi, who maintains that the thirteenth year for a boy is considered before the time.**

**And if you wish**, say that both **this clause and that clause** are in accordance with the opinion of **Rabbi Yehuda HaNasi**, and the difference between them is that **this last clause of the baraita** is referring to a young boy, whereas **that first clause** is referring to a young girl. **And if you wish**, say that both **this clause and that clause** are in accordance with the opinion of **Rabbi Shimon ben Elazar**, and **that first clause of the baraita** is referring to a young boy, whereas **this last clause** is referring to a young girl.

The *baraita* further teaches that **Rabbi Yosei, son of Rabbi Yehuda, says** with regard to hairs from nine years of age until the age of twelve years and one day, that it is a sign indicating puberty. In explanation of this opinion, **Rabbi Keruspedai, son of Rabbi Shabbtai, says:** And this is the *halakha* only when the hairs are still upon him, i.e., they had not fallen out when he reached the age of puberty, as otherwise they are considered a mole.

The Gemara notes that this opinion is also taught in a *baraita*: With regard to a boy nine years and one day old who developed two hairs, this is considered a **mole**. If the boy is from nine years of age until the age of twelve years and one day, and the hairs are still upon him,<sup>H</sup> it is still considered a mole. Rabbi Yosei, son of Rabbi Yehuda, says: It is a sign indicating puberty.

§ In summary of the rulings cited above, Rava said: The halakha is that the development of two hairs **during** the time is considered as before the time, and it does not render one an adult. Rav Shmuel bar Zutra teaches this halakha of Rava in this formulation: Rava says: With regard to a minor girl whose father has passed away and whose mother or brothers accepted betrothal on her behalf, a form of betrothal instituted by the Sages, throughout her entire twelfth year she has the continuous right to perform refusal<sup>14</sup> with regard to this marriage and thereby annul it. From that point forward, when she is already an adult, she may no longer perform refusal, and she may not perform halizza with the brother of her husband, if he died without children.

HALAKHA

From nine years of age until twelve years and one day and the hairs are still upon him – מִבֵּן תְּשִׁעָה וַיֵּד שִׁים עַשְׂרָה שָׁנָה יוֹם אֶחָד בְּזַעֲוֹן בָּיִסְתָּרְבָּדָה: If a boy grows two hairs at the age of twelve, they are considered merely the hairs of a mole even if they remain after the individual has reached the age of maturity, as stated in the *baraita* (Rambam Sefer Nashim, Hilkhot Ishut 2:18).

Throughout her entire twelfth year she has the continuous right to perform refusal – **בְּשָׁתִים עֲשֵׂה שָׁנָה מִנְאָתָה וְהַלְּבָתָה**: A minor has the right to perform refusal until she develops two pubic hairs after she reaches the age of twelve, or until she gives birth. The halakha is in accordance with the opinion of Rava (see Rambam Sefer Nashim, Hilkhot Geirushin 11:4; Shulhan Arukh, Even HaEzer 155:12).

הַא גוֹפָא קְשִׁיאָ, אָמְרָת אִינָה מִמְּנָנָת –  
אֲלֵםָא גָדוֹלָה הִיא, אֵי גָדוֹלָה הִיא –  
תְּחִלוֹזֵ!

כִּי תִּימָא – מִסְפְּקָא לִיהֶ, וְמִי מִסְפְּקָא  
לִיהֶ? וְהִאמֵּר רַבָּא: קַטְנָה שֶׁגַּעַת לְכָל  
שְׁנוֹתֶיהָ – אֵיֶת צְרִיכָה בְּדִיקָה, תְּקָה  
הַבְּיאָה סִימְנִין!

הַנִּי מִילִי בְּסַתְמָא, אֲבָל הַכָּא דְבָרוֹקָו וְלֹא  
אֲשֶׁבָּחוֹ – לֹא.

אֵי הַכָּי, תִּמְאָן חֹשְׁשִׁין שֶׁמְאַנְשָׁרוּ.

הַנִּיחָא לְפָאָן דָאָמָר חֹשְׁשִׁין, אֲלֹא לְמָאָן  
דָאָמָר אַיִן חֹשְׁשִׁין, מַאי אַיְכָא לְמִימַר?  
דָאַיְתָמָר, רַב פָּפָא אָמָר: אַיִן חֹשְׁשִׁין  
שֶׁמְאַנְשָׁרוּ, רַב פָּפִי אָמָר: חֹשְׁשִׁין, הַנִּי  
מִילִי – לְעַנְנָן חִלִּיצָה, אֲבָל לְעַנְנָן מִיאָוָן –  
חֹשְׁשִׁין.

מִכָּלְלָן דָמָאָן דָאָמָר חֹשְׁשִׁין – חֹלֶצֶת?  
וְהִא "חֹשְׁשִׁין" בְּעַלְמָא קְאָמָר?

אֲלֹא, לְעוֹלָם – דָלָא בְּדִיקָה, וְלְעַנְנָן  
חִלִּיצָה – חִיּוּשִׁין, כִּי קְאָמָר וְבָא תְּקָה –  
לְמִיאָוָן, אֲבָל לְחִלִּיצָה – בְּעַיָּא בְּדִיקָה.

The Gemara asks: This statement of Rava itself is difficult: You first said that once she is twelve she may not perform refusal. Evidently, she is an adult woman. But if she is an adult woman, let her perform halitza, like any other adult woman.

And if you would say that Rava is uncertain whether a twelve-year-old girl is presumed to have developed two hairs and is therefore an adult, or whether it is presumed that she has not yet grown two hairs and remains a minor, and consequently he is stringent on both counts, that she may not perform refusal, like an adult, but she may also not perform halitza, like a minor, this suggestion is problematic, as is Rava actually uncertain in this regard? But doesn't Rava say: A minor girl who reached her full age of maturity,<sup>h</sup> i.e., twelve years and one day, does not require examination to determine whether she has grown two hairs, as there is a presumption that she has developed signs indicating puberty.

The Gemara answers that this statement, that it is presumed that a twelve-year-old girl has developed two hairs, applies only in an ordinary situation. But here Rava is referring to a case where they examined her and did not find hairs.<sup>h</sup> In such an instance, Rava did not say that the presumption is in effect.

The Gemara asks: If so, that she was actually examined, she should be considered a minor in all regards and she should be able to perform refusal. The Gemara answers: We are concerned that perhaps the girl had already developed pubic hairs but they fell out. Consequently, although the girl is not treated with the presumption that she is an adult, she does not have the certain status of a minor either, and cannot perform refusal.

The Gemara objects: This works out well according to the one who says that we are concerned that the pubic hairs fell out. But according to the one who says that we are not concerned that they have fallen out, what is there to say? As it was stated that amora'im disagreed with regard to this matter. Rav Pappa says: We are not concerned that perhaps the pubic hairs fell out; Rav Pappi says: We are concerned that they might have fallen out. The Gemara answers that this statement of Rav Pappa, that there is no concern that perhaps the pubic hairs fell out, applies only with regard to halitza, but with regard to refusal everyone agrees that we are concerned that they might have fallen out.

The Gemara asks: By inference, does the one who says that we are concerned that perhaps the hairs fell out maintain that this twelve-year-old performs halitza? But this cannot be correct, as he says that we are merely concerned that the hairs might have fallen out, not that this is certainly the case. How, then, can she perform halitza like an adult?

Rather, Rava is actually referring to a case where one did not examine the girl, and with regard to halitza we are concerned that she might not have developed hairs and is still a minor. And when Rava said that there is a presumption that a twelve-year-old has developed signs indicating puberty, he was referring to refusal, but with regard to halitza she requires examination.

#### HALAKHA

A minor girl who reached her full age of maturity, etc. – קְנַתָּה שֶׁגַּעַת לְכָל שְׁנוֹתֶיהָ וּכְרִיּוֹתֶיהָ: A girl aged twelve years and one day who has not been examined to see if she has grown two pubic hairs may not perform refusal, as there is a presumption that she has developed two hairs and is an adult. Nevertheless, she may not perform halitza until she has been examined and found to have two hairs (Rambam Sefer Nashim, Hilkhot Geirushin 11:4 and Hilkhot Yibbum VaHalitza 1:17; Shulhan Arukh, Even HaEzer 155:19).

דְבָרוֹקָו וְלֹא Where they examined her and did not find hairs – קְנַתָּה שֶׁשְׁבָחוֹת: If a twelve-year-old girl was examined and hairs were not found, she is considered a minor and she may therefore perform refusal. If she remains this way, she continues to be a minor until the age of twenty, when she is retroactively established to be an ailonit, a sexually underdeveloped woman (Rambam Sefer Nashim, Hilkhot Ishut 2:3–4; Shulhan Arukh, Even HaEzer 155:12).

**אמור רב דימי מנהרדעא: הילכתא.**  
חוושין שפנא נשו.

**והני מיל – היכא דקוץ'ה בתוך זמן ובעל**  
**לאחר זמן, דאכיא ספיקא דארוייתא,**  
**אבל מעיקרא – לא.**

With regard to the issue of whether there is concern that hairs might have fallen out, Rav Dimi of Neharde'a said: **The halakha** is that if a girl reached the age of twelve and she was examined and the signs of puberty were not found, we are concerned that perhaps the pubic hairs fell out.<sup>h</sup> Consequently, if her mother or brothers had accepted betrothal for her when she was a minor, she cannot perform refusal at that stage.

The Gemara adds: **And this statement applies only in a case where** her husband betrothed her **during the time**, before she reached the age of twelve years and one day, **and engaged in intercourse** with her **after the time**, when she was already twelve years and one day old. This is a situation **where there is an uncertainty** with regard to **Torah law**, since if she had developed two hairs and is an adult, the marriage applies by Torah law, due to the intercourse. **But** if he engaged in intercourse with her only **at the outset**, before she turned twelve, there is **no concern** that perhaps she developed pubic hairs and they fell out, as this marriage applies by rabbinic law.

**אמור רב הונא: הקדיש ואכל – לוקה,**

**§** With regard to a minor who vowed, Rav Huna says: If the minor is aware of the meaning of his vow and in Whose name he or she vowed, and the minor's age is during the time, i.e., the twelfth year for a girl or the thirteenth year for a boy, and he consecrated an item of food and subsequently ate it, he is flogged,<sup>n</sup> which is the punishment for one who eats consecrated food.

**שנאמר "איש כי יפלא לרודו" ולא יחל**  
**דברו, כל שיננו בהפלאה – ישנו בבל**  
**חול, וכל שאיןו בהפלאה – איןו בבל**  
**חול.**

Rav Huna explains: As it is stated: "When either a man or a woman shall clearly utter a vow" (Numbers 6:2), from which it is derived that if one on the brink of adulthood is able to articulate that his vow is in the name of God, his vows are valid. And another verse states: "He shall not profane his word" (Numbers 30:3). This indicates that any person who is included in explicitness of intent is also included in the prohibition: "He shall not profane his word," and anyone who is not included in explicitness of intent is not included in the prohibition: "He shall not profane his word."

**מתיב רב הונא בר יהודה (ר' רבא) לסייע**  
**רב הונא:**

Rav Huna bar Yehuda raises an objection to Rava, in support of the opinion of Rav Huna:

## Perek V

### Daf 46 Amud b

**לפי שמצינו שהשוה הבטוב הקטע בגודל**  
**לידון שבועה, ולא יסור, ולבל חיל, יכול**  
**דא חיב על הדקדש קרבן?**

Since we find that the verse equates a minor, i.e., one on the brink of adulthood, to an adult with regard to an intentional violation of an oath and with regard to a vow of prohibition, where one renders an item prohibited to himself through a vow, and with regard to the prohibition of he shall not profane his word, one might have thought that this minor, like an adult, should also be liable to bring an offering for misuse of his consecrated property, e.g., if he ate an item that he consecrated.

**תלמוד לומר זה הדבר.**

Therefore, the verse states with regard to vows: "This is the matter which the Lord has commanded. When a man vows a vow to the Lord, or takes an oath" (Numbers 30:2–3). The emphasis of "this" indicates that it is only with regard to this matter, i.e., prohibitions resulting from vows, that a discriminating minor on the brink of adulthood is considered an adult, but he is not rendered liable to bring an offering for his misuse.

## HALAKHA

We are concerned that perhaps the pubic hairs fell out – **חוושין שפנא נשו:** If a young girl was betrothed by her mother or brothers following the death of her father, and her husband engaged in intercourse with her after she reached the age of twelve years and one day, she may no longer perform refusal. This is the halakha even if no pubic hairs are found on her, as there is a concern that they might have fallen off. The reason for this stringent ruling is that this is an uncertainty involving a matter of Torah law, since if he knew that she had two hairs before engaging in intercourse with her, he would have done so with the intent of effecting betrothal by Torah law. This would mean that theirs is a full-fledged betrothal, and if another man had betrothed her afterward she would not even require a bill of divorce from him. Since it is an uncertainty involving a matter of Torah law, one must be concerned that she might have had two hairs before the intercourse, and therefore she requires a bill of divorce for her to be permitted to another. If she performed refusal after they engaged in intercourse, and she was examined and was not found to have hairs, and subsequently accepted betrothal from another, she requires a bill of divorce from the first man due to uncertainty and is prohibited to return to him. If she married another man, she must leave both men, and any child born from either man is one whose status as a *mamzer* is uncertain (Rambam Sefer Nashim, Hilkhot Geirusin 11:5; Shulhan Arukh, Even HaEzer 155:20).

## NOTES

If he consecrated an item of food and subsequently ate it he is flogged – **הילכתא:** Although boys younger than thirteen and girls younger than twelve are not liable to punishment in all other areas of Torah law, because they are still minors, nevertheless in the unique case of vows they are considered as adults and are flogged for their violation (Rashi).

**HALAKHA**

If a minor consecrated a food item and others ate it they are flogged – **הקדוש הו ואכלו אחרים**: If a minor boy aged thirteen, who does not have pubic hairs, consecrated an item and an adult derived benefit from that item, e.g., he ate it, he is liable to receive lashes, as the vows of the boy are valid by Torah law. The *halakha* is in accordance with the opinion of Rabbi Yohanan and Reish Lakish (Rambam Sefer Hafla'a, *Hilkhot Nedarim* 11:5).

A discriminating minor on the brink of adulthood is an adult by Torah law – **מוֹפֵלָא סְמֻךָ**: The consecrations and vows of a discriminating minor on the brink of adulthood are valid by Torah law. But he is not liable to receive lashes for violating his vow until he reaches majority and develops two hairs. This *halakha* is in accordance with the opinion of Rabbi Yohanan and Reish Lakish (Rambam Sefer Hafla'a, *Hilkhot Nedarim* 11:4).

**קַתְנִי מִיהָה לְאִיסּוֹ וְלֶבֶל יְחִילָה - חִיב. אִימָא:**  
**אִיסּוֹ בֶּל יְחִילָה.**

The Gemara analyzes the *baraita*. In any event, the *baraita* teaches that a discriminating minor on the brink of adulthood is considered an adult with regard to a vow of prohibition and with regard to the prohibition of he shall not profane his word, which indicates that he is liable for violating this prohibition. This supports the opinion of Rav Huna that a minor is flogged for eating food he consecrated. The Gemara refutes this proof: There is room to say that the word: And, in the phrase: With regard to a vow of prohibition and with regard to the prohibition of he shall not profane his word, should be omitted, and the *baraita* is comparing a minor to an adult with regard to the prohibition of he shall not profane his word, but it does not indicate that he is liable to receive lashes for violating this prohibition.

**אִיסּוֹ בֶּל יְחִילָה, מַה נִפְשַׁח, אֵי מוֹפֵלָא סְמֻךָ  
לְאִישׁ דָאוּרִיתָא - מַלְקָא נִמְלָקֵי, וְאֵי  
מוֹפֵלָא סְמֻךָ לְאִישׁ לְאֹו דָאוּרִיתָא - אִיסּוֹ  
נִמְלָקֵא! לְאֹוֹתָן הַמּוֹתָרִים עַלִי.**

The Gemara asks: Can the *baraita* actually mean that a minor is compared to an adult with regard to the prohibition of he shall not profane his word, but he is not flogged? Whichever way you look at it, this is problematic: If a discriminating minor on the brink of adulthood is considered an adult by Torah law, he should be flogged too, for his violation. And if a discriminating minor on the brink of adulthood is not considered an adult by Torah law, there is no prohibition violated here either. The Gemara answers that according to the *baraita* the prohibition does not apply to the minor himself, but to those who are warned to keep him away from the prohibited item.

**שֶׁמְעַמְינָה: קַתְנִי אָכֵל נִבְלֹת - בֵּית דִין  
מִצְוָיוֹן עַלְיוֹ לְהַפְרִישׁוּ! הַכ־ּא בַּמְאִי עֲסִקִּין -  
בְּגִנּוֹן שְׁדָקִידִישׁ הוּא וְאָכְלָוּ אֶחָדִים.**

The Gemara raises a difficulty: If so, one can conclude from the *baraita* that if a minor eats meat from unslaughtered animal carcasses<sup>N</sup> or violates other prohibitions, the court is commanded to prevent him from doing so. This is problematic, as elsewhere it is stated that this matter is subject to dispute (see *Yevamot* 114a). The Gemara explains: Here we are dealing with a case where the minor consecrated the food item and others ate it. They are liable to receive lashes for their consumption, but if he ate it he is not liable.

**הַנִּיחָא לִמְאָן דָאָמַר הַקְדִישׁ הוּא וְאָכְלָוּ  
אֶחָדִים - לְוקִין, אָלָא לִמְאָן דָאָמַר אֵין לְוקִין,  
מַאי אֵיכָא לְמִימָר? דָאִיקְטָר, הַקְדִישׁ הוּא  
וְאָכְלָוּ אֶחָדִים, רַב כְּהָנָא אָמַר: אֵין לְוקִין, רַב  
יְהָנָן וּרְישׁ לְקִישׁ דָאָמַר תְּרוּיוּהָ: לְוקִין!**

The Gemara raises another difficulty: This works out well according to the one who said that if a minor consecrated a food item and others ate it, they are flogged.<sup>H</sup> But according to the one who said that in such a case they are not flogged, what can be said? As it was stated that *amora'im* disagreed with regard to this issue: If a minor consecrated a food item and others ate it, Rav Kahana says that they are not flogged; Rabbi Yohanan and Reish Lakish both say that they are flogged.

**מִדְרָבֵן, וְקָרוֹא אִסְמְכַתָּא בְּעַלְמָא.**

The Gemara therefore reverts to the interpretation that the *baraita* is referring to the prohibition of he shall not profane his word, not the punishment for violation of the vow. And the reason lashes are not administered is that the prohibition is by rabbinic law. And as for the verse mentioned in the *baraita*, when it states that the verse equates a minor to an adult, which indicates that it is dealing with Torah law, this verse is a mere support for a rabbinic law.

**גַּופָא, הַקְדִישׁ וְאָכְלָוּ אֶחָדִים. רַב כְּהָנָא אָמַר:  
אֵין לְוקִין, רַב יְהָנָן וּרְישׁ לְקִישׁ דָאָמַר  
תְּרוּיוּהָ: לְוקִין, בַּמְאִי קְמִיפָלָגִי? מַר סְבָר:  
מוֹפֵלָא סְמֻךָ לְאִישׁ - דָאוּרִיתָא, וָמַר סְבָר:  
מוֹפֵלָא סְמֻךָ לְאִישׁ - מִדְרָבֵן.**

**S** The Gemara discusses the matter itself, i.e., the dispute cited above. If a minor consecrated a food item and others ate it, Rav Kahana says that they are not flogged; Rabbi Yohanan and Reish Lakish both say that they are flogged. With regard to what principle do these Sages disagree? One Sage, i.e., Rabbi Yohanan and Reish Lakish, holds that a discriminating minor on the brink of adulthood is considered an adult by Torah law,<sup>H</sup> which is why others are liable for eating an item he consecrated; and one Sage, Rav Kahana, holds that a discriminating minor on the brink of adulthood is considered an adult by rabbinic law.

**NOTES**

If a minor eats meat from unslaughtered animal carcasses, etc. – **קַתְנִי אָכֵל נִבְלֹת וְכַיִלְלָה**: Rashi notes that this matter is subject to a dispute on *Yevamot* 114a. Other early commentaries are puzzled by this observation, as everyone agrees that the court is not commanded to prevent a minor from sinning with regard to matters which apply by rabbinic law, and as the status of a discriminating minor on the brink

of adulthood applies by rabbinic law, his consumption of the food he consecrated would be a violation by rabbinic law. They explain that Rashi simply means that this general issue of preventing a minor from eating meat of unslaughtered animals is discussed in tractate *Yevamot*, not that this is the *halakha* with regard to a discriminating minor on the brink of adulthood (Rashba).

**מִתְבֵּר בָּבְרַיְמֵיהַ: יְתֻמָּה שָׁבְדָרָה - בָּעֵלָה  
מִפְרָלֶה. אֵי אָמָרָת בְּשָׁלָמָא מַופְלָא  
סְמֻנָּק לְאִישׁ דָּרְבָּן, אֲתוֹ נְשָׂוָאִי דָּרְבָּן -  
מַבְטָלִי נְדָרָא דָּרְבָּן. אַלְאָ אֵי אָמָרָת  
דָּאוּרִיתָא - אֲתוֹ נְשָׂוָאִין דָּרְבָּן וּמַבְטָלִי  
דָּרוֹרָא דָּאוּרִיתָא!**

**אמֶרֶת בָּבְרַיְמֵיהַ: אִם רַבְּנָה, אִם שְׁמוּאֵל: בָּעֵלָה מִפְרָלֶה  
לְהַ מִמְּהָ נְפָשָׁךְ, אֵי דָרְבָּן - דָרְבָּן הָוּא.  
אֵי דָאוּרִיתָא - קְטַנָּן אָוֶל בְּבָלוֹת הָוּא.  
אַיִן בֵּית דִין מְצֻוֵּן עַלְיוֹ לְהַפְּרִישָׁוּ.**

**וְהִיא כִּי גָדוֹלָה, אֲכַלָּה בְּהַפְּרָה קְפִיטִיתָא!**

**אמֶרֶת וּבָבָר לִיאָיָי: בָּעֵלָה מִפְרָלֶה כֵּל  
שְׁעוֹה וְשְׁעוֹה, וְהָוּא שְׁבָעֵלָה.**

**וְהִיא אַיִן בָּעֵל מִפְרָלֶה בְּקוֹדְמִינִי? כְּרוּב פִּינְחָס  
מִשְׁמִינָה דְבָא. דָאָמְרָה רַב פִּנְחָס מִשְׁמִינָה  
דְּרוֹבָא: כָּל הַגּוֹדָרָת - עַל דַעַת בָּעֵלָה הָיא  
נוֹדָרָת.**

**Rav Yirmeya raises an objection from a *baraita*: In the case of a minor girl who is an orphan from her father and her mother or brothers accepted betrothal on her behalf, **who vowed, her husband may nullify her vow**,<sup>8</sup> like any other husband, despite the fact that this marriage is valid merely by rabbinic law. Rav Yirmeya analyzes this *baraita*: **Granted, if you say that a discriminating minor on the brink of adulthood is considered an adult by rabbinic law, one can explain that a husband whose marriage is by rabbinic law comes and negates a vow that also applies by rabbinic law. But if you say that a discriminating minor on the brink of adulthood is considered an adult by Torah law, can a husband whose marriage is by rabbinic law come and negate a vow that applies by Torah law?****

**Rav Yehuda says that Shmuel says: Her husband may nullify her vows, whichever way you look at it: If the validity of the vows of such a minor applies by rabbinic law, the husband may nullify her vows, as the validity of their marriage is likewise by rabbinic law. And if the validity of a vow by a discriminating minor on the brink of adulthood is by Torah law, which means she would be violating a Torah prohibition, this is the same as the case of a minor who may eat meat from unslaughtered animal carcasses or violate other prohibitions, and the court or any other adult, including her husband in this case, is not commanded to prevent him<sup>HN</sup> from doing so, and it does not matter if his nullification was not effective.**

The Gemara raises a difficulty: **But there is still concern for a violation, as when she grows and becomes an adult she will eat the food that she rendered forbidden to herself, relying on the initial nullification of her vow by her husband, which was not valid. At that stage she is an adult, whom the court is certainly commanded to prevent from violating prohibitions.**

**Rabba bar Livai said that this is not a concern, as her husband nullifies her vows each and every moment, and therefore when she reaches majority he will nullify her vow in a manner that is valid by Torah law. And this is the halakha, that the nullification takes effect by Torah law, only in a case where her husband engaged in intercourse with her after she became an adult, thereby rendering their marriage valid by Torah law.**

The Gemara raises another difficulty: **But there is a principle that a husband cannot nullify vows of his wife that preceded their marriage;**<sup>H</sup> and as she is considered his wife by Torah law only when she becomes an adult, her vow when she was a minor preceded their marriage. The Gemara answers that he can still nullify her vow, in accordance with the statement of Rav Pinehas in the name of Rava, as Rav Pinehas said in the name of Rava: Any woman who takes a vow, it is from the outset contingent on her husband's consent that she takes the vow.<sup>N</sup> Since the minor was married by rabbinic law, she vowed on the condition that her husband should agree to her vow, and therefore the nullification is valid by Torah law.

## BACKGROUND

**Nullification of vows – הַפְּרָת נְגָרִים:** The Torah authorizes a father to nullify the vows of his daughter before she either attains the age of majority or marries (see Numbers 30:4–6). Similarly, a husband is entitled to nullify vows uttered by his wife. If a girl is betrothed before she attains the age of majority, her vows may be nullified by her husband and father acting together. The vow must be nullified on the same day on which the father or husband hear of it. A husband is empowered to nullify only those vows that directly or indirectly affect the personal relationship between him and his wife. According to many opinions, this restriction applies to the father as well.

## HALAKHA

A minor may eat from unslaughtered animal carcasses and the court is not commanded to prevent him – **קְטַנָּן אָוֶל בְּבָלוֹת הָוּא וְאַיִן בְּתִין בְּרִיטִין עַלְיוֹן לְפִרְיוֹשָׁה**: If a minor is eating meat from unslaughtered animals, or violating any other prohibition, of his own accord (*Mishna Berura*), the court is not commanded to separate him from the act. But his father is commanded to reprimand him and stop him. This requirement does not apply to his mother (*Magen Avraham*), although some authorities disagree (*Mishna Berura*). If the prohibition applies by Torah law and the father does not stop him, the court rebukes the father, but not if the prohibition was by rabbinic law (*Magen Avraham* and *Taz*; see *Mishna Berura*). Some claim that if the child has reached the suitable age for education, the court is obligated to prevent him from transgression (*Rema*, based on *Tosafot*), whereas the *Beit Yosef* maintains that the mitzva of education applies to the father alone (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:20; *Shulchan Arukh*, *Yoreh De'a* 343).

**A husband cannot nullify vows of his wife that preceded their marriage – אַיִן בָּעֵל מִפְרָלֶה בְּקוֹדְמִינִי:** If a betrothed woman vowed and her father nullified her vow by himself, and her betrothed did not hear about it until they were married, he cannot nullify it after the marriage, as a husband cannot nullify vows of his wife which preceded their marriage (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:20; *Shulchan Arukh*, *Yoreh De'a* 234:35).

## NOTES

**And the court is not commanded to prevent him – אַיִן בֵּית דִין:** **מְצֻוֵּן עַלְיוֹן לְהַפְּרִישָׁוּ:** The early commentaries are puzzled by this statement, as even if the court is not commanded to prevent a minor from transgressing, they are certainly prohibited from actively feeding a minor forbidden food. In this case, by nullifying her vow, her husband is effectively telling her that she may eat the food, which is tantamount to feeding her actively. The commentaries answer that the Gemara could have raised this difficulty, but in any event reaches a conclusion according to which this is not difficult (*Rashba*). Others suggest that nullifying a vow is not equivalent to feeding someone, as the husband does not compel her to eat; he merely indicates to her that she may do so if she chooses (*Ritva*; *Meiri*).

**On her husband's consent that she takes the vow – עַל דַעַת בָּעֵלָה הִיא נְדָרָת:** Rashi claims that this opinion is cited in explanation of how this husband can nullify his wife's vow when the vow preceded their marriage (see *Tosefot HaRosh*). The later commentaries maintain that it is apparent from Rashi's commentary that he understands that the Gemara here is retracting from its previous interpretation that the husband nullifies her vows each and every moment. Instead, the Gemara is referring to the earlier difficulty of how a husband whose marriage is only by rabbinic law can come and negate a vow which applies by Torah law. The Gemara's answer is that this is because even when she was a minor, she took her vow contingent on her husband's consent. If so, Rashi's explanation is in line with that of the majority of the early commentaries (see *Tosafot*, *Tosefot HaRosh*, and *Eizahu Mekoman*).

**LANGUAGE**

Untithed produce [*tivla*] – טבלא: This refers to produce from which the priestly dues of *teruma* have not been separated, or dough from which *halla* has not been separated. It is more commonly known as *tevel*.

Some suggest that *tevel*, which is spelled with the letter *tet*, is from the Hebrew word *tevel* with a *tav*, which means mixed, as *tevel* is produce which contains a mixture of tithes and non-sacred food.

**NOTES**

*Teruma* in the present applies by rabbinic law – תרומה בזמנינו הווה ורבנן: The majority of the early commentaries maintain that *teruma* in the present time applies by rabbinic law (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 1:26, 13:14; *Smag*; *Sefer HaTeruma*; *Rashba*). Others add that although there is a dissenting opinion that even in the present the obligation of *teruma* in Eretz Yisrael is by Torah law, the practice is not in accordance with this opinion (*Shulhan Arukh*, *Yoreh De'a* 331:2, and in the comment of Rema).

**BACKGROUND**

*Seder Olam* – סדר עולם: *Seder Olam* is a book from the period of the Mishna that deals with the chronology of biblical times and continues until the destruction of the Second Temple. Woven into its thirty chapters are various *halakhot* and non-halakhic statements. The work is based on verses and ancient traditions. The Gemara here and elsewhere states that the *tanna* who taught *Seder Olam* is Rabbi Yosei.

The book is also called *Seder Olam Rabba*, in order to distinguish it from a similar book composed in a later period, called *Seder Olam Zuta*. *Seder Olam* has been published over the generations in many editions, some of which include additional commentaries.

אמור אבeye תְּאַשֵּׁם, קָטֵן שֶׁלֹּא הִכֵּא שְׂנִיר שְׂעוּרָת, רַבִּי יְהוּדָה אָמַר: אֵין תְּרוּמָתָה תְּרוּמָה, רַבִּי יוֹסֵי אָמַר: עַד שֶׁלֹּא בָּא לְעֵונָת נְדָרִים – אֵין תְּרוּמָתָה תְּרוּמָה, מְשֻׁבָּא לְעֵונָת נְדָרִים – תְּרוּמָתָה תְּרוּמָה.

§ The Gemara continues to discuss the validity of the vows of a discriminating minor on the brink of adulthood. **Abaye said:** Come and hear a mishna (*Terumot* 1:3): With regard to a minor who has not grown two hairs, Rabbi Yehuda says: His *teruma* is not valid *teruma*. Rabbi Yosei says: Until he has reached the age of vows, i.e., when he does not yet have the status of a discriminating minor on the brink of adulthood, his *teruma* is not valid *teruma*,<sup>h</sup> but once he has reached the age of vows, his *teruma* is *teruma*.

סבירות: קסביר רבי יוֹסֵי תְּרוּמָה בזְמַנֵּנוּ הַזָּה דָאָרוּתִיא. אֵין אָמָרְתָה בְּשָׁלָמָא מוֹפְלָא סָמוֹךְ לְאִישׁ, דָאָרוּתִיא – אֲתִי גְּבָרָא דָאָרוּתִיא וּמְתַקֵּן טְבָלָא דָאָרוּתִיא. אַלְאָ אֵין אָמָרְתָה דָאָרוּתִיא?! לֹא, קסביר רבי יוֹסֵי תְּרוּמָה בזְמַנֵּנוּ הַזָּה דָרְבָּנָן.

וְסִבְרָה וּבְרַבִּי יוֹסֵי תְּרוּמָה בזְמַנֵּנוּ הַזָּה דָרְבָּנָן? וְהַתֵּא בְּסִבְרָה עַלְפָם: "אֲשֶׁר יָרַשׁ אֶבֶוּתְךָ וַיַּרְשָׁתָה."

יוֹשָׁה רְאֵשׁוֹת וְשָׁנִיתָה – יְשַׁלְּחָן, שְׁלִישִׁיתָה – אַיִן לְחָן.

ואמר רבי יוחנן: מאן תִּנְאַסְרֵוּ סָדוּר עַולְם – רַבִּי יוֹסֵי

רַבִּי יוֹסֵי תִּנְיַי לְהָ, וְלֹא סִבְרָה לְהָ. הַכִּי גַּמְיָן מִסְתְּבָרָא, דְּתִינְיא: עִשְׁפָה שְׁנִידְמָעָה אוֹ שְׁנִתְחַמְּצָה בְּשָׂאוֹר שֶׁל תְּרוּמָה

The Sages assumed that Rabbi Yosei holds that *teruma* in the present<sup>h</sup> applies by Torah law. They therefore objected: Granted, if you say that a discriminating minor on the brink of adulthood is an adult by Torah law, one can understand that one who is a man by Torah law with regard to vows can come and prepare untithed produce [*tivla*]<sup>j</sup> for consumption by tithing it, which also applies by Torah law. But if you say that a discriminating minor on the brink of adulthood is an adult by rabbinic law, can one who is a man by rabbinic law come and prepare untithed produce, which is prohibited by Torah law? The Gemara refutes this proof: No, perhaps Rabbi Yosei holds that *teruma* in the present applies by rabbinic law,<sup>n</sup> and this is why he rules that a minor on the brink of adulthood can set aside *teruma*.

The Gemara asks: And does Rabbi Yosei hold that *teruma* in the present applies by rabbinic law? But isn't it taught in a *baraita* in the anthology called *Seder Olam*:<sup>b</sup> The verse that states with regard to the Jewish people's return to Eretz Yisrael following their exile: "And the Lord your God will bring you into the land that your fathers possessed, and you shall possess it" (Deuteronomy 30:5).

These two expressions of possession indicate that the Jewish people had a first possession of Eretz Yisrael in the days of Joshua, when Eretz Yisrael was first sanctified with regard to the obligation of its mitzvot, and they had a second possession at the time of Ezra and the return of the Babylonian exile. In other words, the sanctity of the land lapsed when the First Temple was destroyed and the Jews were exiled to Babylonia, and therefore a second sanctification was necessary when they returned to their land. But they will not have a third possession. That is, it will never be necessary to sanctify the land a third time, as the second sanctification was permanent.

And Rabbi Yoḥanan said: Who is the *tanna* that taught *Seder Olam*? Rabbi Yosei. Since Rabbi Yosei maintains that the second sanctification of Eretz Yisrael did not lapse even after the destruction of the Second Temple, he must also maintain that *teruma* in the present applies by Torah law.

The Gemara answers that Rabbi Yosei taught *Seder Olam* but he does not maintain in accordance with its ruling here. The Gemara adds: So too, it is reasonable that this is so, as it is taught in a *baraita*: With regard to non-sacred dough that became mixed with *teruma* dough, or which was leavened with leaven of *teruma*,

**HALAKHA**

Until he has reached the age of vows his *teruma* is not *teruma* – טרומָה בזְמַנֵּנוּ הַזָּה. If a minor has reached the age of vows, i.e., when he is a discriminating minor on the brink of adulthood, his *teruma* is *teruma*, even if he has not yet grown two pubic hairs. This is the *halakha* even with regard to *teruma* by Torah law, as his vows and consecrations are valid by Torah law. The *halakha* is in accordance with the opinion of Rabbi Yosei, following the ruling of Rabbi Yoḥanan and Reish Lakish that the status of a discriminating minor on the brink of adulthood applies by Torah law (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 4:5).

**Teruma in the present – טרומָה בזְמַנֵּנוּ הַזָּה:** The *halakhot* of *teruma* apply in the present by rabbinic decree only, even in those places settled by the Jews who returned from Babylonia in the time of Ezra. By Torah law, these *halakhot* are in effect only in Eretz Yisrael and only when the entire Jewish people dwells there. The Rambam adds: It would appear to me that the same applies to tithes, that their obligation in the present applies by rabbinic law, like *teruma*. The *Re'avad* disagrees and claims that *teruma* in the present is by Torah law (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 1:26).

## Perek V

## Daf 47 Amud a

חייבת במלחה, ואינה נפסלת בטבול יום, דברי רבי מאיר ורבי יהודה. רבי יוסי ורבי שמעון פוטרין מן המלחה.

**סבירות:** מאן דאמר טרומה דאוריתא – מלחה דאוריתא, מאן דאמר טרומה דרבנן – מלחה דרבנן. אי אמרת בשלמא, קסביר רבי יוסי מלחה ביום זהה ורבנן – אתי דמוע דרבנן מפרק מלחה ורבנן.

אלא אי אמרת מלחה דאוריתא – אתי דמוע ופרק מלחה דרבנן?

וזלמא קסביר רבי יוסי טרומה ביום זהה – דאוריתא, מלחה – ורבנן?

ובזאת רבו והונא בריה זרב יהושע. דאמ' רב הונא בריה זרב יהושע, אשכחתיו לרבנן דברי רב דיתבי וקאממי. אפילו למאן דאמר טרומה ביום זהה ורבנן – מלחה דאוריתא,

שבע שנים שבשו ושבע שחילקו – נתחיכבו במלחה ולא נתחיכבו במשער.

it is subject to the obligation of separating *halla*,<sup>N8</sup> the portion of the dough designated for the priest. And although *teruma* fell into it, that produce does not have the status of *teruma*, as the *teruma* was nullified by a majority of non-sacred produce. Consequently, it is not rendered unfit for consumption, i.e., rendered ritually impure, by one who was ritually impure who immersed that day<sup>H</sup> and is waiting for nightfall for his purification process to be completed. This is the statement of Rabbi Meir and Rabbi Yehuda. Rabbi Yosei and Rabbi Shimon deem the dough exempt from the obligation of separating *halla*,<sup>NH</sup> as this obligation does not apply to *teruma*, and the entire dough is exempt due to the mixture of *teruma* it contains.

The Sages assumed that the one who said that *teruma* in the present applies by Torah law maintains that *halla* likewise applies in the present by Torah law, whereas the one who said that *teruma* in the present applies by rabbinic law holds that *halla* also applies by rabbinic law.<sup>H</sup> If so, granted, if you say that Rabbi Yosei holds that *halla* in the present applies by rabbinic law, one can understand that a mixture which has the status of *teruma* by rabbinic law comes and abrogates the obligation of separating *halla*, which also applies by rabbinic law.

But if you say that *halla* in the present applies by Torah law, can a mixture that has the status of *teruma* by rabbinic law come and abrogate the mitzva of *halla* which is by Torah law? Evidently, according to Rabbi Yosei the obligation of separating *halla* in the present is by rabbinic law, and therefore *teruma* likewise applies by rabbinic law. If so, Rabbi Yosei does not agree with the opinion he cites in *Seder Olam*, according to which *teruma* applies in the present by Torah law.

The Gemara rejects this proof: But perhaps Rabbi Yosei maintains that *teruma* in the present applies by Torah law and yet *halla* applies by rabbinic law, and therefore the mixture discussed in the above *baraita*, which has the status of *teruma* by Torah law, abrogates the obligation of *halla*, which is by rabbinic law.

The Gemara adds: And this answer is as Rav Huna, son of Rav Yehoshua, responded to the statement of the other Sages. As Rav Huna, son of Rav Yehoshua, said: I once found the Sages of the study hall of Rav sitting and saying: Even according to the one who said that *teruma* in the present applies by rabbinic law, the obligation to separate *halla* is by Torah law.

The reason is that during the seven years that the Jewish people conquered Eretz Yisrael led by Joshua and during the seven years that they divided the land, they were obligated to separate *halla* but they were not obligated to separate *teruma* and tithe. In the present as well, although there is no obligation to set aside *teruma* in Eretz Yisrael by Torah law, the obligation to separate *halla* applies by Torah law.

And it is not rendered unfit by one who was ritually impure who immersed that day – **איינה נפסلت בטבולי יום:** Non-sacred dough that became mixed with *teruma* dough or which was leavened with leaven of *teruma* is not disqualified by one who was ritually impure who immersed that day. The halakha is in accordance with the opinion of the first *tanna* in the mishna in *Tevul Yom* (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 8:15).

Deem it exempt from the obligation of *halla* – **פוטרין מן המלחה:** If non-sacred dough became mixed with *teruma* it is exempt from

## NOTES

**Subject to the obligation of *halla* – חיבת במלחה:** The *teruma* in the dough does not exempt the entire mixture from the obligation of *halla*, i.e., although *teruma* itself is not obligated in *halla*, this obligation does apply to a mixture of *teruma* and non-sacred produce. The reason is that by Torah law when a unit of prohibited substance becomes intermingled with two units of a permitted substance, the prohibited substance is nullified by the majority. It was the Sages who required a ratio of one in one hundred parts in order for a non-sacred substance to nullify *teruma*. Consequently, a substance which is prohibited by rabbinic law, such as this mixture, does not negate an obligation by Torah law, as according to the opinion of Rabbi Meir and Rabbi Yehuda the obligation to set aside *halla* nowadays applies by Torah law (Rashi).

**Rabbi Yosei and Rabbi Shimon deem it exempt from the obligation of *halla* – רבי יוסי ורבי שמעון מפרק מלחה:** The wording of the *baraita* indicates that Rabbi Yosei and Rabbi Shimon disagree with Rabbi Meir and Rabbi Yehuda only with regard to the *halakha* of the *halla* in this dough, but they concur that it is not disqualified by one who was ritually impure who immersed that day. Yet, a mishna in *Tevul Yom* (3:4) explicitly states that if dough became mixed with *teruma* dough or was leavened with leaven of *teruma*, Rabbi Yosei and Rabbi Shimon maintain that it is disqualified by the touch of one who was ritually impure who immersed that day. The reason that this opinion is not mentioned in the *baraita* is that the *tanna* assumes familiarity with the mishna in *Tevul Yom*.

The later commentaries explain that this dispute is based on a fundamental disagreement concerning the principle that a permitted food flavored by a forbidden food assumes the halakhic status of the forbidden food. This principle is stated in connection to prohibitions, and the dispute is whether it also applies to the *halakhot* of ritual purity. According to Rabbi Meir and Rabbi Yehuda this principle does not apply to impurity, and therefore the dough which has absorbed the taste of *teruma* is not disqualified by the touch of an impure person. By contrast, Rabbi Yosei and Rabbi Shimon maintain that the status of the flavored food changes even with regard to ritual impurity, and therefore this dough is rendered impure by one who was ritually impure who immersed that day (*Beit Yitzhak*).

## BACKGROUND

**Halla – מלחה:** The Torah mandates the giving of a portion of dough to the priests (Numbers 15:20–21). This portion is called *halla* and is governed by all the *halakhot* pertaining to *teruma*, the priests' portion of the crop. The Torah does not specify a measure for *halla*, but the Sages required a private person to give one twenty-fourth of his dough and a commercial baker to give one forty-eighth. *Halla* must be taken from all dough made from any one of the five types of grain, provided that the quantity of flour is at least one-tenth of an ephah in volume. If *halla* is not separated, the dough is considered untithed and may not be eaten. Today, when all Jews are considered ritually impure, *halla* is governed by the same *halakhot* as ritually impure *teruma* and must be burned. Accordingly, the aforementioned measures no longer apply; instead, a small portion is separated from the dough and burned, after which the rest of the dough may be used.

## HALAKHA

the obligation of *halla*, in accordance with the opinion of Rabbi Yosei and Rabbi Shimon (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 6:4).

***Halla* applies by rabbinic law – מלחה דרבנן:** The Torah obligation of *halla* is in effect only in Eretz Israel and only when the entire Jewish people is within its borders. Therefore, even after the return to Eretz Yisrael and the construction of the Second Temple, *halla* was in effect only by rabbinic law, in accordance with the opinion of Rav Huna, son of Rav Yehoshua (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 5:5; *Shulhan Arukh, Yoreh De'a* 322:2).

## BACKGROUND

**Unripe fig [paga], ripening fig [bohal], ripe fig [tzemel] – פָּגָה בּוֹחֵל צְמֶל:** These terms refer to three stages in the growth of a fig. The first development of an unripe fig, called a *pag*, corresponds to a girl who has yet to reach young womanhood. During the second stage, until a fig is fit for consumption, it is called *bohal*, meaning that it is ripening. In the third stage, the fig becomes fully ripe and is called *tzemel*.



Unripe fig



Ripening fig



Ripe fig

## NOTES

**What are the signs – אַיִלּוּ שִׁיםְנֵן:** The mishna does not specify whether it is referring here to the stage of an unripe fig, a ripening fig, or a ripe fig. The early commentaries explain that these are the signs of grown womanhood (Rashi; Rabbeinu Hananel). The commentaries note that these signs are indicative of maturity only if the woman has reached the appropriate age, as they are not more significant than two pubic hairs, which have halakhic significance only if the girl is of age (*Maggid Mishne* on Rambam Sefer Nashim, *Hilkhot Ishut* 2:7).

וְאַמְנַעַ לְהֹ אָנָּא: אֲפִילוֹ לְמַאַן דָּאָמַר  
תְּרוּמָה בִּזְמַן הַזֶּה דָּאָרְוִיתָ – חִילָה דְּרֻבָּן,  
דַּתְנִיא: אֵי "בְּבָאָכָם", יְכוֹל מְשִׁנְכַּנְסָוּ לְהֹ  
שְׁנִים וְשָׁלַשָּׁה מְרוּגָלִים? תַּלְמוֹד לוֹמֵר  
בְּבָאָכָם – בְּבִיאַת כּוֹלְכָם אַמְרָתִי, וְלֹא  
בְּבִיאַת מְקַצְּכָם.

Rav Huna, son of Rav Yehoshua, continued: **And I said to them:** On the contrary, even according to the one who said that *teruma* in the present applies by Torah law, the obligation to separate *halla* applies by rabbinic law, as it is taught in a *baraita*: The verse states with regard to *halla*: “When you come into the land where I bring you...from the first of your dough you shall set apart a cake for a gift” (Numbers 15:18–20). If the obligation applies “when you come” into the land, one might have thought that it took effect from the moment that two or three spies entered the land. Therefore the verse states: “When you come,” from which it is derived that the Torah is saying: I said that the obligation applies when all of you come, and not when some of you come.

וְכִי אָסְקִינְהוּ עַזְוָא – לֹא כּוֹלְהָו סְלָוָק.

According to this *baraita*, the separation of *halla* is an obligation by Torah law only when the entire Jewish people come to Eretz Yisrael. **And when Ezra brought** the Jewish people to Eretz Yisrael at the beginning of the Second Temple period, **not all of them ascended**. Since the majority of the Jewish people stayed behind, separating *halla* was not restored to the status of an obligation by Torah law.

מַתְנִיא מִשְׁלָל חֲכָמִים בְּאָשָׁה: פָּגָה,  
בּוֹחֵל וְצְמֶל פָּגָה – עַזְוָה תְּנוּקָת, בּוֹחֵל –  
אַלְוִי יְמִינְעָרָה.

**MISHNA** The Sages stated a parable based on the development of the fruit of a fig tree with regard to the three stages of development in a woman: Minority, young womanhood, and grown womanhood. **An unripe fig**, a ripening fig, and a ripe fig.<sup>b</sup> An unripe fig represents the stage when she is still a child and has not yet developed the signs of puberty; a ripening fig represents the days of her young womanhood, when she reaches twelve years and one day and has developed two pubic hairs.

בּוֹ וּבּוֹ אָמַרְוּ: אֲבֵיכָה וּבְפַאי בְּמִצְיאָתָה,  
וּבְמַעֲשָׂה יְדֵיכָה, וּבְהַפְּרָתָ נְדִירָה. צְמָל –  
כִּיּוֹן שְׁבָגָרָה, שֶׁבּוֹ אֵין לְאֲבֵיכָה רִשות בָּהּ.

With regard to the periods both during this stage, minority, and during that stage, young womanhood, the Sages said that her father is entitled to any lost object that she finds<sup>h</sup> that cannot be returned to its owner, and to her earnings, and to nullification of her vows.<sup>h</sup> A ripe fig represents the stage of grown womanhood: Once she has reached her majority, her father no longer has authority over her. He can no longer nullify her vows, and he does not have a claim to lost objects found by her and her earnings belong to her.

אַיִלּוּ שִׁיםְנֵן? רַבִּי יוֹסֵי הַגְּלִילִי, אָוָרְמָ:  
מִשְׁעִילָה הַקְּמָט תְּחַת הַדָּר. רַבִּי עֲקִיבָא  
אָוָרְמָ: מִשְׁיטָו הַדָּרִים. בֶּן עֲזָזָא אָוָרְמָ:  
מִשְׁיָשָׁר הַפִּיטּוֹמָת. רַבִּי יוֹסֵי אָוָרְמָ:  
שִׁיחָא נוֹתֵן דַּוְעַל הַעֲקָז, וְהָוָא שָׁקָע  
וְשָׂוָה אַלְחָזָוָר.

What are the signs<sup>nh</sup> that indicate grown womanhood? **Rabbi Yosei HaGelili** says: Grown womanhood begins from when her breast grows sufficiently so that a fold appears below the breast. **Rabbi Akiva** says: It begins from when the breasts sag onto the chest. **Ben Azzai** says: It begins from when the areola at the tip of the breast darkens. **Rabbi Yosei** says: It begins when the breasts have developed to a size where a person places his hand on the nipple and it depresses and slows to return.

## HALAKHA

**Her father is entitled to any lost object that she finds – אַבְּבָה:** A father is entitled to lost items that his daughter has found and to her earnings, until she becomes a grown woman. This is the *halakha* even if she is not financially dependent upon him (Rambam Sefer Nezikin, *Hilkhot Gezeila VaAveda* 17:13 and Sefer Nashim, *Hilkhot Ishut* 3:11; Shulhan Arukh, *Hoshen Mishpat* 20:2 and *Even HaEzer* 37:1).

**And to nullification of her vows – יְכַהְפְּרָתָ נְדִירָה:** A father may nullify his daughter's vows when she is a minor or a young woman, i.e., she is aged twelve years and one day and has grown two hairs (*Shakh*). This applies only to vows that involve affliction of the girl or that are between him and her, i.e., vows which negatively impact their relationship (*Shakh*), even if her vow was taken based on the consent of the public (Rambam Sefer Hafla'a, *Hilkhot Nedarim* 11:6; *Shulhan Arukh*, *Yoreh De'a* 234:1).

**What are the signs – אַיִלּוּ שִׁיםְנֵן:** There are signs of maturity in the upper part of a girl's body which are called the upper signs: From when the breast has grown enough so that if she were to stretch out her arms, it would appear as there is a fold below the breast, as stated by Rabbi Yosei HaGelili; from when the areola at the tip

of the breast darkens, as maintained by ben Azzai; from when the breasts have developed to a size where if a hand were placed on the nipple, the nipple is depressed and takes time to return to its original shape, as stated by Rabbi Yosei; and from when the end of the protrusion splits, which is the opinion of Rav Ashi in the *baraita*. In this regard, the Rambam adds: My teachers explain that this means from when the protrusion itself splits.

Other signs are from when the breasts sag onto the chest, which is stated by Rabbi Akiva in the mishna; from when the breasts knock against each other due to their size, in accordance with the opinion of Rabbi Elazar, son of Rabbi Tzadok, in the *baraita*; from when the protuberance above the womb, the mons pubis, is surrounded by a circle, which the Rambam maintains is the opinion of Rabbi Yosei in the *baraita*; and from when the mons pubis softens and is not hard, as stated by Rabbi Shimon in the *baraita*.

These total eight signs. The Rambam rules that any of these signs is sufficient, in accordance with one version of Rabbi Yehuda HaNasi's statement on the following *amud* (Rambam Sefer Nashim, *Hilkhot Ishut* 2:7–8).

**גמ' פגָה – עֹזֶה תְּנוּקַת, בָּרְכַתִּיב "הַתְּאֵנָה חַנְתָּה פָגָה". בָוְחַל – אֲלֹו יְמִי הַנְּעֹוִירִים, בָוְדָנָן: הַתְּאֵנָם – מִשְׁבְּחָלָג, וְאָמָר רְבָה בָר בָר חַנָּה. אמר رب: משילבון בראשיתן.**

**ואיבעת אימא מהכא: "ותקצ'ר נפשי בהם גם נפשם בחלה بي". צמל – במאן דאמר: יצטה מלאה.**

**ואיזהו סימנים? רבי יוסי הגלילי אומר: משיעלה הקטט. אמר שמויאל: לא משיעלה הקטט מפשל, אלא כדי שתהייר ידיה לאחוריה, ונראית כמו שעילה הקטט תחת הדר.**

**שמעואל בדק באמתיה, ויהב לה ארבעה ווי רמי בושתה. שמויאל לטעמיה, ראמור שמויאל. לעלם בהם תעבדו – לעובדה נתתמים ולא לבושה.**

**שמעואל מיחיד להן, רב נחמן מחליף להן, רב ששת מסר להן לערבי, ואמר להן: אונדרהו מישראל.**

**"רבי יוסי אומר" כו. מי עוקץ? אמר שמויאל. עיקצ' של דד.**

**תנו ורבנן: אללו הן סימני בגרות? רבי אלעזר ברבי צדוק אומר: משתקנשכו הדרין. רבי יוחנן בן בורקה אומר: משיכסרי ראש החוטם. משיכסרי? איזוקנה לה! אלא אמר רבashi: משיכסיל ראש החוטם. רבי יוסי אומר: משתקין העטרה, רבי שמעון אומר: משנת מעיך.**

## GEMARA

The mishna teaches that **an unripe fig [paga]** represents the stage when a woman **is still a child**. The Gemara explains that the meaning of the word *paga* is **as it is written**: “**The fig tree puts forth her green fruits [fageha]**” (Song of Songs 2:13). The mishna further teaches that a **ripening fig [bohal]** represents **the days of her young womanhood**. The Gemara explains that the meaning of this word is **as we learned** in a mishna (*Ma'asrot* 1:2): The obligation of tithes applies to the figs from when they begin to ripen [*misheyiyahalu*]<sup>h</sup>; and **Rabba bar bar Han** says that **Rav** says that this means **from when the heads of the figs whiten**.

The Gemara adds: **And if you wish, say instead that the source is from here:** “**For My soul became impatient of them, and their soul also grew in disgust [bahala] toward Me**” (Zechariah 11:8). The verse indicates that this word denotes growth. As for the third term in the mishna, a **ripe fig [tzemel]**, it is **as one would say**: A fruit has come forth complete [*yatzeta mele'a*].

**§** The mishna teaches: **And what are the signs that indicate grown womanhood?** **Rabbi Yosei HaGelili says:** Grown womanhood begins **from when her breast grows sufficiently so that a fold appears below the breast.** **Shmuel says:** This does not literally mean **from when her breast grows sufficiently so that a permanent fold appears below the breast.** **Rather,** it means that the breast has grown enough **so that if she were to stretch her hand behind her back, it would appear as though her breast has grown sufficiently that there is a fold below the breast.**

The Gemara relates that **Shmuel examined these stages in his Canaanite maid servant, and subsequently gave her four dinars as payment for her humiliation.** The Gemara notes that in this regard Shmuel conforms to his line of reasoning, as Shmuel said that the verse: “**You may enslave them forever**” (Leviticus 25:46) teaches: **I gave them to you for the service of slaves, but not for humiliation.**<sup>h</sup> Consequently, if a master humiliated his Canaanite slave, he must pay him damages.

The Gemara further relates, with regard to the attitude toward maid servants, that **Shmuel would designate<sup>h</sup> a particular slave for each of his maid servants for intercourse, and he would not allow his slaves to engage in intercourse with whichever maid servant they chose.** By contrast, **Rav Nahman would exchange his maid servants between his slaves, while Rav Sheshet handed his maid servants to an Arab, and said to them:** You may engage in intercourse with whomever you choose, but **take care not to engage in intercourse with a Jew.**

**§** The mishna teaches that **Rabbi Yosei says:** Grown womanhood begins when the breasts have developed to a size where if a person places his hand on the nipple [*oketz*] it depresses and slows to return. The Gemara asks: **What is the meaning of *oketz*?** **Shmuel said:** It means the **protrusion [oketz] of the breast**, i.e., the nipple.

The Sages taught in a *baraita*: **What are the signs of maturity?** **Rabbi Elazar, son of Rabbi Tzadok, says:** From when the breasts knock against each other, due to their size. **Rabbi Yohanan ben Beroka says:** From when the head of the protrusion in the center of the nipple darkens. The Gemara asks with regard to this suggestion: **From when it darkens?** One thereby renders her old, i.e., if one accepts this sign, the beginning of maturity is delayed significantly. **Rather, Rav Ashi said:** From when the head of the protrusion splits. **Rabbi Yosei says:** From when the nipple grows to such an extent that it is surrounded by a circle. **Rabbi Shimon says:** From when there is a softening

## HALAKHA

The obligation of tithes applies to the figs from when they begin to ripen – **הַתְּאֵנָה משִׁבְחָלָג**: Figs are obligated in tithes from when they become soft to the extent that twenty-four hours after they are gathered, they are fit for consumption (Rambam *Sefer Zera'im, Hilkhot Ma'aser* 2:5).

I gave them to you for the service of slaves but not for humiliation – **לְעֻבּוֹדָה נְתָתָם וְלֹא לְבוֹשָׁה**: One may not debase his Canaanite slave, neither physically nor verbally, as the slave is given to him for service, not for humiliation. This halakha is in accordance with the practice of Shmuel (Rambam *Sefer Kinyan, Hilkhot Avadim* 9:8).

## NOTES

**שמעואל ביחיד וכו'**: Shmuel would designate, etc. – Shmuel wanted to treat his maid servants in a more honorable manner and therefore he would not allow his slaves the freedom to engage in intercourse with them as they saw fit (Rashi). By contrast, Rav Nahman, who was not particular with regard to the humiliation of his maid servants, would swap the arrangements between his slaves and maid servants, whereas Rav Sheshet would allow them to engage in intercourse even with gentile outsiders (Rashi). Others suggest that Rav Nahman would pass each maid servant before a slave, so that she should find favor in his eyes and he would willingly marry her (Rif).

## Perek V

### Daf 47 Amud b

#### HALAKHA

What is a Tyrian courtyard which renders food brought inside it to be required to be tithed – **איוֹהִי חצָר צוּרִית שְׁתִיכְבַּת בְּמַעַשֵּׂר**? Which type of courtyard renders produce brought there obligated in tithes? It is any courtyard in which vessels are guarded, as stated by Rabbi Shimon; or where people are not ashamed to eat, in accordance with the opinion of Nehemya; or where one cannot enter without being asked about his purpose there, which is the opinion of Rabbi Yosei; and likewise a courtyard which has two residents or which belongs to two partners, where one of them opens it and enters, and the other walks through and locks it, as stated by Rabbi Akiva (see Jerusalem Talmud). The Rambam accepts all these opinions as stringencies, in accordance with the statement of Rabbi Yehuda HaNasi, following the explanation that Rabbi Yehuda HaNasi was referring to a Tyrian courtyard (Rambam Sefer Zera'im, Hilkhot Ma'aser 4:8).

#### BACKGROUND

**Tyre** – **צָור**: The city of Tyre in Lebanon is one of the most ancient cities in the Near East. It is located on the shore of the Mediterranean Sea, roughly 23 km north of Akko. Tyre was known for its great wealth, as it served as a port city for international trade between places near the Mediterranean. Merchants from Tyre established settlements in various areas, including North Africa, southern Europe, and Mediterranean islands. These seafaring, mercantile peoples are also known as Phoenicians, and they enabled Tyre to control the surrounding regions.

The impressive wealth of Tyre is described on many occasions in the Bible (see, e.g., Ezekiel 26; Zechariah 9:2–3). It remained an important commercial and political center until the end of the thirteenth century.

Due to the significance and wealth of the city, various items of good quality are called Tyrian, including the widely respected Tyrian coinage.



Location of Lod

#### הכָּרֶבֶת

of the protuberance above the womb, the mons pubis.

And Rabbi Shimon ben Yoḥai would likewise say: The Sages provided three signs indicating puberty in a woman below, i.e., near her vagina, and they stated three corresponding signs above. If a woman has the signs of an unripe fig above, it is known that she has not grown two pubic hairs; if she has the signs of a ripening fig above, it is known that she has grown two hairs; and if she has the signs of a ripe fig above, it is known that the protuberance has softened.

ובן הִיא רַבִּי שְׁמֻעוֹן (בֶּן יוּחַי) אָוֹمֵר: שֶׁלֶשֶׁת  
סִימְנִים נָתַנוּ חֲכָמִים בְּאֶשְׁתָּה מִלְמָטָה, וְנִגְנְזָן  
מִלְמָעָלה. פָּגָה מִלְמָעָלה – בִּידּוֹעַ שֶׁלֹּא  
הַבִּיאָה שְׁתִּי שְׁעָרוֹת. בּוֹחֵל מִלְמָעָלה – בִּירּוּעַ  
שְׁהַבְּאָה שְׁתִּי שְׁעָרוֹת. צָמֵל מִלְמָעָלה –  
בִּידּוֹעַ שְׁנִתְמַעַן הַכָּרֶבֶת.

מַאי "כָּרֶב"? אָמֵר רַב הָנוּא: מִקּוֹם תְּפִוָּת –  
ישׁ לִמְעָלה מִאוֹתוֹ מִקּוֹם, בֵּין שְׁמַגְדָּלָת –  
מִתְמַעַן וְהַלְּגָן. שָׁאַלְוּ אֶת רַבִּי הַלְּכָה בְּדָבֵר  
מַי? שְׁלָחֵ לְהָוָה: כְּדָבָרִי כָּלֵן לְהַחְמָר.

רַב פָּפָא וְרַב חִינְנָא בְּרִיהָ דָּרְבָּ אַיִּקָּא, חַד  
מִתְנִי – אֲחָא, וְחַד מִתְנִי – אֲחַצְרָ צוּרִית.  
דָּתָן, אַיְוֹהִי חַצְרָ צוּרִית שְׁתִיכְבַּת בְּמַעַשֵּׂר?  
רַבִּי שְׁמֻעוֹן אָוֹמֵר: חַצְרָ הַצּוּרִית, שְׁהַבְּלִים  
נִשְׁמְרִים בְּתוֹכָה.

מַאי "חַצְרָ הַצּוּרִית"? אָמֵר רַבָּ בר חַנָּה,  
אָמֵר וּבַי יוֹחָנָן: שָׁבֵן בְּצֹר מוֹשִׁיבֵין שׁוֹמֵר עַל  
פֶּתַח הַחַצְרָ. רַבִּי עֲקָבָא אָוֹמֵר: כֹּל שָׁחוֹר  
פּוֹתַח וְאַחֲרֵנָא – פָּטוֹרָה.

רַבִּי נְהֵמָּה אָוֹמֵר: כֹּל שָׁאוֹן אָדָם בּוֹשֵׁת לְאַכְלֵי  
בְּתוֹכָה – חַיְבָת. רַבִּי יוֹסֵי אָוֹמֵר: כֹּל שְׁנִכְנָסִים  
לָהּ, וְאַיִן אָוּמְרִים לוֹ "מָה אַתָּה מְבַקֵּשׁ" –  
פָּטוֹרָה.

רַבִּי יְהוּדָה אָוֹמֵר: שְׁתִּי חַצְרוֹת וְלִפְנִים מִזּוֹן,  
הַפְּנִימִית – חַיְבָת, וְהַחַצְרָה – פָּטוֹרָה.

The Gemara asks: What is this protuberance? Rav Huna says: There is a swollen place in a woman's body, above that place, a euphemism for the vagina. It is initially hard, but when a girl grows it increasingly softens. The Sages asked Rabbi Yehuda HaNasi: With regard to the signs of maturity in woman, in accordance with whose statement is the halakha? He sent them in response: The halakha is stringent in accordance with all of their statements, i.e., if any one of these signs mentioned by the Sages cited above appears in a girl, she must be treated as an adult with regard to all stringent aspects of this classification.

Rav Pappa and Rav Hinnana, son of Rav Ika, disagree about the context of this statement of Rabbi Yehuda HaNasi that the halakha is stringent in accordance with all of the Sages' statements. One of them teaches it with regard to this matter, of a woman's signs of puberty, and the other one teaches it with regard to the case of a Tyrian courtyard, as we learned in a mishna (*Ma'asrot* 3:5): What is a Tyrian courtyard, which renders food brought inside it to be required to be tithed?<sup>H</sup> Rabbi Shimon says: A Tyrian courtyard is one inside of which vessels are safe.

The Sages discuss this mishna: What is the meaning of a Tyrian courtyard? Rabba bar bar Ḥana says that Rabbi Yoḥanan says: The courtyard is called by this name as the custom in the city of Tyre<sup>B</sup> is to place a watchman at the entrance of the courtyard to guard the articles inside. Consequently, any courtyard in which vessels are safe is called a Tyrian courtyard. Rabbi Akiva says: In any courtyard where there is no permanent watchman who locks and unlocks it, but rather one of its residents opens the courtyard and another one locks it, e.g., a courtyard shared by several partners, each of whom can do as he chooses without asking the other, the produce inside it is exempt from the obligation of separating tithe, as such a courtyard is not considered one in which vessels are safe.

Rabbi Nehemya says: Any courtyard which is hidden from the gaze of outsiders, and therefore a person is not ashamed to eat inside it, that courtyard renders produce inside it obligated to have tithe separated from it. Rabbi Yosei says: Any courtyard that one who does not live there can enter it, and the residents do not say to him: What do you want here, produce inside such a courtyard is exempt from tithe.

Rabbi Yehuda says: If there are two courtyards, one within the other, positioned in such a manner that the residents of the inner courtyard cannot enter their houses without passing through the outer courtyard, whereas the residents of the outer courtyard do not traverse the inner one, the inner courtyard renders any produce located inside it obligated to have tithe separated from it, but produce located in the outer courtyard is exempt from tithe. It is not safe, as residents of a different courtyard pass freely through it.

**שאלו את רבי: הולכה בדבורי מי? אמרו  
להו: הולכה בדבורי כוון להחמיר.**

**מתני' ב' עשרים שנה שלא הביאה שתי שערות, תביאו ראייה שהיא ב' עשרים שנה – וזהיא א"לונית, לא חולצת ולא מותיבמת.**

**ב' עשרים שנה שלא הביא שתי שערות, יבאו ראייה שהוא ב' עשרים שנה – והוא קריס, לא חולץ ולא מיבם, אלו דברי בית הלל בית שמאי אומרים: זה וזה – ב' שמונה עשרה.**

**רבי אליעזר אומר: החור – דברי בית הלל, והנקבה – כדורי בית שמאי, שהאשה ממהורת לבא לפני האיש.**

**גמ' ורמייה: אחד ל' ב' תשע שנים יום אחד, ואחד ל' ב' עשרים שלא הביא שני שערות!**

**אמר רב שמואל בר רב יצחק, אמר רב: והוא שגולדו בו סימני קריס. אמר רבא: ר' יקנא נמי, דקתיין זיהוא קריס, שמע מינה.**

**וב' לא נולדו לו סימני קריס, עד כמה?  
תני רב כייא: עד רוב שנותיו.**

According to the opinion of one of the *amora'im* mentioned above, i.e., either Rav Pappa or Rav Hinnana, son of Rav Ika, it was with regard to this issue that the Sages asked Rabbi Yehuda HaNasi: **In accordance with whose statement is the halakha? He said to them: The halakha is stringent in accordance with all of the Sages' statements.** In other words, with regard to any courtyard in which produce must be tithed according to any of these opinions, the *halakha* is that tithe must be separated from this produce.

**MISHNA** A girl twelve years and one day old who grew two pubic hairs is classified as a young woman. Six months later, she becomes a grown woman. But a woman who is twenty years old who did not grow two pubic hairs<sup>h</sup> and was never classified as a young woman shall bring proof that she is twenty years old, and from that point forward she assumes the status of a sexually underdeveloped woman [ailonit], who is incapable of bearing children. If she married and her husband died childless, she neither performs *halitza* nor does she enter into levirate marriage, as the mitzva of levirate marriage applies only to a woman capable of conceiving a child. An *ailonit* is excluded from that mitzva.

In the case of a man who is twenty years old who did not grow two pubic hairs, they shall bring proof that he is twenty years old and he assumes the status of a sexually underdeveloped man [sarim], who is excluded from the mitzva of levirate marriage. Therefore, if his married brother dies childless, he neither performs *halitza* nor enters into levirate marriage with his *yevama*. This is the statement of Beit Hillel. **Beit Shammai say:** For both this case of a woman and that case of a man, they shall bring proof that they are eighteen years old, and they assume the status of a sexually underdeveloped woman and man respectively.

**Rabbi Eliezer says:** The status of the male is determined in accordance with the statement of Beit Hillel, i.e., he assumes the status of a sexually underdeveloped man at the age of twenty; and the status of the female is determined in accordance with the statement of Beit Shammai, i.e., she assumes the status of a sexually underdeveloped woman at the age of eighteen. The reason is that the woman is quick to reach physical maturity, and reaches that stage before the man reaches physical maturity.

**GEMARA** The mishna teaches that a sexually underdeveloped man does not enter into levirate marriage with the widow of his childless brother. And the Gemara raises a contradiction from another mishna (*Yevamot* 96b): A boy who is nine years and one day old, who has not developed two hairs, and a man who is twenty years old who has not grown two hairs, are one and the same to me<sup>h</sup> with regard to levirate marriage, in that if they engaged in intercourse with the widow of their childless brother, this levirate marriage is partially effective, to the extent that this woman requires both a bill of divorce and *halitza*.

Rav Shmuel bar Yitzhak says that Rav says in explanation of the ruling of the mishna here: **And this halakha applies only in a case where he developed physical signs of a sexually underdeveloped man** (see *Yevamot* 8ob) by the age of twenty. By contrast, the mishna in *Yevamot* is referring to one who did not develop signs of a sexually underdeveloped man. Rava said: The language of the mishna is also precise, as it teaches: **And he is a sexually underdeveloped man**, which indicates that he had already developed physical signs of such a condition. The Gemara concludes: **Conclude from it that this is the correct interpretation of the mishna.**

The Gemara asks a question with regard to the *halakha* itself: **And in a case where he does not develop the signs of a sexually underdeveloped man, until what age is he considered a minor?** Rabbi Hyya teaches: Until most of his years have passed,<sup>n</sup> i.e., until he reaches the age of thirty-five, halfway to seventy, which is the standard length of a person's life.

### HALAKHA

**בת עשרים שנה שלא הביאה שתי שערות:** If a woman reaches the age of twenty without growing two pubic hairs and exhibits the signs of an *ailonit*, she is considered an *ailonit*. Once she reaches the age of thirty-five without growing two pubic hairs, she is considered an *ailonit* even if she did not exhibit the signs of an *ailonit*. The *halakha* is in accordance with the opinion of the first *tanna* (Rambam *Sefer Nashim*, *Hilkhot Ishut* 2:4–5; *Shulhan Arukh*, *Even HaEzer* 155:13).

**אחד ל' ב' תשע שנים יום אחד ואחד ל' ב' עשרים וכו':** With regard to a man who reached the age of thirteen years and one day and failed to develop two pubic hairs, even if he showed the signs of sexual underdevelopment, he is nevertheless considered a minor until his twentieth year. If he reached the age of twenty, i.e., thirty days into his twentieth year (*Ra'avad*), and showed the signs of a sexually underdeveloped man, he has the status of adults.

If he does not show the signs of a sexually underdeveloped man he remains a minor until he develops two pubic hairs or reaches the age of thirty-five and one day. The *halakha* is in accordance with the opinion of Rav Shmuel bar Yitzhak citing Rav, and in accordance with the opinion of Rabbi Hyya (Rambam *Sefer Nashim*, *Hilkhot Ishut* 2:1).

### NOTES

**עד רוב שנותיו:** Until most of his years have passed – The early commentaries disagree as to the precise age when most of one's years are considered to have passed. Some say that it means exactly thirty-six years of age. According to the verse, this is the majority of one's life, as the verse states: "The days of our years are seventy" (Psalms 90:10), from which it can be inferred that half of one's years are thirty-five, and anything beyond that is most of his years (Ran; Rashbam, Rabbeinu Gershom Meor HaGola, and *Nimmukei Yosef* on *Bava Batra* 155b; *Tur*, *Even HaEzer* 155). Others maintain that since thirty days are considered as a year, the majority of one's life is thirty-five years and thirty days (Rema), or thirty-five years and one day (Rambam; see *Divrei Hamudot*).

### PERSONALITIES

Rabbi Yosei ben Keifar – רבי יוסי בן כייר: This Sage from the last generation of *tanna'im* is mentioned in the *Tosefta* and in *baraitot*, although not in the Mishna. He was a primary disciple of Rabbi Elazar ben Shammua, and most of the statements he cites are in this teacher's name. It is related that he was one of the emissaries sent to Babylonia to raise funds for the scholars of Eretz Yisrael. He is grouped together historically with Rabbi Dostai, son of Rabbi Yehuda, and Rabbi Dostai, son of Rabbi Yannai, who were also among the last of the *tanna'im*.

A Sage by the name of Rabbi Yosei ben Keifar is mentioned in relation to an important mission of the Sages of Eretz Yisrael, who wanted to quash the attempts of Hananya to determine the calendar outside Eretz Yisrael. Based on the timeline of these events, this was apparently a different Sage of the same name.

בַּיְ אָתוּ לְקַמִּיה דְּרֵבִי חַיָּא, אֵי בְּחִישׁ,  
אָמַר לְהֹו: אֲבָרוּוּהוּ, אֵי בְּרִיאָה, אָמַר  
לְהֹו: אַפְּכַחַשׁוּה, דְּהַנִּי סִימְנִים – זִימְנִין  
דְּאָתוּ מִתְּמַתֵּבְּחִישׁוֹתָא, וַיְמִינֵּן דְּאָתוּ  
מִתְּמַתֵּבְּבָרִיאוֹתָא.

The Gemara relates: When people would come before Rabbi Hiyya to inquire about someone who had reached the age of puberty but had not yet developed the physical signs of maturity, if the person in question was thin, he would say to them: Go and fatten him up before we decide on his status. If he was fat, Rabbi Hiyya would say to them: Go and make him thin. As these signs indicating puberty sometimes come due to thinness and sometimes they come due to fatness. It is therefore possible that after his bodily shape is properly adjusted this individual will develop the signs indicating puberty and will not have the status of a sexually underdeveloped man.

אָמַר וּבָהּ הַלְכָתָא בְּכָלִי פְּרָקָא – מִיעּת  
לְעַתָּה. וּעַלְאָ אָמַר: דְּתִנֵּן – תִּנֵּן, וְדַלָּא  
תִּנֵּן – לֹא תִּנֵּן.

§ Rav said: The *halakha* in this entire chapter with regard to all of the places where an age is mentioned in years is that even when the phrase: And one day, is not explicitly noted, they are all calculated from the time of year of birth until that same time of year in the age specified. And Ulla said: With regard to cases where we learned in the mishna a quantity of years including the phrase: And one day, we learned that the reference is to full years; and with regard to cases where we did not learn this phrase, i.e., where a quantity of years is mentioned in the mishna without the phrase: And one day, we did not learn it, and part of the final year is equivalent to a whole year.

בְּשֶׁלֶם אֶל עַלְיָא, הַיִינֵּן דְּקַתְנִי הַכָּא,  
יּוֹם אַחַד וְהַכָּא לֹא קַתְנִי. אַלְאָ לְרָב  
לְתִנֵּן!

The Gemara discusses these two opinions. Granted, according to Ulla, this is the reason that the *tanna* teaches there, in previous *mishnayot* (44b, 45a, 45b): And one day; and here, in this mishna, the *tanna* does not teach this phrase. But according to Rav, let the *tanna* be consistent and teach this phrase in all cases, including the mishna here.

עַזּוֹד, תִּנֵּן, וּבָיִ יוֹסֵי בֵּן בְּיִפְרָא אָוֹמֵר  
מִשּׁוּם רַבִּי אַלְיָזָר: שָׁנָת עֲשִׂירִים  
שִׁיצְצָאוּ מִמְּנָה שֶׁלְשִׁים יוֹם – הַרִּי הִיא  
בְּשָׁנָת עֲשִׂירִים לְכָל דִּבְרָהָה, וּבָן הָוָה  
וּבָיִ בְּלוֹדוֹ: שָׁנָת שְׁמֵנָה עֲשֶׂרֶת שִׁיצְצָאוּ  
מִמְּנָה שֶׁלְשִׁים יוֹם – הַרִּי הִיא בְּשָׁנָת  
שְׁמֵנָה עֲשֶׂרֶת לְכָל דִּבְרָהָה.

And furthermore, it is taught in a *baraita* that Rabbi Yosei ben Keifar<sup>9</sup> says in the name of Rabbi Eliezer with regard to the *halakhot* of a sexually underdeveloped man and a sexually underdeveloped woman: The twentieth year, of which thirty days have passed, i.e., from the age of nineteen and thirty days, is considered like the twentieth year in all regards;<sup>10</sup> and Rabbi Yehuda HaNasi similarly issued a practical ruling of *halakha* in the city of Lod,<sup>11</sup> that the eighteenth year of which thirty days have passed is considered like the eighteenth year in all regards.

בְּשֶׁלֶם אֶל דָּרְבֵי וּדְרֵבֵי יוֹסֵי בֵּן בְּיִפְרָא  
לֹא קַשְׁיָא, הָא – כְּבֵית שְׁמָאי, הָא –  
כְּבֵית הַיִלֵּל, אַלְאָ לְרָב קַשְׁיָא!

Granted, according to the opinion of Ulla, it is not difficult that Rabbi Yehuda HaNasi is referring to the eighteenth year whereas Rabbi Yosei ben Keifar discusses the twentieth year, as this statement of Rabbi Yehuda HaNasi is in accordance with the opinion of Beit Shammai with regard to the age of a sexually underdeveloped woman, and that statement of Rabbi Yosei ben Keifar is in accordance with the opinion of Beit Hillel. But according to the opinion of Rav, who maintains that full years are required for a sexually underdeveloped man or woman, this *baraita* poses a difficulty.

### HALAKHA

The twentieth year of which thirty days have passed is considered like the twentieth year in all regards – שָׁנָת עֲשִׂירִים שִׁיצְצָאוּ מִמְּנָה שֶׁלְשִׁים יוֹם הַרִּי הִיא בְּשָׁנָת עֲשֶׂרֶת שִׁיצְצָאוּ מִמְּנָה שֶׁלְשִׁים יוֹם: If a twenty-year-old woman developed the signs of an *ailonit*, she is considered an adult with regard to performing refusal and similar matters, retroactively from when she was twelve, even

if she later grew two hairs (Rema). A woman aged nineteen years and thirty days has the status of a twenty-year-old, as thirty days in a year are considered a year. Some say that she is considered twenty years old only when she is within thirty days of her twentieth birthday (see Rambam *Sefer Nashim*, *Hilkhot Ishut* 2:11; *Shulhan Arukh*, *Even HaEzer* 155:12).

### BACKGROUND

Lod – לֹד: Lod was one of the oldest towns in Judea. The Sages maintain that Lod dates back to the time of Joshua, son of Nun. Due to its location at the center of the coastal region, it was an important city for many generations.

As it was situated at the heart of a fertile agricultural area, Lod was a commercial center, while due to its position at the crossroads of Eretz Yisrael, it also served as an administrative center. In the talmudic period there was a large Jewish community in Lod, headed by well-known Sages, including the *tanna'im*

Rabbi Eliezer ben Hyrcanus the Great and Rabbi Tarfon. Several significant ordinances were instituted in the upper chamber of the house of Nitzia, in Lod. After the bar Kokheva revolt, the town remained an important place of Torah, the center for scholars in the south of Eretz Yisrael. Among the great *amora'im* who lived there were Rabbi Yehoshua ben Levi, Rabbi Simlai, Rabbi Yitzchak bar Nahmani, Rabbi Aha, and Rabbi Shimon ben Pazi and his son, Rabbi Yehuda.

תנאי היא, דתניא: שנה האמורה בקדרים, שנה האמורה בבתי עיר חומה, שתי שנים شبודה אחורות.

שש שנים شبובד עברו, וכן שבע שנים – כולם מעת לעת.

שנה האמורה בקדרים מני ל? אמר רב אחא בר יעקב: אמר קרא "כבר בון שנתו" – שנהו שלו, ולא שנה של מני עולם.

אמר קרא: "במספר" – אמר קרא: "עד תם שנה ממכרו" – אמר קרא: "עד תם שנה ממכרו שלו, ולא שנה של מני עולם. שתי שנים شبודה אחורות מני?" אמר קרא: "במספר"

The Gemara answers that this matter is a dispute between *tanna'im*, and Rav maintains in accordance with the opinion that full years are required. As it is taught in a *baraita*: Full years are required with regard to the period of one year stated with regard to sacrificial animals, e.g., "a lamb in its first year" (Leviticus 12:6); the one year stated with regard to houses of walled cities,<sup>N</sup> during which one can redeem a house he has sold in a walled city (see Leviticus 25:29); and the two years stated with regard to an ancestral field,<sup>N</sup> during which one cannot yet redeem an ancestral field he has sold (see Leviticus 25:15).

The six years stated with regard to a Hebrew slave (see Exodus 21:2) and similarly the years of a son and of a daughter, as will be explained, all of these are years from the time of the first year until that same time of year in the year specified,<sup>H</sup> i.e., these periods are units of whole years instead of expiring on predetermined dates, as at the end of the calendar year. This supports the opinion of Rav that the years mentioned with regard to a sexually underdeveloped man or woman are full years.

The Gemara asks: From where do we derive that the one year stated with regard to sacrificial animals is calculated by whole years and not by calendar years? Rav Aha bar Ya'akov said that the verse states: "A lamb in its first year" (Leviticus 12:6). Since the verse does not state: A one-year-old lamb, it means a year based on calculation of its life, and not a year of the universal count, i.e., the calendar year.

The Gemara further asks: From where do we derive the halakha that the one year stated with regard to houses of walled cities is calculated by a whole year and not by calendar year? The verse states: "Then he may redeem it within a whole year after it is sold, for a full year he shall have the right of redemption" (Leviticus 25:29). The verse is referring to a year counted from the day of its own sale, and not the year of the universal count. From where do we derive that the two years stated with regard to an ancestral field are whole years? The verse states: "According the number of years after the Jubilee you shall buy from your neighbor, and according to the number

**NOTES**  
The one year stated with regard to houses of walled cities – **שנה האמורה בבתי עיר חומה:** The various *halakhot* of houses of walled cities are discussed in the ninth chapter of tractate *Arakhin*. The source in the Torah for this topic is Leviticus 25:29–30. The basic *halakha* is that if one sells a house located in a walled city, he has the right to redeem that house for up to a year of the sale. If he fails to do so, the house becomes the permanent possession of the purchaser.

The two years stated with regard to an ancestral field – **שתי שנים شبודה אחורות:** The details of the *halakhot* of the sale of ancestral fields are clarified in tractate *Arakhin*. Whoever sells an ancestral field is permitted, and even commanded, to redeem his field from the buyer. But he may not do so within two years of the sale. If he did not redeem the field by the Jubilee Year, the field reverts to the possession of the seller, as the sale of land in Eretz Yisrael is merely temporary, until the Jubilee. When the owner redeems the field from the buyer, the redemption price of the field varies, reflecting the number of years that the field would have remained in the buyer's possession.

It should be noted that only years when the field yields produce are counted; the Sabbatical Year, and likewise years of blight and mildew, are disregarded. By contrast, as one sells the field based on the number of years, not the number of yields, if he sold it at the end of the year when it was full of produce, the purchaser may return it to him two years later when it is empty of produce.

#### HALAKHA

All of these are years from the time of the first year until that same time of year specified – **ככלין מעת לעת:** All the years mentioned with regard to a son and a daughter, valuations, and other *halakhot*, are not counted by lunar years or solar years, but by the calendar, which can be regular or intercalated, in accordance with the decision of the court (Rambam *Sefer Nashim*, *Hilkhot Ishut* 2:21, and *Mishne LaMelekh* there).

Perek V

Daf 48 Amud a

שני תבואות ימכר לך – פעים  
שאיתה מזכיר שלשה תבואות בשתי שנים.

of years of the crops he shall sell to you" (Leviticus 25:15). The plural form of both "years" and "crops" indicates that the number of years does not necessarily correspond to the quantity of crops. Consequently, sometimes you might sell three yields of crops in two years.<sup>N</sup> If one purchases a field in the summer, when the produce has not yet been harvested, and he harvests that yield and subsequently grows and harvests two more crops before the completion of the whole two years, he will have gained three yields in less than two years.

**NOTES**  
**שנים מוציא שלשה תבואות בשתי שנים:** Rashi explains that the plural term "years" indicates a minimum of two. When the verse states "crops," this means all the crops of two years, i.e., even a third yield that grew in those two years (see Rashi and *Tosafot* on *Arakhin* 18b).

שָׁשׁ שָׁנָה שְׁבַעֲבֵד עָבֵרִי מִלְּזָן? אָמָר  
קֹרְאָ: "שֶׁשׁ שָׁנִים יַעֲבֹד וּבְשִׁבְיעַת נָמֵי יַעֲבֹד."  
וּבְשִׁבְיעַת נָמֵי יַעֲבֹד.

The Gemara asks: From where do we derive the *halakha* that the six years stated with regard to a Hebrew slave is calculated by whole years? The Gemara answers that the verse states: "Six years he shall work, and in the seventh he shall go out free for nothing" (Exodus 21:2). The word "and" in the phrase "and in the seventh" indicates that he shall also work<sup>n</sup> in the seventh calendar year, if six full years have not passed since he was sold. For example, if he was sold in the month of Nisan, it means that five years and six months have passed when Tishrei, the first month of the seventh year, arrives; he has not yet completed six years of service, and he must work in this seventh calendar year as well, until the date on which he was sold.

שְׁבַבָּן וּשְׁבַבָּת לְמַאי הַלְכַתָּא? אָמָר רַב  
גִּילָּא, אָמָר רַב: לְעַנְנִין עַרְכִּין, וְרַב יוֹסֵף  
אָמָר: לְפָרְקִין דַּיּוֹצָא דַוְּפָן.

The *baraita* mentions the years of a son and of a daughter among those calculated as full years. The Gemara asks: With regard to what *halakha* is this stated? Rav Gidel says that Rav says: With regard to valuations, i.e., the age of a valued male or female is calculated in whole years from the date of his birth, not by calendar years. And Rav Yosef says: The *halakha* is stated with regard to the matters taught in our fifth chapter in tractate *Nidda*, which is named after its opening words: *Yotze Dofen*, meaning an offspring born by caesarean section. In other words, when a mishna in this chapter mentions years, it means full years, even when it does not state this explicitly.

אָמָר לֵיה אַבְּיִ: מַי פְּלִיגַת? אָמָר לֵיה:  
לֹא, הוּא אָמָר חֶדָּא, וְאַנְנוּ אָמַנְנָא חֶדָּא,  
וְלֹא פְּלִינְנִין.

Abaye said to Rav Yosef: Do you and Rav disagree with regard to this matter? In other words, as you interpreted the mention of a son and a daughter differently, does each of you reject the halakhic application of the other? Rav Yosef said to Abaye: No, he said one matter, and I said one different matter, but we do not disagree.

וְהַכִּי נָמֵי מִסְתְּבָרוֹא, דָאִ סְלָקָא דַעֲתָךְ  
פְּלִיגִי, מָאוֹן דָאָמָר לְעַרְכִּין לֹא אָמָר  
לְדַיּוֹצָא דַוְּפָן? וְהַאָמָר וּבְהַלְכַתָּא  
בְּכִוְלהַ פְּרָקִין מִעֵת לְעֵת!

The Gemara notes: And this, too, stands to reason, as if it enters your mind that they disagree with regard to this matter, then the one who said full years are required for determining valuations does not say that full years are necessary for the *halakhot* of this chapter, *Yotze Dofen*. But doesn't Rav say, like Rav Yosef, that the *halakha* in this entire chapter with regard to all of the places where an age is mentioned in years is that even when the phrase: And one day, is not explicitly noted, they are all calculated from the time of year of birth until that same time of year in the age specified, not by calendar years?

אַלְאָ לְמָאוֹן דָאָמָר לְעַרְכִּין, מַי טֻמָּא  
לֹא אָמָר לְדַיּוֹצָא דַוְּפָן? דָוְמִיא דְהַנְּנָא,  
מִהַהְנָן דְכַתְּבָנוּ, אַף הַיְנָנִי - דְכַתְּבָנוּ.

The Gemara asks: But if that is correct, then according to Rav, who is the one who said that full years are required for determining valuations, what is the reason that he does not say in his interpretation of the *baraita* that full years are required for the *halakhot* of *Yotze Dofen*? The Gemara answers: Rav maintains that the years of a son and of a daughter mentioned in the *baraita* are similar to those other cases mentioned in the *baraita*: Just as those numbers of years are written in the Torah, so too these years of a son and of a daughter are referring to matters where the years are written in the Torah, i.e., the years of valuations, unlike the topics discussed in *Yotze Dofen*, where the years are not mentioned explicitly in the Torah.

#### NOTES

And in the seventh, and in the seventh indicates that he shall also work – בְּשִׁבְיעַת נָמֵי יַעֲבֹד – The commentaries disagree concerning this derivation from the verse: "Six years he shall work and in the seventh he shall go out free for nothing." The basic issue is whether the phrase "and in the seventh" should be read as part of the previous phrase, without a comma, i.e., six years he shall work and in the seventh, or whether it is part of the second clause of the verse.

According to Rashi, the phrase "and in the seventh" is referring back to the previous part of the verse, i.e., he shall work six full

years and even in the seventh calendar year, as his six years end on the same date they began (see Maharam and Maharsha). Others maintain that the phrase "and in the seventh" should be read together with the end of the verse. According to this opinion, the Gemara is saying that one should not think that thirty days of the sixth year is enough, despite the fact that thirty days of a year generally is considered a year, as "in the seventh he shall go out free for nothing," i.e., he must work until the very beginning of the seventh year (*Tosafot*, as explained by Maharsha and Maharam).

וְאִיךְ – הָא "שְׁבֵבָן וְשְׁבֵבָת", "שְׁבֵיכֶר  
וְשְׁבֵנֶכֶת" מִבְשִׁי לִיה!

The Gemara asks: **And how would the other amora**, Rav Yosef, respond to this contention? The Gemara answers: He would maintain that if the *baraita* were referring to the years of valuations, which are written in the Torah, then this expression in the *baraita*: **Of a son and of a daughter**, is unsuitable. Rather, the *baraita* should have stated: **Of the male and of the female**, which are the terms the Torah uses with regard to valuations, whereas the terms: Son and daughter, are used in *Yotze Dofen*.

אמור رب יצחק בר נחמני אמר רב אלעזר:  
הילכה ברבי יוסי בן ביר אמר טהום משומם  
רב אלעזר אמר רב זира: איזכה ואיסיך  
אגמור לשמעתא מפומיה דברא!

**R**av Yitzhak bar Nahmani says that Rabbi Elazar<sup>p</sup> says: The *halakha* is in accordance with the opinion of **Rabbi Yosei ben Keifar**, who said his ruling in the name of **Rabbi Eliezer**, that a man nineteen years and thirty days of age who has not developed signs of puberty is deemed a sexually underdeveloped man. In this regard, the Gemara relates that **Rabbi Zeira**<sup>p</sup> said: May it be God's will that I merit to ascend to Eretz Yisrael, and that I learn this *halakha* from the mouth of its Master, Rabbi Elazar.

כי סליק אשכחיה לרבי אלעזר אמר ליה:  
אמרות הילכה ברבי יוסי בן ביר אמר טהום  
לייה מסתברא אמרי מדוכלה פירקון  
תני יומ אחדר והכא לא קתני שמע  
מיעה מסתברא בותיה.

הדור ערך יוצא דופן

The Gemara recounts that when Rabbi Zeira eventually ascended to Eretz Yisrael he indeed found Rabbi Elazar and said to him: Did you say that the *halakha* is in accordance with the opinion of **Rabbi Yosei ben Keifar**? Rabbi Elazar said to him: I said that it stands to reason that the *halakha* is in accordance with his opinion. He elaborated: From the fact that throughout the entire chapter the Mishna teaches: And one day, but here, in the last mishna, it does not teach this phrase, one can conclude from it that it stands to reason that there is a reason for this discrepancy, in accordance with the opinion of **Rabbi Yosei ben Keifar**.

#### PERSONALITIES

**Rabbi Elazar – רַבִּי אֱלֹעֶזֶר:** In the Gemara, citations of Rabbi Elazar, with no patronymic, refer to Rabbi Elazar ben Pedat, a second-generation *amora* in Eretz Yisrael. He was born in Babylonia, and was a student of both Rav and Shmuel. In his youth, he immigrated to Eretz Yisrael, married there, and became the primary student of Rabbi Yoḥanan. The connection between them was so close that when the Gemara raises a contradiction between their statements, it also indicates surprise that they would hold different opinions.

**Rabbi Zeira – רַבִּי זִירָא:** One of the greatest of the third generation of Babylonian *amoraim*, Rabbi Zeira was educated in the Babylonian tradition and studied mainly with the disciples of Rav and Shmuel. He immigrated to Eretz Yisrael, where he studied under Rabbi Yoḥanan and was a colleague of Rabbi Yoḥanan's foremost disciples. When Rabbi Zeira reached Eretz Yisrael he was extremely impressed by the method of learning he found there, which he adopted in full. Accordingly, he undertook one hundred fasts to help him forget the Babylonian method of learning. He also fasted so that the fires of Gehenna should not rule over him. When he performed tests to see if fire would affect him, the calves of his legs were burned. For this reason he became known as the short man with the scorched calves (*Bava Metzia* 85a). Rabbi Zeira was famous for his great piety, his modesty, and his affable, accommodating nature. He was greatly loved and honored by his peers. Rabbi Zeira had many disciples throughout Eretz Yisrael, and his statements are widely quoted in both the Babylonian Talmud and the Jerusalem Talmud. He had a son who was also a Sage, Rabbi Ahava.



## Summary of Perek V

This chapter discussed the dispute between *tanna'im* as to whether a woman who gave birth via caesarean section has the status of a woman after natural childbirth. The dispute focuses on the ramifications both with regard to impurity and purity, and the offerings she is obligated to bring.

Some maintain that the *halakha* regarding the status of a woman after a caesarean section is derived from the verse: "If a woman conceives and gives birth" (Leviticus 12:2), which teaches that for the *halakhot* of a woman after childbirth to apply, she must give birth from the same place where she conceived. This interpretation excludes a birth by caesarean section.

Others contend that the phrase: "But if she gives birth to a female" (Leviticus 12:5), teaches that a birth by caesarean section has the status of childbirth in all respects. This derivation is based on the explanation that once the Torah has stated: "If a woman conceives and gives birth to a male," there was no need for it to add: "And if she gives birth to a female," as it could simply have written: "And if it is a female." The seemingly superfluous mention of the phrase "gives birth" indicates that other types of birth are also included, i.e., a caesarean section.

With regard to the definition of a menstruating woman, who is rendered impure through the emission of blood, the Sages derive from the verse: "And if a woman has an issue, and her issue in her flesh is blood" (Leviticus 15:19), that it is the blood which emerges from the uterus that renders a woman impure. Furthermore, it is derived from the phrase "her issue in her flesh is blood" that once the blood reaches the vagina, even if it did not leave the woman's body, she has the status of a menstruating woman. In this regard the impurity of a menstruating woman differs from that of both a *zav* and a man who experienced a seminal emission, about whom it is stated: "When any man has an issue out of his flesh" (Leviticus 15:2), and: "And if the flow of seed go out from a man" (Leviticus 15:16), which indicate that the flow must go out of their bodies for them to become ritually impure.

It was further clarified in this chapter that the reference to a woman in the verse "And if a woman has an issue" refers to a girl or woman of any age, and it even includes the case of a one-day-old baby girl who emitted blood; she too becomes impure.

In addition, the chapter also addressed the developmental stages of a woman and how they are relevant to various areas of *halakha*: Until what age is a girl considered a minor? When does she reach the age of young womanhood? When does she achieve grown womanhood? In this context, the chapter listed the various physical signs indicating puberty and explored their halakhic significance.



*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

## Introduction to Perek VI

A woman is rendered impure as a menstruating woman by Torah law only when she actually sees a discharge of blood that emanated from her uterus, not merely blood on her body or a stain on her garment. This is derived from the verse: “And if a woman has an issue, and her issue in her flesh is blood” (Leviticus 15:19). The phrase “her issue in her flesh” indicates that she becomes impure due to menstruation only if she senses that she emitted blood from her uterus, as opposed to merely discovering a stain.

This is the *halakha* only with regard to Torah law. Due to various concerns, the Sages decreed that a woman who discovers a stain is likewise impure. The extent and details of this *halakha* are the subject of a later chapter, Chapter Eight. One of the important issues involves the question of timing. By rabbinic decree, a woman who discovers a stain has to assume an emission of blood, but she does not know when this emission occurred. As a result, she does not know from when she should begin counting her seven menstrual days and the subsequent eleven days of *ziva*.

This issue in turn leads to various problematic cases, e.g., that of a woman who discovered a stain on a garment that she wore for three days during the days on which she can assume the status of a *zava*. If the size of the stain is equivalent to the area of at least three split beans, perhaps one should be concerned that this stain is due to three emissions on three days, each of which was the requisite measure of at least one split bean. If so, the woman would be a greater *zava*.

Before these issues are addressed, the chapter first completes the discussion of signs of maturation that began in the previous chapter. In this regard, the chapter deals with the appearance of the lower sign of puberty, two pubic hairs, as well as the upper sign, the development of the breasts. The assumption, according to one opinion among the *tanna'im*, is that the lower signs invariably appear first. The question is raised with regard to the status of a female whose upper sign has appeared, but no pubic hairs are discovered upon examination.

The chapter also deals tangentially with other matters where there are two asymmetrical *halakhot*. They are mentioned together here for structural reasons, due to the similar form of the various rulings, and they involve varied areas of *halakha*, such as ritual purity and impurity, judges and witnesses, tithes and gifts for the poor.



## Perek VI

## Daf 48 Amud a

**מתני'** בָּא סִיקְמֵן הַתְּחִתּוֹן עַד שֶׁלָּא בָּא  
הַעֲלִיוֹן – אוֹ חֹלֶצֶת אוֹ מִתְּבִּמְתָּה.

בָּא הַעֲלִיוֹן עַד שֶׁלָּא בָּא הַתְּחִתּוֹן, אֵن  
עַל פִּי שָׁאֵי אָפְשָׁר, רַبִּי מַאי אָמֵר: לֹא  
חֹלֶצֶת וְלֹא מִתְּבִּמְתָּה.

וחכמים אומרים: אוֹ חֹלֶצֶת אוֹ מִתְּבִּמְתָּה.  
מן פִּנְסָמָרוּ, אָפְשָׁר לְתַחְתּוֹן לְבָא עַד  
שֶׁלָּא בָּא הַעֲלִיוֹן, אָבֶל אָפְשָׁר לְעַלְיוֹן  
לְבָא עַד שֶׁלָּא בָּא הַתְּחִתּוֹן.

גַּם "אָרֶךְ עַל פִּי שָׁאֵי אָפְשָׁר", וְהַלָּא  
בָּא! "בָּא" – לְרַבִּי מַאי, "אָרֶךְ עַל פִּי שָׁאֵי  
אָפְשָׁר" – לְרַבִּי מַאי.

ולתני' "בָּא הַעֲלִיוֹן, רַבִּי מַאי אָמֵר: לֹא  
חֹלֶצֶת וְלֹא מִתְּבִּמְתָּה. וחכמים אומרים:  
אוֹ חֹלֶצֶת אוֹ מִתְּבִּמְתָּה", וְאַנְגָּדוּ דְעָנָה  
משום דָּאִי אָפְשָׁר הוּא!

**MISHNA** If the lower sign<sup>n</sup> of puberty, two pubic hairs, appeared in a young woman before the upper sign,<sup>h</sup> development of the breasts, appeared, then she is an adult, as the pubic hairs are an unequivocal sign. Therefore, if her childless husband died and she came before her husband's brother [yavam] for levirate marriage, she either performs the ritual through which a yavam frees a yevama of her levirate bonds [halitzah] or enters into levirate marriage with her husband's brother.

If the upper sign indicating puberty appeared before the lower sign appeared, i.e., the two pubic hairs are not visible, although that order of development is apparently impossible, Rabbi Meir says: In fact, it is possible for the breasts to develop before the growth of two pubic hairs, and the concern is that the two hairs did not grow and fall out but rather they never grew in the first place, which would mean that she remains a minor. Therefore, if her childless husband dies, she neither performs halitzah nor does she enter into levirate marriage with her husband's brother.

And the Rabbis say: She has reached majority, and therefore if her childless husband dies she either performs halitzah or enters into levirate marriage with her husband's brother. That is due to the fact that the Sages said: It is possible for the lower sign of puberty to appear before the upper sign appears; but it is impossible for the upper sign to appear before the lower sign appears.

**GEMARA** The mishna teaches that Rabbi Meir and the Rabbis disagree with regard to the halakha when the upper sign of puberty appears before the lower sign. The mishna stated about that case: Although that order of development is impossible. The Gemara raises a difficulty: But the mishna explicitly states that it is referring to a situation where the upper sign did appear before the lower one. The Gemara explains: When the mishna states that it did appear, that is according to the opinion of Rabbi Meir, who maintains that such an occurrence is possible, whereas when the mishna teaches: Although that order of development is impossible, it is referring to the opinion of the Rabbis, who contend that it is not possible.

The Gemara objects: But why is it necessary at all to mention the phrase: Although that order of development is impossible. Instead, let the mishna simply teach: If the upper sign of puberty appeared, Rabbi Meir says: She neither performs halitzah nor does she enter into levirate marriage with her husband's brother; and the Rabbis say: She either performs halitzah or enters into levirate marriage with her husband's brother. And I would know that the ruling of the Rabbis is due to the fact that it is impossible for the upper sign of puberty to appear before the lower sign.

אי לֹא תִּנְאַ "אָרֶךְ עַל פִּי שָׁאֵי אָפְשָׁר", חַדָּה  
אַמְּנִיאָ: רֹוב נְשָׁמָים – תְּחִתּוֹן אֲתִי בְּרִישָׁא,  
וּמִיעּוֹת – עַלְיוֹן אֲתִי בְּרִישָׁא. וְרַבִּי מַאי  
לְטֻעָמָה – דְּחִישׁ לְמַעֲשָׂתָא, וְרַבִּי  
לְטֻעָמָה – דְּלָא חִישׁ – לְמַעֲשָׂתָא.

The Gemara explains: If the mishna had not taught: Although that order of development is impossible, I would say that with regard to most women the lower sign appears first, before the upper sign; but in a minority of women, the upper sign appears first. And Rabbi Meir, who rules that she is a minor who may not perform either halitzah or enter into levirate marriage, conforms to his standard line of reasoning, that one must be concerned for the minority. In other words, Rabbi Meir takes into account the minority of women in whom the upper sign appears first, and therefore he considers her to be a minor. And the Rabbis likewise conform to their standard line of reasoning that one need not be concerned for the minority, and therefore they consider the young woman to have reached majority.

## NOTES

**שִׁיכְמֵן הַתְּחִתּוֹן**: This sign is the growth of two pubic hairs. It is called the lower sign because it is located in the lower portion of the body, whereas the upper sign is located in the upper portion of the body. The specifics of this sign are not stated here, although they are discussed in somewhat further detail later in the chapter. The Rambam writes (*Sefer Nashim, Hilkhot Ishut* 2:1) that the pubic hairs constitute a sign of having reached majority only if certain conditions are met. First, they must be located in the pubic area, broadly defined. In addition, the two hairs must be in close proximity to each other. The hairs must also have follicles, although they can share one follicle. If there are two follicles alongside one another, they constitute a sign even if they do not contain hair, based on the assumption that there are no follicles without hair, and therefore there must have been hairs that fell out.

## HALAKHA

If the lower sign appeared before the upper sign – בָּא סִיקְמֵן הַתְּחִתּוֹן – typically grows has the status of a young woman (Rambam *Sefer Nashim, Hilkhot Ishut* 2:1).  
בָּא: A girl aged at least twelve years and one day who  
שֶׁלָּא בָּא הַעֲלִיוֹן developed two hairs on her lower body in the places where hair

וְהִי מַלֵּיל – בָּסְתָּמָא, אֲכַל הַיכָּא דְּבָדָק  
וְלֹא אַשְׁבַּחַן – אָמַר מָרוֹן לֵיהֶ רַבֵּן לְרַבִּי  
מַאֲיר דְּעַלְיוֹן קָרִים.

קָא מִשְׁמָעַ לְזִדְעַי אָפָּשָׂר וְרַדְעַי אָתֵי, וְמַנְפָּר  
הָוּא דְּנָתָר.

בְּשַׁלְמָא לְרַבִּי מַאֲיר – הַיְיָנוּ דְּכִתְבַּי "שְׁדִים  
גָּנוּ וְשַׁעַרְךָ צְמָחָ", אֲלֹא לְרַבֵּן – אִיפְּכָא  
מַבְשִׁילָה! הַכִּי קָאָמָר: בֵּין שְׁדִים נְבָנִי –  
בִּידּוּעַ שְׁעַרְךָ צְמָחָ".

בְּשַׁלְמָא לְרַבִּי מַאֲיר – הַיְיָנוּ דְּכִתְבַּי "בְּעֵשָׂו  
מִפְּצָרִים דְּדִין לְמַעַן שְׁדִי נְעוּרִין", אֲלֹא  
לְרַבֵּן – אִיפְּכָא מַבְשִׁילָה!

הַכִּי קָאָמָר: בֵּין שְׁבָאוֹ דְּדִין – בִּידּוּעַ שְׁבָאוֹ  
נְעוּרִין. וְאַיְבָּשָׁת אִימָא: מַאי "שְׁדִי" – כוֹלָה  
בְּדִין בִּתְבַּר, וְהַכִּי קָאָמָר הַקְדוֹשָׁ בָּרוּךְ הוּא  
לִישְׁרָאֵל:

And this statement, that one can rely on the assumption that if a woman has the upper sign then she certainly has the lower sign, while the minority of cases are not taken into account, applies only in an ordinary case, where the woman was not examined to determine if she had the lower sign. But in a case where we examined her and did not find the lower sign, one might say that the Rabbis concede to Rabbi Meir that the upper sign appeared before the lower sign, and therefore she neither performs *halitzah* nor enters into levirate marriage with her husband's brother.

Therefore, the mishna teaches us that according to the Rabbis it is impossible for the upper sign to precede the lower sign, which means that even if she was examined and no lower sign was found, the assumption is that the two hairs of the lower sign had certainly appeared, but later they fell out.

The Gemara raises a difficulty: Granted, according to the opinion of Rabbi Meir, who holds that it is possible for the upper sign to precede the lower, that accounts for that verse which is written with regard to a maturing young woman: "And you increased and grew up, and you came to excellent beauty; your breasts were fashioned, and your hair was grown" (Ezekiel 16:7). This verse mentions the upper sign before the lower sign. But according to the opinion of the Rabbis, the verse should have said the reverse, first stating "your hair has grown," and then stating "your breasts were fashioned." The Gemara answers that this is what the verse is saying: Since your breasts were fashioned, it is known that your hair was already grown.

The Gemara raises a further difficulty: Granted, according to the opinion of Rabbi Meir, this accounts for that which is written: "When they from Egypt bruised your breasts for the sprouting forth of your young womanhood" (Ezekiel 23:21). This verse, which compares the Jewish people to a promiscuous girl, describes how, in her childhood, Egyptian men would play with her by pressing her breasts in order to engage in licentious sexual intercourse with her when she became a young woman, i.e., once the pubic hairs that indicate puberty developed. This indicates that it is possible for the upper sign to appear before the lower sign. But according to the opinion of the Rabbis, the verse should have said the reverse.

The Gemara similarly answers that this is what the verse is saying: Since your breasts appeared, it is known that the pubic hairs, which are the sign of your young womanhood, have already appeared. Or if you wish, say instead: What is the meaning of the phrase: The sprouting forth of [shedei] your young womanhood? It is not speaking of the lower sign, but rather of the upper sign, i.e., the entire verse is written in reference to the breasts, *shadayim* in Hebrew. And this is what the Holy One, Blessed be He, is saying to the Jewish people:

Perek VI  
Daf 48 Amud b

אִיכְרָפּוּ דְּדִין – לֹא הָרְתָּ בָּהּ, אִישְׁתָּדוּ  
דְּדִין – נָמַי לֹא הָרְתָּ בָּהּ.

Although your breasts began to develop, you still did not reform your ways, and you continued to act liceniously. And furthermore, even when your breasts grew fully, you also did not reform your ways.

רְכוּלַי לְמָא מִידָא - אֶתְחַתּוֹן סְמִכֵּן,  
מִלְנָן? אָמַר רַב יְהוּדָה, אָמַר רַב, וּבָנָתָא  
רַבִּי יִשְׁמְעָאֵל: אָמַר קָרָא "אִישׁ אָז  
אֲשֶׁר כִּי יַעֲשׂו מִכֶּל חֲפֹתָה הָאָדָם" -  
הַשְׁוֹהָה הַכְּתוּב אֲשֶׁר לְאַיִשׁ לְכָל עֲזֹנֵשׁ  
שְׁבַתּוֹרָה, מֵה אִישׁ - בְּסִמְךָן אֶחָד, אֲז  
אֲשֶׁר - בְּסִמְךָן אֶחָד.

וְאִימָא: אָז הָאֵי אָז הָאֵי בְּאִישׁ, מֵה  
- אִישׁ - תְּחַתּוֹן וְלֹא עַלְיוֹן, אֲז אֲשֶׁר  
תְּחַתּוֹן וְלֹא עַלְיוֹן.

תְּנִינָא גַּמְיִהְכִּי, אָמַר רַבִּי אַלְעָזָר בָּרְבִּי:  
אָדוֹק, בְּךָ הַיּוֹן כְּפָרְשֵׁין בִּבְנָה, וְאִמְרָא:  
בְּיַן שְׁבָא תְּחַתּוֹן - שׁוֹב אַיִן מִשְׁגַּחַן -  
עַל עַלְיוֹן.

תְּנִינָא, רַבְּן שְׁמַעוֹן בָּן גַּמְלִיאֵל אָזָמוֹר:  
בְּנוֹת בְּרִכִּים - תְּחַתּוֹן מִמְּהָר לְבָא.  
מִפְנֵי שְׁרוּגִילָה בְּמִרְחָצָות. בְּנוֹת  
בְּפִרְסִים - עַלְיוֹן מִמְּהָר לְבָא, מִפְנֵי  
שְׁטוֹחָנָה בְּרָחִים.

רַבִּי שְׁמַעוֹן בָּן אַלְעָזָר אָזָמוֹר: בְּנוֹת  
עִשְׂרִים - צַד יְמִין מִמְּהָר לְבָא. שְׁנִינָה  
בְּאַפְּקוּרִיסּוֹן, בְּנוֹת עִשְׂים - צַד שְׁמַאל  
מִמְּהָר לְבָא, מִפְנֵי שְׁשׁוֹאָבָות בְּרִי מִים  
עַלְיהָן, וְאִיבְּשָׁתָא אִימָא: מִפְנֵי שְׁנוֹשָׁאִין  
אֲחִיהָן עַל גַּסְסִיחָן.

תְּנוּ רַבְּנָן, צַד שְׁמַאל קָודָם לְצַד יְמִין,  
רַבִּי חַנִּינָא בָּן אֲזִי רַבִּי יְהוֹשֻׁעָ אָזָמוֹר:  
מִיעּוּלָם לְאַקְדָם צַד שְׁמַאל לְצַד יְמִין,  
חוֹזֵן בְּאַחַת שְׁדִידָה בְּשִׁכְנוֹתִי, שְׁקָדָם  
צַד שְׁמַאל לְצַד יְמִין, וְחוֹזֵן לְאַיִתָּנוּ.

**§** The Gemara asks: In any event, everyone, both Rabbi Meir and the Rabbis, agrees that we rely on the lower sign. From where do we derive that we rely exclusively on the lower sign and do not require the appearance of the upper sign as well? Rav Yehuda said that Rav said, and likewise a Sage of the school of Rabbi Yishmael taught: The verse states: “A man or woman, when they commit any of the sins of men” (Numbers 5:6). The Torah thereby rendered a woman equal to a man with regard to all punishments of the Torah. Just as a man is considered to have reached majority based on one sign, i.e., the lower sign of two pubic hairs, so too, a woman reaches majority based on one sign, the lower sign.

The Gemara raises a difficulty: But one can say that although a woman's status, like that of a man, depends on one sign, in the case of a woman she reaches majority either through this, the lower sign, or that, the upper sign. From where is it derived that it must be specifically the lower sign? The Gemara answers: This is based on the same comparison of men and women. Her halakha is like that of a man: Just as a man reaches majority based on the lower sign and not the upper sign, as this is not applicable to him, so too, a woman reaches majority based on the lower sign and not the upper sign.

The Gemara notes that this halakha, that the lower sign is sufficient by itself for a woman, is also taught in a baraita. Rabbi Eliezer, son of Rabbi Tzadok, said: This is how the Sages would explain it in the study hall of Yavne. They said: Once the lower sign has appeared, we no longer concern ourselves with the appearance of the upper sign<sup>h</sup> in order to establish a woman's status, as she is considered to have reached her majority by virtue of the lower sign.

**§** It is taught in a baraita, with regard to the appearance of signs indicating puberty in young women, that Rabban Shimon ben Gamliel says:<sup>n</sup> In the case of young women who reside in cities, the lower sign appears more quickly than the upper sign, because they frequent the bathhouses, which stimulates the growth of the hair. By contrast, in the case of young women who reside in villages, the upper sign appears more quickly than the lower sign, because they grind with mills,<sup>n</sup> which develops their breasts.

Rabbi Shimon ben Elazar says:<sup>n</sup> There are differences in the rate of development of the breasts. In the case of the daughters of the wealthy, the growth of the breast on the right side arrives more quickly than that of the left side, as it rubs against their upper body cloaks, which are worn by the wealthy. By contrast, in the case of the daughters of the poor, the growth of the breast on the left side arrives more quickly than that of the right side, because they draw jugs of water on that side. And if you wish, say instead that the left breast develops more quickly because they carry their younger brothers on their left sides.

The Sages taught in a baraita: The growth of the breast on the left side arrives before that of the right side. Rabbi Hanina, son of the brother of Rabbi Yehoshua, says: It never occurred that the growth of the breast on the left side arrived before that of the right side, except for the case of one young woman who was in my neighborhood, as the growth of the breast on her left side arrived before that of the right side, and later the right breast returned to its normal condition and developed normally.

## NOTES

רבָּן שְׁמַעוֹן בָּן גַּמְלִיאֵל – אָזָמוֹר: There are various explanations among the commentaries with regard to the opinion of Rabban Shimon ben Gamliel, as well as the subsequent opinion of Rabbi Shimon ben Elazar, and the relationship between their statements and the rulings of Rabbi Meir and the Rabbis in the mishna.

Some contend that Rabban Shimon ben Gamliel disagrees both with the opinion of the Rabbis, who hold that the lower sign indicating puberty always appears first, and with the opinion of Rabbi Meir, as neither of them accept his distinction between young women who reside in villages and those who live in cities (*Tosafot; Tosefot HaRosh*).

Others maintain that Rabban Shimon ben Gamliel and Rabbi Shimon ben Elazar fundamentally agree with the Rabbis, that the appearance of the upper sign indicates the appearance of the lower one as well. Rabban Shimon ben Gamliel merely qualifies their opinion, claiming that one relies on the upper sign alone only in the case of young women who reside in cities. Rabbi Shimon ben Elazar adds another stipulation, that one relies on the upper sign only with regard to the right breast in the case of the daughters of the wealthy, and the left breast in the case of the daughters of the poor (*Rashba; Meiri*).

The upper sign appears more quickly than the lower because they grind with mills – עַלְיוֹן מְמֹרָר לְבָא מַמְּנִי:

שְׁטוֹחָנָה בְּרָחִים: Since grinding requires extensive movement of the arms, young women residing in villages, who regularly engage in this activity, will have their breasts develop more quickly. Therefore, in these cases the upper sign indicating puberty appears before the lower sign (Rashi). By contrast, girls who live in cities frequent the bathhouses, which stimulates the growth of pubic hair. Consequently, in their case the lower sign appears first.



Traditional hand mill

רַבִּי שְׁמַעוֹן בָּן אַלְעָזָר אָזָמוֹר – The practical ramification of this observation is that if the left breast atypically developed first in the case of the daughters of the wealthy, this is not considered a sign indicating puberty but a chance occurrence (Rashba; Meiri).

## HALAKHA

Once the lower sign appeared we no longer concern ourselves with the upper sign – בְּיַן שְׁבָא תְּחַתּוֹן שׁוֹב אַיִן מִשְׁגַּחַן עַל עַלְיוֹן – A girl who is twelve years old or younger is considered a minor, regardless of what signs indicating puberty she has developed. Once she is twelve and one day old she is considered to have

reached majority as soon as the lower sign appears, and there is no concern about the appearance of any other signs. This is in accordance with the tradition that Rabbi Eliezer, son of Rabbi Tzadok, cited in the name of the Sages of Yavne (Rambam Sefer Nashim, *Hilkhot Ishut* 2:8).

### NOTES

Are examined based on the testimony of women – נבדקות על פִי נשים: The early commentaries ask: How can the testimony of women be accepted for the determination of a young woman's status, in light of the principle that testimony involving forbidden sexual intercourse requires no fewer than two male witnesses? Some explain that it is because this is a matter that is likely to be revealed, with regard to which it is presumed that people do not lie. Furthermore, the woman is not testifying directly about a matter of forbidden sexual intercourse but is referring only to the existence of the hairs. Therefore, this is considered like testimony about a regular prohibition of the Torah, with regard to which women are deemed credible. An additional reason that their testimony is accepted is that it is preferable for the girl to be examined by women, as it is prohibited for a man to look at her nakedness (Rivash).

### HALAKHA

All girls who are examined are examined based on the testimony of women – נבדקות על פִי נשים: The examination of young women to determine whether or not signs indicating puberty have appeared is performed by trustworthy women. One woman is sufficient to carry out this examination, and her testimony with regard to the young woman's status is accepted, even if she is a relative of that young woman. This halakha applies throughout her twelfth year, as well as before and afterward. This ruling is in accordance with the baraita as well as the precedent of Rabbi Elazar, who had his wife inspect the young women, and Rabbi Yishmael, who had his mother examine them (Rambam Sefer Nashim, Hilkhot Ishut 2:20; Shulhan Arukh, Even HaEzer 155:15).

תנו ורבנן, כל הבדיקה – נבדקות על פִי נשים, וכן היה רבי אליעזר מוסר לאשתו, ורבי ישמעאל מוסר לאמו.

**S** The Sages taught in a *baraita*: All girls who are examined to determine whether or not their signs indicating puberty have appeared are examined based on the testimony of women.<sup>NH</sup> And likewise, Rabbi Eliezer would follow this *halakha* in practice and give the girls to his wife to examine, and Rabbi Yishmael would similarly give the girls to his mother to examine.

The *baraita* continues: **Rabbi Yehuda** says: Before the minimum age at which pubic hair is considered a sign, i.e., eleven years and one day, when any hair that is found is considered to be merely a mole and not a sign, and similarly after the age of majority, twelve years and one day, when a female is presumed to have grown pubic hair like most girls her age, **women may examine them** and their testimony is accepted. But during the time between eleven years and one day and twelve years and one day, **women may not examine them**. The reason is that one does not resolve cases of uncertainty based on the testimony of women. **Rabbi Shimon** says: Even during the time between eleven years and one day and twelve years and one day, **women may examine them**. And a woman is deemed credible, and her testimony is accepted, to be stringent but not to be lenient.

ביצה, גוזלה היא – שלא תמן, קטנה  
היא – שלא תחולז.

אבל אין נאמנת לומר "קטנה היא"  
שותמן, – גוזלה היא – שתחולז.

אמר מר, רבי יהודה אומר: לפני הפרק  
וללאחר הפרק – נשים בזדוקות אותן.  
בשלמה לפני הפרק – בש בדיקה, דאי  
משתבחין לאחר הפרק – שומא ינחו.

אללא לאחר הפרק למה לי בדיקה? והאמינו  
רבא: קטנה שהגיעה לכלל שנותיה – אינה  
זריקה בדיקה, תקופה הביאה סימני כי  
אמר רבא חזקה – למיון, אבל תליליצה –  
בעיא בדיקה.

תוך הפרק – אין נשים בזדוקות אותן, –  
קסבר: תוך הפרק כלל לאחר הפרק (דמאי).

The *baraita* continues: **How so**, i.e., how is a woman's testimony accepted with regard to the girl she has examined as a stringency but not a leniency? If the woman said that the girl is a **female who reached majority**, her claim is accepted to the extent that **she does not perform refusal**. The refusal of a husband, which applies in the case of a girl whose father had died and who was married off by her mother or brother, can be performed by the girl only until she reaches majority. If the woman said that this girl is a **minor**, her testimony is accepted to the extent that **she does not perform halitza**.

The *baraita* concludes: **But the woman who examined the girl is not deemed credible to say that she is a minor girl to the extent that she performs refusal**. And likewise, the woman is not deemed credible to say that she is a **female who reached majority** to the extent that **she performs halitza**.

The Gemara analyzes the *baraita*. **The Master** said that **Rabbi Yehuda** says: Before the minimum age at which pubic hair is considered a sign, and similarly after the age of majority, **women may examine them**. The Gemara raises a difficulty: **Granted**, one can understand that **before the minimum age** there is a **requirement for examination**, so that if they find hair **after the minimum age** which they already saw before the minimum age, these hairs are evidently a mere mole, not a sign of maturity.

**But why do I need a girl to undergo an examination after the age of majority?** Didn't Rava say: A minor girl who reached her full years, i.e., her age of majority, twelve years and one day, **does not require an examination**, as there is a **presumption** that she has developed signs indicating puberty? The Gemara explains: When Rava said that one relies on this **presumption**, he was referring specifically to her inability from now on to perform refusal. **But with regard to halitza, she requires an examination** to determine that she has reached maturity.

The *baraita* stated that according to **Rabbi Yehuda**, women are deemed credible to examine girls who are either younger than eleven years and one day or older than twelve years and one day. But **during the time** between eleven years and one day and twelve years and one day, **women may not examine them**. The Gemara explains that **Rabbi Yehuda holds** that the period **during this time** is considered like **after the age of majority**. In other words, the signs indicating puberty that a girl develops during this time are considered to be full-fledged signs, which means that she has reached majority even before the age of twelve and one day. Accordingly, the testimony of women is not accepted for this period, as her change of status enables her to perform *halitza* with her husband's brother.

ולאחר הפרק דאייבא חזקה ורובה  
סמכין אונשים בדקה, תוך הפרק ודיליכא  
חזקה ורובה - לא סמכין אונשים, ולא  
בדקה נשים.

רבי שמעון אומר: אף תוך הפרק נשים  
בודקות אותן, קסביר: תוך הפרק - בלבני  
הפרק, וביעיא בדקה, دائ משtabchi  
לאחר הפרק - שומא מינהו.

But after the minimum age of twelve years and one day, when there is the presumption of Rava that a girl has already developed signs indicating puberty, one may rely on women and have them examine the girl. During this age, between eleven and twelve, when there is no presumption of Rava that she has already developed signs indicating puberty, one may not rely on women, and therefore women may not examine the girl.

By contrast, Rabbi Shimon says that even during this age, between eleven years and one day and twelve years and one day, women may examine girls to determine if they have grown pubic hair. This is because Rabbi Shimon holds that the period during this age is considered like before the minimum age, which means that the girl is a minor based on her age, regardless of the results of the examination. And the only reason she requires an examination is that if they find hair after the minimum age, which they had already seen before the minimum age, these hairs are deemed a mere mole, not a sign of maturity.

ונאמנת אשפה להחמיר אבל לא להקל.  
האי מאן קתני לה? איבעית אימא: רבי  
יהודה - ואთוך הפרק.

The *baraita* further teaches: And a woman is deemed credible to testify to be stringent with regard to the girl who she examined but not to be lenient. The Gemara asks: Who taught this *halakha*? The Gemara answers: If you wish, say that it is in accordance with the opinion of Rabbi Yehuda, and it is referring to during the age between eleven years and one day and twelve and one day.

## Perek VI

### Daf 49 Amud a

ואיבעית אימא: רבי שמעון, ולאחר  
הפרק, ולית ליה חזקה ורובה.

"מפני שאמרו אפשר" כו'. האתו למה  
לו? הא תנו ליה רישוא!

And if you wish, say instead that the *tanna* who taught this ruling was Rabbi Shimon, and the *baraita* is referring to an examination conducted after the age of majority. And Rabbi Shimon does not accept the presumption of Rava that a girl of this age has already developed signs indicating puberty.

§ The mishna teaches that according to the Rabbis a young woman who apparently developed the upper sign before the lower sign has reached majority, and therefore if her childless husband died she either performs *halitza* or enters into levirate marriage with her husband's brother. This ruling is due to the fact that the Sages said: It is possible for the lower sign of puberty to appear before the upper sign, but it is impossible for the upper sign to appear before the lower sign. The Gemara asks: Why do I need this additional repetition of this point? It was already taught in the first clause that it is impossible for the upper sign to appear without the lower sign having already appeared.

וביתם: ממשום דקה בעי למסתמה  
ברבען - פשיטא, חדיד ורבים הילכה  
ברביהם!

And if you would say that it is repeated because the *tanna* wants to teach an unattributed mishna in accordance with the opinion of the Rabbis, in order to establish that the *halakha* follows their opinion in their dispute with Rabbi Meir, that cannot be the case. The Gemara explains why this suggestion is incorrect: This is obvious, as there is a principle that in a dispute between an individual Sage and a majority of other Sages, the *halakha* is always decided in accordance with the opinion of the majority.

**HALAKHA**

A hole large enough to enable liquid to enter is unfit to contain the water of purification – **מכניס פסל למי חטאת**: An earthenware vessel which contains a hole that is large enough to enable liquid to enter it may not be used for drawing or consecrating the water of purification (Rambam *Sefer Tahara, Hilkhot Para Aduma* 6:6).

A hole that enables only the exit of liquids is fit for water of purification – **מוציא ביש למי חטאת**: An earthenware vessel containing a small hole that enables only the exit of liquids is fit for the consecration of the water of purification (Rambam *Sefer Tahara, Hilkhot Kelim* 19:1–2).

**LANGUAGE**

**Shard [gastera]** – **גָּסְטָרָא**: Apparently from the Greek γάστρα, *gastra*, meaning the bottom portion, or belly, of an earthenware vessel. The Sages use this term to refer to a partially damaged earthenware vessel. Apparently, it also attained the derivative meaning of anything that was damaged or broken. According to some opinions, it can refer to splitting an object in two, particularly in the middle.

**BACKGROUND**

**Water of purification** – **מי חטאת**: This is water mixed with the ashes of the red heifer, which was used to purify people and items that had contracted ritual impurity imparted by a corpse. Running spring water was placed in a container, to which a small amount of ashes from the red heifer was added. The resulting mixture, called the water of purification, or water of separation, was sprinkled on the people or items to be purified. The process of mixing the ashes with water is called the sanctification of the water of purification. The act of purification is performed by taking a bundle of three hyssop branches, dipping them in the water of purification, and, using the branches, sprinkling the purification waters on the impure individual on the third and the seventh day after he became ritually impure.

מִזְבֵּחַ דְּתִימָא: מִסְתְּבָרָא טֻמְמָא דְּרֹבִי  
מְאַיר, דְּקָא מַסְעִיעַ לִיהְ קְרָאִי – קָא  
מַשְׁמָעַ לָן, וְאַיְכָעַת אִימָא: מִשּׁוּם  
דְּקָא בַּשְׁלִמְתַנִּי בַּיּוֹצֵא בּוֹ.

The Gemara answers: It is necessary for the *tanna* to state that the *halakha* is in accordance with the opinion of the Rabbis despite the fact that they are the majority, lest you say that the rationale for the opinion of Rabbi Meir is more reasonable. One might have thought this, as the verses cited above support it: “Your breasts were fashioned, and your hair was grown,” and: “When they from Egypt bruised your breasts for the sprouting forth of your young womanhood.” Therefore, the mishna teaches us that the *halakha* is in accordance with the opinion of the Rabbis. And if you wish, say instead that the *tanna* repeated the claim that the upper sign cannot precede the lower one because he wants to teach a case in the next mishna which is similar to this one, i.e., this summary provides a transition to the *halakha* brought in the following mishna.

**MISHNA** Similar to the order of the appearance of the signs of puberty in a girl, where it is impossible for the upper sign to appear before the lower sign, there is an analogous principle with regard to the mutual dependency of two items: Any earthenware vessel with a hole that enables entry of liquid into the vessel certainly enables exit of liquid through that hole, and it thereby ceases to be a vessel fit for sanctification of the waters mixed with the ashes of the red heifer. And there are holes that enable exit of liquids from the earthenware vessels but do not enable entry of liquids from outside the vessel, and therefore it remains a vessel.

כָּל אֶבֶר שִׁשׁ בּוֹ צְפּוֹן – יָשֵׁב בּוֹ עַצְם,  
וַיְשִׁשׁ בּוֹ עַצְם וְאַיִן בּוֹ – צְפּוֹן.

Likewise, in any limb of the body where there is a nail, there is certainly a bone<sup>N</sup> in it as well. If it is the limb of a corpse, it transmits ritual impurity through contact, movement, and in a tent, even if its size is less than that of an olive-bulk. And there are limbs in which there is a bone but yet there is not a nail in it. That limb does not transmit impurity in a tent if its size is less than that of an olive-bulk.

כָּל הַמְּטֻמָּא מִזְרָח – מַטְמָא טָמָא מִתְּמָא,  
וַיְשִׁשׁ שְׁמַטְמָא טָמָא מִתְּמָא וְאַיִן מַטְמָא  
מִזְרָח.

Similarly, any item that becomes ritually impure with impurity of a *zav* imparted by treading, e.g., a vessel designated for sitting, becomes ritually impure with impurity imparted by a corpse.<sup>N</sup> And there are vessels that become ritually impure with impurity imparted by a corpse but do not become ritually impure with impurity of a *zav* imparted by treading.

גָּמַן מִכְנִיס – פָּסְול לְמַיִּ חֲטָאת,  
וּפָסְול מִשּׁוּם גָּסְטָרָא, מּוֹצֵיא – כְּשָׂר  
לְמַיִּ חֲטָאת, וּפָסְול מִשּׁוּם גָּסְטָרָא.

**GEMARA** The mishna teaches that any earthenware vessel with a hole that enables entry of liquid into the vessel certainly enables exit of liquid through that hole, whereas there are holes that enable exit of liquids but do not enable entry. The Gemara explains the halakhic significance of this distinction. A vessel that contains a hole that is large enough to enable liquid to enter is no longer considered a vessel and is therefore unfit to contain the water of purification.<sup>HB</sup> And it is also disqualified as a shard [gastera]<sup>I</sup> of a vessel. A shard still has some utility and is therefore susceptible to ritual impurity. By contrast, an earthenware vessel that contains a small hole that enables only the exit of liquids is fit for the water of purification,<sup>H</sup> but is disqualified as a shard of a vessel.

**NOTES**

In any limb where there is a nail there is a bone – **כָּל אֶבֶר שִׁשׁ בּוֹ צְפּוֹן יָשֵׁב בּוֹ עַצְם**: Rashi explains that this is referring to an extra limb that grew, over and above the standard limbs of the body. For example, if a sixth finger grew on one's hand and it contained a nail, it is known that it contains a bone, and it is considered a significant limb. If it is not an extra limb, then even if it does not have a nail it is considered a limb and transmits ritual impurity in the normal manner of limbs.

Becomes ritually impure with impurity imparted by a corpse – **מַטְמָא טָמָא מִתְּמָא**: There is no vessel that is capable of being rendered impure as a seat upon which a *zav* sat which is not also capable of being rendered impure by all other forms of impurity. The reason the mishna specifically mentions impurity imparted by a corpse, despite the fact that it could refer to all forms of impurity, is that impurity imparted by a corpse is comparable to the impurity of a *zav* imparted by treading, in that both are primary sources of impurity (Rashi).

**אָמַר רְבִבָּא אָסִי, שׁוֹמֵן: בְּלִי חֶרֶס – שִׁיעֻרוֹ בְּכָנוֹם  
מִשְׁקָה, וְלֹא אָמַרְוּ "מוֹצִיאָ מִשְׁקָה" – אֲלֹא  
לְעַנְנָן גַּסְטָרָא בְּלִבְדֵּךְ. מַאי טָעַמָּא? אָמַר מָר  
וּטְרָא בְּרִיהָ דָּרְבָּ נְחַמָּן: לְפִי שְׁאַיִן אָוּמָרִים  
"הַבָּא גַּסְטָרָא לְגַסְטָרָא".**

Rav Asi says that they teach the following halakha: In the case of an earthenware vessel, its **measure** of a hole that renders it no longer ritually impure is one that is large enough to **enable liquid to enter it**. And they said that the measure of a small hole is that which enables the exit of liquids only with regard to a shard. The Gemara inquires: What is the reason for this? Mar Zutra, son of Rav Nahman, said: It is because people do not say: Bring another shard to seal the leak of a shard; rather, they throw it out immediately. A shard is used as a plate beneath a perforated earthenware vessel. If the shard itself is also perforated and leaks, it is no longer of any use.

**תְּנוּרָבָן: בַּיּוֹצֵד בּוֹזְקִין בְּלִי חֶרֶס לְרַע אָמַן יַקְבֵּב  
בְּכָנוֹם מִשְׁקָה אָמַן לֹא? יְבִיא עַרְבָּה מִלְאָה  
מִים וְנוֹתֵן קָדוֹתָה לְתוֹכָה, אָמַן בְּנָסָה – בִּידּוּעַ  
שְׁבָנוֹם מִשְׁקָה, וְאָמַן לֹא – בִּידּוּעַ שְׁמוֹצִיאָ מִשְׁקָה.**

§ On the topic of holes in earthenware vessels, the Sages taught in a *baraita*: How does one test a broken earthenware vessel<sup>14</sup> to know if it was pierced with a hole that enables liquid to enter it or not? One brings a tub filled with water and places the broken pot into it. If the water from the tub enters the pot, it is known that the pot contains a hole that enables liquid to enter. And if the water does not enter the pot, it is known that the vessel contains only a small hole that merely enables the exit of liquids.

**HALAKHA**

How does one test a broken earthenware vessel, etc. – **בַּיּוֹצֵד בּוֹזְקִין בְּלִי חֶרֶס וּכְיַיִל:** An earthenware vessel that is used to hold liquids and that was pierced after it became impure is rendered ritually pure if the measure of the hole enables liquid to enter. If the hole is any smaller than that, the vessel remains impure. How does one test it? The vessel is placed on the liquid. If the liquid enters the vessel by means of the hole, then the vessel is no longer considered functional, and it is pure. This ruling is in accordance with the *baraita* (Rambam *Sefer Tahara, Hilkhos Kelim* 19:1).

**Perek VI****Daf 49 Amud b**

**רַבִּי יְהוּדָה אָוּמָר: פּוֹפֶךְ אָזְעִי קָדוֹתָה לְתוֹכָה,  
וּמְצִיףַּ עַלְּחַד מִים, וְאָמַן בּוֹנָס – בִּידּוּעַ שְׁבָנוֹם  
מִשְׁקָה, וְאָמַן לֹא – בִּידּוּעַ שְׁמוֹצִיאָ מִשְׁקָה.**

Rabbi Yehuda says that the method for determining whether an earthenware vessel contains a hole that allows liquid to enter is as follows: One takes the **handles of the pot and turns it over**, placing it upside down in an empty tub,<sup>15</sup> and he then **covers** the pot with water. If water **enters** the pot, it is known that it contains a hole that **enables liquid to enter**, and if the water does **not** enter the pot, it is known that the vessel contains a small hole that **enables only the exit of liquids**.

**או שׁוֹפְתָה עַל גְּבֵי הַאֲוֹר, אָמַן הַאֲוֹר מַעֲמִידָה –  
בִּידּוּעַ שְׁמוֹצִיאָ מִשְׁקָה, וְאָמַן לֹא – בִּידּוּעַ  
שְׁבָנוֹם מִשְׁקָה.**

Or one can determine the size of the hole by the following method: One **places** the pot, with liquid in it, **on the fire**. If the fire **holds** the liquid back and does not allow it to exit the vessel, then it is known that the vessel contains a small hole that **enables only the exit of liquids**. And if the fire does **not** hold the liquid back and does not prevent it from exiting the vessel, then it is known that it contains a hole that **enables liquid to enter**.

**רַבִּי יוֹסֵי אָוּמָר: אַף לֹא שׁוֹפְתָה עַל גְּבֵי הַאֲוֹר –  
מִפְנִי שְׁחָאָוָר מַעֲמִידָה, אֲלֹא שׁוֹפְתָה עַל גְּבֵי  
הַרְמָץ. אָמַן רַמְץ מַעֲמִידָה – בִּידּוּעַ שְׁמוֹצִיאָ  
מִשְׁקָה, וְאָמַן לֹא – בִּידּוּעַ שְׁבָנוֹם מִשְׁקָה.  
הַיְהָ טּוֹרֵד טִיפָּה אַחֲרָ טִיפָּה – בִּידּוּעַ שְׁבָנוֹם  
מִשְׁקָה.**

Rabbi Yosei says: One should not place the pot with liquid in it **on the fire**. This is not a reliable test for determining the size of the hole, as it is possible that the hole is actually large enough to enable liquid to enter, but nevertheless **the fire prevents** the liquid from exiting. Rather, one places the pot with liquid in it **on hot ash**. If the **hot ash holds** the liquid back and does not allow it to exit the vessel, then it is known that the vessel contains a small hole that **enables only the exit of liquids**. But if the hot ash does **not** hold the liquid back and does not prevent it from exiting the vessel, it is known that it contains a hole that **enables liquid to enter**. Another manner of testing is to fill the vessel with liquid. If it **drips** one drop after another drop, it is known that it contains a hole that **enables liquid to enter**.

**NOTES**

One takes the handles of the pot and turns it over in an empty tub – **בַּיּוֹצֵד בּוֹזְקִין קָדוֹתָה לְתוֹכָה:** Rabbi Yehuda does not state the deficiency in the method of the first *tanna*, nor why his own method is more effective. Rashi explains that according to Rabbi Yehuda, pushing the vessel into the tub of water involves a certain amount of force. This can cause water to enter a small hole which would normally not allow water to enter. By contrast, when the vessel is placed in an empty tub and water is added afterward, the entry of water accurately indicates that there is a significant hole which allows the entry of liquid.

**BACKGROUND**

**Our great rabbi – רבינו הגדול**: This honorific appellation, used specifically in reference to Rav, i.e., Rabbi Abba bar Ivo, expresses the lofty status of Rav for those in his generation, such as his great disciple Rav Hisda, as well as Sages of later generations.

Rav is considered the father of Torah in Babylonia. He was the first and greatest of the Babylonian *amora'im*. The yeshiva he founded at Sura existed for centuries, until the end of the period of the *geonim*.

His plain title, our great rabbi, or simply Rav, is similar to that of Rabbi Yehuda HaNasi, who was referred to as our holy rabbi, or Rabbi. He was called this because he was the rabbi, or teacher, of all the Jews of the exile (Rashi on *Beitzah* 9b).

Rav was also called Abba the Tall, as he was the tallest in his generation (see 24b).

An extra finger – אַצְבָּע יִתְרָה:



Man with six fingers on each hand

**LANGUAGE**

**Half-se'a [tarkav]** – תַּرְקָב: A *tarkav* is a vessel used to measure a half-se'a. The early commentaries explain that it is derived from the words two [*trei*] and *kav*, i.e., two *kav* plus another *kav*, three *kav* in all, as a *se'a* consists of six *kav*. It is likely, however, that it is actually derived from the Greek τρίκαβος, *trikabos*, meaning three *kav*.

מַאי אֵיכָא בֵין תְּנָא קְמָא לְרַבִּי הַיּוֹדָה?  
אָמַר עֲלֵיה: בִּינּוּס עַל יָדֵךְ אֵיכָא  
בִּינִיְהָ.

The Gemara asks: What difference is there between the method of testing stated by the first *tanna*, placing the vessel in a tub of water, and that of Rabbi Yehuda, placing the vessel upside down into the tub and then covering it with water? **Ulla said:** The difference between their opinions is whether liquid that enters through a hole with difficulty, i.e., as the result of force, is considered entering. According to Rabbi Yehuda, placing the vessel directly into a tub of water constitutes the use of force to a certain degree, and he maintains that if water enters the vessel in such a case, this does not count as liquid entering the vessel. Therefore, he rejects the testing method of the first *tanna*.

כָּל אֶבֶר שִׁישׁ בּוֹ צְפּוֹן וּכְוֹ. יְשִׁ בּוֹ  
צְפּוֹן – מַטְמָא בְּמַגְעָ וּבְמַשְׁאָ וּבְאַחַלָּ  
שׁ בּוֹ עַצְםׁ וְאַיִן בּוֹ צְפּוֹן – מַטְמָא  
בְּמַגְעָ וּבְמַשְׁאָ, וְאַיִן מַטְמָא בְּאַחַלָּ.

§ The mishna teaches: In any limb of the body where there is a nail, there is certainly a bone in it as well. But it is possible for there to be limbs that contain a bone without a nail. The Gemara explains the halakhic significance of this distinction. A limb in which there is a nail and which therefore certainly contains a bone has the status of a full-fledged limb. Therefore, it transmits impurity through contact, movement, and in a tent, even if its size is less than that of an olive-bulk. By contrast, if there is a bone in the limb but there is no nail, it transmits impurity through contact and movement even if its size is less than that of an olive-bulk, but it does not transmit impurity in a tent unless its size is that of an olive-bulk.

אָמַר רַב חַסְדָּא, דָּבָר זוֹ רַבְנָיו הַגָּדוֹל  
אָמַרוּ, הַמָּקוֹם יוֹהָה בְּשֻׁרוֹ. אַצְבָּע  
יִתְרָה שִׁישׁ בּוֹ עַצְםׁ וְאַיִן בּוֹ צְפּוֹן –  
מַטְמָא בְּמַגְעָ וּבְמַשְׁאָ, וְאַיִן מַטְמָא  
בְּאַחַלָּ.

**Rav Hisda says:** The following matter was stated by our great rabbi,<sup>B</sup> Rav, may the Omnipresent come to his assistance. An extra finger<sup>BH</sup> on one's hand in which there is a bone but there is no nail transmits impurity through contact and movement even if its size is less than that of an olive-bulk, but it does not transmit impurity in a tent.

אָמַר רַבָּה בָּר בָּר חַנָּה אָמַר רַבִּי יוֹחָנָן:  
וְכַשְׁאַנְהָה נְסִפָּרְתָּ עַל גַּב הַידָּ.

כָּל הַמַּטְמָא מִדְרָס וּכְוֹ. כָּל דְּחִי  
לִמְדָרָס – מַטְמָא טְמָא מִתְ.

**Rabba bar bar Hana says that Rabbi Yohanan said:** And this is the halakha, that it must contain both bone and a nail for it to be considered a limb, only in a case where this finger cannot be counted along the back of the hand, i.e., the extra finger is not aligned with the others. But if it is aligned with the other fingers then it is considered like any other limb and imparts impurity in a tent, whether or not it contains a nail.

וַיְשִׁ שְׁמַטְמָא טְמָא מוֹת – וְאַיִן מַטְמָא  
מִדְרָס, לְאַתְּיִי מַאי? לְאַתְּיִי סָהָה  
תַּרְקָב.

The mishna continues: And there are vessels that become ritually impure with impurity imparted by a corpse but do not become ritually impure with impurity of a *zav* imparted by treading. The Gemara asks: What is added by this statement? The Gemara answers: This serves to add a measuring vessel, e.g., the measure of a *se'a* or a half-*se'a* [*vetarkav*].<sup>L</sup>

**HALAKHA**

**An extra finger – אַצְבָּע יִתְרָה:** According to the Sages, the male body consists of 248 limbs, each containing flesh, sinews, and bone. This number does not include the teeth. A woman's body contains 251 limbs. Any limb that is separated in its entirety from a body, whether from a living person or a corpse, imparts impurity through contact, by being carried, and in a tent, with the exception of the three additional limbs found in a woman's body, which do not impart impurity in a tent.

An extra finger that contains a bone but not a nail, and which is positioned in line with the other fingers, is considered like any other limb and imparts impurity in a tent. If it is not aligned with the other fingers, it imparts impurity through contact and by being carried but not in a tent, and its impurity

applies by rabbinic law. If it contains a nail it has the same status as a regular limb. This ruling is in accordance with the opinion of Rav Hisda and Rabba bar bar Hana, citing Rabbi Yohanan (Rambam *Sefer Tahara, Hilkhot Tumat Met* 2:7).

**Any item that is fit to become impure with the impurity of a *zav* imparted by treading, etc. – כָּל דְּחִי בְּלִדְרָס וּכְוֹ:** Any item that can become impure with the impurity of a *zav* imparted by treading can become ritually impure with impurity imparted by a corpse. There are items that can become impure with impurity imparted by a corpse but cannot become impure with the impurity of a *zav* imparted by treading (Rambam *Sefer Tahara, Hilkhot Kelim* 27:16).

דָתְנֵא: "וַיֹּוֹשֵׁב עַל הַכֶּל", בְּכֹל כֶּפֶה  
סָאה וַיֹּוֹשֵׁב עֲלֵיה, אֲוֹ תְּרוּקֵב וַיֹּוֹשֵׁב עֲלֵיו  
יְהִיא טָמֵא

תַּלְמוֹד לֹומֵד לֹומר "אֲשֶׁר יִשְׁבֶּן עַלְיוֹ הַבָּב" – כִּי  
שְׁמוּחֵד לִיְשִׁיבָה, יֵצֵא וְהַשְׁׂאָמְרִים לוֹ  
עַמּוֹד וַיַּעֲשֵׂה מַלְאָכָתָנוּ.

**מתני' :** כָּל רֹאוֵי לְדוֹן דִּינִי נְפָשׁוֹת –  
רֹאוֵי לְדוֹן דִּינִי מִמְונּוֹת, וְשֶׁרֹאוֵי לְדוֹן  
דִּינִי מִמְונּוֹת וְאַינוּ רֹאוֵי לְדוֹן דִּינִי  
נְפָשׁוֹת.

**גמ'** אמר רב יהודה: לאתויי מכוור.

תַּנְינָא חֲדָא וַיָּמְנָא: הַכֶּל בְּשֻׁרְיוֹן לְדוֹן  
דִּינִי מִמְונּוֹת, וְאַין הַכֶּל בְּשֻׁרְיוֹן לְדוֹן דִּינִי  
נְפָשׁוֹת. וְהוּמִן בָּה: לאתויי מַמְעוֹר! חֲדָא – לאתויי  
רב יהודה: לאתויי מַמְעוֹר! חֲדָא – לאתויי  
גָּר, וְתָרָא – לאתויי מַמְעוֹר.

וְצַרְיכִי, דֵּאי אֲשֶׁרְמַעַן גָּר – מִשּׁוּם דָרָאוּי  
לְבָא בְּקָהָל, אֲבָל מִמּוֹר דֵּאי רֹאוֵי לְבָא  
בְּקָהָל – אֵימָא לֹא.

וְאֵי אֲשֶׁרְמַעַן מַמְעוֹר – מִשּׁוּם דָקָאָתִי  
מִשְׁפָּה בְּשָׂרָה, אֲבָל גָּר דָקָאָתִי מִשְׁפָּה  
פִּסְולָה – אֵימָא לֹא, צְרִיכָא.

**As it is taught in a baraita:** The verse states with regard to the impurity of the treading of a *zav*: “And he who sits on any object whereon the *zav* sits shall wash his clothes and bathe himself in water, and is impure until the evening” (Leviticus 15:6). One might have thought that if a *zav* turned over a vessel used to measure a *se'a* and sat on it, or if he turned over a vessel used to measure a half-*se'a* and sat on it, that vessel should be rendered impure as a seat upon which a *zav* sat.

Therefore, the verse states: “And he who sits on any object whereon the *zav* sits” (Leviticus 15:6). The wording of the verse indicates that it is speaking of an object that is designated for sitting,<sup>h</sup> i.e., upon which people generally sit, excluding such a vessel, with regard to which we say to someone sitting on it: Stand up and allow us to use it to do our work, i.e., to measure. This is not defined as a vessel used for sitting, as it serves another function.

**MISHNA** Any person who is fit to adjudicate cases of capital law is fit to adjudicate cases of monetary law, and there are those who are fit to adjudicate cases of monetary law but are unfit to adjudicate cases of capital law.<sup>h</sup>

**GEMARA** Rav Yehuda said: The statement of the mishna that some are fit to adjudicate cases of monetary law but are unfit to adjudicate cases of capital law serves to add the case of a *mamzer*.<sup>nh</sup> Although he may not adjudicate cases of capital law, nevertheless he may adjudicate cases of monetary law.

The Gemara asks: Why is it necessary to teach this here? We already learned this on another occasion, in a mishna (*Sanhedrin* 32a): All are fit to judge cases of monetary law, but not all are fit to judge cases of capital law. And we discussed it, and asked what is added by the phrase: All are fit to judge. And Rav Yehuda said in response that this serves to add the case of a *mamzer*. The Gemara answers: One mishna serves to add the case of a convert,<sup>h</sup> and one other mishna serves to add the case of a *mamzer*.

The Gemara explains: And both additions are necessary. As, if the mishnayot had taught us only that a convert is fit to judge cases of monetary law, one might have said that the *halakha* is lenient in the case of a convert because he is fit to enter into the congregation, i.e., marry a Jewish woman. But with regard to a *mamzer*, who is unfit to enter into the congregation, one might say that he is not fit to judge cases of monetary law.

And if the mishnayot had taught us only that a *mamzer* is fit to judge cases of monetary law, one might have said that the *halakha* is lenient in the case of a *mamzer* because he comes from a fit drop of semen, i.e., his father is Jewish. But with regard to a convert, who comes from an unfit drop, as he was born a gentile, one might say that he is not fit to judge cases of monetary law. Therefore, it is necessary to teach the *halakhot* of both a convert and a *mamzer*.

## NOTES

**כִּי שְׁמוּחֵד לִיְשִׁיבָה:** Rashi in tractate *Shabbat* (59a) explains that this is derived from the fact that the Torah states with regard to the impurity of a bed on which a *zav* lay: “Every bed whereon he that has the issue lies shall be impure” (Leviticus 15:4). The same verse states with regard to the impurity of a seat on which he sat: “And everything whereon he sits shall be impure.” The fact that the verse does not speak of that which he lay or sat on, but rather “lies” or “sits” on, suggests that it is referring to an object that is commonly used for these purposes.

**אַתְּתִי מִמּוֹר:** A *mamzer* is fit to adjudicate cases of monetary law but not capital law. The Sages (*Sanhedrin* 36b) derive this from the verse: “You are all fair, my love; and there is no blemish in you” (Song of Songs 4:7). This teaches that as well as being flawless with regard to justice, judges must also be without imperfection in general. This excludes a *mamzer*, who is considered blemished (Rashi). The commentaries further explain that a *mamzer* may not be included in the courts of twenty-three judges, which adjudicate cases of capital law, as every *Sanhedrin*, including these small ones, must consist of members described as follows in the verse: “And they shall bear the burden of the people with you” (Numbers 11:17), i.e., the judges must be similar to Moses. Just as he was of distinguished lineage, so too, the members of the *Sanhedrin* must be of distinguished lineage (Rashi on *Sanhedrin* 36b).

## HALAKHA

And there are those who are fit to adjudicate cases of monetary law but are unfit to adjudicate cases of capital law –  
וְיִשְׁרָאוּי לְדוֹן דִּינִי דִּינִי נְפָשׁוֹת:  
All are fit to adjudicate cases of monetary law, including a convert, provided that his mother was Jewish. Even if his mother was not Jewish, he may judge a fellow convert. Similarly, a *mamzer* or one who is blind in one eye may adjudicate cases of monetary law. By contrast, cases of capital law may be adjudicated only by priests, Levites, and Israelites who are of sufficiently fit lineage that their daughters may marry a member of the priesthood, and who have sight in both eyes. This *halakha* is in accordance with the

opinion of Rav Yehuda in the Gemara (*Rambam Sefer Shofetim, Hilkhot Sanhedrin* 11:11).

**To add the case of a *mamzer* – לאתויי מַמְעוֹר:** A court of three is fit to adjudicate cases even if any or all of them are *mamzerim*. This ruling is in accordance with the opinion of Rav Yehuda (*Rambam Sefer Shofetim, Hilkhot Sanhedrin* 2:9; *Shulhan Arukh, Hoshen Mishpat* 7:2).

**To add the case of a convert – לאתויי גָּר:** A court of three, one of whom is a convert, is unfit to judge a Jew (*Rambam Sefer Shofetim, Hilkhot Sanhedrin* 2:9; *Shulhan Arukh, Hoshen Mishpat* 7:1).

**NOTES**

Any person who is fit to adjudicate a case and serve as a judge is fit to testify<sup>N</sup>: **כל הכהן לדון כשר להעיד**. The early commentaries analyze this generalization in depth, particularly with regard to the status of women. On the one hand, there are indications that women can be judges, as the verse states with regard to Deborah: "She judged Israel at that time" (Judges 4:4). On the other hand, a woman is unfit to testify in court. The commentaries address this difficulty in various ways.

Some suggest that the mishna is referring only to men (*Tosafot*, first interpretation). Alternatively, women are in fact unfit to be judges, and Deborah was an exception who acted based on divine instruction (*Tosafot*, second interpretation; see *Tosafot* on *Yevamot* 45b).

**מתני' כל הכהן לדון - כשר להעיד,  
ויש שבר לו להעיד ואינו כשר לדון.**

**גמ' לאתוי מאי? אמר רבי יוחנן:  
לאתוי סומא באחת מעיניו. ומני?**

**MISHNA** Any person who is fit to adjudicate a case and serve as a judge is fit to testify<sup>N</sup> as a witness, and there are those who are fit to testify but are not fit to adjudicate.

**GEMARA** The Gemara asks: What is added by this statement, that some people are fit to testify but not to adjudicate? Rabbi Yohanan said: This serves to add one who is blind in one of his eyes. And in accordance with whose opinion is this ruling?

**Perek VI****Daf 50 Amud a****HALAKHA**

Leprous marks are viewed by a priest only in the daytime – **נגעים ביום**: Leprous marks may be examined only during the day, whether the ruling is that the leper should be quarantined, declared a confirmed leper, or declared pure. With regard to all cases the verse uses the term: "On the day," or something similar. This halakha is in accordance with the opinion of Rabbi Meir (Rambam *Sefer Tahara, Hilkhot Tzara'at* 9:6).

**ריבים ביום:** A court may not start adjudicating a case at night unless both litigants agree to do so (*Sma* and *Shakh*, citing Maharam of Rothenburg). If the court began to adjudicate a case of monetary law during the day, they may complete the case at night. Some maintain that if the court judged a case during the night, its ruling is valid after the fact (*Rashbam; Bah*), but the majority of the early commentaries hold that it is not valid; see Ramban, Ran, Rosh, Tur, Kesef Mishne, and *Shakh* (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 3:3; *Shulhan Arukh, Hoshen Mishpat* 5:2).

**Blind person – סמיין:** A court of three judges where each is blind in one eye is fit, but in the case of a Sanhedrin, the court is unfit. One who is blind in both eyes is unfit to judge all cases. Some maintain that if one who is blind in both eyes serves as a judge it is valid after the fact; see *Bah* (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 2:9; *Shulhan Arukh, Hoshen Mishpat* 7:2).

**רבי מאיר דיא. דתניא, זהה רבנן  
אומר: מה תפלמוד לומר על פיהם יהיה  
כל ריב וכל נגע – וכי מה עני רבנים  
אצל נגעים? מכיון ריבים לנגעים: מה  
נגעים ביום, דכתיב ביום הראות בו –  
אך ריבים ביום.**

**ומה נגעים שלא בסומא, דכתיב כל  
בראה עני הכהן – אף ריבים שלא  
בסומא. ומכיון נגעים לריבים, מה  
ריבים – שלא בקרובים, אף נגעים –  
שלא בקרובים.**

It is the opinion of Rabbi Meir, as it is taught in a *baraita* that Rabbi Meir would say: What is the meaning when the verse states: "According to their word shall every dispute and every leprous mark be" (Deuteronomy 21:5)? What do disputes have to do with leprous marks? The verse juxtaposes disputes to leprous marks, to teach that just as leprous marks are viewed by a priest only in the daytime,<sup>H</sup> as it is written with regard to leprous marks: "And on the day when raw flesh appears in him he shall be impure" (Leviticus 13:14), so too, disputes are adjudicated only in the daytime.<sup>H</sup>

**אי מה ריבים – בשלשה, אף נגעים  
בשלשה? ורין הווא, ממונו – בשלשה,  
גופו – לא כל שבקן תלמוד לומר "והובא  
אל אהרן הכהן או אל אחד מבניו  
הכהנים" – הא למדת, שאפילו בין  
אחד רואה את הנגעים.**

And just as leprous marks are seen by priests who can see, but not by blind priests, as it is written: "As far as appears to the priest" (Leviticus 13:12), which teaches that they must be viewed by priests who can see with both eyes, so too, disputes are not adjudicated by blind judges, even if they are blind in only one eye. And the verse juxtaposes leprous marks to disputes to teach that just as disputes may not be judged by relatives of the litigants, so too, leprous marks may not be viewed by a priest who is a relative of the afflicted party.

The *baraita* continues: If these two *halakhot* are compared, one can also say that just as disputes are judged specifically by three judges, so too, leprous marks must be viewed by three priests. And this suggestion is supported by a logical inference: If a case that only involves one's money is adjudicated by three judges, all the more so is it not clear that leprous marks, which afflict the person himself, should be viewed by three priests? To counter this notion, the verse states: "And he shall be brought to Aaron the priest or to one of his sons, the priests" (Leviticus 13:2). You have learned from this that even one priest may view leprous marks.

**ההוא סמיין דהוה בשכבותיה דרבי  
יוחנן, דהוה קריין דינא, ולא אמר לו  
ולא מידי. היכי עביד הכהן? וזה אמר רבי  
יוחנן: הלכה כסותם ממנה,**

**ויתנן: כל הכהן לדון – כשר להעיד, ויש  
כשר להעיד ואינו כשר לדון. ואמרין:  
לאתוי מאי? ואמר רבי יוחנן: לאתוי  
סומא באחת מעיניו.**

The Gemara relates: There was a certain blind person<sup>HN</sup> who was living in the neighborhood of Rabbi Yohanan who would render judgments, and Rabbi Yohanan did not say anything to him. The Gemara asks: How could Rabbi Yohanan do this? But didn't Rabbi Yohanan himself say that the *halakha* is in accordance with the ruling of an unattributed mishna?

And we learned in the mishna: Any person who is fit to adjudicate a case and serve as a judge is fit to testify as a witness, and there are those who are fit to testify but are not fit to adjudicate. And we said: What is added by this *halakha*, and Rabbi Yohanan said: It serves to add one who is blind in one of his eyes, as he is fit to testify but unfit to judge. Since Rabbi Yohanan evidently maintains that one who is blind even in one of his eyes is not fit to judge, why did he not admonish this judge?

**רבי יוחנן סתמא אחרינא אשבת, ותנן:**  
דיני ממוןנות דין ביום גומרים בלילה.

The Gemara answers: Rabbi Yoḥanan found another unattributed mishna which indicates a different conclusion. As we learned in the mishna in tractate *Sanhedrin* (32a): In cases of **monetary law**, the court **judges during the daytime, and concludes** the deliberations and issues their ruling even at night. This is not the *halakha* with regard to leprosy marks, which may not be viewed at night at all. Accordingly, one does not compare judging cases of monetary law to viewing leprosy marks. Since this comparison was the source for disqualifying a blind judge, one cannot derive from it that a blind judge is disqualified.

**ומאי אוילמיה דהאי סתמא מהאי סתמא?** איבעית אימא: סתמא ורבים שורף, ואב夷ת אימא: משום דקעתי לה נבי הלכתא דרבי.

The Gemara asks: **And in what manner is the strength of that unattributed mishna in tractate *Sanhedrin* greater than the strength of this unattributed mishna here?** Why did Rabbi Yoḥanan accept the ruling of that mishna? The Gemara explains: **If you wish, say that an unattributed mishna that records the opinion of many Sages, as in *Sanhedrin*, is preferable**, whereas the mishna here was established as in accordance with the individual opinion of Rabbi Meir. **And if you wish, say instead that it is because the mishna in *Sanhedrin* teaches this halakha in the context of the halakhot of judges.** Since that chapter is the primary source for all of the halakhot of court matters, its rulings are of greater weight.

**מתני'** כל שחיב במעשרות – מטה מא טומאת אוכלין, ויש שטומטמא טומאת אוכלין ואינו חיב במעשרות.

**גמ' לאותוי מא? לאותוי בשר ודגים וביצים.**

**MISHNA** Any food from which one is obligated to separate tithes becomes impure with the ritual impurity of food; and there is food that becomes impure with the ritual impurity of food but from which one is not obligated to separate tithes.

**GEMARA** The Gemara asks: **What is added by the last clause of this mishna?** The Gemara answers: This serves to add meat, fish, and eggs.<sup>h</sup> Although they are subject to the ritual impurity of food, one is not obligated to separate tithes from them.

**מתני'** כל שחיב בפאה – חיב במעשרות, ויש שחיב במעשרות ואין חיב בפאה.

**גמ' לאותוי מא? לאותוי תאנה, וירק שאינו חיב בפאה. ותנן, כל אמור בפאה: כל שהוא אוכל ונשבר, ונידולו מן הארץ, ולקיתו באחד, ומכוינו לקיים – חיב בפאה.**

**MISHNA** With regard to any produce from which one is obligated to designate produce in the corner of the field given to the poor [pe'a], as commanded in the Torah (see Leviticus 19:9, 23:22), one is obligated to separate tithes from it; and there is produce from which one is obligated to separate tithes but from which one is not obligated to designate pe'a.

**GEMARA** The Gemara asks: **What is added by the last clause of the mishna?** The Gemara answers: It serves to add figs and vegetables, for which one is not obligated to designate pe'a, although the obligation of tithes does apply to them. As we learned in a mishna (*Pe'a* 1:4): The Sages stated a principle with regard to the halakhot of *pe'a*: With regard to anything that is food, and is protected, and that grows from the earth, and is gathered as one, i.e., there is one fixed time for gathering it, and that one brings in to store for preservation, its owner is obligated to designate *pe'a*.<sup>h</sup>

#### HALAKHA

**Meat, fish, and eggs – בשר ודגים וביצים:** Any food that is normally intended for human consumption, e.g., meat and fish, is susceptible to becoming ritually impure. Food that is not generally used for human consumption is not susceptible to ritual impurity unless it was specifically designated for human consumption. In all cases, food is not susceptible to impurity until it comes into contact with one of the seven liquids, which are water, dew, oil,

wine, milk, blood, and honey (*Rambam Sefer Tahara, Hilkhot Tumat Okhalin* 1:1, 3:3).

**Obligated to designate *pe'a* – חיב בפאה:** The obligation of *pe'a* applies to any food that grows from the earth, is protected, is all gathered as one, and that one brings in to store for preservation (*Rambam Sefer Zera'im, Hilkhot Mattenot Aniyim* 2:1).

### HALAKHA

**Obligated in tithes – חייב במעשרות:** The obligation of *teruma* applies to any food normally intended for human consumption that grows from the earth and is protected. This obligation is a mitzva by Torah law (Rambam *Sefer Zera'im, Hilkhos Terumot* 2:1).

Garden beds of onions that are between the vegetables – מלבנות בין גצלים שבין הירק: In a case of garden beds of onions that are between the vegetables, one leaves *pe'a* from one garden bed for all of the onions, despite the fact that the vegetables separate the beds of onions. This *halakha* is in accordance with the opinion of the Rabbis in the mishna in tractate *Pe'a* (Rambam *Sefer Zera'im, Hilkhos Mattenot Aniyim* 3:10).

And the owner reconsidered their designation and decided to use them for human consumption – נימלן עליון לאדם: With regard to endives that were initially planted for feeding to an animal, where later the owner reconsidered and decided to use them for human consumption, they are not susceptible to ritual impurity unless they were designated for human consumption after they were detached from the earth. This is due to the fact that intent to designate the produce is ineffective while it is attached to the earth. The *halakha* is in accordance with the opinion of Rabba bar bar Ḥana, citing Rabbi Yoḥanan (Rambam *Sefer Tahara, Hilkhos Tumat Okhalin* 3:3).

אוכל – למעוטי ספיחי סטים וקוֹצָה, ונשְׁמָר – למעוטי הַפֶּקֶר, גִּידְולוֹ מִן הָאָרֶץ – למעוטי כְּמָהִים וְפֶטְרוֹת, וְלִקְיָתוֹ בְּאַחֲד – למעוטי תְּאֵנָה, וְמִכְנִיסוֹ לְקִיּוֹם – למעוטי יְרָק.

ואילו גבי מעשר תנן: כל שהוא אוכל, ונשְׁמָר  
גִּידְולוֹ מִן הָאָרֶץ – חייב במעשרות, וαιilo  
לִקְיָתוֹ בְּאַחֲד, וְמִכְנִיסוֹ לְקִיּוֹם לְאַקְתָּנִי

אם הִי בָּהָם שׁוּמִים וּבָצְלָן – חַיְבֵין, דתָּמָן:  
מלְבָנוֹת בְּצָלִים שְׁבִין הַיְּرָק, וּבִי יוֹסֵי אָוָמָר:  
פָּאָה מִכֶּל אַחֲת וְאַחֲת, וְחַכְמִים אֹמְרִים:  
מַאֲחָת עַל הַכֶּל.

אמָר רַבָּה בָּרוּ ברַ חַנָּה אָמָר רַבִּי יוֹחָנָן: עַל שְׁלִישִׁין  
שְׁאוּרָעַן מִתְחִילָה לְבַהְמָה, וְנִמְלָן עַל יְהוָה,  
לְאָדָם.

The Gemara analyzes each criterion of the mishna. The clause: **Anything that is food**, serves to exclude the *sefihin*, produce that grew without being intentionally planted, of woad [setim]<sup>b</sup> and safflower [vekotza].<sup>b</sup> These plants are used as dyes rather than for food. The clause: **And is protected**, serves to exclude ownerless crops, which no one protects. The clause: **And grows from the earth**, serves to exclude truffles<sup>b</sup> and mushrooms, which do not draw sustenance from the ground. The clause: **And is gathered as one**, serves to exclude the fig tree, whose fruit is gathered over an extended period, as the figs do not all ripen at the same time. Finally, the clause: **And that one brings in to storage for preservation**, serves to exclude vegetables, which cannot be stored for lengthy periods.

And yet in the case of tithe, we learned in a mishna (*Ma'asrot* 1:1) with regard to the *halakhot* of tithes: **Anything that is food, and is protected, and grows from the earth is obligated in tithes.**<sup>h</sup> And whereas some of the conditions overlap, the following criteria are not taught with regard to tithes: **Gathered as one, and that one brings in to storage for preservation.** Evidently, the obligation of tithes applies to fig trees and vegetables, despite the fact that the obligation of *pe'a* does not apply.

The Gemara notes that if these vegetables that are exempt from *pe'a* contained garlic and onions, which are stored for an extended period of time, then they are **obligated in *pe'a*** as well. As we learned in a mishna (*Pe'a* 3:4): If one has **garden beds of onions that are between the vegetables**,<sup>h</sup> Rabbi Yosei says that one leaves a separate *pe'a* from each and every one of the beds. **And the Rabbis say** one leaves *pe'a* from one garden bed for all of them.

§ Rabba bar bar Ḥana says that Rabbi Yoḥanan says: In the case of endives<sup>b</sup> that were initially planted to be fed to animals, and later the owner reconsidered their designation and decided to use them for human consumption<sup>h</sup>

### BACKGROUND

**Woad [setim] – צטום:** Woad, *Isatis tinctoria*, is a biennial or multiannual plant from the Brassicaceae family, reaching up to 1 m in height, with simple leaves and yellow flowers. By means of various compressing and fermenting processes, a highly durable indigo-blue dye can be extracted from its leaves. Nowadays, the use of woad for dye production has all but ceased, as dye producers manufacture a less expensive synthetic indigo dye. Although it is no longer cultivated, woad can be found growing naturally in many places in Eretz Yisrael.



Woad

**Safflower [kotza] – קוֹצָה:** Safflower, *Carthamus tinctorius*, is mentioned in the Talmud by the names of *hariya*, *morika*, and *kotza*. It is a thorny plant from the Asteraceae family whose flowers were used to make yellow dye. Nowadays its leaves are used as a high-quality fodder for animals and its seeds for producing oil.

**Truffles – כבמָהִים:** Truffles belong to the *Tuber* genus, a special genus of fungi that grows entirely underground, including its fruit. The body of the fruit looks like a slightly rounded mass that is black, brown, and whitish. Truffles generally grow up to 3–5 cm in height and up to 10 cm in diameter, and a large truffle can weigh as much as 1 kg. Truffles are harvested by removing the earth from above them, a task sometimes performed by specially trained animals. Most truffles are edible at early stages of their growth and are regarded as a delicacy.



Truffles

**Endives – עַל שְׁלִישִׁין:** This refers to *Cichorium endivia*, a winter vegetable similar to lettuce. It has a flower that is usually blue, but sometimes it is pink and white. Its leaves, which grow clustered tightly together around the base of the plant, have a pleasant taste when they are young but grow bitter as the plant matures. There are several varieties of endives, including curly endive and broad-leaved endive. One type of endive, *Chicorium intybus*, or common chicory, is mainly harvested today for its root, which can be used as a substitute for coffee.



Endive



Safflower

## Perek VI

## Daf 50 Amud b

**צִירִכּוֹת מַחְשָׁבָה לְכִשְׁתֵּלָשׁוֹ.** קָسְבָּר:

**מַחְשָׁבָת חֶבְרוֹ לֹא שָׂמַה מַחְשָׁבָה.**

**אמָר רַבָּא:** אִפְּנָן נִמְיָנָא, שְׁלִשָּׁה עֲשָׂר דָּבְרִים נִמְאָרְוּ בְּגִבְּלָת עַזְּתָּהוּ, וַיְהִי אֶחָד מֵהן – צְרִיכָה מַחְשָׁבָה וְאַנְיָה צְרִיכָה הַכֶּשֶׁר. אַלְמָא: מַחְשָׁבָת חֶמְים – לֹא שָׂמַה מַחְשָׁבָה, הַכָּא נִמְיָי – מַחְשָׁבָת חֶבְרוֹ לֹא שָׂמַה מַחְשָׁבָה.

**אמָר לֵיה אַבִּי:** תְּרִגְ�וֹלֶת שְׁבִיבָה, מַיְאָא כְּפָא לְמִימָר? אָמָר לֵיה: תְּרִגְ�וֹל בָּרָא הוּה.

אֲחִיכָו עַלְיהָ: תְּרִגְ�וֹל בָּרָא – עַזְּתָּמָא הָוּא, וַעֲזָב טָמָא מַיְקְמַטָמָא? אָמָר לֵיה אַבִּי: גַּבְרָא רַבָּה אָמָר מִילְתָא לֹא תְּחִיכָו עַלְיהָ, בְּתְּרִגְ�וֹלֶת שְׁפָרְדָה, וַמְאָי בָּרָא – דָּאִיבָרָא יְמֻמָה.

they require intent<sup>N</sup> to be used for human consumption once they are detached from the ground, in order for them to be susceptible to ritual impurity. Rabbi Yoḥanan rules in this manner because he holds that intent to designate produce while it is attached to the ground is not considered intent.<sup>N</sup>

**Rava said:** We learn in a mishna (*Teharot* 1:1) as well: Thirteen matters were stated with regard to the carcass of a kosher bird,<sup>H</sup> and this is one of them: In order for such a carcass to be susceptible to impurity and to be capable of imparting impurity to food through contact, it requires a person's intention to eat it, but it does not require exposure to liquid to be rendered susceptible to impurity. Even if one had intent to eat the bird while it was still alive, intent is still required after it became a carcass for it to transmit impurity. Rava concludes: Evidently, intent that the bird be eaten while the bird is alive is not considered intent. Here too, intent to designate produce while it is attached to the ground is not considered intent.

**Rabbi Zeira said:** Rava's proof is inconclusive, as here we are dealing with a young bird that fell from a height, where the bird was not before us prior to it becoming a carcass, so that one could have had intent that it is food. Consequently, it requires intent afterward for it to impart impurity, but had there been intent while it was still alive, that would have sufficed.

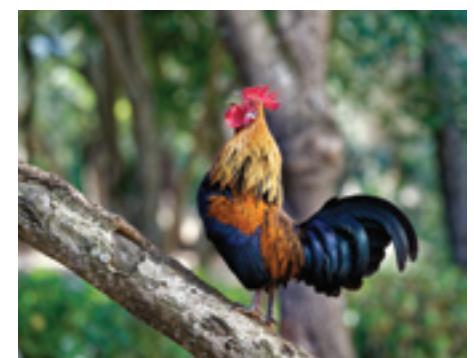
**Abaye said to Rabbi Zeira:** What is there to say about the case of the chicken in Yavne? In that instance the Sages deemed the chicken impure due to intent only after it became a carcass, despite the fact that it was present before them while it was alive. This apparently indicates that intent which occurred while the bird was alive is not considered intent. Rabbi Zeira said to Abaye: That was actually a wild chicken,<sup>B</sup> which was not before them while it was alive, and therefore there was no intent that it should be food while it was alive.

Those who heard this comment laughed at Rabbi Zeira's interpretation: A wild chicken is a non-kosher bird, and does a non-kosher bird impart impurity? Abaye said to them: A great man has stated a matter; do not laugh at him. Rabbi Zeira means that this is referring to a chicken that rebelled against its owner, ran away to the wild, and raised its kosher chicks there. One of those chicks subsequently returned from the wild. Consequently, it had not been present before the Sages while it was alive. And what did Rabbi Zeira mean when he mentioned a wild [bara] chicken? He meant one that was created [*de ivrai*] from a chicken that rebelled.

**HALAKHA**  
The carcass of a kosher bird – **גְּבַלְתָּת עַזְּתָּהוּ:** The unslaughtered carcass of a kosher bird does not require intent for it to be classified as human food, nor does it require contact with liquid to become susceptible to the ritual impurity of food. The reason is that it is customarily grown for human consumption, and any item that is generally grown for human consumption does not require intent to become susceptible to impurity of food, as it will ultimately transmit impurity to people and vessels by an olive-bulk. It also does not require contact with a liquid, in accordance with the principle that an item that will contract a severe form of ritual impurity does not require contact with liquid to be rendered susceptible to impurity, as stated in the mishna in tractate *Okatzin* (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 3:3).

**BACKGROUND**

**Wild chicken – רַא גְּרָגְנוֹל:** Red junglefowl, *Gallus gallus*, are the untamed ancestors of the domesticated chicken. However, they are indigenous to the forests of Asia, and there is no basis for the assumption that these were found in Babylonia. It is possible that the term wild chicken also refers to other wild fowl that are similar in appearance to chickens, e.g., the partridge or the pheasant.



Red junglefowl



Rock partridges

**NOTES**

**They require intent – צִירִכּוֹת מַחְשָׁבָה:** Since endives are customarily grown for consumption by animals, they require intent to use them for human consumption after they are detached in order for them to be susceptible to ritual impurity. Such intent is effective despite the fact that when they were attached to the ground the owner planned to use them to feed his animals, as he has retracted the original designation (Rashi).

With regard to the nature of this designation, some maintain that one must retract the prior designation verbally, in accordance with the general opinion of Rashi and *Tosafot* (*Bava Metzia* 43b) that when the Gemara refers to intention it means a verbal statement (*Tosefot Yom Tov* on *Kelim* 25:9). Others contend that mere thought suffices in order for these to be rendered

impure with the impurity of food (Rabbi Ovadya Bartenura). Some claim that this matter is an unresolved dispute between the early commentaries (*Tiferet Yisrael* on *Kelim* 25:9).

**Intent to designate produce while it is attached to the ground is not considered intent – מַחְשָׁבָת חֶבְרוֹ לֹא שָׂמַה מַחְשָׁבָה:** Food items that are attached to the ground are not susceptible to ritual impurity. Even food that was already impure loses its impurity when it is planted. The commentaries explain that anything attached to the ground is not defined as food, and therefore cannot attain, or even retain, the status of impure food (Rashi on *Pesahim* 34a).

**BACKGROUND**

**Marsh [agma] – אֲגָמָה:** The term *agma*, like its Hebrew counterpart *agam*, refers to a place next to a river or a pond abundant in vegetation such as reeds, low trees, and grass. Since the region of Babylonia is flat with a large amount of river erosion, it has many swamps, which form marshes. These marshes, which were swampy, boggy areas that occasionally flood when the rivers overflow, were ownerless but were often used as grazing pasture for animals.

**Marsh hen – אֲגָמָתָא דְּאֲגָמָה:** In contrast to kosher animals and fish, the Torah does not mention the characteristic signs that distinguish birds as kosher. Rather, the verses (Leviticus 11:13–19; Deuteronomy 14:12–19) simply list the non-kosher birds. Nevertheless, the Sages provide three identification signs of a kosher bird: One of its toes is significantly longer than the others; it has a discernible crop; and its craw, the thick, muscular stomach, is easily peeled away. Moreover, it is not a bird of prey. The discovery that a given bird attacked its prey is a clear indication that it is not kosher. Despite these signs, the Sages declared that in practice a species of bird should be considered kosher only if there is an accepted tradition to that effect.

**A young bird that fell into a winepress – גּוֹלֶשׁ בְּבָתָה:** The winepresses in the time of the Mishna and Gemara were typically carved into a rock where grapes were placed and pressed. Between the upper press, where the grapes were pressed, and the lower press, where the wine was collected, there was a small pipe carved into the rock through which the liquid flowed.

Both the upper and lower presses were uncovered, which is why it was common for young birds to fall in and drown in the juice that accumulated there.



Winepress, first century CE

רַב פָּפָא אָמָר: תְּרִינְגּוֹלְתָא דְּאֲגָמָה הוּא.  
רַב פָּפָא לְטֻמְמִיהָ, דְּאָמָר רַב פָּפָא: תְּרִינְגּוֹלְתָא דְּאֲגָמָה – אֲסּוֹ, תְּרִינְגּוֹלְתָא דְּאֲגָמָה – שְׂרִיאָ.

וּסִימְנֵיךְ – עַמּוֹנִי וְלֹא עַמּוֹנִית. דָּרְשׁ מַרְיָם:  
תְּרִינְגּוֹלְתָא דְּאֲגָמָה – אֲסּוֹ. חִזּוּה וּבְנָן  
דָּרְשָׁה וְאֲכָלָה, וְהִינּוּ גְּיוֹרֹתָא.

תַּנּוּ רַבְּנָן, גּוֹלֶשׁ בְּבָתָה, וְחַשֵּׁב עַלְיוֹ לְהַעֲלוֹתָה  
לְכוֹנִי – טָמֵא, לְכָלָב – טָהוֹר. נִבְיָה יוֹחָנָן בֶּן נָרִי  
אָמָר: אַף לְכָלָב – טָמֵא.

אָמָר רַבִּי יוֹחָנָן בֶּן נָרִי: קָל וּחוֹמוֹר, אָם מַטְמָא  
טוּמָאָה חִמּוֹרָה שְׁלָא בְמַחְשָׁבָה, לֹא יְטַמֵּא  
טוּמָאָה קָלָה שְׁלָא בְמַחְשָׁבָה?

אָמָר לוֹ: לֹא, אָם אֲמֹרָת בְּטוּמָאָה חִמּוֹרָה –  
שֶׁבַן אַיִלָה יוֹרַת לְכָךְ, תְּאָמָר בְּטוּמָאָה קָלָה  
שֶׁבַן יוֹרַת לְכָךְ!

אָמָר לוֹ: תְּרִינְגּוֹלְתָא שְׁבִיבָה תּוֹכִית, שִׁוְרָה  
לְכָךְ – יְטַמֵּאָה שְׁלָא בְמַחְשָׁבָה. אָמָר לוֹ  
מִשְׁם רָאָיתָה? כּוֹתִים הֵי שָׁם, וְחַשְׁבוּ עַלְיהָ  
לְאַכְּלָה.

Rav Pappa stated an alternative interpretation: It was a marsh [de'agma]<sup>8</sup> hen.<sup>8</sup> Since no one lives in a marsh, there was no opportunity for intent while it was alive, and therefore intent was necessary afterward. The Gemara adds: Rav Pappa conforms to his standard line of reasoning in this regard, as Rav Pappa said: The animal called the marsh rooster is prohibited, as it is a non-kosher bird, whereas the marsh hen is kosher and permitted.

**And your mnemonic** to remember which animal is permitted and which is prohibited is the well-known statement of the Sages with regard to the verse: “An Ammonite or a Moabite shall not enter into the assembly of the Lord” (Deuteronomy 23:4). **An Ammonite man** is unfit to enter the assembly **but not an Ammonite woman**. Here too, the animal with a female name is permitted, whereas the one with a male name is prohibited. **Mareimar taught: The marsh hen is prohibited**, contrary to the opinion of Rav Pappa, as the Sages saw that it mauled and ate its prey. **And this is the geiruta**, a non-kosher bird.

**§ Apropos the case of a young kosher bird that fell and died, the Sages taught in a baraita: A young kosher bird that fell into a winepress<sup>8H</sup> and died there, where the owner intended to draw it up from the press for a Samaritan to eat, is ritually impure, like any carcass of a kosher bird. If he intended to draw it up from the press for a dog to eat, it is ritually pure. Rabbi Yoḥanan ben Nuri says: Even if he intended to draw it up from the press for a dog to eat, it is impure, as the bird does not require intent for it to be impure.**

**Rabbi Yoḥanan ben Nuri** says in explanation of his opinion: This *halakha* can be derived by the following *a fortiori* inference: If the carcass of a kosher bird **transmits severe ritual impurity**, i.e., it renders one's garments impure when an olive-bulk of it is in the throat, **without thought**, i.e., even if no one had intent that a person should eat it, should it **not transmit a lenient impurity of food**, by touch alone, likewise **without thought**?

The Rabbis said to Rabbi Yoḥanan ben Nuri: No, this is not a valid *a fortiori* inference. If you said that there is no requirement of intent with regard to severe ritual impurity, that is because severe ritual impurity does not assume its status with that requirement of thought, i.e., intent is not relevant to that type of impurity. Shall you also say that there is no requirement of thought with regard to lenient impurity, which does assume its status with that requirement of thought? The Gemara will soon explain the precise meaning of this concept of assuming its status with the requirement of thought.

Rabbi Yoḥanan ben Nuri said to the Rabbis: The case of the chicken in Yavne can prove that the question of whether or not intent is required does not depend on that factor. The case in Yavne involved an item that does assume its status with that requirement of thought, and yet the Sages declared it impure without intent. The Rabbis said to Rabbi Yoḥanan ben Nuri: Will you cite proof from there? In that case there were Samaritans there, and the people in Yavne intended that it be eaten by the Samaritans.

**HALAKHA**

A young kosher bird that fell into a winepress – גּוֹלֶשׁ בְּבָתָה:  
If a young kosher bird fell into a winepress and died, it requires intent to become susceptible to the impurity of food. This is the case even in a city. If one intended it to be eaten by a gentile when

he drew it out of the press, it is susceptible to impurity, as it was designated for human consumption. But if he intended it to be fed to a dog, it is not susceptible to impurity (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 3:10).

**בָּמְאֵי עַסְקִין? אִילְמָא בְּכֶרֶכִים - לְמֹה לֹא מַחֲשָׁבָה?** וְהַתָּנוּ: נְגַלְתָּ בָּהָמָה טָהוֹר בְּכָל מִקּוּם, וְנְגַלְתָּ עַזְּרָה וְהַחֲלָב בְּכֶרֶכִים - אֵין צְרִיכֵין לֹא מַחֲשָׁבָה וְלֹא הַכְּשָׁר!

**אֵלָא בְּכֶרֶכִים, וּמַי אִיכָּא לִמְאָן דָּאָמָר דָּלָא בְּשִׂיאָה מַחֲשָׁבָה? וְהַתָּנוּ: נְגַלְתָּ בָּהָמָה טָמָא בְּכָל מִקּוּם, וְנְגַלְתָּ עַזְּרָה וְהַחֲלָב בְּכֶרֶכִים - צְרִיכָה מַחֲשָׁבָה, וְאֵינָה צְרִיכָה הַכְּשָׁר!**

**אמֵר רַבִּי זֵירָא בֶּרֶןִינָא: לְעוֹלָם - בְּכָרָע,**  
**וְגַתּוּ - מַאֲסָתוֹ וְעַשְׁאָתוֹ בְּכָרָע.**

**אָמֵר רַבִּי יוֹחָנָן בֶּן נָרִי: קָל וְחוֹמָר, אָמֵן מַטְמָאָה טוֹמָאָה חֻמָּאָה תָּמָאָה שֶׁלָּא בְּמַחֲשָׁבָה - לֹא תַּפְנִימָא טוֹמָאָה קָלָה שֶׁלָּא בְּמַחֲשָׁבָה?**

**אָמַרוּ לֹא, אָמֵן אָמְרָתְךָ בְּטוֹמָאָה חֻמָּאָה שֶׁבָּן אֵינָה יוֹרַת לְכָךְ.**

**מַאי "אֵינָה יוֹרַת לְכָךְ"? אָמֵר רַבָּא, הַכִּי קָאָמְרִי לַיה: לֹא, אָמֵן אָמְרָתְךָ**

The Gemara analyzes the case of a young kosher bird that fell into a winepress: **What type of situation are we dealing with? If we say that we are dealing with cities, where there are many people available to consume all sorts of food, including the carcass of a kosher bird, why does it require intent? But didn't we learn in a mishna (Okatzin 3:3): An unslaughtered carcass of a kosher animal in any location<sup>H</sup>, whether the population is large or small, and the carcass of a kosher bird or the fat of a kosher animal found in cities [bakerakim]<sup>L</sup>, require neither intent for human consumption nor contact with liquid for them to be rendered susceptible to impurity?**

Rather, it must be referring to villages, where the population is small and there are not many people who would eat the carcass. **But this too is difficult: Is there anyone who said that intent is not required in the case of a carcass of a non-kosher bird for the impurity of food? Didn't we learn in the beginning of that same mishna: A carcass of a non-kosher animal found in any location<sup>N</sup>, and an unslaughtered carcass of a kosher bird in the villages<sup>H</sup> both require intent to consume them, but they do not require contact with a liquid to become susceptible to ritual impurity?**

**Rabbi Zeira bar Hanina says:** Actually, the *baraita* is referring to a case that occurred in a city, and even so intent is required. The reason is that the young bird fell into a winepress, and the winepress rendered it disgusting and thereby rendered it like the carcass of a kosher bird in a village, where there are few people who would eat it.

The Gemara analyzes the exchange cited above. **Rabbi Yohanan ben Nuri says** that this *halakha* can be derived by an *a fortiori* inference: If the carcass of a kosher bird transmits severe ritual impurity without thought, should it not transmit lenient impurity without thought?

The Rabbis said to Rabbi Yohanan ben Nuri: No, this is not a valid *a fortiori* inference. **If you said so with regard to severe ritual impurity, that is because it does not assume its status with that requirement of thought.**

The Gemara asks: What is the meaning of the clause: It does not assume its status with that requirement of thought? In what manner is thought required for the lenient impurity of food it imparts in the case of a bird carcass but not required for the severe impurity it imparts when it is in the throat? **Rava said that this is what the Rabbis said to Rabbi Yohanan ben Nuri: No, if you said that there is no requirement of thought**

## LANGUAGE

**Cities [kerakim] – כְּרָכִים:** This refers to large cities that were typically surrounded by a wall. Some maintain that the term is from the Greek χάραξ, *kharax*, a place fortified by beams. Others contend that it has a Semitic, or perhaps Assyrian source, related to the root *kaf, reish, kaf*, meaning encirclement, which is a fitting description for a walled city.

## NOTES

A carcass of a non-kosher animal found in any location – נְגַלְתָּ בָּהָמָה טָמָא בְּכָל מִקּוּם – Rashi explains that as the carcass of a non-kosher animal is generally not considered food, it requires intent for consumption in order for it to be susceptible to impurity as food. It can be claimed that the question of whether or not it is subject to impurity as food is irrelevant, since in any case it will transmit the impurity of a carcass to people and vessels, and certainly to food and liquids, when it is of the volume of an olive-bulk. Nevertheless, the issue of its impurity as food is important in a case where there is other impure food that is less than the minimum measure for impurity as food, i.e., an egg-bulk, and there is less than an olive-bulk of the carcass of a non-kosher animal. Since this piece is less than an olive-bulk it does not transmit impurity as a carcass. But if it is subject to impurity as food it can combine with the other impure food to complete the measure for impurity of an egg-bulk.

## HALAKHA

An unslaughtered carcass of a kosher animal in any location, etc. – נְגַלְתָּ בָּהָמָה טָהוֹר בְּכָל מִקּוּם וכו': The unslaughtered carcass of a kosher animal in any location, the carcass of a kosher bird in any location, and the fat of a kosher animal found in cities require neither intent for human consumption nor contact with liquid for them to be rendered susceptible to impurity. The reason is that they are designated for human consumption, and anything that is designated for human consumption does not require intent to become susceptible to the impurity of food. No contact with liquid is required, as they will ultimately transmit impurity to people and vessels in the amount of an olive-bulk. This ruling is in accordance with the mishna in tractate Okatzin (Rambam Sefer Tahara, Hilkhot Tumat Okhalin 3:3).

A carcass of a non-kosher animal in any location and an unslaughtered carcass of a kosher bird in the villages – נְגַלְתָּ בָּהָמָה טָמָא בְּכָל מִקּוּם וְנְגַלְתָּ עַזְּרָה וְהַחֲלָב בְּכֶרֶכִים: The carcass of a kosher bird in the villages and the unslaughtered carcass of a non-kosher animal in any location require intent for human consumption, but not contact with liquid, to be rendered susceptible to impurity. This *halakha* applies only when they are less than an olive-bulk in volume. But if there is an olive-bulk of the carcass it is a primary source of ritual impurity even in the absence of intention. This ruling is in accordance with the mishna in tractate Okatzin (Rambam Sefer Tahara, Hilkhot Tumat Okhalin 3:3).

**NOTES**

It does require contact with water – **הַכְּשָׁר מִים בְּבָעֵיא**: In order for an item to be considered food with regard to susceptibility to ritual impurity, one of the seven liquids: Water, dew, oil, wine, milk, blood, or honey, must fall on it with the owner's knowledge and in accordance with his wishes (see *Makhshirin* 6:7).

**בְּטוּמָה חֲמֹרָה – שֶׁבַן אַיִלָּה עוֹשָׂה בַּיּוֹצָא בְּהָ**

in a case of **severe ritual impurity**, i.e., when the carcass of a kosher bird renders one's garments impure while it is in his throat, **which does not render** impure another item **similar to it**, i.e., a person who is rendered impure by the carcass does not render another man impure; **shall you also say** that there is no requirement of thought in the case of **lenient impurity**, i.e., when the carcass transmits impurity as food, **which does render** impure another item **similar to it**? Food that became impure transmits impurity to other food, albeit by rabbinic law.

**אָמָר לֵיה אָבִי: כֹּל דָּקָן הָוָא, וּמוֹתָטוּמָה חֲמֹרָה דְּקִילָּא – דְּאַיִלָּה עוֹשָׂה בַּיּוֹצָא בְּהָ – מִטְפָּמָה שֶׁלֹּא בַּמְחַשְּׁבָה. טוֹמָאָה קְלָה דְּחַמְּרַא, דְּעוֹשָׂה בַּיּוֹצָא בָּה – אַיִלָּה דְּיַיִן שְׁמַטְמָמָה שֶׁלֹּא בַּמְחַשְּׁבָה?**

**Abaye said to Rava:** But in that case, **all the more so** impurity as food should apply without thought. If **severe impurity**, i.e., the unique impurity of the carcass of a kosher bird, which is **lenient** in the sense that it **does not render** impure another item **similar to it**, nevertheless **imparts impurity without thought**, i.e., without one knowing what is in his throat, then with regard to **lenient impurity**, i.e., the carcass's impurity as food, **which is more severe** in the sense that it **renders** impure another item **similar to it**, isn't it logical that it **should impart impurity without thought**?

**אַלְאָ אָמָר רַב שְׁשַׁת, הַכְּלִי קָאָמָר: לֹא אָמָר מִרְמָת בְּטוּמָה חֲמֹרָה – שֶׁבַן אַיִלָּה צְרִיכָה הַכְּשָׁר, תָּאָמָר בְּטוּמָה קְלָה – שְׁצְרִיכָה הַכְּשָׁר.**

Rather, Rav Sheshet said that this is what the Rabbis, who replied to Rabbi Yohanan ben Nuri, are saying: No, if you said that thought is not required with regard to **severe impurity**, i.e., the carcass of a kosher bird in the throat, as it **does not require** contact with a liquid for it to be rendered **susceptible** to ritual impurity, shall you also say that thought is not required with regard to **lenient impurity**, i.e., its impurity as food, where it **does require** contact with a liquid for it to be rendered **susceptible** to ritual impurity?

**וּמִ צְרִיכָה הַכְּשָׁר? וְהַתְּנוּ, שְׁלָשָׁה דְּבָרִים נָאָמְרוּ בְּנַבְלָת עַזְּרָתָה: צְרִיכָה מְחַשְּׁבָה, וְאַיִלָּה מִטְפָּמָה אַלְאָ בְּבֵית הַבְּלִיעָה, וְאַיִלָּה צְרִיכָה הַכְּשָׁר!**

The Gemara asks: And does the carcass of a kosher bird **require** contact with a liquid for it to be rendered **susceptible** to impurity as food? But didn't we learn in a *baraita*: Three matters were stated with regard to the carcass of a kosher bird: In order for it to be susceptible to impurity as food, it **requires** a person's **intent** to eat it; and it **transmits impurity** to garments by rendering one who swallows it ritually impure **only** when an olive-bulk of it is **in the throat**;<sup>h</sup> and it **does not require** contact with a liquid for it to be rendered **susceptible** to ritual impurity?<sup>h</sup>

**נַהֲדֵי דְּהַכְּשָׁר שְׁרֵץ לֹא בְּבָעֵיא, הַכְּשָׁר מִים בְּבָעֵיא.**

The Gemara answers: **Although it does not require** contact with a **creeping animal** for it to be rendered **susceptible** to impurity, i.e., it is inherently impure, nevertheless **it does require** contact with **water**<sup>n</sup> or another liquid for it to be rendered **susceptible** to ritual impurity.

**מַאי שָׁנָא הַכְּשָׁר שְׁרֵץ דְּלֹא בְּבָעֵיא, כְּדַתְנָא דְּבִי רַבִּי יִשְׁמָעָאֵל, הַכְּשָׁר מִים נַמֵּ לֹא בְּבָעֵיא, כְּדַתְנָא דְּבִי רַבִּי יִשְׁמָעָאֵל!**

The Gemara asks: What is different about being rendered **susceptible** to ritual impurity by contact with a **creeping animal** that it **does not require** this contact? This ruling is in accordance with that which the school of Rabbi Yishmael taught. If so, it should also not require contact with **water** or another liquid for it to be rendered **susceptible** to ritual impurity, likewise in accordance with that which the school of Rabbi Yishmael taught.

**HALAKHA**

It transmits impurity to garments only when an olive-bulk is in the throat – **אַיִלָּה מִטְפָּמָה אַלְאָ בְּבֵית הַבְּלִיעָה**: Carcasses of kosher birds impart ritual impurity by Torah law, but not to one who touches or carries them, nor when it is still in his mouth. Rather, one who eats an olive-bulk of the meat of such a carcass contracts impurity when the meat is in his throat. One who is thereby rendered impure imparts impurity to any clothing or vessels that are in contact with him at the moment of swallowing, except for earthenware vessels (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 3:1).

It does not require contact to be rendered susceptible to impurity – **אַיִלָּה צְרִיכָה הַכְּשָׁר**: The unslaughtered carcass of a kosher bird

does not require intent to be classified as human food, nor does it require contact with liquid to become susceptible to the impurity of food. The reason is that it is customarily grown for human consumption, and anything that is customarily grown for human consumption does not require intent in order to become susceptible to the impurity of food. It also does not require contact with liquid, in accordance with the principle that an item that will contract a severe form of ritual impurity does not require contact with liquid to be rendered susceptible to impurity. This halakha is in accordance with the mishna in tractate *Okatzin* (Rambam *Sefer Tahara, Hilkhos Tumat Okhalin* 3:3).

דְתַנָּא דְבֵי רַבִּי יְשָׁמְעָאל: "עַל כֵּל וּעֲרוֹעַ אֲשֶׁר יָצַע"

**As the school of Rabbi Yishmael taught in a *baraita*:** The verse states that seeds contract impurity from the carcass of a creeping animal only if they first come into contact with water: “And if any part of their carcass fall upon any sowing seed that is to be sown, it is pure. But if water be put upon the seed, and any part of their carcass fall thereon, it is impure unto you” (Leviticus 11:37–38). This passage teaches that as long as water did not fall on the seeds, they are not susceptible to ritual impurity. This *halakha* applies to all items similar to seeds.

מה זרעים שאין סופן לטמא טומאה  
חומרה – צריכין הכהר, אף כל שאין  
סופן לטמא טומאה חמורה – צריכין  
הכהר, יצתה נבלת עוף תהו שסופה  
לטמא טומאה חמורה – שאין צריין  
הכהר.

אללא אמר רבא ואיתימא רב פפא: שום  
טומאה חמורה בעולם, שום טומאה  
קהלת בעולם.

Accordingly, **just as seeds, which will never transmit impurity severe enough to transmit to humans,<sup>N</sup> like any food, require contact with liquid to be rendered susceptible to impurity, so too, all items that will never transmit severe impurity require contact with liquid to be rendered susceptible to impurity. This excludes the carcass of a kosher bird, which will ultimately transmit impurity severe enough to be transmitted to a human, i.e., when it is in his throat, and therefore it does not require contact with liquid for it to be rendered susceptible to ritual impurity.**

Rather, Rava said, and some say that it was Rav Pappa who said: The Rabbis’ rejection of Rabbi Yoḥanan ben Nuri’s *a fortiori* inference is not based on the specific *halakha* of impurity of food imparted by the carcass of a bird. Rather, they are referring to the fact that **in general** there is no item under the common **name of severe impurity** that requires contact with a liquid for it to be rendered susceptible to ritual impurity. By contrast, with regard to the **common name of lenient impurity** as food, **in general** the items in this category require contact with a liquid for them to be rendered susceptible to impurity, despite the fact that the particular case of the carcass of a kosher bird is an exception. Therefore, intent is required for lenient impurity even in the case of a carcass of a kosher bird.

אמור רבא: ומורה רבבי יוחנן לעניין מעשר,  
רמחשבת חיבור – שמוה מוחשבדה. אמרו  
רבא: מנא אמינו לה – דתנן, הסיאה  
והאווב והקוריית שבחצער, אם כי  
נשמרין – חייבין.

**§ Rava says:** And Rabbi Yoḥanan concedes with regard to the obligation to tithe, that intent while the produce is attached to the ground is considered intent. Rava said: From where do I say that this is the *halakha*? It is as we learned in a mishna (*Ma'asrot* 3:9) that deals with the obligation to tithe: **Savory, hyssop [*veha'ezov*],<sup>B</sup> and thyme [*vehakoranit*],<sup>C</sup>** i.e., various types of hyssop plants, that were growing in a **courtyard**,<sup>H</sup> are eaten by some people although they are not specifically intended for human consumption. Therefore, if they were protected by the owners, those owners are obligated to separate tithes from them.

היכי דמי? אילמא דזרעיניו מותחללה  
לאדם – צריכא לימייר? אללא לאו  
זרעיניו מותחללה לבהמה, וקחני: “אם  
נשמרין חייבין.”

The Gemara clarifies the mishna: **What are the circumstances of this ruling?** If we say that it is referring to a case where one initially planted them for human consumption, does it need to be said that there is an obligation to tithe if they are protected by the owners? It is clear that in such a situation the criteria for the obligation to tithe, i.e., that it is human food which is protected, have been met. **Rather, is it not referring to a case where one initially planted them to be fed to an animal,** and nevertheless the mishna teaches: If the owner reconsidered their designation and decided to use them for human consumption and **they were protected** by the owners, the owners are **obligated** to tithe them. This apparently indicates that intent while the produce is attached to the ground is considered intent.

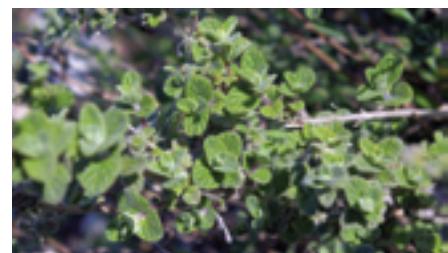
## NOTES

Seeds which will never transmit impurity severe enough to transmit to humans – **זרעים שאין סופן לטמא טומאה**: Seeds cannot contract severe ritual impurity, as food does not contract impurity severe enough to be transmitted to people. Furthermore, food cannot become a primary source of impurity (Rashi on *Hullin* 121a). Even if food touches a corpse, which is the ultimate primary source of impurity and renders that which it touches a primary source of impurity, the food does not become a primary source of impurity that renders a person and vessels impure.

## BACKGROUND

**Hyssop [ezov]** – **אזווב:** The Sages were unsure of the precise identification of the *ezov* plant mentioned in the Torah. From the various descriptions in the rabbinic sources it is apparently the common hyssop plant, *Majorna syriaca*.

The hyssop is a fragrant plant that grows to a height of 50–100 cm. The plant spreads out from its base into rigid wooden branches, which annually produce straight stems that dry out and die in winter. The white flowers of the hyssop plant grow in crowded bunches on the ends of its branches. This plant grows in rocky terrain and in the undergrowth in Eretz Yisrael and in surrounding countries. Dried hyssop leaves are used in the spice *za'atar*.



Bible hyssop

**Thyme [koranit]** – **קוֹרָנִית:** *Koranit*, according to various identifications in the Talmud, is probably the plant called conehead thyme, *Thymus capitatus*, of the Lamiaceae family. It is a branched shrub 10–50 cm in height, with small, short branches up to 5 mm long, whose flowers are pink and emit a fragrance. Conehead thyme grows wild in most areas of Eretz Yisrael. Thyme has also been posited as the identity of *se'a*, translated here as savory.



Conehead thyme

## HALAKHA

**Savory, hyssop, and thyme that were growing in a courtyard –** **לטיאיה והאווב והקוריית שבחצער:** If savory, hyssop, and thyme were planted from the outset for human consumption, their owners are obligated to tithe them. If they were planted to be used as food for animals, and later the owners changed their minds before they were harvested and decided to use them for human consumption, they are exempt from tithes. The reason is that intent while produce is attached to the ground is ineffective.

If they grew by themselves in a courtyard that is secure, the obligation of tithes applies, as they are generally intended for human consumption unless they were specifically designated as food for animals. If the courtyard is not secure, their owner is exempt. This ruling is in accordance with the mishna in tractate *Ma'asrot*, as interpreted by Rav Ashi (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 2:2).

### HALAKHA

**Tereifa** from which one is obligated to give the first shearing to the priest – טרפה דחיבת בראשית הגו –: The obligation of the first shearing applies to a *tereifa* (Rambam Sefer Zeraim, Hilkhos Bikkurim 10:7).

But one is not obligated to have gifts of the priesthood taken from it – אין חיבת במתנות: If one slaughtered an animal and discovered that it was a *tereifa*, or even if there was uncertainty whether it is a *tereifa* (*Shakh*), there is no obligation to give the gifts of the priesthood (Shulhan Arukh, Yoreh De'a 61:6).

One who declares his vineyard ownerless and who arose the next morning and picked grapes – המפרק את כרמו וגהבים בבקר ובעזר: One who declared his vineyard ownerless and in the morning reacquired the field for himself and harvested it is obligated to leave for the poor *peret*, *olelot*, forgotten grape clusters, and *pe'a*. Nevertheless, he is exempt from tithes, in accordance with the *baraita* (Rambam Sefer Zera'im, Hilkhos Mattenot Aniyim 5:27).

אמור רב אשי: הכא בחצר שעלו מalleeון עסquitין, וסתמא – לאדם קיימין. והכי קאמא: אם החצר משמרות פירוטה – חייבין, ואם לאו – פטורין.

מתיב רב אשי: כל שחיבין במעשרות – מטמאין תומאת אוכליין. ואם איתא, ה' איכא גני – דקהיבין – במעשר ואין מטמאין תומאת אוכליין!

אמור רבא, ה' כי קאמא: כל מין שחיבין במעשר – מטמא תומאת אוכליין.

ה' כי נמי מסתברא, מדקתי סיבא: כל שחיבין בראשית הגו – חייב במתנות, ויש שחיבין במתנות ואין חייב בראשית הגו.

אם איתא, האיכא טרפה – דחיבת בראשית הגו, ואין חיבת במתנות!

אמור רבינא: ה' מא – רב שמעון היא, דתנן: רב שמעון פטור את הטרפה מרראשית הגו.

אמור רב שני בר אשי, ה' מא שמע: המפרק את כרמו, והשקבים בבקר ובעזר – חייב בפרט, ובועלות, ובשכחה, ובפאה, ופטור מן המעשר.

Rav Ashi said that Rava's proof is inconclusive, for the following reason: Here we are dealing with a courtyard where these various types of hyssop plants grew by themselves, and where they are unspecified, they are intended for human consumption. Therefore, they meet the first criteria for the obligation to tithe, as they are considered food. And the mishna addresses the second requirement, that the food must be protected, and this is what it is saying: If the courtyard protects its produce, the owners are obligated in tithes, and if not, they are exempt.

Rav Ashi raises a further objection to Rava's explanation from a mishna (soa): Any food from which one is obligated to separate tithes becomes impure with the ritual impurity of food. But if it is so, as Rava claimed, that intent while the produce is attached to the ground is considered intent with respect to the obligation to tithe, despite the fact that it is not considered intent with regard to impurity, then the mishna's blanket statement is inaccurate. Rav Ashi elaborates: After all, there are these endives that were initially planted in order to feed to an animal and later the owner reconsidered their designation and decided to use them for human consumption, from which one is obligated to separate tithe, but which do not become impure with the ritual impurity of food.

Rava said in response that this is what the mishna is saying: Any type of food from which one is obligated to separate tithe becomes impure with the ritual impurity of food. In other words, this is referring to types of food, not to all situations. It is possible for a particular circumstance to be an exception to this principle.

The Gemara adds that this too stands to reason, that the mishna is referring only to types of food, not situations, from the fact that the latter clause teaches (sib): With regard to any animal from which the owner is obligated to give the first shearing of its wool, he is obligated to have gifts of the priesthood taken from it, i.e., the foreleg, the jaw, and the maw, if it was slaughtered. And there are animals from which one is obligated to have gifts of the priesthood taken from it, but from which he is not obligated to give the first shearing.

And if it is so, that the principles of the mishna are all-inclusive, one can raise the following difficulty: But there is the specific case of an animal with a wound that will cause it to die within twelve months [*tereifa*], from which one is obligated to give the first shearing,<sup>h</sup> but one is not obligated to have gifts of the priesthood taken from it,<sup>h</sup> as it may not be eaten. This proves that Rava is correct, that the mishna is not referring to all circumstances, but only to general categories.

Ravina said, rejecting this proof: It is possible that the mishna is referring to all circumstances, and as for the difficulty with regard to a *tereifa*, one can say that in accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Shimon, as we learned in a *baraita*: Rabbi Shimon exempts the owner of a *tereifa* from the mitzva of the first shearing.

Rav Shimi bar Ashi said: Come and hear a proof from a *baraita* that the mishna is not referring to all circumstances, but only to general categories: With regard to one who declares his vineyard ownerless, and who arose the next morning and picked grapes<sup>h</sup> from the vineyard before anyone else took possession of them, he is obligated in the mitzva of leaving for the poor individual fallen grapes [*peret*], and in the mitzva of leaving for them incompletely formed clusters of grapes [*uve'olelot*], and in the mitzva of forgotten clusters, and in *pe'a*. The Torah includes such cases in the phrase: "Leave them for the poor and for the stranger" (Leviticus 19:10, 23:22), which is written with regard to all these mitzvot. And he is exempt from the obligation to separate the tithe from the grapes. Since the vineyard is ownerless, there is no obligation to tithe the produce.

**זה אן תנן: כל שוחיב בפאה – חיב במעשר! אליא לאו שמע מינה:**

The Gemara explains the proof: **But didn't we learn in the mishna (soa): With regard to any produce from which one is obligated to designate *pe'a*, one is likewise obligated to separate tithes?** Rather, must one **not conclude from** the mishna that Rava is correct in asserting that the mishna is **teaching only principles** with regard to each **type** of produce, but there are exceptions in certain circumstances? The Gemara answers that one should in fact **conclude from** the mishna that Rava is correct.

**תנן הרים: מודים חכמים לרבי עקיבא בורע שבת או חרול בשנים ושלה מוקומות, שנוטן פאה מכל אחד ואחד.**

§ With regard to the obligations of *pe'a* and tithes, the Gemara notes that **we learned in a mishna elsewhere (Pe'a 3:2):** The Rabbis and Rabbi Akiva disagree with regard to a case where one harvested several separate patches in a field. Rabbi Akiva rules that each patch requires its own *pe'a*, whereas the Rabbis maintain that one *pe'a* is required for all of the patches. Nevertheless, **the Rabbis concede to Rabbi Akiva in the case of one who sows dill<sup>8</sup> or mustard in two or three separate locations<sup>9</sup> in a single field, that he leaves *pe'a* for each and every one of these plots on its own, rather than one corner for all of them.**

#### BACKGROUND

Dill – **שברת:** Dill, *Anethum graveolens*, is an annual or biennial herb that belongs to the Apiaceae family. The dill plant reaches a height of 50–80 cm and produces small, yellow flowers that are grouped in umbels. Its thread-like leaves, which have a unique scent, are used as a spice. Its seeds and the oil extracted from them were once used for medicinal purposes. In the time of the Mishna dill was commonly grown in herb gardens. Today it is cultivated in gardens on a limited basis and grows wild in various places.



Dill

#### HALAKHA

**זרע שבת ומלחיב בפאה, ומחייב במעשר, דתנן: כל שוחיב בפאה – חיב במעשר.**

This halakha is in accordance with the opinions of all the *tanna'im* in the mishna in *Pe'a*, as the Rabbis concede to Rabbi Akiva in this case (Rambam *Sefer Zera'im, Hilkhot Mattenot Aniyim* 3:11).

## Perek VI

### Daf 51 Amud b

**זה שבת ומלחיב בפאה, ומחייב במעשר, דתנן: כל שוחיב בפאה – חיב במעשר.**

The Gemara asks: **But with regard to dill, from which one is obligated to designate *pe'a*, as stated in the mishna, one must also be obligated to separate tithe, since if the obligation of *pe'a* applies then the obligation of tithes likewise applies. As we learned in the mishna (soa): With regard to any produce from which one is obligated to designate *pe'a*, one is likewise obligated to separate tithe.**

**ומחייב במעשר – מטמא טומאת אוכלין, אלמא: כל מיili דעתך לטעמנה – מטמא טומאת אוכלין. רהאי שבת לטעמנה עבידא.**

And from the fact that with regard to dill one is **obligated to separate tithe**, it follows that it **becomes impure with the ritual impurity of food**. As the mishna on soa states: Any food that is obligated in tithes becomes impure with the ritual impurity of food. **Apparently, any item that is prepared in order to add taste to food, such as dill, becomes impure with the ritual impurity of food, as this dill is prepared in order to add taste to food.**

### HALAKHA

They do not become impure with the ritual impurity of food – **אין מטהון טומאת אוכליין**: Although people do partake of spices such as costus, amomum, chief spices, root of crowfoot, asafoetida, peppers, and a cake of safflower, they are not considered food to the extent that they become impure with the ritual impurity of food, as they are used only for flavoring or to enhance the aroma or appearance of the food. This ruling is in accordance with the mishna in *Okatzin* and the opinion of Rabbi Yohanan ben Nuri (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 1:6).

They should also not be bought with second-tithe money – **אף הם לא ילקחו בכספי משער**: Although people do eat spices such as costus, amomum, chief spices, root of crowfoot, asafoetida, peppers, and a cake of safflower, they may not be bought with second-tithe money, as they are used only for flavoring or to enhance the aroma or appearance of the food. This halakha is in accordance with the opinion of Rabbi Yohanan ben Nuri (Rambam *Sefer Zeraim, Hilkhot Maaser Sheni* 7:9).

**ורמגניה: קוסטוס, הchief-spices, והחלפלים, בשפמים, והתיאה, והחלפיה, והחלפלים, ותלת חריע – נקחין בכיסף מעשר, ואין מטהון טומאת אוכליין – דברי רבי עקיבא.**

**אמור לו רבי יוחנן בן נורי: אם נקחין בכיסף מעשר – מפני מה אין מטהון טומאת אוכליין? ואם אין מטהון מאין – אף הם לא ילקחו בכיסף מעשר!**

And the Gemara raises a contradiction to this conclusion from a mishna (*Okatzin* 3:5), which deals with the ritual impurity of food: With regard to spices such as **costus**,<sup>8</sup> **amomum**,<sup>8</sup> **chief spices**, **root of crowfoot**,<sup>8</sup> **asafoetida**,<sup>8</sup> **peppers**, and a cake of safflower, although their function is merely to add taste to food, they are considered food for the purposes of the following halakha: They **may be bought with second-tithe money**, which must be taken to Jerusalem and used to purchase food. **But they are not considered food insofar as they do not become impure with the ritual impurity of food.**<sup>9</sup> This is the statement of Rabbi Akiva.

Rabbi Yohanan ben Nuri said to Rabbi Akiva: If they are considered food to the extent that **they may be bought with second-tithe money**, for what reason are **they not considered food in terms of becoming impure with the ritual impurity of food?** And if they **do not become impure with the ritual impurity of food** because they are not considered food, then **they should also not be bought with second-tithe money.**<sup>9</sup>

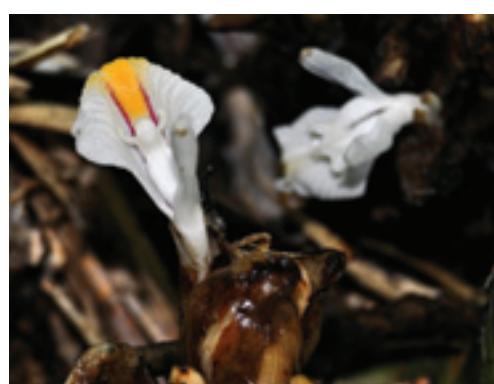
### BACKGROUND

**Costus – קוסטוס:** This is a substance derived from the root of the aromatic plant of the same name, *Costus speciosus*, or crêpe ginger, from the family of ginger plants. It was used as an ingredient in the incense in the Temple, and the stem of its root was utilized for medicinal purposes.



Crêpe ginger

**Amomum – חימום:** The amomum plant, which is identified as a member of the ginger family, is characterized by its pungent odor.



Amomum

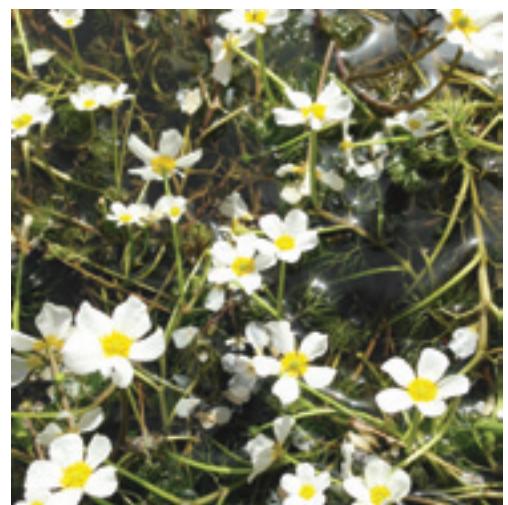
**Crowfoot [tei'a] – תיְאָה:** This possibly refers to one or many species in the buttercup family, genus *Ranunculus*, which includes several species known as crowfoot.

**Asafoetida – הצללה:** *Ferula assa-foetida*, also known as devil's dung or giant fennel, is a perennial plant of the celery family. It has a thick root and a stem with leafed branches. The asafoetida grows to a height of 2–3 m. It is native mainly to Afghanistan and the neighboring regions, though related species, such as the *Ferula communis*, the giant fennel, can be found elsewhere in the Middle East, including Eretz Yisrael. The plant grows for several years until it blossoms and produces fruit, after which it dies.

Medicinal asafoetida is manufactured from the resin found in the root of the plant. It was used, and is still used today, as a medicine in the form of powder, creams, pills, and in other forms, both for intestinal diseases and for strengthening the nervous system. In certain places, asafoetida is even used as a spice. Consumption of asafoetida in amounts of more than 1 g is toxic both to ruminants and to humans.



Asafoetida



Common water crowfoot, indigenous to Eretz Yisrael

ואמר ובי יוחנן בן נורי: נמננו גומרו שאין  
בכך כי בכספי משער, ואין מטהמאת טומאת  
אוכלון.

אמר ובי חסידא: פ' תנייה ההיא – בשיטת  
העשוייה לבנין.

אמר ובי אש' אמריתה לשםיעתיה קמיה:  
דרב Kahana: אמר לא תימא בשיטת  
העשוייה לבנין – הא סתמא לקדורה,  
אללא – סתמא שבת לבנין עשויה, דתנן:  
השבת משניתנה טעם בקדורה – אין בה  
משום תרומה, ואין מה מטהמתה טומאת  
אוכלון.

הא עד שלא נתנה טעם בקדורה – יש בה  
משום תרומה, ומטהמתה טומאת אוכלון.  
אי סלקא דעתך סתמא לקדורה – כי לא  
נתנה גמי, סתמא לקדורה! אללא לאו שמע  
מייה – סתמא לבנין עשויה. שמע מינה.

**מתני'** כל שחיב בראשית הארץ – ח'יב  
במוננות, ויש שחיב במוננות ואין ח'יב  
בראשית הארץ.

כל שיש לו בינו – יש לו שביעית, ויש  
שיש לו שביעית ואין לו בינו.

**And Rabbi Yohanan ben Nuri said with regard to this halakha:** They counted the opinions of the Sages, and they concluded that these spices may not be bought with second-tithe money, and they do not become impure with the ritual impurity of food. This apparently contradicts the previous claim that dill, which is a spice, becomes impure with the ritual impurity of food.

**Rav Hisda says the following resolution of the difficulty: When that baraita, which indicates that dill is considered food and can contract the impurity of food, is taught, it is referring to dill that is prepared for a spice dish [likhmakh],<sup>n</sup> i.e., to be ground and placed in a Babylonian spice, *kutah*, which is used as a dip.**

**Rav Ashi said: I said this halakha of Rav Hisda's before Rav Kahana,** and he commented: Do not say that the baraita is referring specifically to a case where the dill was prepared for a spice dish from the outset, which would indicate that if dill is undesignated then it is intended to be an ingredient in a pot of food. Rather, undesignated dill is also prepared for a spice dish. As we learned in a mishna (*Okatzin* 3:4): With regard to *teruma* dill, once it imparted flavor in a pot<sup>h</sup> of food and was removed from the pot, it is no longer subject to the prohibition of a non-priest partaking of *teruma*, and it can no longer become impure with the ritual impurity of food.

Rav Kahana explains the proof: It can be inferred from this mishna that until the dill has imparted flavor in a pot of food it is subject to the prohibition of a non-priest partaking of *teruma*, and it can become impure with the ritual impurity of food. And if it enters your mind that undesignated dill is intended as an ingredient in a pot of food, then even when one did not place the dill in a pot, the same halakha with respect to *teruma* and impurity should apply, as when it is undesignated the dill is intended as an ingredient in a pot of food. Rather, must one not conclude from the mishna that undesignated dill is prepared for a spice dish?<sup>n</sup> The Gemara concludes: Learn from the mishna that this is the case.

**MISHNA** With regard to any animal, i.e., sheep and rams, from which one is obligated by Torah law (see Deuteronomy 18:4) to give the first shearing of its wool to a priest, he is obligated to have gifts of the priesthood, i.e., the foreleg, the jaw, and the maw, which must be removed from slaughtered animals, taken from it (see Deuteronomy 18:3). And there are animals from which one is obligated to have gifts of the priesthood taken from them, e.g., cattle and goats, but from which he is not obligated to give the first shearing.

The mishna teaches a similar principle: For all Sabbatical-Year produce to which there applies the obligation of eradication<sup>b</sup> from the house when it ceases to be available to the animals in the field, there is the sanctity of Sabbatical-Year produce upon it,<sup>h</sup> i.e., it may not be used for commerce and is ownerless while it is attached to the ground. And there is produce for which there is the sanctity of Sabbatical-Year produce, but for which there is no obligation of eradication from the house, e.g., produce that is preserved in the ground and does not cease to be available in the field.

## NOTES

Referring to dill that is prepared for a spice dish [likhmakh] – **בשכחת העשויה לבנין:** Some commentaries maintain that the dill is ground up to be used as an ingredient in the Babylonian spice *kutah*. Accordingly, it is meant to be eaten as food, not merely as flavoring (Rashi; Arukh). Others explain that the dill is eaten unprocessed, as a kind of vegetable dessert (Rambam's Commentary on the Mishna on tractate *Okatzin*; *Sefer Tahara, Hilkhos Tumat Okhalin* 1:7). If so, likhmakh means to eat as a dessert, rather than to include in a *kutah* (Arukha LaNer). The commentary here follows the first interpretation.

**סתמאתא:** Undesignated dill is prepared for a spice dish – **לבנין עשויה:** Some early commentaries maintain that undesignated dill is intended to be used as a food, like any other vegetable. If one intended to use it for flavoring it is no longer considered a food, and it cannot become impure with the ritual impurity of food (Rambam *Sefer Tahara, Hilkhos Tumat Okhalin* 1:7, and see Ra'avad there).

## HALAKHA

**השבת:** Teruma dill once it imparted flavor in a pot – **השבת:** Dill that was not designated for a specific purpose is intended to be eaten, like other vegetables. If one designated it for use as flavoring, it can no longer become impure with the ritual impurity of food. Furthermore, once dill has imparted flavor in a pot, it is considered refuse and can no longer become impure with the impurity of food (Rambam). Others maintain that thought alone does not exempt it from contracting the ritual impurity of food (Ra'avad). Rather, it remains subject to becoming impure until it has imparted flavor in a pot (Rambam *Sefer Tahara, Hilkhos Tumat Okhalin* 1:7 and *Kesef Mishne* there).

**There is the sanctity of Sabbatical-Year produce upon it – ה' שׁוֹבֵעַת:** The leaves of the wild arum and the ceterach, and likewise their value, are subject to the sanctity of Sabbatical-Year produce and eradication, since they are not preserved in the ground, and they are used for human consumption. The halakha is in accordance with the mishna in tractate *Shevi'it* (Rambam *Sefer Zera'im, Hilkhos Shemitta VeYovel* 7:13).

## BACKGROUND

**Eradication – ביעור:** There are two primary opinions with regard to the requirement to remove produce that grows during the Sabbath Year. Between those who hold each opinion, there is a disagreement with regard to the details of the halakha. One opinion is that eradication must be performed after a certain species is no longer found in the field. It is carried out by destroying the produce that remains in the house, either by burning it, throwing it into the sea, or a similar action (Rashi; Rambam;

Ra'avad). According to others, the process entails removing the produce from one's house and then declaring it ownerless. When a given type of produce is no longer in the field, one removes it from his home and declares it ownerless, thereby rendering it available to both the poor and the wealthy to eat in the field (*Tosafot; Smag; Ramban*). According to some *tannaim*, it may be eaten only by the poor.

### BACKGROUND

**Wild arum – נַלְגָּשׁ שׂוֹטֶה:** This plant is generally identified as the arum of Eretz Yisrael, *Arum palaestinum*, of the Araceae family. The plant has a bulb in the ground from which large leaves sprout. The arum's inflorescence has a unique structure and is covered with a special type of leaf called a spathe. All parts of the plant contain calcium oxalate, CaC<sub>2</sub>O<sub>4</sub>, which is poisonous and causes extreme itching to any skin that it comes in contact with. Consequently, arum is not eaten by people in its raw state, and few animals draw sustenance from it. The bulb and leaves are cooked or roasted to make them edible for human consumption. The plant grows in the wild in all regions of Eretz Yisrael.

**Ceterach – רַעֲנָן:** *Ceterach officinarum*, commonly known as rustyback, is a short fern plant. In Eretz Yisrael it grows mainly in mountainous regions. It can serve as food for humans in exigent circumstances.



Rustyback

### HALAKHA

**Root of the wild arum – שַׁעַר הַלְּבָדָשׁ שׂוֹטֶה:** With regard to the root of the wild arum and the root of the ceterach, which are not used for human consumption, fodder, or dye, since they are not utilized as firewood, they and their value are subject to the sanctity of Sabbath-Year produce. Nevertheless, the obligation of eradication does not apply to them, despite the fact that they are not preserved in the ground. Rather, one may use them, and their value may be used until Rosh HaShana. This ruling is in accordance with the mishna in tractate *Shevi'it* (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 7:14).

Any fish that has scales has fins and there are fish that have fins but do not have scales – **כִּי שֵׁשׁ לוֹ קַשְׁקַׁשְׁתָּה וְשֵׁשׁ לוֹ סְנָפִיר וְשֵׁשׁ לוֹ קַשְׁקַׁשְׁתָּה:** Any fish that has scales has fins as well, but there are fish that have fins but do not have scales. Therefore, if one found a piece of a fish containing scales, one may eat it without investigating whether or not it has fins. If he found one containing fins, he may not eat it until he ascertains that it also has scales (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 1:24; *Shulhan Arukh*, *Yoreh De'a* 83:3).

**גַּמְ' בָּגָן עַלְּהָ הַלְּוָ שׂוֹטֶה, וְהַדְּגָנָה. יְשִׁישׁ לְשַׁבְּיעִית וְאֵין לוֹ בִּיעּוּ - עַיקָּר הַלְּוָ שׂוֹטֶה, וְעַיקָּר הַדְּגָנָה.**

**דְּכַתִּיב יְלִבְּהַמְּתָן וְלִחְיָה אֲשֶׁר בָּאָרֶץ תְּהִיא כָּל הַבָּוֹאָתָה לְאַכְּלָי, בְּלִי מִן שְׁחִיה אֲוֹכֶלֶת כָּנָה הַשְּׁדָה - אַתָּה מְאַכְּלֵל לְבַהֲמַתָּן בְּבֵית, כְּלָה לְחִיאָה מִן הַשְּׁדָה - בְּלִיה לְבַהֲמַתָּן שְׁבֵבִית, וְהַמְּלָא כָּלָו לְהָוֹ.**

**מִתְנִי כָּל שֵׁשׁ לוֹ קַשְׁקַׁשְׁתָּה - יְשִׁישׁ לוֹ סְנָפִיר, וְשֵׁשׁ לוֹ קַשְׁקַׁשְׁתָּה וְאֵין לוֹ קַשְׁקַׁשְׁתָּה. כָּל שֵׁשׁ לוֹ קְרִים - יְשִׁישׁ לוֹ טְלִיפִים, וְשֵׁשׁ לוֹ טְלִיפִים וְאֵין לוֹ קְרִים.**

**גַּמְ' כָּל שֵׁשׁ לוֹ קַשְׁקַׁשְׁתָּה - דְּגַ טָהָוָר, יְשִׁישׁ לוֹ סְנָפִיר וְאֵין לוֹ קַשְׁקַׁשְׁתָּה - דְּגַ טָמָא. מְכַרֵּי, אָנָן אַקְשָׁקַׁשְׁתָּסְמִיכָן, "סְנָפִיר" דְּכַתִּיב רַחֲמָנָא לְמָה לִי?**

**אֵילָא כַּתִּיב רַחֲמָנָא סְנָפִיר, הוּא אָמִינָא: מָאִי - קַשְׁקַׁשְׁתָּה" דְּכַתִּיב - סְנָפִיר, וְאַפְּלִוּ דְּגַ טָמָא - בְּתֻבְּ רַחֲמָנָא "סְנָפִיר וְקַשְׁקַׁשְׁתָּה".**

**וְהַשְׁתָּא דְּכַתִּיב רַחֲמָנָא סְנָפִיר וְקַשְׁקַׁשְׁתָּה, מְנֻלָּן וְקַשְׁקַׁשְׁתָּלְבָשָׂא הוּא? דְּכַתִּיב יְזָרְעוֹן קְשָׁלָשִׁים הוּא לְבָשָׂא.**

**GEMARA** The mishna teaches that the sanctity of Sabbath-Year produce applies to any produce upon which there is an obligation of eradication, but the converse is not necessarily the case. The Gemara cites an example of plants whose various parts illustrate these *halakhot*: Plants such as the wild arum<sup>b</sup> leaf and the ceterach,<sup>b</sup> which cease to be available in the field during the rainy season, are subject to eradication and to the sanctity of the Sabbath Year. Examples of the second *halakha* of the mishna, that **there is produce for which there is the sanctity of Sabbath-Year produce but for which there is no obligation of eradication** from the house, include the **root of the wild arum<sup>h</sup>** and the **root of the ceterach.**

The Gemara explains that it is written in connection to the Sabbath Year: “And for the cattle and the beasts that are in your land, all its produce may be eaten” (Leviticus 25:7), from which it is derived: As long as the undomesticated animals eat a type of produce from the field, you may feed that type of produce to your domesticated animal in the house, as it still remains in the field. But if that type of produce has ceased for the undomesticated animals in the field, you must cease feeding it to your domesticated animal in the house. This is the obligation of eradication. And these, the root of the wild arum and the ceterach, have not ceased for undomesticated animals in the field, and therefore there is no obligation of eradication.

**MISHNA** It is written: “Whatever has fins and scales in the waters, in the seas, and in the rivers, you may eat them” (Leviticus 11:9). There is a principle with regard to the signs indicating that fish are kosher: **Any fish that has scales has fins;**<sup>n</sup> and there are fish that have fins but do not have scales.<sup>h</sup> Similarly, with regard to kosher animals it is written: “Whatever parts the hoof, and is wholly cloven-footed, and chews the cud, among the beasts, that you may eat” (Leviticus 11:3). Any animal that has horns has hooves; and there are animals that have hooves but do not have horns.

**GEMARA** The mishna teaches that any fish that has scales also has fins and therefore is a kosher fish. The mishna also stated that **there are fish that have fins but do not have scales**. Such a fish is a **non-kosher fish**. The Gemara asks: **Since we rely exclusively upon the sign of the scales**, as a fish that has scales necessarily has fins as well, **why do I need the sign of fins that the Merciful One writes** in the Torah as one of the criteria of kosher fish?

The Gemara answers: **If the Merciful One had not also written the sign of fins in the Torah, I would say: What does the word kaskeset, scales, that is written in the Torah mean? It does not mean scales, but fins. And I would therefore say that even a non-kosher fish, which has fins but no scales, is permitted. Therefore, the Merciful One writes both signs, fins and scales.**

The Gemara further asks: **But now that the Merciful One wrote in the Torah fins and kaskeset, from where do we derive that kaskeset denotes clothing, i.e., scales, rather than fins?** The Gemara answers: We derive it from a verse, **as it is written** about Goliath the Philistine: “And he was clad with a coat of mail [kaskasim]” (I Samuel 17:5).

### NOTES

**כָּל שֵׁשׁ לוֹ קַשְׁקַׁשְׁתָּה יְשִׁישׁ לוֹ סְנָפִיר:** Some commentaries maintain that there is in fact a fish that has scales and not fins, but it is so rare that it is not taken into account (*Kereti Ufleti*, citing Ritva). Others hold that as the Torah asserts

that any fish having scales also has fins, it is assumed that no fish exists that has scales and does not have fins (*Taz*; *Peri Megadim*; *Mahazik Berakha*).

ילכתחות רחמנא קשחת' ולא בעי  
סנפיו! אמר רבי אבהו, בגין פנא דב' רבי  
שמעאל: יעדיל תורה וצדירות.

The Gemara asks: **But** if there is proof that *kaskeset* means scales, the question returns: **Let the Merciful One write** only “scales” and then there would be no need to write “fins.” Rabbi Abbahu says, and likewise a Sage of the school of Rabbi Yishmael taught, that this is in accordance with the verse: “The Lord was pleased, for His righteousness’ sake, **to make Torah great and glorious**<sup>N</sup> (Isaiah 42:21). In this context, this means that it is fitting for the Torah to state all the characteristics of a kosher animal rather than merely state that which is absolutely necessary.

**מתני' כל הטעון ברכה לאחריו - טעון**  
**ברכה לפניו, ויש שטעון ברכה לפניו ואין**  
**טעון ברכה לאחריו.**

**גמ'** לאותו? מאין? לאותו? יירק. ולרביעי יצחק  
דמברך אירק, לאותו? מאין? לאותו? מיא.

**MISHNA** This mishna teaches a generalization that is similar to the previous ones: Anything that requires a blessing after one partakes of it requires a blessing beforehand.<sup>H</sup> And there exist items that require a blessing before but do not require a blessing thereafter.

**GEMARA** The mishna teaches that there are items that require a blessing before but not after. The Gemara inquires: **What** case does this *halakha* in the mishna **add**? The Gemara answers: It serves **to add** the case of **vegetables**, as one recites a blessing before eating them but not afterward. The Gemara asks: **And according to** the opinion of **Rabbi Yitzḥak**, who maintains that one **recites a blessing on vegetables** after eating them, **what** case does this *halakha* in the mishna **add**? The Gemara answers: It serves **to add** the case of **water**, as one recites a blessing before drinking it but not afterward.

**לְאַתָּה יְמִינֵךְ** פֶּאָה דָּבָר אֲמִינָה, לְאַתָּה יְמִינָה מַאֲ? דָּבָר מַצּוֹת, וְלֹבֶן מַעֲרָבָה דָּבָר כְּבוֹד בָּתוֹךְ דָּבָר לְקוֹן תְּפִלְיָהוּ "אֲשֶׁר קָדְשָׁנוּ בְּמַצּוֹתֵינוּ שְׂמָחוֹתֵינוּ לְשֻׁמּוֹן חָקָקוּ", לְאַתָּה יְמִינָה אֲמִינָה, לְאַתָּה יְמִינָה?

The Gemara further asks: **And according to the opinion of Rav Pappa, who rules that one recites a blessing on water after drinking it, what case does this halakha in the mishna serve to add?** The Gemara answers that the mishna, which does not explicitly mention food, serves to add mitzvot. In other words, one recites a blessing before performing a mitzva, e.g., wearing ritual fringes or taking the lulav and the like, but one does not recite a blessing after its fulfillment. The Gemara asks: **And according to the residents of the West, Eretz Yisrael, who recite the following blessing after they remove their phylacteries: Who sanctified us with His mitzvot and commanded us to keep His laws, what does this halakha in the mishna come to add?** The Gemara answers: It serves to add the case of

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**תורָה גְּדוֹלָה וְנִזְלָחָה:** The Torah is enhanced when it clarifies itself, rather than requiring elucidation from elsewhere, e.g., the narrative of Goliath, as in this case, or from other verses in the Prophets and Writings (*Tosafot*).

HALAKHA

Anything that requires a blessing after one partakes of it requires a blessing beforehand – **כל בָּשָׂר בְּרָה לְאַתְנִי טֻעַן בְּרָה לְפָנֵי**: Any food item that requires a blessing after consuming it requires a blessing beforehand as well (Rambam Sefer Ahava, Hilkhot Berakhot 8:8).

Perek VI

Daf 52 Amud a

**רִיחַנְיִים** fragrant spices.<sup>HN</sup>

**מתני'** פינוקת שהביבאה שטי' שערות – או חולצת או מטבחות, וכייבת בכל מזות באמנותם בהנורה

**MISHNA** A young girl who reached the age of puberty and grew two pubic hairs is an adult. If her childless husband dies, she either performs *halitzah*<sup>H</sup> and is thereby permitted to marry anyone, or enters into levirate marriage with her husband's brother. And furthermore, such a girl is obligated to fulfill all the mitzvot stated in the Torah in which women are obligated.

HALAKHA

**Fragrant spices – פָּרָגָן:** It is prohibited to derive pleasure from a pleasant fragrance without first reciting a blessing. No blessing is recited after smelling a fragrance (*Shulhan Arukh, Orach Hawwim* 216:1).

**Performs halitzah –** הולצת: A young girl does not perform *halitzah* until she is twelve years and one day old and has grown two pubic hairs (Rambam Sefer Nashim, *Hilkhot Yibbum VaHalitzah* 1:17; *Shulhan Arukh*, Even HaEzer 16:24).

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**Fragrant spices – בָּשָׂרֶב:** Since one derives only minor pleasure from smelling spices, he recites the blessing: Who creates spice trees, only before smelling them, but not afterward (Rashi). Others explain that the reason for not reciting a blessing afterward is that unlike eating food, where one derives pleasure even after

the food is eaten, until digestion has been completed, there is no residual benefit to the body after one finishes smelling the fragrance (*Magen Avraham*, citing *Kolbo*). It is therefore comparable to the case of food that has already been digested, for which one no longer recites a blessing (*Taz*).

**HALAKHA**

And he is fit to be declared a stubborn and rebellious son – רֹאשׁוֹ לְהִיוֹת בֶּן סָורֵר וּמָוֹרָה: According to the tradition of the Sages, one can be declared a stubborn and rebellious son only from the age of thirteen and one day, and from when he has grown two pubic hairs until the hair completely surrounds his organ. At that point he is independent and is no longer liable to be executed by stoning in this manner (Rambam Sefer Shofetim, Hilkhos Mamrim 7:5).

A young girl who reached puberty and grew two hairs can no longer perform refusal – פִּינְסַת שְׁהִבְיאָה שְׂתִּי שְׁעָרוֹת: Until when can a young girl perform refusal to end a marriage with her husband to whom she was married as a minor by her mother or brothers after her father's death? Until she grows two pubic hairs after she reaches the age of twelve and one day, or gives birth. As long as she has not yet grown two hairs or given birth, she is considered a minor, even if she developed signs of being a sexually underdeveloped woman. But if she is twenty years old and she developed signs of a sexually underdeveloped woman, she is considered an adult retroactively from the age of twelve and one day. This is the halakha even if she later grew two hairs. Consequently, she may no longer perform refusal (Rambam Sefer Nashim, Hilkhos Geirushin 11:4; Shulchan Arukh, Even HaEzer 155:12).

ובן תינוק שהביא שתי שערות – ח"ב  
בכל מצות האמורות בתורה, וראוי  
להיות בן סורר ומורה, משיביא שתי  
שערות עד שיכיר זכה.

התחתון ולא העליון, אלא שדברו  
חכמים בלשון נקיה.

תינוקת שהביא שתי שערות אינה  
כוללה למאהן. ובין יהודת אומר: עד  
שירבה השחו.

**גמ'** וכיין דתנן "חייבת בכל מצות  
האמורות בתורה", או חוץצת או  
מייבמת למה לי?

לאפוקי מדורבי יוסי, דאמרו: איש  
בתוב בפרשה, אבל אשה – בין גודלה  
ובין קטנה, קא משמע לו: דאי איני  
שטי שערות – איין, אי לא – לא. מי  
טעמא? אשה באיש.

כיין דתנן "ובן התינוק שהביא שתי  
שערות", ח"ב בכל המצוות האמורות  
בתורה" למה לי?

וכי תימא: ממשו דקבשי לכתני "וראו  
להיות בן סורר ומורה" – תניינא חדא  
יימנא: אימתי הוא בן סורר ומורה –  
משיביא שתי שערות ועד שיכיר זכה  
התחתון ולא העליון, אלא שדברו  
חכמים בלשון נקיה!

And likewise, a young boy who reached the age of puberty and grew two pubic hairs is an adult and is **obligated to fulfill all the mitzvot stated in the Torah**. And he is fit to be declared a stubborn and rebellious son<sup>H</sup> if he performs the actions that warrant that designation, from when he grows two pubic hairs until his beard will form a circle. During that period, although he is an adult and punishable for his actions, he is incapable of fathering a child. Consequently, as he is a son and not a father, he can be designated a stubborn and rebellious son.

The mishna explains that the reference is to the lower, pubic, hair, and not to the upper, facial, hair. But the term beard is used, despite its being subject to misinterpretation, due to the fact that the Sages spoke euphemistically.

A young girl who reached the age of puberty and **grew two pubic hairs** can no longer **perform refusal**<sup>HB</sup> to end a marriage with a husband to whom she was married as a minor by her mother or brothers after her father's death. **Rabbi Yehuda says:** She retains the right to perform refusal until the pubic hair will grow to the extent that the black hair will be preponderant in the pubic area.

**GEMARA** The Gemara raises an objection: **But since we learned** in the mishna that a young girl who reached the age of puberty and grew two pubic hairs is considered an adult and is **obligated to fulfill all the mitzvot stated in the Torah**, why do I need the mishna to also teach: **She either performs halitza or enters into levirate marriage**. These specific examples are included in the broader statement.

The Gemara explains: This emphasis serves to exclude the opinion of **Rabbi Yosei, who said:** Man, i.e., an adult man, is written in the passage of halitza: "And if the man does not wish to take his brother's wife" (Deuteronomy 25:7). But with regard to the woman, whether she is an adult or whether she is a minor, she can be released by halitza, as the Torah does not specify her age. The mishna teaches us that the halakha is not in accordance with the opinion of Rabbi Yosei. Rather, if she **grew two pubic hairs**, then yes, she can perform halitza, whereas if she did not grow two hairs, she may **not** perform halitza or enter into levirate marriage. **What is the reason** for this ruling? It is that the halakha of the woman is like that of the man, as a woman is juxtaposed to man in this passage.

The Gemara asks further: **And since we learned** in the continuation of the mishna: **And likewise, a young boy who reached the age of puberty and grew two pubic hairs** is an adult, **why do I need** the mishna to add explicitly: Is **obligated to fulfill all the mitzvot stated in the Torah**?

And if you would say that the mishna specified this because it wanted to teach the particular halakha: **And he is fit to be declared a stubborn and rebellious son**, that cannot be the reason, as we already learned that halakha on another occasion in a mishna (Sanhedrin 68b): **When** is such a boy liable to receive the death penalty imposed upon a stubborn and rebellious son? **From when he grows two pubic hairs until his beard will form a circle**. The reference is to the lower, pubic, hair and not to the upper, facial hair, but the term beard is used, due to the fact that the Sages spoke euphemistically.

**BACKGROUND**

**Refusal** – ביאן: A girl under the age of twelve can be married off by her father. But if her father is no longer alive then by Torah law she cannot marry while still a minor. Nevertheless, the Sages instituted that her mother or brothers may marry her off with her consent. Since her consent is not halakhically valid until she reaches the age of maturity, the girl may terminate this marriage

once she reaches twelve years of age by performing refusal, i.e., by declaring that she does not desire this marriage. In such cases, no bill of divorce is necessary. When a girl performs refusal, the marriage is nullified retroactively, and it is considered as though she had never been married at all.

אין הַבְּנִי גָּבֵן, אֶלְאָ - אַיִלְיִ דְּפָרִישׁ מִלְּיָה  
דְּתִינָקָת - קַמְפַרְשׁ גָּבֵן מִלְּיָה דְּתִינָקָת.

תִּינָקָת שְׁהַבְּיָה" כ'ו. אָמָר רֹבֵי אֲבָהָה  
אָמָר וּבְיַעֲשֵׂה: הַלְכָה כְּרָבֵי יְהוּדָה.

וּמָדָה וּבְיַהוּדָה שָׁאָם גַּבְעָלָה לְאַחֲרָה  
שְׁהַבְּיָה שְׁתִּי שְׁעָרוֹת - שָׁבָ אַנְיָה יְכוֹלָה  
לְמַאֲן.

חַבּוֹדִי זֶרֶב בְּהַנְּאָסְבָּוּ לְמַעַבְדָּעַיְבָּדָא  
כְּרָבֵי יְהוּדָה, וְאֶن עַל גַּבְדָּנְבָּדָא.

אָמָר לְהוּ וּבְכָהָנָא: לֹא כָּךְ הִיא מִשְׁעָה  
בְּבָתוֹ שֶׁלְּ רֹבֵי שְׁמֻעָאֵל, שְׁבָאת לְבִית  
הַמְּדָרָשָׁה לְמַאֲן, וּבָנָה מְרוּכָּב לְהָעַל  
כְּתָפָה. וְאָתוֹ הַיּוֹם הַוּכָרָוּ דְּבָרָיו שֶׁלְּ רֹבֵי  
שְׁמֻעָאֵל בְּבֵית הַמְּדָרָשָׁה, וְכָרְתָה בְּכִיהָ  
דְּזָוָלָה בְּבֵית הַמְּדָרָשָׁה.

אָמְרוּ: דָּבָר שֶׁאָמָר אָתוֹ צְדִיק - יִכְשַׁל  
בּוֹ זָעוֹ?

דָּאָמָר וּבְיַהוּדָה, אָמָר שְׁמוּאֵל מִשּׁוּם רֹבֵי  
שְׁמֻעָאֵל: יְהִיא לֹא נִתְפְּשָׁה" - אַסּוּרָה,  
דֵּא נִתְפְּשָׁה - מִתְרָתָה. וְשֶׁלֹּא אַחֲתָה,  
שֶׁאָרֶץ עַל פִּי שְׁלָא נִתְפְּשָׁה - מִותָּרָת, וְאַיּוֹ  
זֶה - שְׁקָדוֹשָׁה קָדוֹשָׁי טָעוֹת, שֶׁאָרֶץ עַל  
פִּי שְׁבָנָה מְרוּכָּב עַל כְּתָפָה - מִמְּאַנְתָּה  
וְהַזְּלָכָת לְהָ.

וְגַםְנוּ וְגַמְרוּ: עַד מַתִּ הַבְּתַת מִמְּאַנְתָּה - עַד  
שְׁתִּבְיָא שְׁתִּי שְׁעָרוֹת פָּרוֹשׁ וְלֹא עֲבוֹד  
עֲבוֹדָה.

The Gemara answers: Yes, it is indeed so, i.e., it is not necessary for the mishna to specify with regard to a boy that he is obligated to fulfill all the mitzvot stated in the Torah. But since the mishna specified this matter in the case of a young girl, it also specified this matter in the case of a young boy.

**§** The mishna teaches: A young girl who reached the age of puberty and grew two pubic hairs can no longer perform refusal to end a marriage with a husband to whom she was married as a minor by her mother or brothers after her father's death. Rabbi Yehuda maintains that she retains the right of refusal until the pubic hair grows to the extent that the black hair is preponderant in the pubic area. Rabbi Abbahu says that Rabbi Elazar says: The halakha is in accordance with the opinion of Rabbi Yehuda.

And Rabbi Yehuda concedes to the Rabbis that if she engaged in intercourse with her husband after she grew two pubic hairs, she can no longer perform refusal. This is because the act of intercourse renders her betrothed to him by Torah law, and refusal is a rabbinic enactment that is effective only with regard to a betrothal that applies by rabbinic law.

Rav Kahana's colleagues thought to perform an action in accordance with the opinion of Rabbi Yehuda in the mishna, and to permit a young girl who had grown two pubic hairs to perform refusal, even though she had engaged in intercourse with her husband after growing two hairs. They held that until the pubic hair grows to the extent that the black hair is preponderant in the pubic area, her betrothal does not apply by Torah law.

Rav Kahana said to his colleagues: Didn't the incident involving Rabbi Yishmael's daughter, who was married as a minor by her mother and brothers after her father's death, transpire in that manner? As she came to the study hall to refuse her marriage, and her son was riding on her shoulders. And on that very day, Rabbi Yishmael's statement, that a young girl may perform refusal even if she engaged in intercourse with her husband after growing two hairs, was mentioned in the study hall. And she cried with a great weeping in the study hall, as a result of the incident.

The Sages who were in the study hall said: Could it be that with regard to a matter that that righteous Rabbi Yishmael said, i.e., that she can perform refusal, his offspring would stumble upon it? The consequence of her refusal is that she is considered to have borne the child retroactively out of wedlock.

As Rav Yehuda said that Shmuel says in the name of Rabbi Yishmael: The verse states with regard to a sota: "And neither was she taken" (Numbers 5:13), i.e., raped. In this case she is prohibited to her husband. It may be inferred that if she was taken forcefully she is permitted<sup>H</sup> to her husband. And there is a case of another woman where, even though she was not taken forcefully, but was willing, she nevertheless remains permitted. And which case is this? This is referring to one whose betrothal was a mistaken betrothal, as, even if her son from this marriage is riding on her shoulders she may perform refusal and go off as pleases her. Although she engaged in intercourse with her husband after growing two pubic hairs, she was relying on the original betrothal, which was a mistaken betrothal, and did not intend to become betrothed to him by means of this intercourse, which would have rendered her betrothed by Torah law. She may therefore nullify the betrothal by means of refusal.

And the Gemara relates that as a result of the event involving Rabbi Yishmael's daughter, the Sages assembled, counted the votes, and concluded: Until when may a young girl perform refusal? Until she grows two pubic hairs. Once Rav Kahana's colleagues heard this, they retracted and did not perform an action in accordance with the opinion of Rabbi Yehuda in the mishna, to permit the girl to perform refusal as they had originally planned.

## HALAKHA

נתפסה מותת: If she was taken forcefully she is permitted – The wife of an Israelite who was raped is permitted to her husband (Rambam Sefer Kedusha, Hilhot Issurei Bia 18:7; Shulhan Arukh, Even HaEzer 6, 14).

**LANGUAGE**

**Constable [ballasha] – בָּלְשָׁא:** From the Aramaic *balash*, meaning search. The Gemara refers to *balashim*, who were policemen or soldiers sent to conduct searches and seize property. Apparently Rabbi Yehuda Nesia had such forces at his disposal, possibly assigned to him by the government.

**Forelock [belorit] – בֶּלוּרִית:** Many derivations have been suggested for this word, mostly based on Latin and Greek words, none of which fit perfectly. This hairstyle involved letting one's hair grow long, particularly on the back of the head, and then shaving it off in a ritual of idolatrous worship.

**HALAKHA**

Must have follicles at their roots – צַרְקֵן שִׁיהָא גָּמוֹת: The two hairs which serve as a sign of adulthood must be in the area of the sexual organs, and they must have follicles at their roots. The hairs serve as a sign even if they both occupy a single follicle (Rambam Sefer Nashim, Hilkhot Ishut 2:17; Shulhan Arukh, Even HaEzer 155:16).

Even if there are no hairs – אף על פי שאין שערות: If there are two follicles next to each other, they constitute a sign of adulthood even if they contain no hairs. The assumption is that follicles do not exist without hair, and therefore they must have contained hair that fell out. This is in accordance with the ruling of Rav Malkiyyu, citing Rav Adda bar Ahava (Rambam Sefer Nashim, Hilkhot Ishut 2:17; Shulhan Arukh, Even HaEzer 155:16).

ובְּיִצְחָק וְתַלְמִידֵי דָּרְבֵּי חֲנִינָא עָבָד עַוְבָּד  
בְּרַבְּיִ יְהוּדָה, אֲךָ עַל גַּב דְּגַנְבָּלָה. אֶזְלָבָן  
שְׁמֵן בָּר אַבְּבָא אָמְרָה קְמִיהָ דָּרְבֵּי יוֹחָנָן, אֶזְלָבָן  
בְּרַי יוֹחָנָן אָמְרָה קְמִיהָ דָּרְבֵּי יְהוּדָה נְשִׂיאָה.  
שְׁדָר בְּלְשָׁא, אֲפָקָוָה.

אמָר רַב חַסְדָּא, אָמָר מָר עַוְקָּבָא: לֹא שִׁירְבָּה  
הַשְׁחֹר מִפְּשָׁע, אֲלֹא בְּרַי שִׁירְבָּה שְׁעָרוֹת  
שְׁוֹכְבּוֹת, וְנְרָאוֹת בְּמִ שִׁירְבָּה הַשְׁחֹר עַל  
הַלְּבָן. רַבָּא אָמָר: שְׁתִּי שְׁעָרוֹת הַמְּקִיפּוֹת  
מִשְׁפָּה לְשָׁפָה.

אָמָר רַב חַלְבּוֹ, אָמָר רַב הַוְנָא: שְׁתִּי שְׁעָרוֹת  
שְׁאָמְרוּ – צַרְקֵן שִׁיהָא בְּעִיקָּן גָּמוֹת. רַב  
מַלְכִּיו אָמָר רַב אַדָּא בָּר אַהֲבָה: גָּמוֹת אַרְךָ  
עַל פִּי שְׁאַיִן שְׁעָרוֹת.

אָמָר רַב חַמְינָא בָּרֵיהָ דָּרְבֵּי אַיִּקָּא: שְׁפָדָ  
שְׁפָחוֹת, גָּמוֹת – רַב מַלְכִּיו, בֶּלוּרִית, אֲפָר  
מַקְלָה, גַּבְּנָה – רַב מַלְכִּיא.

רַב פָּפָא אָמָר: מִתְנִיתִין וּמִתְנִיתָא – רַב  
מַלְכִּיא, שְׁמֻעָתָא – רַב מַלְכִּיו, וּסְיִמְנָא:  
מִתְנִיתָא מַלְכָתָא.

מַאי בִּינֵיהוּ? אִיבָּא בִּינֵיהוּ שְׁפָחוֹת.

The Gemara further relates that Rabbi Yitzḥak and the disciples of Rabbi Ḥanina performed an action in accordance with the opinion of Rabbi Yehuda in the mishna, and permitted a young girl who had grown two pubic hairs to perform refusal, even though she had engaged in intercourse with her husband after growing two hairs. Rav Shemen bar Abba subsequently went and stated this story before Rabbi Yoḥanan, and Rabbi Yoḥanan went and stated it before Rabbi Yehuda Nesia. Rabbi Yehuda Nesia sent a constable [ballasha]<sup>l</sup> and removed that girl from her second husband.

With regard to Rabbi Yehuda's opinion, that the black hair must be preponderant in the pubic area, Rav Ḥisda says that Mar Uvra says: This does not mean that the black hair must literally be preponderant in the pubic area. Rather, there must be two hairs lying down, so that it appears as though the black hairs in the pubic area cover an area greater than the white area uncovered by hair. Rava says: Rabbi Yehuda means that there are two hairs that surround the pubic area from end to end.

§ The mishna teaches that the growth of two hairs is a sign of becoming an adult. The Gemara clarifies the details of this halakha. Rabbi Ḥelbo says that Rav Huna says: These two hairs that the Sages said are a sign of adulthood **must have follicles at their roots**.<sup>h</sup> Rav Malkiyyu says that Rav Adda bar Ahava says: If there are two follicles next to each other, they constitute a sign of adulthood **even if there are no hairs**<sup>h</sup> in them. The assumption is that follicles do not exist without hair, and therefore there must have been hairs there that fell out.

This halakha was stated by a Sage by the name of Rav Malkiyyu. To prevent confusion between his rulings and those of the similarly named Rav Malkiyya, Rabbi Ḥanina, son of Rav Ika, says: The halakha involving a skewer, the halakha with regard to maid-servants, and the halakha involving hair follicles<sup>n</sup> were all stated by Rav Malkiyyu. By contrast, the halakha with regard to the forelock [belorit],<sup>l</sup> the halakha involving burnt ashes, and the halakha with regard to cheese were all stated by a different Sage named Rav Malkiyya.

Rav Pappa says: The aforementioned halakhot that relate to a mishna or a baraita were stated by Rav Malkiyya, whereas halakhot that do not refer to a mishna or baraita but are independent statements of *amora'im* were taught by Rav Malkiyyu. And a mnemonic to remember this is: **The mishna is a queen [malketa]**, i.e., the comments that are referring to a mishna were issued by Rav Malkiyya, whose name is similar to the Aramaic term for queen.

The Gemara asks: **What is the difference between the opinion of Rabbi Hanina, son of Rav Ika, and Rav Pappa?** The Gemara answers: The difference **between them** is with regard to which Sage taught the halakha involving maid-servants. Rav Pappa maintains that it was taught by Rav Malkiyya, as it is referring to a dispute in a mishna. By contrast, according to Rabbi Ḥanina, this halakha was stated by Rav Malkiyyu.

**NOTES**

**שְׁפָדָ שְׁפָחוֹת גָּמוֹת**: A skewer, maid-servants, and hair follicles – The term skewer is referring to a halakha of the Festivals, that one may not move a skewer on which meat was roasted but that he must rather allow it to fall in its place (see Beitzah 28b). The term maid-servants is a reference to one of the halakhot of a marriage contract. This ruling is in accordance with the opinion in the mishna (see Ketubot 59b) that even if a wife brought into the marriage a large dowry including one hundred maid-servants, she may not remain idle but is required to perform at least some minimal household tasks.

The term forelock, mentioned in the halakhot of Rav Malkiyya,

refers to the halakhah of idol worship. Idolaters would grow forelocks in deference to their idol. It is taught in a baraita that a Jew who cuts the hair of a gentile must distance his hand from the forelock. The Gemara rules that the barber must avoid cutting hair within three fingerbreadths of the forelock (see Avoda Zara 29a). The term burnt ashes is referring to the prohibition against tattoos. One may not place burnt ashes on a wound for medicinal purposes, as this creates the appearance of a tattoo (see Makkot 21a). Finally, the term cheese is a reference to a halakha proscribing the consumption of cheese produced by gentiles (see Avoda Zara 29b), because they smooth it with forbidden fat (see Avoda Zara 35b).

אמר רב אשוי אמר לי מיר ווטרא, קשלה  
בזה רבי חנינא מסורה: לא לישטפיט  
תנאים ואשומען גומות אין אשומען  
גומות – והוא אמרינו: עד שיזהו שתי  
שערות בשתי גומות, קא משמע לנו –  
דאפיקו שתי שערות בגומא אחת.

With regard to the *halakha* of Rav Malkiyyu itself, concerning follicles, Rav Ashi says: **Mar Zutra told me that Rabbi Hanina of Sura** posed the following **difficulty**: If it is correct that follicles suffice as a sign of adulthood, let the *tanna* of the mishna **not evade** the issue, **but rather let him teach us explicitly that follicles are a sign of adulthood even if they do not contain hair**. The Gemara answers: If the mishna had **taught us** the case of follicles, I would say that they are not considered a sign of adulthood **until there are two hairs in two follicles**. By omitting any mention of follicles in the mishna, the *tanna* teaches us that even **two hairs in one follicle**<sup>H</sup> are a sign of adulthood.

ומי איך בא בהאי גומנא? והכתביב "אשר  
בשערה ישופני והרבבה פצעי חנים"  
ואמר רבא: איוב בסערה חירף, בסערה  
השיבווהו. בסערה חירף – אמר לפניו:  
רבונו של עולם, שמאה רוחך סערה עברה  
לפניך ונתקלחפה לך בין איוב לאויב?  
בסערה השיבווהו – וויען ה' את

**HALAKHA**  
Two hairs in one follicle – **שתי שערות בגומא אחת**: Two pubic hairs in one follicle are a sign of adulthood. This *halakha* is in accordance with the opinion of Rav Ashi (Rambam Sefer Nashim, Hilkhot Ishut 2:17; Shulhan Arukh, Even HaEzer 155:16).

The Gemara asks: **And is there actually a case like this, of two hairs in one follicle? But isn't it written: "He crushes me with a tempest, and multiplies my wounds without cause" (Job 9:17); and Rava said with regard to this verse: Job blasphemed with a tempest, and with a tempest he was answered. He blasphemed with a tempest, as Job said before God: Master of the Universe, perhaps a tempest passed before You and You confused Iyyov, Job, with oyev, enemy. With a tempest he was answered**, as the verse states: "Then the Lord answered

## Perek VI

## Daf 52 Amud b

איוב מן הסערה, ויאמר אליו: שוטה  
שבעלם, הרבה ימי בריאות בראתי  
של אדם, ולכל נימה נימה בריאות  
לו גומא בפני עצמה של אייזו שטים  
יונקנות מוגמא אחת, שאלם לא שטים  
זונען של אדים. גומא בגומא לא נתקלחפּ  
לי, איוב באיבך נתקלחפּ לך?

לא קשיה, זה – בגופא, זה – ברישא.

Job out of the tempest, and said" (Job 38:1–3) to him: Greatest imbecile in the world! I have created many hairs on a person's head, and for each and every hair I created its own distinct follicle, so that two hairs should not draw sustenance from one follicle. As, were two hairs to draw sustenance from one follicle, it would weaken a man's vision. Now if I did not confuse one follicle with another, would I confuse a man named Iyyov with oyev? This indicates that two hairs do not grow from one follicle.

The Gemara answers: It is **not difficult**; that statement above, that two hairs in one follicle is a valid sign of adulthood, is referring to the hairs in the rest of a person's **body**, whereas **this statement**, that there cannot be two hairs in one follicle, is referring to the hairs **on** a person's **head**.

אמר רב יהודה, אמר שמואל: שתי  
שערות שאמרו – אפיקו אחת על הcker  
ואחת על דביצים.

Rav Yehuda says that Shmuel says: The two hairs that the Sages said are signs of adulthood are valid signs **even if** they are not adjacent; but rather **one hair is on the spoon-shaped area**<sup>H</sup> above his organ **and one is on the young boy's testicles**.

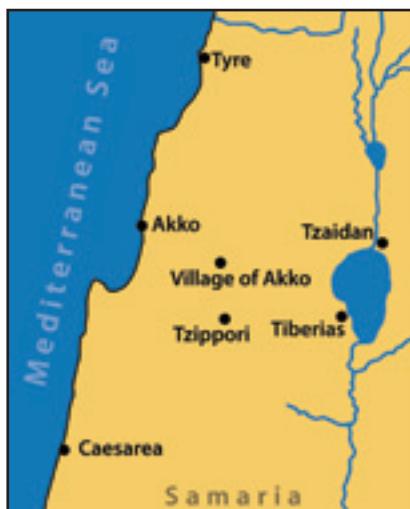
**HALAKHA**

The two hairs that the Sages said are signs of adulthood are valid even if one hair is on the spoon-shaped area – **שתי שערות שאמרו אפיקו אחת על הcker**: The two pubic hairs that are a sign of adulthood must be located in the genital area. Hairs that are located anywhere on the entire pubic area are valid signs, whether they are higher or lower or on the reproductive organs themselves. But the two hairs must be adjacent to each other, in accordance with the opinion of the Rabbis (see Kesef Mishne and *Beit Shmuel*). Others maintain that even if one hair is on her back and another on her lower abdomen, or one on her finger joints and one on her toe joints (see *Lehem Mishne* and *Maggid Mishne*), she is considered an adult with regard to refusing her marriage, but not with regard to performing *halitzah* (Rambam Sefer Nashim, Hilkhot Ishut 2:17; Shulhan Arukh, Even HaEzer 155:17).

**BACKGROUND**

**Village of Akko – כְּפַר עֲבֹו:** The village of Akko, as indicated by its name, was one of the settlements that enveloped the city of Akko, or Acre. This city served as a center for the residents of the entire area, providing them with essential services. The village of Akko, like other villages near the city of Acre, supplied the city with agricultural products. It was an especially important village among those situated near Acre, as it was located on the main route leading to Lebanon and Syria.

Some identify the village of Akko with the settlement of Kafir Yasif, east of the city of Acre. In the past there was a large Jewish presence there. Indeed, Josephus calls the place the village of Akko and lists it among the areas he fortified in anticipation of the battle with the Romans. The village was inhabited by Jews throughout the entire period of the Mishna and the Gemara, and even afterward, until recent times. The remains of many graves have been discovered at this site, as well as other important archaeological findings.



Location of the village of Akko

**Tzaidan – צִידָן:** Tzaidan, which was also called Beit Tzaida or Bethsaida, and was referred to by Josephus as Julias, its Roman name, was a village on the northern side of the Sea of Galilee, adjacent to the estuary of the Jordan River. It was home to various Sages during the mishnaic period, as well as afterward.

**PERSONALITIES**

**Hanina ben Hakhinai – חַנִּינָא בֶן חַקְהִנָּי:** Hanina, or Hananya, ben Hakhinai is identified by the Gemara as one of those referred to by the appellation: They deliberated before the Sages in Yavne, who knew seventy languages. He was a preeminent disciple of Rabbi Akiva. Traditions and halakhot cited in his name can be found throughout the Mishna, the Tosefta, various halakhic midrashim, and the Talmud. In one midrash, Hanina ben Hakhinai is listed among the ten martyrs.

**LANGUAGE**

**Filling with hair [kilkul] – כְּלָפָל:** This word has a similar meaning in Syriac, i.e., a head full of hair. In the Mishna its precise meaning is the hair located on the temples, although it is also used in reference to a mass of hair elsewhere on the body, as in this case.

**Pair [zug] – זָגָן:** From the Greek ζυγόν, zugon, meaning a pair of a certain item. It is therefore used to refer to utensils that come in pairs, particularly scissors.

תניא נמי הכא: שתי שערות שאמרו – אַפִּילָה אֲוֹת בְּגַבָּה וְאֲוֹת בְּכֶרֶשֶׁה, אֲוֹת עַל גַּבֵּי קָשָׁרִי קָשָׁרִי אֲזַבְעֻזָּתָה שֶׁל יָד וְאֲוֹת עַל גַּבֵּי קָשָׁרִי אֲזַבְעֻזָּתָה שֶׁל רַגְלַי, דָבְרַי רַבִּי שְׁמַעוֹן בֶּן יְהוּדָה אִישׁ כְּפַר עֲבֹו שָׁמַר מִשּׁוּם רַבִּי שְׁמַעוֹן, וּבֶן אַמְרוֹ רַבִּי חַסְדָּא: עַד שִׁיחָו שְׂתִּים שְׂעָרוֹת בָּמְקוֹם אֶחָד.

The Gemara notes that this is also taught in a *baraita*: The two hairs that the Sages said are signs of adulthood are valid signs even if one hair is on the young girl's back, below her pubic area, and one on her lower abdomen.<sup>n</sup> The same applies if one hair is on the finger joints of her hand and one hair is on the toe joints of her foot. This is the statement of Rabbi Shimon ben Yehuda, of the village of Akko,<sup>b</sup> who said it in the name of Rabbi Shimon. And what do the Rabbis say about this matter? Rav Hisda says: According to the Rabbis, they are not a valid sign of adulthood unless the two hairs are in one place.<sup>n</sup>

תניא ר' בן: עַד מֵתֵי הַבָּת מִמְּאַנְטָה? עַד שְׁתִּיבָּא שְׂתִּים שְׂעָרוֹת, דָבְרַי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אָוּמָר: עַד שִׁיחָה הַשְׁחוֹר. רַבִּי יוֹסֵי אָוּמָר: עַד שְׁתִּקְרֵי הַעֲטֵרָה. בֶן שְׁלָקוֹת אָוּמָר: עַד שְׁתִּיבָּלֵל.

וְאָמָר רַבִּי שְׁמַעוֹן, מִצְאֵי חַנִּינָא בֶן חַקְהִנָּי בָּצִידָן, וְאָמָר: בְּשָׁאָתָה מִגְעַע אַצְלָ רַבִּי עַקְבָּא אָמָר לוֹ "עַד מֵתֵי הַבָּת מִמְּאַנְטָה"? אִם יֹאמֶר לְךָ "עַד שְׁתִּיבָּא שְׂתִּים שְׂעָרוֹת", אִם יֹאמֶר לוֹ "וְגַלְלָא בֶן שְׁלָקוֹת הַעִיר בְּמַעַמְדָה כָּלְלָם בִּבְנָה עַד שְׁתִּיכְלֵל, וְלֹא אָנוֹתָם לוֹ דָבָר!"

כְּשָׁבָאתִי אַצְלָ רַבִּי עַקְבָּא, אָמָר לִי: כְּלָפָל זה – אַנְיִי יוֹדֵעַ מַהוּ, בֶן שְׁלָקוֹת – אַיִל מִפְרֵץ, עַד מֵתֵי הַבָּת מִמְּאַנְטָה – עַד שְׁתִּיבָּא שְׂתִּים שְׂעָרוֹת.

**מתני' שתי שערות האמורות בפרק,** ובגנוגים, והאמורות בכל מקום – כדי לכוב' ראותו ליעקרון – דברי רבי ישמעאל, רבי אליעזר אומר: ברוי לקרוין בaczipron, רבי עקיבא אומר: כדי שיהו ניטלות בוגר.

And Rabbi Shimon said: Hanina ben Hakhinai<sup>p</sup> found me in the city of Tzaidan<sup>b</sup> and said to me: When you reach Rabbi Akiva, say to him: Until when can a young girl perform refusal? If he says to you that she may perform refusal until she grows two pubic hairs, say to him: But didn't ben Shelakot testify in the presence of all of you in Yavne that she may perform refusal until the pubic area is filled with hair [shetekhalkel], and you did not say anything to him, thereby indicating that you conceded to him?

Rabbi Shimon continued: When I reached Rabbi Akiva, and I said what I had been told to say to him, he said to me: I do not know what this filling with hair [kilkul]<sup>l</sup> is, I don't know any ben Shelakot, and my opinion with regard to your question, until when can a young girl perform refusal, is that she can perform refusal until she grows two pubic hairs.

**MISHNA** The two white or black hairs that are mentioned with regard to disqualification of a red heifer; and the two white hairs mentioned with regard to leprosy marks, i.e., that if they grow within a white leprosy mark, it is impure; and the two hairs that are mentioned in every place, i.e., with regard to a young boy and girl, are significant only if they are long enough to bend the top of the hairs to reach their roots. This is the statement of Rabbi Yishmael. Rabbi Eliezer says: They must be long enough to grasp them and cut them with a fingernail. Rabbi Akiva says: They must be long enough to be cut with a pair [bezug]<sup>l</sup> of scissors.

**NOTES**

Even if one hair is on her back and one on her lower abdomen – אַפִּילָה אֲוֹת בְּגַבָּה וְאֲוֹת בְּכֶרֶשֶׁה: The commentaries disagree whether the reference to her back and lower abdomen is meant literally or euphemistically. Some maintain that they allude to areas of her genitalia (Rashi; Rashba), as the Sages spoke euphemistically concerning these matters (Meiri).

עד שיחו שתי שערות במקום: Unless two hairs are in one place – אַפִּילָה: The early commentaries disagree with regard to the opinion of the Rabbis. Some maintain that although the Rabbis rule that the two hairs must be in one location, they agree with Rabbi Shimon that they are not required to be in the pubic area. Even

if they grow on the finger joints, they are a sign of adulthood. According to this interpretation, the Rabbis disagree with Rabbi Shimon only insofar as they require that the two hairs must be adjacent (Ramban; Rashba; Ritva; Ran).

Some early commentaries further conclude that the same applies to a young boy. They contend that two hairs in any part of the body where hair does not usually grow until adulthood are considered a sign of adulthood (Ran). It has been noted that this is a lone opinion (*Eizahu Mekoman*), and the authorities rule that only pubic hairs are a sign of adulthood. This is stated explicitly by Tosafot on *Yevamot* 8ob.

**גַּם** אמר ר' בְּחִקְרָא, אמר מֵר עֲוקָבָא: הַלְכָה  
בְּדִבְרֵי פּוֹלֵן לְהַחְמִיר.

**מתני'** הרואה בתם – הרי זו מקולקלת

וחושש משום זב – דברי רב מאייר, וחכמים  
אומרים: אין בכתמים משום זב.

**גַּם** מאן חכמים? רבי חנינא בן אנטיגנוס  
היא, דתניא, רבי חנינא בן אנטיגנוס אומר:  
חכמים אין בהן משום זב. ופעמים שהכתמים  
מביאין לידי זיבחה.

ב' – לבשה שלשה חולקות הבודקות לה  
ומצאיה עליהם בתם, או שראתה שני ימים  
חוליק אחד – הן הכתמים המביאין לידי  
זיבחה.

דשותא שלשה חולקות דלאו מגופה קחיזא?  
ה' ישנן, שני ימים וחוליק אחד מיביעיא?

מהו דתימא – כל כי היא גוונא מביאה קרבן  
ונאכל, קא משמע לנו.

אמר ר' בא, בהא וכנהו רבי חנינא בן אנטיגנוס  
לובבן: מאו שנא פחות משלשה גורסין במקום  
אחד דלא חיישן – דעתךין: בתרי יומי  
חויתיה, שלשה גורסין במקום אחד נמי –  
נמי: תרתי פלנא מגופה חוותה, ואידען אגב  
זהקמא דם מאכולות הו.

**GEMARA** Rav Hisda says that Mar Ukva says with regard to the various opinions in the mishna on the measure of hairs: The halakha is in accordance with the statements of all of them to be stringent.<sup>h</sup> One should consider it hair only if all of the criteria are met, or consider it to be hair if any one condition is met, depending on which standard yields the more stringent result.

**MISHNA** With regard to a woman who sees a red stain<sup>h</sup> on her garment, that woman's reckoning is distorted. Since she does not know when the blood that caused the stain appeared, she does not know when the seven days of menstrual flow end and when the eleven days of the flow of the zava begin.

And therefore she must be concerned due to the possibility that it might have been caused by the flow of a zava. If she wore the same garment for three days on which she can assume the status of a zava, and subsequently discovered a stain with an area that is the size of at least three split beans, the concern is that on each of those three days a stain with the area of at least one split bean, the minimum area that transmits impurity, was formed. The result is that she is a greater zava and is required to count seven clean days before immersion. This is the statement of Rabbi Meir. And the Rabbis say: No configuration of stains leads to concern due to the flow of a zava.

**GEMARA** The Gemara asks: Who are the Rabbis in this mishna? It is Rabbi Hanina ben Antigonus, as it is taught in a baraita that Rabbi Hanina ben Antigonus says: Stains do not lead to concern due to the flow of a zava, but stains can sometimes lead to ziva.

How so, i.e., how can stains lead to ziva according to Rabbi Hanina ben Antigonus? If a woman wore three different robes that had been examined by her for blood stains, and she then found a stain on each of them,<sup>h</sup> or if she saw blood flowing from her body on two consecutive days and on the third day she saw a stain on one of the robes<sup>h</sup> that she wore that day, those are the stains that lead to ziva.

The Gemara raises a difficulty with regard to the above statement: According to the opinion of Rabbi Hanina ben Antigonus, now that in a case where she sees stains on three robes we are concerned for ziva, despite the fact that she does not see the blood flowing from her body, is it necessary to state that we are concerned if she experiences bleeding from her body on two days and sees a stain on one of the robes?

The Gemara answers: It is necessary to state that, lest you say that in any case like this, where she experiences bleeding from her body on two days and on the third day she sees a stain on one of the robes, she brings an offering and it is consumed, like one who is definitely a zava. Therefore, Rabbi Hanina ben Antigonus teaches us that her status as a zava is uncertain, and consequently she brings a bird for a sin offering that is due to uncertainty, which is not eaten.

Rava said: With this claim Rabbi Hanina ben Antigonus bested the other Rabbis, who agree with the opinion of Rabbi Meir in the mishna: What is different about a stain that is less than three split beans in one place, that we are not concerned she might be a zava? The reason is that we say she saw blood on only two days. But in a case where she discovered a stain on her robe with the area of at least three split beans in one place, one can also say: The area of two and a half split beans should be attributed to blood seen from her body, but the other is the blood of a louse that was there due to the dirt associated with her bleeding.

### HALAKHA

The halakha is in accordance with the statements of all of them to be stringent – **הַלְכָה דָבָרִי כּוֹלֵן לְהַחְמִיר**: The two white or black hairs that are mentioned with regard to disqualification of a red heifer; and the two white hairs mentioned with regard to leprosy, that if they grow within a white leprous mark, it is impure; and likewise the two hairs mentioned with regard to the signs of adulthood for a young boy or girl are all significant only if they are long enough to bend the top of the hairs to reach their roots, or to grasp them and cut them with a fingernail, or to be cut with scissors, whichever standard is the most stringent. This ruling is in accordance with the opinions of Rabbi Yishmael, Rabbi Eliezer, and Rabbi Akiva, following the statement of Rav Hisda citing Mar Ukva, that the halakha is in accordance with all of them to be stringent (Rambam Sefer Tahara, Hilkhota Para Aduma 1:4 and Hilkhota Tumat Tzara'at 2:1, and Sefer Nashim, Hilkhota Ishut 2:16; Shulhan Arukh, Even HaEzer 155:18).

A woman who sees a red stain – **הַרְאָה בְּתִים**: With regard to a woman who sees a red stain when it is not her fixed time of menstruation, her reckoning is distorted, as it might be menstrual blood. This ruling is in accordance with the baraita (Rambam Sefer Kedusha, Hilkhota Issurei Bia 9:3).

Wore three different robes that had been examined by her and she found a stain on them – **לְשָׁלֶת הַבְּדִיקות לְהַזְצָאָה עַלְלָה בְּתִים**: If a woman wore three different robes that she had examined for blood stains after the seven days of menstrual flow ended, and she wore them for three days during the eleven days of ziva, and she then found a stain on each of them, even if she discovered three stains in the same location on the three robes, she is only a zava of uncertain status. This is in accordance with the opinion of the Rabbis, i.e., Rabbi Hanina ben Antigonus (Rambam Sefer Kedusha, Hilkhota Issurei Bia 9:12).

Saw blood flowing on two consecutive days and on the third saw a stain on one of the robes – **אַתָּה שְׁנֵי נְמִיס הַלְקָק אַחֲר**: If a woman sees blood flowing from her body on two consecutive days when it is not her fixed time of menstruation and on the third day she sees a stain, she is a zava of uncertain status. This halakha is in accordance with the opinion of the Rabbis, i.e., Rabbi Hanina ben Antigonus (Rambam Sefer Kedusha, Hilkhota Issurei Bia 9:14).

### HALAKHA

If the area is large enough to be divided into three split beans – אִם יָשׁ בּוֹ כַּדְלֵחֶל שְׁלַשָּׁה גְּרִיסִין: With regard to a woman who wears a robe for three or more days when it is not her fixed time of menstruation, and then discovers three stains on it, or one large stain the size of three stains, she is a *zava* of uncertain status. This is due to a concern that blood might have emerged from her each of the three days, as stated in the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:12).

### NOTES

**She must be concerned – חוֹשֶׁת:** This is due to the fact that seeing during twilight is considered like seeing twice, as part of it is considered as seeing during the day while part of the sighting is considered to have occurred at night.

וּרְבָּן, בֵּין דָּאִיכָּא לְפָלוֹגִי בְּגָרִיס וְעַד לְכָל  
יְמָא - לֹא תְּלִין.

וּרְבִּי חֲנִינָה בֶּן אַנְטִיגּוֹנוֹס שְׁלַשָּׁה גְּרִיסִין  
בְּמִקְוּמָן אַחֲרֵי הַזָּהָר דָּלָא חַיְישֵׁן, הָא בְּשֶׁלֶשֶׁת  
מִקְוּמֹת - חַיְישֵׁן? הָא אָמָרָת בְּשֶׁלֶשֶׁת  
חַלּוּקֹת - אַיִן, בְּשֶׁלֶשֶׁת מִקְוּמֹת - לֹא!

לְדִבְרֵיכֶם וּרְבָּן קָאָמָר לְהָוֹ, לְדִיקָּה - בְּשֶׁלֶשֶׁת  
חַלּוּקֹת - אַיִן, בְּשֶׁלֶשֶׁת מִקְוּמֹת - לֹא: אַלְאָ  
לְדִיקָּה, אָדוֹן לִמְיֻת דָּהִיכָּא דְּחוּזָּה שְׁלַשָּׁה  
גְּרִיסִין בְּמִקְוּמָן אַחֲרֵי דָּאִיכָּא - תְּרִי וּפְלָגָה  
מִגּוֹפָה חַוִּיתִיה, וְאַיְדָךְ - אַגְּבָה וּזְהָמָה דְּם  
מַאֲכָולָת הַזָּהָר!

וּרְבָּן - בֵּין דָּאִיכָּא לְפָלוֹגִי בְּגָרִיס וְעַד לְכָל  
יְמָא - לֹא תְּלִין.

תָּנָא וּרְבָּן: הַרוֹאָה בְּתָם, אִם יָשׁ בּוֹ כַּדְלֵחֶל  
שְׁלַשָּׁה גְּרִיסִין, שְׁהָן בְּגָרִיס וְעַד - חַוְשָׁת,  
וְאִם לֹאוֹ - אַיִנָּה חַוְשָׁת.

רַבִּי יְהוּדָה בֶּן אַגְּרָא אָמָר מִשׁוּם רַבִּי יוֹסֵי:  
אַתָּה זָוֵחַת זָוֵחַת - חַוְשָׁת.

The Gemara asks: And how do the Rabbis respond to this claim? The Gemara answers: They maintain that since it is possible to divide the stain into at least one split bean for each of the three days, we do not attribute the stain to the blood of a louse.

The Gemara raises a difficulty with regard to the statement of Rava: And according to the opinion of Rabbi Hanina ben Antigonos, one can infer that it is specifically in the case of a stain with the area of at least three split beans in one place that we are not concerned she might be a *zava*. It can be inferred from here that if it is in three places, we are concerned. But didn't you say that if she discovered stains in three robes, yes, we are concerned, which indicates that if it is in three places on a single robe we are not concerned.

The Gemara answers that it was in accordance with the statement of the Rabbis that Rabbi Hanina ben Antigonos stated his opinion to them, as follows: According to my opinion, if she discovered stains in three robes, yes we are concerned, whereas if it is in three places we are not concerned. But according to your opinion, at least concede to me that where she saw a stain on her robe with the area of at least three split beans in one place, that we say that the area of two and a half split beans can be attributed to blood seen from her body, and the other is the blood of a louse that was there due to the dirt associated with her bleeding.

The Gemara asks: And how do the Rabbis respond to this claim? The Gemara answers: They maintain that since it is possible to divide the stain into at least one split bean for each of the three days, we do not attribute the stain to the blood of a louse.

§ With regard to a woman who finds a stain on her robe, the Sages taught in a *baraita*: In the case of a woman who sees a red stain on her garment that she wore for a number of days and she does not know when and where it is from, what is her status? If the area is large enough to be divided into three parts, where the total area is the size of three split beans,<sup>h</sup> each of which is the minimum measure to render her a *zava*, i.e., an area the size of at least a split bean, she must be concerned that she is a *zava*, as this stain might be the result of seeing a sufficient measure of blood on each of three occasions. But if the stain is not that size, she does not need to be concerned.

Rabbi Yehuda ben Agra says in the name of Rabbi Yosei: Both in this case, where she saw a stain large enough to be divided into three parts, where the total area is the size of three split beans, and that case, where the stain was not that large, she must be concerned<sup>h</sup> that she might be a *zava*. This is due to the fact that she possibly saw stains of sufficient size on only two occasions, but one was during twilight, which counts as two days, amounting to a total of three days.

### Perek VI

Daf 53 Amud a

- אָמָר רַבִּי נְרָאֵין דְּבָרִי וְרַבִּי יְהוּדָה בֶּן אַגְּרָא  
בְּשֶׁלֶשֶׁת בְּרָקָה, וְדִבְרֵי חַקְמָים - בְּשֶׁבְרָקָה.

Rabbi Yehuda HaNasi says that the dispute between Rabbi Yehuda ben Agra and the Rabbis should be decided as follows: The statement of Rabbi Yehuda ben Agra, who maintains that there is a concern for the possibility that the woman might have seen blood at twilight, appears to be correct in a case where she did not examine. And the statement of the Rabbis, who are not concerned about that possibility, appears to be correct in a case where she did examine.

מַאי בָּרְקָה וְמַאי לֹא בָּרְקָה? אָמֵר רַבָּא:  
אֲשֶׁר חִתְּנָהוּ לְרַבְּנָן דָּבִי רַב דִּינָבִי וְקָאָמָרִי:  
הַכָּא בָּמַאי עַסְקִין – בָּגָז שְׁבָדָקָה עַצְמָה וְלֹא  
בָּרְקָה תְּלִיקָה, אֲנוֹ עַצְמָה לֹא בָּרְקָה אֶלָּא בָּנִין  
הַשְּׁמָשׁוֹת דָּרְבֵי יְהוָה, וּבָנִין הַשְּׁמָשׁוֹת דָּרְבֵי  
יּוֹסֵי לֹא בָּרְקָה.

דָּרְבָּן סְבָרִי בָּבִין הַשְּׁמָשׁוֹת דָּרְבֵי יּוֹסֵי – לִילִיאָ  
הַוָּא, וְהָא בָּרְקָה בָּבִין הַשְּׁמָשׁוֹת דָּרְבֵי יְהוָה.  
וּבָיְ יּוֹסֵי לְטֻעַמָּה, דָּאָמָר בָּנִין הַשְּׁמָשׁוֹת  
סְפִיקָא הַיִם.

וְאַמְנָא לְהוּ אָנָא: אַיִלְמָלִי יְדָה בְּעִינֵיכָה כֵּל  
בֵּין הַשְּׁמָשׁוֹת – יְפָה אַתָּם אָוֹמְרִים, עֲכַשְׂיוֹ –  
שְׁפָא עִם קְלֹוק יְדָה וְאַתָּה? אָמָרוּ לֵי, בַּי  
קָאָמְרָנוּ – בְּשַׁגְנָתָנָה יְדָה בְּעִינֵיכָה כֵּל בֵּין  
הַשְּׁמָשׁוֹת.

אָמֵר וּבְיַי: נְרָאֵין דָּרְבֵי רַבִּי יְהוָה בָּן אַגָּרָא  
בְּשַׁלְאָ בָּרְקָה. מַאי לֹא בָּרְקָה?

אַיִלְמָא דָּבָרָה בָּרְבֵי יְהוָה וְלֹא בָּרְקָה  
בָּרְבֵי יּוֹסֵי, מִפְלָל דָּרְבֵי יְהוָה סְבָר אָף עַל  
גַּב הַבָּרְקָה בְּתוּרְיוֹה – חִישָׁא? דָּא בָּרְקָה!

The Gemara asks: What did Rabbi Yehuda HaNasi mean by: Where she did examine, and what did he mean by: Where she did not examine? Rava says: I found the Sages in the study hall of Rav sitting and saying the following explanation of the *baraita*: Here we are dealing with a case where the woman examined herself but did not examine her robe. And even with regard to herself, she examined herself only during twilight [*bein hashemashot*]<sup>NL</sup> as defined by Rabbi Yehuda,<sup>N</sup> i.e., the time it takes to walk a half *mil* before the emergence of the stars. But during twilight as defined by Rabbi Yosei, i.e., the blink of an eye before the emergence of the stars, she did not examine herself.

As the Rabbis hold that during the period of twilight as defined by Rabbi Yosei it is already night, and therefore it does not matter that she did not examine herself then. And as she did examine herself during the period of twilight as defined by Rabbi Yehuda, and she found no blood, there is no concern that she saw during twilight, which would count as two sightings. And Rabbi Yosei conforms to his line of reasoning, as Rabbi Yosei, in whose name Rabbi Yehuda ben Agra said his ruling, stated that the time that he defines as twilight is considered uncertain, i.e., it is not definitely night or day, and therefore there is a concern that she might have seen blood at that time, which would count as seeing twice.

Rava continues: And I said to those Sages: Had the woman's hands been in her eyes, a euphemism for her private parts, for the entire twilight period, what you say would be fine. But now that this is not the case, perhaps when she removed her hands from examining herself she saw blood. And those Sages said to me: The case about which we said that opinion was where she placed her hands in her eyes for the entire twilight<sup>H</sup> period.

The Gemara further clarifies the *baraita*. Rabbi Yehuda HaNasi says: The statement of Rabbi Yehuda ben Agra in the name of Rabbi Yosei, who maintains that one needs to be concerned for the possibility that the woman saw blood at twilight, which would count as though she saw blood twice, appears to be correct in a case where she did not examine. The Gemara asks: What is meant by: Where she did not examine?

If we say that she examined herself during the period that is defined by Rabbi Yehuda as twilight, but she did not examine herself during the time period that is defined by Rabbi Yosei as twilight, this is difficult: If Rabbi Yehuda HaNasi accepted the opinion of Rabbi Yehuda ben Agra only in such a case, this indicates, by inference, that Rabbi Yehuda ben Agra himself, whose ruling is more strict than that of the Rabbis, holds that even though she examined herself during the twilight period as defined by both Rabbi Yehuda and Rabbi Yosei, she must be concerned. This conclusion is untenable, as she examined herself throughout twilight and there was no blood.

## NOTES

**Twilight – בין השמשות:** Everyone accepts the basic definition of twilight as an uncertain period in terms of day and night. There are three possibilities with regard to the status of this period of time: The entire period of twilight is night, the entire period is day, or part of it is day and part of it is night. Every moment during this period is subject to these three possibilities (Rabbeinu Tam, cited in *Tosafot* on *Shabbat* 34b).

**Twilight as defined by Rabbi Yehuda – בין השמשות ר' יהודה:** There are different explanations of Rabbi Yehuda's opinion; see *Shabbat* 34b. According to Rabba, Rav Yehuda maintains that the period of twilight begins when the sun sets and continues for as long as the eastern face of the sky is reddened. If the lower segment of the sky closest to the horizon has lost its color, and the upper segment has not yet lost its color, that is the twilight period. Rashi interprets this loss of color as darkening, while others claim that it is whitening (*Arakh*). Some commentaries maintain that Rashi and the *Arakh* do not actually disagree, as they are both referring to the diminishing of sunlight (*Arakh HaShulhan*). According to Rav Yosef, Rav Yehuda maintains that twilight starts a little later. This discussion is with regard to the opinion of Rav Yehuda. Rabbi Nehemya disagrees with Rav Yehuda and holds that the twilight period is equivalent to the time it takes for one to walk a half of a *mil*, starting from sunset. According to Rabbi Yosei, the duration of the twilight period is like the blink of an eye; night enters and day departs, and it is impossible to calculate the period due to its brevity. The Gemara on *Shabbat* 35a explains that the phrase: The eastern face of the sky is reddened, is referring to the face that reddens the east, i.e., when the sun sets, its rays redden the sky (Rashi).

## LANGUAGE

**Twilight [bein hashemashot] – בין השמשות:** This term is used to describe the time of transition from day to night, which is considered an uncertain period in terms of whether it is day or night. There are various suggestions with regard to the actual meaning of the term. One possibility is that it means between the days, as

days are referred to as *shemesh*, sun. If so, *bein hashemashot* means between the day that passed and the following day. Another possible meaning is the period between the different stages of the gradual disappearance of the sun's light, i.e., between sunset and total darkness.

## HALAKHA

Where she placed her hands in her eyes for the entire twilight – **שְׁגָנָתָנָה יְדָה בְּעִינֵיכָה כֵּל בֵּין הַשְּׁמָשׁוֹת:** With regard to a woman who discovered on her robe, on the third day of wearing that robe, a stain of an area less than the size of three split beans, after examining herself on the twilight of the first day and not finding blood but without examining the robe at that stage, she does not need to be

concerned that she is a *zava*. In a case where she did not examine herself throughout the twilight period, as she did not examine the robe and she wore it for three days during the time that she could become a *zava*, she must be concerned that she is a *zava*, even if the area of the stain is not equivalent to the measure of three stains (Rambam *Sefer Kedusha, Hilkhota Issurei Bia* 9:13).

אלא פשיטה – דלא ברקה לא ברובי  
הוזה ולא בדרבי יוסי, אבל ברקה  
ברובי יהודה ולא ברקה בדרבי יוסי –  
לא חישא.

אלמא: בין השמשות דרבי יוסי – לרבו  
יליאו הוא. אימא סיפה "ודבריהם"  
בשבוקה. מא' ברקה?

איימא וברקה בדרבי יהודה ולא ברקה  
בדרבי יוסי, מכל רבען קבורי אף על גב  
דלא ברקה בתרויהו – לא חישין, הא  
לא ברקה

אלא פשיטה – ברקה בין בדרבי יהודה  
בין בדרבי יוסי, אבל ברקה בדרבי יהודה  
ולא ברקה בדרבי יוסי – חישין.

אלמא: בין השמשות דרבי יוסי – לרבו  
ספקא חוי. קשיא ורבו אדרבי

הכי קאמרא: נראין דברי רבוי יהודה בן  
אגרא לרבען דלא ברקה כלל, לא בדרבי  
הוזה ולא בדרבי יוסי, שאר חכמים לא  
מחלקו עלינו אלא ברקה בדרבי יהודה,  
ולא ברקה בדרבי יוסי. אבל היכא דלא  
ברקה כלל – מודו ליה.

ורמיןוה: הרואה כתם, לראה מרובה –  
חוששת, לראה מועצת – אינה חוששת,  
וזה דברי רבוי יהודה בן אגרא שאמר משום  
רבוי יוסי.

אמר רבוי: אני שמעתי מפנוי שאחת זה  
ואחת זה – חוששת, וממן הטעם הזה אמר  
לוי: ומה איילו נדה שלא הריששה בטהרה  
מן המנחה ולמעלה – לא תהא בחזקת  
טמאה? ונראין דבריו בשבוקה.

Rather, it is obvious that when Rabbi Yehuda HaNasi referred to a case where she did not examine herself, he meant that she examined herself neither during the period that Rabbi Yehuda defines as twilight, nor during the period that Rabbi Yosei defines as twilight. But if she examined herself during the period that Rabbi Yehuda defines as twilight, but she did not examine herself during the period that Rabbi Yosei defines as twilight, then she does not need to be concerned.

Evidently, the time period that Rabbi Yosei defines as twilight is considered nighttime according to Rabbi Yehuda HaNasi. But if so, say the latter clause: And the statement of the Rabbis appears to be correct in a case where she did examine. What is meant by: Where she did examine?

If we say that she examined herself during the period that is defined by Rabbi Yehuda as twilight, but she did not examine herself during the period that is defined by Rabbi Yosei as twilight, this is difficult: If Rabbi Yehuda HaNasi accepted the opinion of the Rabbis only in such a case, this indicates by inference that the Rabbis themselves hold that even though she did not examine herself during the twilight period as defined by both Rabbi Yehuda and Rabbi Yosei, nevertheless, we are not concerned. But in such a case, she did not examine herself at twilight at all.

Rather, it is obvious that she examined herself both during the period that Rabbi Yehuda defines as twilight, and during the period that Rabbi Yosei defines as twilight. But if she examined herself during the period that Rabbi Yehuda defines as twilight, and she did not examine herself during the period that Rabbi Yosei defines as twilight, then we are concerned.

Evidently, the time period that Rabbi Yosei defines as twilight is considered to be of uncertain status regarding whether it is day or night according to Rabbi Yehuda HaNasi. The Gemara asks: If so, one statement of Rabbi Yehuda HaNasi poses a difficulty for another statement of Rabbi Yehuda HaNasi, as the inferences from the two parts of Rabbi Yehuda HaNasi's observation contradict one another.

The Gemara explains that this is what Rabbi Yehuda HaNasi is saying: The statement of Rabbi Yehuda ben Agra appears correct to the Rabbis in a case where she did not examine herself at all, neither during the period that Rabbi Yehuda defines as twilight, nor during the period that Rabbi Yosei defines as twilight. As, even the Rabbis disagree with Rabbi Yehuda ben Agra only in a case where she examined herself during the period that Rabbi Yehuda defines as twilight but she did not examine herself during the time period that Rabbi Yosei defines as twilight. But in a case where she did not examine herself at all, they concede to him that we are concerned that she might have emitted blood at twilight.

And the Gemara raises a contradiction from a *baraita*: In the case of a woman who sees a red stain, if she saw a large stain, covering an area the size of at least three split beans, she must be concerned that she might be a *zava*. But if she saw a small stain, covering an area of less than the size of three split beans, she does not need to be concerned that she is a *zava*. This is the statement of Rabbi Yehuda ben Agra, who said it in the name of Rabbi Yosei.

Rabbi Yehuda HaNasi said: I heard from Rabbi Yosei that with regard to both this one and that one, i.e., whether it is a large or small stain, she must be concerned that she is a *zava*. And Rabbi Yosei said this *halakha* to me based on this reasoning: And what would be the case if a menstruating woman did not perform the examination marking the first step in her transition from ritual impurity to ritual purity on the seventh day from *minha* time onward? Would she not have a presumptive status of ritual impurity? Rabbi Yehuda HaNasi added: And Rabbi Yosei's statement appears to be correct with regard to the case where she examined.

מַאֲ בָּדְקָה? אֵלִימָא דְבָדְקָה בָּרוּכִי  
יְהוֹדָה וְלֹא בָדְקָה בָּרוּכִי יוֹסֵי, מְפַלֵּל  
רוּבִי יְהוֹדָה בֶן אַגְרָא סָבָר, אַף עַל גַּב  
דְּלָא בָדְקָה לֹא בָּרוּכִי יְהוֹדָה וְלֹא  
בָּרוּכִי יוֹסֵי – לֹא צִיְשָׁא? וְהָא לֹא  
בָּדְקָה!

אֵלָא פְּשִׁיטָא – דְבָדְקָה בֵין בָּרוּכִי  
יְהוֹדָה וּבֵין בָּרוּכִי יוֹסֵי, מְפַלֵּל בָּרוּכִי  
יְהוֹדָה בֶן אַגְרָא סָבָר: בָדְקָה בָּרוּכִי  
יְהוֹדָה וְלֹא בָדְקָה בָּרוּכִי יוֹסֵי – לֹא  
צִיְשָׁא.

אַלְמָא: בֵין הַשְׁמָחוֹת דָרְבִי יוֹסֵי לָרוּבִי  
יְהוֹדָה בֶן אַגְרָא – לְלִילָה הוּא. קְשִׁיא  
דָרְבִי יְהוֹדָה בֶן אַגְרָא אַדְרֵבִי יְהוֹדָה  
בֶן אַגְרָא!

בְּשָׁלָמָא בְּלָא רַבִּי – לֹא קְשִׁיא.  
הַתָּם – דְבָדְקָה בָּרוּכִי יְהוֹדָה וְלֹא  
בָדְקָה בָּרוּכִי יוֹסֵי, חֲכָא – דְבָדְקָה  
נִמְיָרְבִי יְהוֹדָה וּבָרוּכִי יוֹסֵי. אֵלָא  
בָּרוּכִי קְשִׁיא!

תַּרְיִ תְּנָאִי וְאַלְיָא דָרְבִי יְהוֹדָה בֶן  
אַגְרָא; הַאִי תְּנָא סָבָר: שְׁלִים בֵין  
הַשְׁמָחוֹת דָרְבִי יְהוֹדָה,

Once again, the Gemara asks: What is meant by the term: Where she examined? If we say that she examined herself during the period that is defined by Rabbi Yehuda as twilight, but she did not examine herself during the period that is defined by Rabbi Yosei as twilight, this indicates by inference that Rabbi Yehuda ben Agra, who disagrees in the second *baraita* with this version of Rabbi Yosei's opinion and rules more leniently, holds that even though she did not examine herself during the twilight period as defined by both Rabbi Yehuda and Rabbi Yosei, nevertheless, she does not need to be concerned that she is a *zava*. But this conclusion is untenable, as she did not examine herself at twilight at all.

Rather, it is obvious that Rabbi Yehuda HaNasi is referring to a case where she examined herself both during the period that Rabbi Yehuda defines as twilight and during the period that Rabbi Yosei defines as twilight. This indicates, by inference, that Rabbi Yehuda ben Agra holds that if she examined herself during the period that Rabbi Yehuda defines as twilight, but she did not examine herself during the time period that Rabbi Yosei defines as twilight, then she does not need to be concerned, as a sighting at that time would not count as two.

Evidently, the period that Rabbi Yosei defines as twilight is considered to be nighttime according to Rabbi Yehuda ben Agra. If so, one statement of Rabbi Yehuda ben Agra poses a difficulty with regard to another statement of Rabbi Yehuda ben Agra, as earlier it was stated that according to Rabbi Yehuda ben Agra twilight is not definitely night.

Granted, without the statement of Rabbi Yehuda HaNasi, the apparent contradiction between these statements of Rabbi Yehuda ben Agra in the two *baraitot* is not difficult, as one could explain as follows: There, with regard to the first *baraita*, it is referring to a case where she examined herself during the period that is defined by Rabbi Yehuda as twilight, but she did not examine herself during the period that is defined by Rabbi Yosei as twilight. By contrast, here it is referring to a case where she examined herself both during the period that is defined by Rabbi Yehuda as twilight and during the period that is defined by Rabbi Yosei as twilight. But in light of the statement of Rabbi Yehuda HaNasi, one cannot explain in this manner, and therefore the contradiction poses a difficulty.

The Gemara answers: This is not a contradiction, as there are two *tanna'im* and they disagree with regard to the opinion of Rabbi Yehuda ben Agra. This *tanna* holds that Rabbi Yehuda's twilight ends,

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וְהָרַחַל בֵין הַשְׁמָחוֹת דָרְבִי יוֹסֵי,  
וְהַאִי תְּנָא סָבָר: בֵין הַשְׁמָחוֹת דָרְבִי  
יוֹסֵי מִישָׁךְ שִׁין בָּרוּכִי יְהוֹדָה.

and only thereafter the twilight of Rabbi Yosei begins, when there is uncertainty, and there is a concern that perhaps she saw blood at that time. And that *tanna* of the second *baraita* holds that the twilight of Rabbi Yosei is subsumed within and occurs at the end of the twilight of Rabbi Yehuda. According to the opinion of this *tanna*, since she examined herself throughout the twilight of Rabbi Yehuda, she also necessarily examined herself throughout the twilight of Rabbi Yosei and therefore there is no need to be concerned about her status.

### NOTES

The statement of Rabbi Shimon ben Elazar appears more correct than mine – ר' יהודה הַנָּסִי מִקְרָבֵי: Rabbi Yehuda HaNasi is saying that he thinks Rabbi Shimon ben Elazar's opinion is the more reasonable. Based purely on logical reasoning, Rabbi Yehuda HaNasi would have reached the same conclusion as did Rabbi Shimon ben Elazar. But he did not adopt that opinion because he had a tradition to the contrary (Ritva).

**תנו רבנן:** הַרְוָאָה כֶּתֶם – מִטְמָאָה עֲצָמָה  
וְקָדְשִׁים לְמַפְרָעָה – דָבָרִ רַבִּי.

**רַבִּי שְׁמֻעוֹן בֶּן אַלְעֹזֶר** אומר: **קָדְשִׁים**  
מִטְמָאָה, עֲצָמָה – אַינְהָ מִטְמָאָה, שְׁלָא  
יֵא כֶּתֶם חָמָר מִרְאַיָּתָה.

**הַא מְצִיאוּ בְּתִמְהָ חָמָר מִרְאַיָּתָה לְעַנְנִין!**  
**קָדְשִׁים!**

**אַלְאָ תַּנִּיחַ** הַכִּי: **רַבִּי שְׁמֻעוֹן בֶּן אַלְעֹזֶר**  
אָמַר אֶنְךָ קָדְשִׁים אַיִלָּה מִטְמָאָה, שְׁלָא  
יֵא כֶּתֶם חָמָר מִרְאַיָּתָה לְכָל דָבָר.

**תנו רבנן:** רַאֲתָה כֶּתֶם וְאַחֲרֵי כֵן רַאֲתָה  
דָם – תַּזְוֹלָה בְּתִמְהָ בְּרַאַיָּתָה מֵעַת לְעַת,  
דָבָרִ רַבִּי.

**רַבִּי שְׁמֻעוֹן בֶּן אַלְעֹזֶר** אומר: יוֹמוֹ אָמַר  
– **רַבִּי יְהוּדָה הַנָּסִי מִקְרָבֵי**, **שְׁהָוָה –**  
**מִתְקַנְתָּה**, **וְאַנְיָ –** **מִעוּוֹתָה**.

§ On the topic of a woman seeing a stain, the Sages taught in a *baraita*: A woman who sees a red stain on her garment renders herself and consecrated items that she touched impure retroactively,<sup>h</sup> from the time when that garment was last laundered. This is the statement of Rabbi Yehuda HaNasi.

**Rabbi Shimon ben Elazar says:** She does render consecrated items that she touched impure retroactively, but she does not render herself impure with regard to rendering impure objects that she touched since the time the garment was last laundered. The reason is that her stain should not be more stringent than her actual seeing of blood. If she experiences bleeding, she renders impure only objects that she touched during the previous twenty-four-hour period.

The Gemara asks: But don't we find that Rabbi Shimon ben Elazar himself holds that her stain is more stringent than her actual seeing of blood with regard to consecrated items? Her stain renders such items impure retroactively from the time that the garment was laundered, whereas her actually seeing blood renders impure only those items that she touched during the past twenty-four-hour period.

The Gemara answers: Rather, teach the *baraita* like this: Rabbi Shimon ben Elazar says that she does not even render consecrated items that she touched impure retroactively from the time that the garment was laundered, but only those items that she touched during the past twenty-four-hour period. The reason is that her stain should not be more stringent than her actual seeing of blood with regard to any matter.

§ The Sages taught in a *baraita*: In the case of a woman who saw a red stain on her garment, and afterward saw blood,<sup>h</sup> what is the *halakha*? She attributes her stain to her seeing blood, i.e., the stain is treated as part of the seeing of blood, which means that she is impure only from when she found the stain, as it assumed that it appeared no earlier. This is the *halakha* provided that she saw the blood within a twenty-four-hour period of her discovery of the stain. But if more than twenty-four hours passed, she cannot attribute the stain to her sighting. This is the statement of Rabbi Yehuda HaNasi.

**Rabbi Shimon ben Elazar says:** She may attribute the stain to the sighting only if she experienced bleeding on the day of discovering the stain. If she experienced bleeding after that day, even if it was within twenty-four hours, she may not attribute the stain to the sighting, which means that she is impure retroactively from when she found the stain, in case it appeared earlier. **Rabbi Yehuda HaNasi said:** The statement of Rabbi Shimon ben Elazar appears to be more correct than mine,<sup>n</sup> as he fixes her situation, i.e., he is lenient, and I ruin her situation, as my ruling is stringent. Since the impurity of a stain applies by rabbinic law, one should follow the more lenient opinion.

### HALAKHA

A woman who sees a red stain on her garment renders herself and consecrated items she touched impure retroactively – **הַרְוָאָה כֶּתֶם מִטְמָאָה עֲצָמָה וְקָדְשִׁים לְמַפְרָעָה**: A woman who sees a red stain when it is not her fixed time of menstruation is considered impure retroactively for the past twenty-four-hour period, by rabbinic law. This *halakha* is in accordance with the opinion of Rabbi Yehuda HaNasi (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:3).

A woman who saw a red stain on her garment and afterward saw blood – **רַאֲתָה כֶּתֶם וְאַחֲרֵי כֵן רַאֲתָה דָם**: A woman who saw a red stain and then experiences bleeding may attribute her

stain to the blood, provided that she experienced the bleeding within a twenty-four-hour period of discovering the stain. This is the *halakha* whether or not she examined herself at the time she discovered the stain and determined that she was ritually pure. This ruling is in accordance with the opinion of Rabbi Yehuda HaNasi, whose opinion is accepted as *halakha* when he and a single colleague disagree, and with the opinion of Rabbi Yohanan, whose opinion is likewise accepted against that of one colleague. This follows the Rambam's interpretation of the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:15, and see *Maggid Mishne* there).

מִתְקַנָּה? שׁוֹתֵי מְעוּית לְה! אָמָר רַבִּינָא:  
אִפְּךָ

The Gemara asks: But does Rabbi Shimon ben Elazar actually fix her situation? Does he not ruin her situation? If she experiences bleeding the day after she found the stain, but within twenty-four hours of finding the stain, according to Rabbi Shimon ben Elazar she renders items impure retroactively. By contrast, according to Rabbi Yehuda HaNasi she renders objects impure only from when she discovered the stain. Ravina says: Reverse<sup>N</sup> Rabbi Yehuda HaNasi's statement, so that it states: My statement appears to be more correct than that of Rabbi Shimon ben Elazar, as I fix her situation and he ruins her situation.

רַב נַחֲמָן אָמָר: לְעוֹלָם לֹא תִּפְעַל, שֶׁהָוָא  
מִתְקַנָּה הַלְּכֹתִיהָ לְדִי זִבָּה.

Rav Nahman says: Actually, do not reverse Rabbi Yehuda HaNasi's statement, as Rabbi Yehuda HaNasi meant the following: Rabbi Shimon ben Elazar's opinion appears to be more correct, as he fixes her halakhot with regard to ziva. If she experiences bleeding on the day after discovering the stain, the count of her seven days of menstrual flow begins on that day of her actual sighting, not from when she saw the stain. This is due to the fact that the stain is not attributable to the seeing of the blood. Therefore, if she experiences bleeding on the seventh day after first experiencing bleeding, which is the eighth day after discovering the stain, she is not considered a lesser zava, and she can be purified from her status as a menstruating woman.

וְאַנְּיִ מְעוּות הַלְּכֹתִיהָ לְדִי זִבָּה.

But I, Rabbi Yehuda HaNasi, ruin her halakhot with regard to ziva. Since the stain is attributable to the seeing of the blood within twenty-four hours, her counting starts from when she found the stain, and therefore the blood that she sees on the eighth day after discovering the stain is considered ziva. Consequently, she is considered a lesser zava and must observe a clean day for each day she experiences a discharge.

בְּשִׁיעַ מִיְּהָ רַבִּי זִירָא מִרְבֵּי אָסִי: בְּתִמְמִים  
צְרִיכֵין הַפְּקָד טְהָרָה אוֹ לֹא? אֲשֶׁר  
לֹא אָמַר לְהָ וְלֹא מִידָּי.

¶ Rabbi Zeira asked Rabbi Asi: Are stains like the actual sight of blood, in that they require an examination in which she is clean of blood, marking the first step in her transition from impurity to purity before immersion on the night following the seventh day, or not? Rabbi Asi was silent and said nothing to Rabbi Zeira.

וַיִּמְנַי אֲשֶׁרְחִיה דִּיתְבַּי וְקָאָמָר: תֹּולָה  
בְּתִמְמָה בְּרָאִיתָה מְעַת לְעַת - דָּבָר  
רַבִּי.

The Gemara relates that on another occasion Rabbi Zeira found Rabbi Asi sitting and saying that a woman who sees a stain and afterward experiences bleeding attributes her stain to her seeing blood, if she saw the blood within a twenty-four-hour period of when she discovered the stain. This is the statement of Rabbi Yehuda HaNasi.

אָמָר רֵישׁ לְקִישׁ: וְהָוָא שְׁבָדָקָה, וְרַבִּי  
יוֹחָנָן אָמָר: אַף עַל פִּי שְׁלָא בְּדָקָה.

Rabbi Asi added that there is a dispute with regard to the details of this halakha. Reish Lakish says: This applies only in a case where she examined herself at the end of the seventh day from the discovery of the stain. This examination indicates that the stain is related to her experiencing bleeding, and therefore the standard halakha of a woman who becomes pure at the end of her seven menstrual days applies to her. By contrast, if she examined herself only at the end of the eighth day, the stain is not attributable to her bleeding. And Rabbi Yoḥanan says: The stain is attributable to her bleeding under all circumstances, even if she did not examine herself until the eighth day.

#### NOTES

Ravina says: Reverse – אָמָר רַבִּינָא אִפְּךָ: It is unclear exactly what Ravina and Rav Nahman are referring to in their dispute about reversing the statement. The early commentaries disagree about this matter. Some understand it to mean that Rabbi Yehuda HaNasi's statement should be revised to state: My statement

appears to be more correct than his, i.e., that of Rabbi Shimon ben Elazar (Rashi). Others explain that Rabbi Yehuda HaNasi's statement should be revised to state: Because I fix her situation, and he ruins her situation (*Tosafot*).

אמר ליה: מפלל – דכתבים צריכין הפסיקת טהרה? אמר ליה: אין. וזה ימינו סגיאין בעא מינך ולא אמרת ולא מידי, ודולם אונב שיטפנ אתיא לך? אמר ליה: אין, אונב שיטפנ אתיא

Upon hearing this, Rabbi Zeira said to Rabbi Asi: Does that mean, by inference, that stains require an examination marking the first step in her transition from impurity to purity?<sup>h</sup> Rabbi Asi said to Rabbi Zeira: Yes, that is the halakha. Rabbi Zeira further said to Rabbi Asi: But on many occasions I asked you about this matter and you did not say anything to me. Perhaps in the course of your studies this halakha came back to you? Rabbi Asi said to him: Yes, in the course of my studies this halakha came back to me.

**מתני'** הרואה יום אחד עשר בין השמשות – תחולת נדה וסוף נדה, תחולת זיבת וסוף זיבת,

**MISHNA** In the case of a woman who sees an emission of blood during twilight on the eleventh day of the days in which she can assume the status of a zava, as there is uncertainty whether the emission was during the day and it is the flow of a zava or whether it was at night and it is menstrual flow, she observes seven days of impurity like the beginning of the seven days of menstruation and the end of menstruation. If she experienced an emission on the two previous days as well, she observes seven clean days before immersion like the beginning of the flow of ziva and the end of the flow of ziva.

יום ארבעים לזכר, ביום שמונים לנקבה, בין השמשות לבילן – הרי אלו טוועות.

Similarly, in the case of a woman who experiences an emission of blood during twilight on the fortieth day after the birth of a male or the eightieth day after the birth of a female, there is uncertainty whether it is considered daytime and therefore part of the final day of the blood of purity, or night that is part of the following day when the blood is impure. With regard to experiencing bleeding during twilight in all those cases, these women are mistaken in their calculation of the days of menstrual flow and the flow of a zava. Consequently, if they experience bleeding for three consecutive days at the beginning or at the end of the eleven days of ziva, they bring the offering of a zava but it is not eaten, as it was brought based on uncertainty.

אמר רבי יהושע: עד שאתם מתקנים את השוטות, באו ותケנו את הפקחות.

Rabbi Yehoshua said: Instead of making provisions to remedy the uncertainties of the misguided, come and remedy the uncertainties of the competent women who know what day they saw the blood but require guidance, due to the multitude of emissions that they experienced.

**גמ' תחולת נדה וסוף נדה? תחולת נדה וסוף זיבת היא!**

**GEMARA** The mishna teaches that if a woman experiences bleeding during twilight on the eleventh day of the days on which she can assume the status of a zava, the flow is considered to be the beginning of the seven days of menstruation and the end of menstruation. The Gemara raises a difficulty: But the concern is only that this flow might be either the beginning of the seven days of menstruation, if twilight is treated as night, or the end of ziva, if twilight is treated as day.

אמר רב חסדא, וכי קאמר: הרואה יום אחד עשר בין השמשות – תחולת נדה וסוף זיבת,

Rav Hisda says that this is what the mishna is saying: A woman who sees an emission of blood during twilight on the eleventh day<sup>h</sup> of the days on which she can assume the status of a zava must be concerned both for the possibility that it is the beginning of the seven days of menstruation and for the possibility that it is the end of the flow of ziva. If she had also seen an emission on the two previous days, she observes seven clean days before immersion, due to uncertainty.

#### HALAKHA

Stains require an examination in her transition from impurity to purity – בתקים צריכין הפסיקת טהרה: By Torah law, a woman is ritually impure and prohibited to her husband only if she experiences a sensation of flow of blood. But the Sages decreed that even if she did not have a sensation, and even if she examined herself and found no blood, she is impure and prohibited to her husband if she discovered a stain on herself or on her garment. She then requires an examination to determine that she is no longer bleeding, marking the first step in her transition from impurity to purity, before she can begin counting seven clean days, just as she would if she has actually experienced bleeding. This ruling is in accordance with the opinion of Rabbi Yohanan, whose opinion is accepted when he and a single colleague disagree (see Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:17–18; Shulhan Arukh, Yoreh De'a 190:1).

Who sees an emission of blood during twilight on the eleventh day – דרואה יום אחד עשר בין השמשות: If a woman experiences bleeding on the ninth and tenth days of the days on which she can assume the status of a zava and during twilight at the end of the eleventh day, she is a zava of uncertain status. This is based on the possibility that the last occurrence was in the daytime of the eleventh day. That would mean that she has experienced bleeding three days in a row during the days on which she can assume the status of a zava. This ruling is in accordance with the interpretation of Rav Hisda (Rambam Sefer Kedusha, Hilkhot Issurei Bia 6:19).

**ובשביעי לזרחה – סוף נדה ותחלת  
זיבת.**

**"אמר רבי יהושע עד שאתם מתקני  
את השותות" כו. דף**

With regard to the continuation of the mishna, which states: The beginning of the flow of *ziva* and the end of the flow of *ziva*, this should be understood as follows: **And** in the case of a woman who experiences an emission of blood during twilight **on the seventh day** of the seven days of the flow of her menstruation, she must be concerned both for the possibility that it is **the end** of the seven days of menstruation and for the possibility that it is **the beginning of the flow of ziva**.<sup>h</sup>

**§** The mishna teaches that **Rabbi Yehoshua said to the Rabbis:** Instead of making provisions to remedy the uncertainties of the misguided, come and remedy the uncertainties of the competent women. The Gemara asks: **Are these women who experience bleeding during twilight**

### HALAKHA

**תחלית זיבת:** If a woman experienced bleeding on the twilight of the end of the seventh day of the seven days of the flow of menstruation and then again on the ninth and tenth days, she is a *zava* of uncertain status. This ruling is based on the possibility that the first time was in the nighttime of the eighth day, which would mean that she has seen three days in a row during the days on which she can assume the status of a *zava*. This halakha is in accordance with the opinion of Rav Hisda (Rambam Sefer Kedusha, Hilkhot Issurei Bia 6:19).

### Perek VI

#### Daf 54 Amud a

**שׁוֹטוֹת נִנְחָה? טׁוֹעֲזָת נִנְחָה אֶלָּא  
תַּנִּינָה: טׁוֹעֲזָת**

**דָתֵנְנָא: יוֹם אֶחָד טָמֵא וַיּוֹם אֶחָד  
טָהוֹר – מִשְׁמְשָׁת שְׁמִינִי וְלִילּוּ עַמּוֹ,**

actually **misguided?** Since they are in doubt as to their status, would it not be more accurate to say that **they are mistaken?** The Gemara answers: **Rather**, this is how one should **teach** the statement of Rabbi Yehoshua in the mishna: Instead of making provisions to remedy the uncertainties of the **mistaken**, come and remedy the uncertainties of the competent women.

As it is taught in a *baraita* with regard to these competent women: What is the *halakha* in the case of a woman who consistently has the following pattern for each pair of days: **One day** she is **impure**, i.e., she experiences bleeding, **and one day** she is **pure**,<sup>h</sup> she does not experience bleeding? In what manner is it permitted for her to engage in intercourse with her husband? She **may engage in intercourse** with her husband **on the eighth day** from the first time that she experienced bleeding **and its accompanying night**.<sup>n</sup> At that time she is pure from her menstruation, as she immersed and purified herself on the night of the seventh day. It is permitted for her to engage in intercourse during the eighth day and the following night, as she will not experience bleeding until the ninth day.

**ואַרְבַּעַת לִילּוֹת מִתּוֹךְ שְׁבוֹנוֹת עַשְׂרָה  
יוֹם וְאַם הִי תְּהִתְהַרְתָּה רֹאָה מִבְּעָרָב – אֵין  
מִשְׁמְשָׁת אֶלָּא שְׁמִינִי בְּלָבֶד.**

In addition, she may engage in intercourse **four nights out of the cycle of eighteen days**, which consist of the seven menstrual days and the eleven days of the flow of the *zava*. This woman will never become a greater *zava*, as she does not emit blood on consecutive days. Since she must observe a day of purity during the eleven days of *ziva* each time she experiences bleeding, she may engage in intercourse with her husband on the night following the tenth, twelfth, fourteenth, and sixteenth days. The night after the eighteenth day is considered part of the next cycle of menstruation and *ziva*. **But if** she sees blood **in the evening**, she **may engage in intercourse** with her husband **only on the eighth night and its day**. During the eleven days of *ziva* she either experiences bleeding at night or is observing a day of purity for the blood she had emitted earlier.

**שְׁנִי יְמִים טָמֵאִין וְשְׁנִי יְמִים טָהוֹרִין –  
מִשְׁמְשָׁת שְׁמִינִי, וְשְׁנִים עַשְׂרִים, וְשְׁשָׁה  
עַשְׂרִים, וְעַשְׂרִים.**

If in every set of four days, **two days** she is **impure**, i.e., experiences bleeding, **and two days** she is **pure**,<sup>h</sup> she **may engage in intercourse** with her husband **on the eighth day**, in the day or at night, **and also on the twelfth day**, after observing the eleventh as a day of purity for the sightings of the ninth and tenth days, **and by a similar calculation on the sixteenth day and on the twentieth day**, as she has not yet seen the blood of menstruation in this new cycle.

### HALAKHA

**יּוֹם אֶחָד טָהוֹר:** A woman whose established pattern is that she experiences bleeding one day and does not on the next day may initially engage in intercourse with her husband on the entire eighth day, which consists of the night and the following day, which is the day after her menstrual days. In addition, she may engage in intercourse with him on four more nights out of each set of eighteen days. This halakha is in accordance with the ruling of the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 7:14).

**Two days she is impure and two days she is pure –** **שְׁנִי יְמִים טָמֵאִין וְשְׁנִי יְמִים טָהוֹרִין:** With regard to a woman whose established pattern is that she experiences bleeding for two days and does not on the next two days, she may engage in intercourse with her husband on the eighth day, the twelfth day, the sixteenth day, and the twentieth day, in accordance with the ruling of the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 7:15).

### NOTES

She may engage in intercourse on the eighth day and its accompanying night – **שְׁמַעַת שְׁבָעָה וְלִילּוּ עַמּוֹ:** Some commentaries explain that the term: On the eighth day, includes the full twenty-four hours, while the term: Its accompanying night, refers to the following night, which is the beginning of the ninth day (Rashi; Rabbi Betzalel Ronsburg). Others maintain that it refers to the night of the eighth day (Rambam Sefer Kedusha, Hilkhot Issurei Bia 7:14). The Rambam does not mention the night of the ninth at all. The later commentaries note that the difference between the opinions is due to variant texts of the Gemara used by those early commentaries. Contrary to the standard text of his commentary, Rashi probably had the version: And a night with it. By contrast, the Rambam had the version: And its accompanying night, as in the standard text of the Gemara. The translation and commentary here follow the interpretation of Rashi.

וְתַשְׁמַשׁ נָמֵי בַּתְּשֶׁבֶר! אָמַר רַב שֶׁשֶּׁת:  
אֲתָא אֹמֶרֶת, גִּזְעָן דִּתְנָן – אַסּוּר.

רַב אַשִּׁי אָמַר: נָהִי דָחֵד עַשְׂרֵה לֹא בָעֵי  
שִׁימָוּר, עַשְׁרֵי מִיהָא בָעֵי שִׁימָוּר.

שֶׁלְשָׁה יָמִים טָמֵאִין וּשֶׁלְשָׁה יָמִים  
טָהוֹרִין מִשְׁפְּשָׁת שְׁנִים יָמִים, וּשׁוֹב אַנְיָה  
מִשְׁפְּשָׁת לְעוֹלָם.

אַרְבָּעָה יָמִים טָמֵאִים וְאַרְבָּעָה יָמִים  
טָהוֹרִין – מִשְׁפְּשָׁת יוֹם אַחֲרֵי וּשׁוֹב  
אַנְיָה מִשְׁפְּשָׁת לְעוֹלָם.

The Gemara objects: **And let her also engage in intercourse** with her husband on the **nineteenth** day, as the eleven days of the flow of the *zava* have already passed at the end of the eighteenth day, and she is no longer required to observe a clean day for each day she experiences a discharge. Rav Sheshet says: **That is to say that when we learned** in a mishna (72a) that a husband who could not wait for the conclusion of the day after the last day of *ziva* before engaging in intercourse is a **glutton**, it means that it is actually **prohibited**<sup>h</sup> for them to engage in intercourse.

Rav Ashi says: In fact, it is not prohibited for a woman to engage in intercourse with her husband on the day after the end of the days of the flow of the *zava* even by rabbinic decree, as it is already the beginning of her menstrual days, and she is no longer required to observe a clean day for each day she experiences a discharge. But **although there is no requirement to observe** a clean day for the **eleventh day of *ziva***, which is the eighteenth day of the full cycle, **in any event there is a requirement to observe** a clean day for the **tenth day**, i.e., the seventeenth of the entire cycle. Since she did not observe a clean day on the eighteenth day, as she saw blood on that day as well, she must observe the nineteenth day in purity.

If out of every set of six days, **three days** she is **impure**, and **three days** she is **pure**,<sup>h</sup> she **may engage in intercourse** with her husband during **two of the days**, and thereafter she **may never again engage in intercourse** with him. The eighth and ninth days, which are the first days of the flow of *ziva*, are the second and third of the three days on which she experiences bleeding. Therefore, she can immerse and purify herself on the night of the eleventh, and engage in intercourse with her husband on the eleventh and twelfth days. These are the only two days on which she is permitted to engage in intercourse with her husband, as afterward she will experience bleeding for three days during the days of the flow of the *zava*, and is thereby rendered a greater *zava*. Accordingly, she requires seven clean days to become pure again, which she will never attain, as she never has more than three clean days.

If out of every set of eight days, **four days** she is **impure**, and **four days** she is **pure**,<sup>h</sup> she **may engage in intercourse** with her husband during **one of the days**, the eighth, after her purification for menstruation, as it is the last of her first set of four days without blood, and thereafter she **may never again engage in intercourse** with him, as she will be rendered a greater *zava* by experiencing bleeding on the next three days.

#### HALAKHA

When we learned that a husband is a glutton it means that it is prohibited – **רַרְחָן דִּתְנָן אַסּוּר**: If a woman experienced bleeding on the eleventh day of the days on which she can assume the status of a *zava* and then immersed herself on the following night, i.e., the twelfth, and subsequently engaged in intercourse with her husband, they are impure and impart ritual impurity to that upon which they lie or sit. Nevertheless, they are not liable to receive *karet*, because the twelfth day does not combine with the eleventh to render her a *zava*, and her immersion exempts her from the obligation to bring an offering. Some commentaries maintain that the husband is labeled a glutton (see Ra'avad and *Maggid Mishne*). This halakha is in accordance with the opinion of Rav Sheshet (Rambam *Sefer Kedusha, Issurei Bia* 6:17).

**Three days she is impure and three days she is pure** – **שֶׁלְשָׁה יָמִים טָמֵאִין וּשֶׁלְשָׁה יָמִים טָהוֹרִין**: With regard to a woman whose established pattern is that she experiences bleeding for three days and does not on the next three days, she may engage in intercourse with her husband on two of her three clean days that follow her menstrual days. It is prohibited for her to engage

in intercourse with her husband on the first of these days, as she must observe a clean day for each day she experiences a discharge. After those two days, it is never again permitted for her to engage in intercourse with her husband. This is due to the fact that when she experiences bleeding for three days during the days of the flow of a *zava*, she is rendered a greater *zava*. She subsequently requires seven clean days to become pure again, which she will never attain, as she never has more than three clean days. This halakha is in accordance with the ruling of the *baraita* (Rambam *Sefer Kedusha, Issurei Bia* 7:16).

**Four days she is impure and four days she is pure** – **אַרְבָּעָה יָמִים טָמֵאִים וְאַרְבָּעָה יָמִים טָהוֹרִין**: If a woman experiences bleeding for four days and four days she is pure, she may engage in intercourse with her husband on the one day after her menstrual days are completed, and thereafter she may never again engage in intercourse with him. This ruling is in accordance with the ruling of the *baraita* (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 7:17).

**חמשה ימים טמאים וחמשה ימים טהורין – משבשת שלשה ימים, ושוב איןנה משכשת לעולם. ששה ימים טמאין וששה ימים טהורין – משכשת חמשה ימים, ושוב איןנה משכשת לעולם.**

**שבעה ימים טמאין ושבעה ימים טהורין – משכשת רביעי ימיה, מトוך עשרים ושמונה ימים.**

**שמונה ימים טמאין ושמונה ימים טהורין – משכשת חמשה עשר יום מトוך ארבעים ושמונה.**

If out of every set of ten days, **five days she is impure, and five days she is pure**,<sup>h</sup> she **may engage in intercourse** with her husband during **three of the days**, i.e., the eighth, ninth, and tenth, as she has completed her menstruation period and has not yet emitted the blood of *ziva*, **and thereafter she may never again engage in intercourse** with him. Similarly, if out of every set of twelve days, **six days she is impure, and six days she is pure**,<sup>h</sup> she **may engage in intercourse** with her husband during **five of the days**, i.e., the eighth to the twelfth, **and thereafter she may never again engage in intercourse** with him.

If out of every set of fourteen days, **seven days she is impure, and seven days she is pure**,<sup>h</sup> she **may engage in intercourse** with her husband during a **quarter of the days of her life**, i.e., **seven out of every twenty-eight days**. In the first seven days she is a menstruating woman, but during the next seven days she is pure. In the third set of seven days, when she again experiences bleeding, she becomes a *zava*, which means that in her last seven days, which are without blood, she counts the clean days for her *ziva*, after which this cycle of twenty-eight days begins afresh.

If out of every set of sixteen days, **eight days she is impure, and eight days she is pure**,<sup>h</sup> she **may engage in intercourse** with her husband **fifteen days out of every forty-eight days**. The first eight days during which she experiences bleeding are the seven days of menstruation and one day of *ziva*, which renders her a lesser *zava*. Therefore, she must observe one clean day, after which she is pure for seven days. The first two days of the third set of eight are her last days of *ziva*, and the bleeding she experiences renders her again a lesser *zava*, while the next six are during her days of menstruation. Then she starts her fourth set of eight days, which are without blood. The first of these completes her days of menstruation, after which she may engage in intercourse for the subsequent seven days. During the fifth set of eight days she experiences bleeding, rendering her a greater *zava*. She counts her clean days in the sixth set, leaving her one day of purity, after which the cycle of forty-eight days starts again.

#### HALAKHA

**חמשה ימים – טמאים וחמשה ימים טהורין:** If a woman experiences bleeding for five days, and for five days she is pure, she may engage in intercourse with her husband during the three days following her menstrual days, and thereafter she may never again engage in intercourse with him, as stated in the *baraita* (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 7:18).

**ששה ימים טמאין וששה ימים טהורין:** If a woman experiences bleeding for six days, and for six days she is pure, she may engage in intercourse with her husband during the five days following her menstrual days, and she may never again engage in intercourse with him. This *halakha* is in accordance with the ruling of the *baraita* (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 7:19).

**שבעה ימים טמאין ושבעה ימים טהורין:** If a woman experiences bleeding for seven days, and seven days she is pure, she may engage in intercourse with her husband during the week after her menstrual days are completed. When she experiences bleeding the following week she becomes a greater *zava*. She then requires seven clean days to become pure again, and therefore it is prohibited for her to engage in intercourse with her husband during that week. Consequently, it is permitted for her to engage in intercourse with her husband only during one week out of every four weeks.

Throughout her lifetime, she may engage in intercourse with her husband eighteen days out of every eighteen weeks. How so? During the fifth week, she is a *zava*. In the sixth week,

during which she does not experience bleeding, she counts seven clean days. In the seventh week, she is again a *zava*. The eighth week, during which she does not experience bleeding, she counts seven clean days. During the ninth week she experiences bleeding. The first five days are menstrual days, and the last two are the first two days of the flow of a *zava*. During the tenth week, she observes one clean day on the first day of that week, and on the other six days it is permitted for her to engage in intercourse with her husband. During the eleventh week she experiences bleeding. The first two days of the week are the final days on which she can assume the status of a *zava*, while the remaining five days are the beginning of her menstrual days. She may engage in intercourse with her husband for five of the days of the twelfth week, during which she does not experience bleeding. During the thirteenth week, she is a *zava*. In the fourteenth week, during which she does not experience bleeding, she counts seven clean days. During the fifteenth week, once again she is a *zava*. The sixteenth week, in which she does not experience bleeding, she counts seven clean days. In the seventeenth week she is a *zava*. In the eighteenth week, in which she does not experience bleeding, she counts seven clean days.

This pattern is repeated for the rest of her life. Consequently, throughout her lifetime she may engage in intercourse with her husband eighteen days out of every eighteen weeks. Were she not afflicted in this manner but experienced bleeding for the seven menstrual days and was then clean for the following eleven days, it would be permitted for her to engage in intercourse with her husband for eleven weeks, i.e., seventy-seven days, out of the eighteen weeks. This *halakha* is in accordance

with the *baraita*, as understood by the Rambam (Rambam Sefer Kedusha, *Issurei Bia* 7:20 and *Maggid Mishne* there).

**שמונה ימים טמאין ושמונה ימים טהורין:** If a woman experiences bleeding for eight days, and for eight days she is pure, she may engage in intercourse with her husband during fifteen out of forty-eight days. How so? The first seven days of the first set of eight impure days are menstrual days, while the eighth is the flow of a *zava*. On the first of the eight pure days she observes the first of the eight pure days as a clean day. It is then permitted for her to engage in intercourse with her husband during the remaining seven days. Next she experiences bleeding for eight days. The first two days are the final days on which she can assume the status of a *zava*, while the remaining six are the beginning of her menstrual days. She subsequently has eight clean days, the first of which is the final day of her menstrual days. During the other seven it is once again permitted for her to engage in intercourse with her husband. These days are followed by eight impure days. Of these, the first four are the final days on which she can assume the status of a *zava*, and the remaining four are the start of her menstrual days. But as she was already rendered a greater *zava*, she is required to count seven clean days in order to become pure again. Consequently, during the next set of eight clean days she counts seven clean days and then may engage in intercourse with her husband on the final day. In this manner, it is permitted for her to engage in intercourse with her husband fifteen days out of every forty-eight days. This ruling is in accordance with the *baraita* (Rambam Sefer Kedusha, *Issurei Bia* 7:22).

הרי אָרוּבִיסֶר הַוְיָה!

The Gemara objects: But the days during which she is permitted are actually only **fourteen**, not fifteen. This objection is based on the assumption that a woman cannot count her clean days for *ziva* during days that are fit for menstruation. Consequently, the last four days of the fifth cycle are actually part of her days of menstruation, as her eleven days of *ziva* ended after the fourth day of that cycle. If so, the sixth set of eight days consists of three menstrual days followed by five days of *ziva*. Although she is not a menstruating woman in those three days, as she did not previously count seven clean days, they still do not count for her seven clean days of *ziva*, since they are fit to be menstrual days. She can start counting her seven clean days only on day forty-four, but on day forty-nine, before the seven clean days are finished, she will again experience bleeding. Therefore, it should not be permitted for her to engage in intercourse with her husband on the forty-eighth night.

אָמֵר רֹב אַדְדָא בֶר יִצְחָק: זֹאת אָוּמָרָת:  
יְמִינְתָּה שָׁאיִן רֹאָה בָּהּ – עֲולָן  
לְסִפְירָת יִבְתָּה. דָאִיבְעָיא לְהָא:

Rav Adda bar Yitzhak says that this premise should be rejected: That is to say that her menstrual days on which she does not actually see blood do count toward her counting of her seven clean days of *ziva*. In other words, she begins counting the seven clean days during these menstrual days. As a dilemma was raised before the Sages with regard to this issue:

Perek VI  
Daf 54 Amud b

יְמִינְתָּה שָׁאיִן רֹאָה בָּהּ, מַהוּ  
שִׁיעָלָו לְסִפְירָת יִבְתָּה?

What is the *halakha* in the case of a woman who gave birth when she was a *zava*? There are seven days of impurity following the birth of a son and fourteen days of impurity following the birth of a daughter, during which the mother is impure even if she did not experience bleeding. With regard to those days during this period on which she does not see blood, are they reckoned in the counting of her seven clean days required to become purified from the status of *ziva*?

אָמֵר רֹב כְּהָנָא: תֵּא שְׁמֻע, רְאָתָה  
שְׁוּים, וְלִשְׁלִישִׁי הַפִּילָה, וְאַיִלָּה יְרֻעָת  
מֵה הַפִּילָה

Rav Kahana says: Come and hear a *baraita*: A woman saw blood on two consecutive days during the period of *ziva*, and on the third day she miscarried, but she does not know what she miscarried, i.e., whether it was a stillborn human fetus for which a woman contracts the impurity of childbirth, or whether she discharged an amorphous piece of tissue. In addition, she does not know whether she emitted blood during the miscarriage.

הַרְיָה זו סְפָק זִבְחָה סְפָק לִידָה.

In such a case, it is uncertain whether she has the status of one who experienced *ziva* or whether she has the status of a woman who gave birth. If she gave birth to a fetus and did not emit blood, she is a woman after childbirth but not a *zava*. If the discharge was an amorphous piece of tissue and she saw blood, she is a *zava*. If it was a human fetus and she saw blood, she is one who gives birth as a *zava*. Finally, if she did not emit blood and it was a discharge of an amorphous piece of tissue, she is not obligated to bring an offering at all.

מִבֵּיאָה קְרֻבָּן וְאַיִלָּנוּ נְאַכְלָל, וַיְמִינְתָּה  
שָׁאיִן רֹאָה בָּהּ – עֲולָן לְהָאִיבְעָיא  
יִבְתָּה.

Consequently, she brings an offering but it is not eaten by the priests, as it is uncertain whether it is an offering of *ziva* or an offering for her childbirth, or whether it is non-sacred. And the days of impurity following this uncertain birth, on which she does not see blood, are reckoned in the counting of her seven clean days required to become purified from the status of *ziva*. This resolves the dilemma raised by the Sages.

אמר רב פפא: שאמני התרם, בין דאייבא  
למייר يولחת זכר הייא, אבל חנ שבעה יתני  
דקייבין לה - סלקין לה לסתירת זיבתא.

אמרו ליה רב הונא בריה רוב יהושע לרוב  
פפא: ב يولחת זכר - אייכא לסתוקין, בי يولחת  
נקבה - לייכא לסתוקין? אלא לאו שממע  
מיפה: עולין, שמע מיפה.

- תשעה ימים טמאין ותשעה ימים טהורין  
משמשת שמונה ימים מותוך שמונה עשר.

עשורה ימים טמאין ועשורה ימים טהורין  
יומי שמושה כימי זיבתא. וכן למאה וכן  
אלף.

הדרן עלך בא סימן

Rav Pappa says that this does not resolve the dilemma, as it is different there, since it can be said that she is a woman who gave birth to a male, and it is only for that reason that all of these additional seven days that we give her due to the concern that she might have given birth to a female, which would render her impure for fourteen days, are reckoned in the counting of her seven clean days of *ziva*. But if it was certain that she gave birth to a female, those days after the birth would not count toward her period of *ziva*.

Rav Huna, son of Rav Yehoshua, said to Rav Pappa: Is there uncertainty that perhaps she is a woman who gave birth to a male, but there is no uncertainty that she might be a woman who gave birth to a female? In fact, both possibilities must be taken into account. And yet, despite the fact that she might have given birth to a female, these seven days are included in the counting of her seven clean days. Rather, isn't it correct to conclude from it that such days are reckoned in the counting? The Gemara comments: Indeed, conclude from the *baraita* that these days do count.

The Gemara concludes its citation of the *baraita*: In the case of a woman whose set pattern is that nine days she is impure, i.e., experiences bleeding, and nine days she is pure, she may engage in intercourse with her husband during eight days out of eighteen. The last two days of the nine with blood are part of her *ziva* period, after which she must observe one clean day, leaving her with eight days when she may engage in intercourse before the cycle begins again.

In the case of a woman whose set pattern is that ten days she is impure and ten days she is pure, the number of days of her being permitted to engage in intercourse with her husband is equivalent to the number of days of her experiencing the flow of *ziva*. In the first seven days she is a menstruating woman, followed by three days of blood that render her a *zava*. She must count seven of the ten days without blood to be purified from her *ziva*, which leaves her three days in which she may engage in intercourse, exactly the same as the three days of *ziva* on which she saw blood. And so too, the same applies in the case of one hundred days, as she experiences bleeding of *ziva* for ninety-three days, and is subsequently permitted to her husband for ninety-three days, and so too in the case of one thousand days.



## Summary of Perek VI

A woman is not rendered impure as a menstruating woman by Torah law when she discovers blood on her body or a stain on her garment. This is derived from the verse: "And if a woman has an issue, and her issue in her flesh is blood" (Leviticus 15:19). Two important *halakhot* are derived from the verse with regard to this matter. First, she becomes impure when she sees an actual discharge of blood, not merely blood on her body or a stain on her garment. Second, she becomes impure only when she has an accompanying physical sensation that she emitted blood from her uterus.

This is the *halakha* only by Torah law, as the Sages decreed impurity on a woman who discovers a stain on her body or on her garment. They instituted that stains render her impure so that people would not treat the impurity of her blood lightly. This is related to the fact that there are two basic ramifications to an emission of blood from the uterus. First, it renders her impure as a menstruating woman. Second, the blood itself is ritually impure and renders one who touches it impure until the evening. Although by discovering a stain a woman is not rendered impure as a menstruating woman by Torah law, nevertheless, the Sages decreed that she is impure so that people would not be lenient with regard to the impurity of the blood itself.

In addition, the Sages were concerned about the possibility that a woman might have actually sensed the emission of the blood that produced this stain, but didn't realize it, which would mean that she is in fact impure by Torah law.

The Sages disagreed with regard to the case of a woman who discovered a stain the size of at least three split beans on a garment that she wore for three days during the period on which she can assume the status of a *zava*. Some rule that she is considered a *zava* in all respects, due to the concern that this stain might consist of three stains from three days, each of which is the requisite measure of at least one split bean. Others maintain that there is no concern about this possibility. All agree that a woman who discovered on three different garments three different stains, each the requisite size of at least one split bean, on three different days of the days of *ziva*, is rendered a greater *zava*.

The chapter first continued the previous chapter's recounting of the stages in the maturation of a young woman. This consists of an analysis of the appearance of the lower sign, two pubic hairs, as well as the upper sign, the development of the breasts. The assumption according to one opinion among the *tanna'im* is that the lower sign invariably appears first. The status of a young woman whose upper sign appeared but did not yet develop the lower sign is the subject of a dispute among the *tanna'im*.

Much of the rest of the chapter does not deal with the *halakhot* of a menstruating woman at all, but with tangential issues. Those matters are cited here due to the structural similarity between their formulation and a ruling stated with regard to the upper and lower signs, where there are two asymmetrical *halakhot*.



*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

*This is the law of him that has an issue, and of him from whom the semen is emitted, so that he is impure thereby. And of her who experiences the flow of her menstrual impurity, and of one who emits his issue, in the case of a male or a female, and of him who lies with her who is impure.*

(Leviticus 15:32–33)

## Introduction to **Perek VII**

The verse “And if a woman has an issue, and her issue in her flesh is blood” deals with the impurity of menstruation. It teaches that a woman is rendered impure by a discharge of blood from the uterus. From that point onward she has the status of a primary source of ritual impurity; she renders vessels impure by contact with them, and renders people impure if they come into contact with her or carry her. In addition to the woman herself, her blood transmits impurity to anyone who touches or carries it. This is derived from the phrase “and of her who experiences the flow of her menstrual impurity,” which compares the status of the menstrual flow to the status of the menstruating woman.

Exactly how menstrual blood transmits impurity requires clarification. Is it a source of impurity only when it is in a liquid state, similar to substances emitted by a *zav*, such as his saliva and semen, which transmit impurity only when moist? Or does dry menstrual blood also transmit impurity? If it is established that dry menstrual blood also transmits impurity, it is necessary to clarify whether this applies only to blood that was initially moist or even to a menstrual discharge that was dry from the outset.

Similar to the dry blood of a menstruating woman, the dried-out flesh of a corpse also imparts ritual impurity. It is necessary to define what constitutes dried-out flesh, as at some point it is no longer called by this name and ceases to transmit impurity. Apropos the discussion with regard to the blood of a menstruating woman and the flesh of a corpse, the chapter discusses whether other sources of impurity transmit impurity even when they are dry, e.g., the various impure emissions of a *zav*, an animal carcass, and semen.

The previous and following chapters discuss the *halakhot* of blood stains found on a woman’s garments. These stains do not render her impure by Torah law, but they render her impure by rabbinic law. A woman who finds a blood stain on her garments is rendered impure just as in the case of a woman who experienced a discharge of uterine blood. Since the blood stain might have been caused some time ago the woman is rendered impure retroactively, and any pure items she touched previously are rendered impure. This leads to the question of how far back in time the woman is rendered impure retroactively.

This decree of the Sages with regard to blood stains applies only to stains of Jewish women. Although the Sages decreed that gentiles have the status of *zavim* in all regards, they did not apply the status of impurity to the blood stains of gentile women. Consequently, concerning the status of blood stains that come from places inhabited by both Jews and gentiles, it is necessary to establish whether these stains are ritually pure or impure.



Perek VII  
Daf 54 Amud b

**מתני'** רם הגדה ובשר המת  
מטמאין לחין ומטמאין יבשין. אבל  
הזוב והמייע והווק והנברלה  
והשבבת זרע – מטמאין לחין ואין  
מטמאין יבשין. ואם יוכלו להשרות  
ולחזר ללבמות שחן – מטמאין לחין  
ומטמאין יבשין.

ובכמה היא שרייתן? בפושרים מיעת  
לעת. רבי יוסי אומר: בשר המת יבש,  
ואינו יכול להשרות ולחזר ללבמות  
שהיה – טהור.

**גמ'** מנא חני מילוי? אמר חזקיה,  
דאמר קרא "ויה דורה בנהרתה", מדרודה  
בכמאות, מה דיא מטמאה, אף מדרודה  
מטמאה.

אשכחן לך, יבש מילוי? אמר רבי  
 יצחק: אמר קרא "יהיה" – בחרותו  
היא.

**MISHNA** The blood of a menstruating woman<sup>h</sup> and the flesh of a corpse<sup>h</sup> transmit impurity by contact and by carrying when they are moist, and likewise transmit impurity when they are dry. But with regard to the gonorrhea-like discharge of a *zav* [*ziva*], and the mucus and the saliva of a *zav*,<sup>h</sup> and the carcass of a creeping animal,<sup>h</sup> and an animal carcass,<sup>h</sup> and semen,<sup>h</sup> all transmit impurity when they are moist but do not transmit impurity when they are dry. And if one could soak those dry substances in water and thereby restore them to their previous state, they transmit impurity when moist and transmit impurity when dry.

The mishna asks: **And how long is the process of soaking these substances that determines whether they can be restored to their previous state?** This is referring to soaking them in lukewarm water for a twenty-four-hour period.<sup>n</sup> Rabbi Yosei says: With regard to the flesh of a corpse that is dry and cannot be soaked to restore it to its previous state, it is ritually pure, in the sense that an olive-bulk of the flesh does not transmit impurity imparted by a corpse. But a ladleful of the flesh transmits the impurity of the decayed flesh of a corpse.

**GEMARA** The mishna teaches that the blood of a menstruating woman transmits impurity by contact and by carrying both when moist and when dry. The Gemara asks: **From where are these matters derived?**<sup>n</sup> Hizkiyya says: They are derived from a verse, as the verse states with regard to a menstruating woman: "This is the law of him that has an issue ... And of her who experiences the flow of her menstrual impurity" (Leviticus 15:32–33). The verse compares the status of the menstrual flow to that of the menstruating woman. This teaches that the status of the menstrual flow is like the status of the woman herself: Just as she transmits impurity by contact and by carrying, so too, the menstrual flow transmits impurity by contact and by carrying.

The Gemara asks: **We found a source for the impurity of the menstrual blood when it is moist, since it is called the menstrual flow; from where do we derive that dry menstrual blood also transmits impurity?** Rabbi Yitzhak says that the verse states with regard to menstrual impurity: "And if a woman should have an issue, and her issue in her flesh shall be blood, she shall be in her impurity seven days, and whoever touches her shall be impure until the evening" (Leviticus 15:19). The term "shall be" indicates that the blood shall remain in its impure status even once it is dry.

**NOTES**  
For a twenty-four-hour period – **מיעת לעת**: Some commentaries maintain that this examination in lukewarm water for a twenty-four-hour period applies to all the substances listed earlier in the mishna: The discharge of a *zav*, his mucus and saliva, and the rest (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 2:1). Others claim that the examination as detailed in the mishna refers only to the carcass of a creeping animal and an animal carcass (Ra'avad). With regard to the other substances, which were initially moist, it is enough to soak them in lukewarm water for a short period of time (*Kesef Mishne*). It should be noted that the wording of the mishna supports the opinion of the Rambam.

From where are these matters derived – **מן היא מילוי**: This question is referring to the halakha stated at the beginning of the mishna that the blood of a menstruating woman transmits impurity both when moist and when dry. Rashi adds that the question refers to the halakha that this blood transmits impurity by contact and by carrying.

The blood of a menstruating woman – **דם הנדרה**: The blood of a menstruating woman, whether moist or dry, transmits impurity (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 2:1).

And the flesh of a corpse – **בשר המת**: An olive-bulk of the flesh of a corpse, whether it is moist or dry as a shard, transmits ritual impurity like a whole corpse (Rambam *Sefer Tahara, Hilkhot Tumat Met* 2:1).

The discharge of a *zav* and the mucus and the saliva of a *zav* – **הזוב והמייע והווק**: The emission and saliva of a *zav* transmit ritual impurity only when moist, but not if they are overly dry. How much is considered dry? If one could soak those dry substances in lukewarm water for a twenty-four-hour period and they would be restored to their previous state, they transmit impurity, even if the water is lukewarm only at the beginning at not at the end. The method of conducting this examination is learned by tradition (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 2:1).

And the carcass of a creeping animal – **דְּשֶׂרֶץ**: With regard to the flesh of a creeping animal that became dry as a shard, if it would return to its former state if soaked in lukewarm water for a twenty-four-hour period, it transmits ritual impurity. If not, it is ritually pure and does not transmit impurity even in the manner of impure foods (Rambam *Sefer Tahara, Hilkhot Shear Avot HaTumot* 4:12).

And an animal carcass – **הַנְּגָבָלָה**: With regard to the flesh of an animal carcass that dried, if after soaking in lukewarm water for a twenty-four-hour period it would once again become moist and fit to be eaten by a dog, then it transmits ritual impurity. If not, it is ritually pure and does not transmit impurity even in the manner of impure foods (Rambam *Sefer Tahara, Hilkhot Shear Avot HaTumot* 1:13).

And semen – **הַשְׁכֵבָת זַרַע**: Semen transmits ritual impurity only when moist. If it is dry as a shard it is ritually pure. If when soaked in lukewarm water for a twenty-four-hour period it would once again become moist, it is impure (Rambam *Sefer Tahara, Hilkhot Shear Avot HaTumot* 5:14 and *Hilkhot Metamei Mishkav UMoshav* 2:1).

**BACKGROUND**

**Mosquitoes – בַּחְוֹשִׁין:** This refers to many kinds of biting midges in the *Culicoides* genus, which includes mosquitoes. Mosquitoes are common the world over, but certain species are unique to particular geographical areas. In Eretz Yisrael, mosquitoes are active throughout the year, although their numbers dwindle in the winter and increase from the spring, reaching their height in September and October. Their eggs and larvae develop in moist spots, e.g., puddles and streams, and they can transmit diseases.



Magnified image of a biting midge

Renders an item designated for lying or sitting impure – עֵישָׂה מִשְׁכָּב וּמוֹשָׁב: This form of ritual impurity is also known as impurity imparted by treading. It is imparted by a *zav*, a *zava*, a woman after childbirth, and a menstruating woman. These individuals render items upon which they stand, sit, lie, or lean ritually impure even if they did not actually touch it with their bodies. Such an item becomes a primary source of ritual impurity, like the individual who imparted the impurity, and in turn, it imparts ritual impurity to people or items that touch or carry it. Only items that are specifically intended for sitting or lying upon are susceptible to this impurity imparted by treading; other items upon which the impure individual stands or sits do become ritually impure, but are considered only secondary sources of ritual impurity.

According to some commentaries, susceptible items become impure only if the impure individual actually touched them (Rambam). Others maintain they are rendered impure as secondary sources even if the impure individual stands, sits, or lies on them without touching them directly (Rabbeinu Tam).

וְאַיִם אָ: הַנִּי מִלִּי בְּלָחָ וְנַעֲשָׂה יְבָשׁ, יְבָשׁ  
מַעֲקִירָו מִנְלָזָן? וְתַוְּהָ אָ דְתַנְןָ: הַמְּפֻלָּת  
כְּמַיִן קְלִיפָה, כְּמַיִן עֶפֶר, כְּמַיִן שָׂעָרָה, כְּמַיִן  
בַּחְוֹשִׁין אֲדוֹמִים – תְּפִילְלָמִים, אֲםָן נְמֹזָה  
טַבְמָא מַנְלָזָן? יְהִי רְבּוּיאָ הוּא.

The Gemara objects: But one may say that this statement applies only to blood that was initially moist and subsequently became dry, as it retains its initial status. With regard to blood that was dry at the outset, from where do we derive that it too transmits impurity? And furthermore, this inference does not provide a source for that which we learned in a mishna (21a): In the case of a woman who discharges an item whose shape is similar to a type of shell, similar to a type of soil, similar to a type of hair, or similar to a type of mosquito,<sup>b</sup> if such items are red, she should cast them into water to ascertain their nature. If they dissolved, it is blood, and the woman is impure. From where do we derive that even this type of blood is impure? The Gemara explains: The term “shall be” is an amplification, indicating that menstrual blood in all these forms is impure.

אֵי מֵה הָיָה עֵישָׂה מִשְׁכָּב וּמוֹשָׁב לְטַפְמָא  
אֲדָם וּלְטַפְמָא בָּגָדִים, אֲרָךְ דְמָה נְמִי עֵישָׂה  
מִשְׁכָּב וּמוֹשָׁב לְטַפְמָא אֲדָם וּלְטַפְמָא בָּגָדִים?  
אַטוֹ דְמָה בָּרְ מִשְׁכָּב וּמוֹשָׁב הוּא?

The Gemara objects: If so, one can likewise infer the following: Just as she, a menstruating woman, renders an item designated for lying or sitting impure<sup>b</sup> to the extent that it transmits impurity to a person and to the extent that that person transmits impurity to his garments, despite the fact that the garments did not come into contact with the couch, so too, her blood also renders items designated for lying or sitting impure to the extent that they transmit impurity to a person and to the extent that he transmits impurity to his garments, in the manner of a primary source of ritual impurity. The Gemara replies: Is that to say that the concepts of lying and sitting apply to her menstrual blood? These categories of impurity are limited to people.

וְלַטְעַמֵּין, אַבָּן מִנוּגָעָת בְּמִשְׁכָּב וּמוֹשָׁב  
הַיָּא, דְּאַיְצְרָיךְ קָרָא לְמַעֲשֵׂי? דְתַנְיאָ: יְכוֹל  
תַּהֲאָ אַבָּן מִנוּגָעָת עֵישָׂה מִשְׁכָּב וּמוֹשָׁב  
לְטַפְמָא אֲדָם לְטַפְמָא בָּגָדִים.

וְדַיְן הוּא, וְפַה זֶבֶשׂ אֲבָן לְטַפְמָא בָּבִיאָה  
עֵישָׂה מִשְׁכָּב וּמוֹשָׁב לְטַפְמָא אֲדָם לְטַפְמָא  
בָּגָדִים, אַבָּן מִנוּגָעָת שְׁפָטָמָה בָּבִיאָה  
אַיְנוּ דַיְן שְׁפָטָמָה מִשְׁכָּב וּמוֹשָׁב לְטַפְמָא  
אֲדָם לְטַפְמָא בָּגָדִים.

The Gemara asks: But according to your reasoning that this category of impurity is limited to people, do the concepts of lying and sitting apply to a stone afflicted with leprosy,<sup>H</sup> so that a verse was necessary to exclude it? As it is taught in a baraita: One might have thought that a stone afflicted with leprosy should render an item designated for lying or sitting impure to the extent that it transmits impurity to a person and to the extent that he transmits impurity to his garments.

The baraita explains: And this ruling might be derived by logical inference: If one enters a house where there is a stone afflicted with leprosy he becomes impure, but one who enters a house together with a man who experienced a gonorrhea-like discharge [zav] does not become impure. One may therefore infer as follows: If a *zav*, who does not transmit impurity by entering a house, nevertheless renders an item designated for lying or sitting impure to the extent that it transmits impurity to a person and to the extent that that person transmits impurity to his garments, then with regard to a stone afflicted with leprosy, which does transmit impurity by entering a house, is it not logical that it renders an item designated for lying or sitting impure to the extent that it transmits impurity to a person and to the extent that he transmits impurity to the garments he is wearing?

תַּלְמָוד לֹמֵר לְזָבָב "חוֹב", הַזָּבָב – וְלֹא אַבָּן  
מִנוּגָעָת. טַעַמָּא דְמַעֲשֵׂי קָרָא, הַא לֹא  
הַכִּי מַטָּמָא!

The baraita concludes: Therefore, the verse states: “Every bed upon which the *zav* lies shall be impure, and every item upon which he sits shall be impure” (Leviticus 15:4). The term “the *zav*” indicates that only the *zav*, and not a stone afflicted with leprosy, renders items designated for lying or sitting impure. The Gemara infers from the baraita: The reason a stone afflicted with leprosy does not transmit impurity to items designated for lying or sitting is that the verse excluded it, but were it not so, the stone would transmit impurity to items designated for lying or sitting, despite the fact that the concepts of lying and sitting do not apply to a stone.

**HALAKHA**

תוֹמְאָת אַבָּן  
תְּמַמָּת אַבָּן: A stone removed from a house with leprosy is a primary source of ritual impurity. An olive-bulk of such a stone transmits impurity to people and vessels by contact, carrying, and entering.

How does it transmit impurity by entering? If this olive-bulk was brought into a ritually pure house, all items and people in the house are rendered ritually impure (Rambam Sefer Tahara, Hilkhot Tzara'at 16:1).

ומגינה, לא מי אמרת הוב – ולא אבן  
מנוגעת, ה כי נמי אמר קרא: "אשר  
היא יושבת עליו" – היא ולא דמה.

The Gemara replies that from this same derivation one can infer that menstrual blood does not render items designated for lying or sitting impure: Didn't you say that the term "the zav" teaches that only the *zav*, and not a stone afflicted with leprosy, renders items designated for lying or sitting impure? So too, a verse excludes menstrual blood from this category of impurity, as the verse states: "And he if is on the bed, or on any item upon which she sits, when he touches it, he shall be impure until the evening" (Leviticus 15:23). The term "she" indicates that she, the menstruating woman, but not her blood, transmits impurity to items designated for lying or sitting.

Perek VII  
Daf 55 Amud a

אי מה היא מטמא באבן מסמא,  
אף מזורה נמי מטמא באבן מסמא?

The Gemara raises an objection: There is a unique *halakha* with regard to the impurity of a *zav* and a menstruating woman: In a case where one of them sits on an item, including one that cannot become ritually impure, e.g., a stone, and beneath that item is a vessel, that vessel becomes impure, even if their weight has no effect on the vessel, as in the case of a very heavy stone. If the verse compares the status of the menstrual blood to the status of the menstruating woman, as derived above, one can infer as follows: Just as a menstruating woman transmits impurity to items that lie beneath a very heavy stone, so too, her menstrual flow also transmits impurity to items that lie beneath a very heavy stone.

אמר רב אשיה אמר קרא זיהנו שיא  
אותם, "אותם" – מיעוטה הוא.

Rav Ashi said in response: Items designated for lying or sitting also transmit impurity to items that lie beneath a very heavy stone. The verse states with regard to an item of this kind, which was rendered impure by a *zav*: "And whoever touches anything that was under him shall be impure until the evening, and he that carries them shall wash his clothes, and bathe himself in water, and he shall be impure until the evening" (Leviticus 15:10). The term "them" is an exclusion, indicating that items designated for lying or sitting transmit impurity to items that lie beneath a very heavy stone, but menstrual blood does not.

יבשר המת. מילן? אמר ריש לוי:  
אמר קרא "לכל טמאותו" – לכל  
טומאות הפורשות ממנה.

**§** The mishna teaches: And the flesh of a corpse transmits impurity both when moist and when dry. The Gemara asks: From where do we derive this *halakha*? Reish Lakish said that this is as the verse states: "Or whoever touches any creeping thing by which he may be made impure, or a man from whom he may be made impure, from any impurity that he has" (Leviticus 22:5). The term "from any" is an amplification, indicating that one may become impure from any impurities that come from a dead person, whether they are moist or dry.

רבי יוחנן אמר: "או בעצם אדם או  
בלכבר", אדם ודומיא דעתם, מה עצם –  
יבש, אף כאן – יבש.

Rabbi Yohanan said that this *halakha* is derived from the verse: "And whoever touches in the open field one who is slain with a sword, or one who died, or the bone of a man, or a grave, shall be impure seven days" (Numbers 19:16). The verse indicates that the impurity of a dead man is similar to the impurity of a bone: Just as a bone is dry, so too here, with regard to the impurity of a corpse, it transmits impurity even when it is dry.

מאי בימיה? איפה בימיה – דאפרין  
אפרוני.

The Gemara asks: What is the practical difference between the inferences of Reish Lakish and Rabbi Yohanan? The Gemara answers that the practical difference between them is the case of a corpse which is so dry that it crumbles. Reish Lakish maintains it is impure, as the term "from any" indicates that a corpse transmits impurity in any form, whereas Rabbi Yohanan maintains it is ritually pure, as it is unlike a bone, which does not crumble.

## NOTES

A very heavy stone – אבן מסמא: According to the commentaries, the source of this term is from the verse: "And a stone [even] was brought, and laid [vesumat] on the mouth of the den" (Daniel 6:18). The verse indicates that the stone was heavier than the weight a single person could move and it was meant to remain in one place. It is therefore called *even mesama*, which is related to the word for placed, *hasama*.

There are different opinions as to the exact nature of this method of transmitting impurity. According to Rashi, the stone itself does not weigh on the vessels beneath it. Some claim that the stone weighs on the vessels beneath it, while the additional weight of the one sitting on the stone is entirely insignificant (*Tosafot*). The Meiri states that some understand from Rashi that impurity is transferred even if the stone does not touch the vessels at all, although the Meiri himself prefers to explain that according to Rashi the stone touches the vessels, and in fact he maintains that Rashi explains the matter in a similar manner to *Tosafot*.

According to all opinions, the impurity is transmitted only when the impure individual is sitting on the stone. The status of the stone is unlike that of a couch upon which a *zav* lies or a seat upon which he sits, as it cannot become ritually impure. Nevertheless, impurity is transmitted from the one sitting atop the stone to the vessels beneath it.

**NOTES**

**וְאַיִן גָּוֹעַ מַחְלֵךְ** – And its root does not renew – Literally this term means: Whose trunk does not replenish itself. The expression originates from the halakhot of the prohibition against eating the fruit of a tree during the first three years after its planting [orla], where part of the definition of a tree for which one has to observe the halakhot of orla is that it has a trunk that does not sprout anew each year from the ground.

**הַגְּלֻדָּה**: An animal whose hide was removed – The early commentaries provide different explanations for why this animal's hide was removed. Some say it was due to overwork; others say that the animal suffered from some kind of skin disease (Rashi; see Rashi on *Hullin* 54a).

**LANGUAGE**

Whose hide was removed [*geluda*] – **גְּלֻדָּה**: From the root *gimmel, lamed, dalet*, meaning skin; see Job 16:15: "I have sewn sackcloth on my skin [*gildi*] and have laid my horn in the dust." *Geluda* accordingly refers to one whose skin has been removed. It is possible that the word is derived from *galud*, ice (see *Halakhos Gedolot*).

**מִיתְבֵּי בָּשָׂר הַמֶּת שַׁחֲפָרָךְ – טָהוֹר הַתָּם – דָּקָמָח וְהִי עַפְרוֹא.**

The Gemara raises an objection to the opinion of Reish Lakish from a *baraita*: The flesh of a corpse that crumbled<sup>h</sup> is ritually pure. The Gemara answers that this is not difficult, as the *baraita* there is referring to where the flesh is so dry that it has become like flour and is therefore classified as dust.

**מִיתְבֵּי כָּל שְׁבָמָת – מַטְמָא, חַזֵּץ מִן הַשִּׁים, וְהַשְׁעָר וְהַצְפּוֹן, וְשִׁיעַת חַבּוֹן – הַפְּלַטְמָא!**

The Gemara raises an objection to the opinions of both Reish Lakish and Rabbi Yohanan from a mishna (*Oholot* 3:3): Everything that is in a corpse transmits impurity,<sup>h</sup> except for the teeth, and the hair, and the nails. This is the *halakha* only when these items are separated from the body, but when they are attached to the corpse they are all impure. According to Rabbi Yohanan teeth should transmit impurity because they are similar to bones, while according to Reish Lakish they should be included in the term "from any."

**אָמָר רַב אַדָּא בֶּר אַהֲבָה: דָוְמֵיא דְעַצְם, מַה עַצְם – שְׁנַבְרָא עַמוֹ, אַף כָּל – שְׁנַבְרָא עַמוֹ וְהַאֲכָא שַׁעַר צְפּוֹן, שְׁנַבְרָא עַמוֹ – וְתָהֳרוּ!**

Rav Adda bar Ahava said: Only items that are similar to a bone transmit impurity: Just as a bone is an item that was created with him at the time of birth, so too, all items that transmit impurity are those that were created with him, whereas teeth are not present at the time of birth. The Gemara asks: But are there not the cases of hair and nails, which were created with him, and yet the mishna states that they are ritually pure?

**אַלְאָ אָמָר רַב אַדָּא בֶּר אַהֲבָה: דָוְמֵיא דְעַצְם, מַה עַצְם – שְׁנַבְרָא עַמוֹ וְאַיִן גָּוֹעַ מַחְלֵךְ, אַף כָּל – שְׁנַבְרָא עַמוֹ – שְׁלָא בְּרָאוּ עַמוֹ, יֵצְאוּ שַׁעַר צְפּוֹן, שְׁאַף עַל פִּי שְׁנַבְרָא עַמוֹ – גָּוֹעַ מַחְלֵךְ.**

Rather, Rav Adda bar Ahava said a different explanation: Only those items that are similar to a bone transmit impurity: Just as a bone is an item that was created with him and its root does not renew<sup>n</sup> itself, i.e., if a bone is removed a new bone does not grow in its place, so too, any item that was created with him and whose root does not renew itself transmits impurity. The teeth were excluded from this category, as they were not created with him. The hair and nails were excluded, as even though they were created with him their roots renew themselves, since they grow again after they are cut off.

**וְהִרְיָה עֹור, דָגָעוּ מַחְלֵיפָ, וְתַנְעַן: הַגְּלֻדָּה, רַבִּי מֵאִיר מַכְשִׁיר. וְחַכְמִים – פּוֹסְלִין. וְאַפְּלִילוּ וְרַבְּנָן לֹא קָפְסֵלִי אַלְאָ דָאַדְחָכִי וְהִי שְׁלִיטָ בָה אַיִּירָא וְמַתָּה, וְלֹעֲזָלָם גָּוֹעַ מַחְלֵךְ. וְתַנְעַן: אַלְא שְׁעוֹרָותֵיכֶם בְּבָשָׂר – עֹור הַאֲדָם!**

The Gemara objects: But isn't there the case of skin, whose root renews itself, and this is as we learned in a mishna (*Hullin* 54a): In the case of an animal whose hide was removed [*hageluda*]<sup>NLH</sup> Rabbi Meir deems it kosher, as the skin renews itself, and the Rabbis deem it an animal with a wound that will cause it to die within twelve months [*tereifa*] and unfit for consumption. The Gemara explains: And even the Rabbis deem it unfit only due to the fact that in the meantime, between the removal of the old hide and the growth of the new one, the air affects it and as a result it will die, but they concede that actually the skin's root renews itself. And nevertheless we learned in a mishna (*Hullin* 122a): These are the entities whose skin has the same halakhic status as their flesh: The skin of a dead person,<sup>h</sup> and the skin of a domesticated pig... and the skin of the hump of a young camel, etc.

**HALAKHA**

**בָּשָׂר הַמֶּת שַׁחֲפָרָךְ**: If flesh of a corpse crumbled and became flour-like, it is ritually pure. The *halakha* is in accordance with the opinion of Reish Lakish (Rambam *Sefer Tahara, Hilkhos Tumat Met* 3:10 and *Kesef Mishne* there).

**כָּל שְׁבָמָת**: Everything that is in a corpse transmits impurity, etc. – **כָּל שְׁבָמָת וּכְיַיִן:** Everything that is in a corpse is impure except for the teeth, hair, and nails. When they are attached to the corpse they are all impure. How so? If a corpse is outside a house but the hair attached to it is inside, all items inside the house are rendered ritually impure. Likewise, anyone who touches a corpse's hair, teeth, or nails while these body parts are attached to the corpse becomes impure. The *halakha* is in accordance with the mishna in *Oholot* (Rambam *Sefer Tahara, Hilkhos Tumat Met* 3:13).

**הַגְּלֻדָּה**: If an animal's hide was removed entirely, either by human intervention or due to disease, it is a *tereifa*. If pieces of skin, each the size of a *selah*, remained in three specific areas of the body the animal is kosher (Rambam *Sefer Kedusha, Hilkhos Shehita* 9:7; *Shulchan Arukh, Yoreh De'a* 59:1).

**הַקְּרָנוֹת**: The skin of a person – **עֹור הַאֲדָם**: The skin of a dead person is impure like his flesh. If one tanned it or trod on it for the period of time required for tanning, it is ritually pure by Torah law. By rabbinic law it transmits impurity if it is the volume of an olive-bulk like the flesh of the dead, lest one tan human skin and fashion mats from it. The *halakha* is in accordance with the opinion of Ulla (Rambam *Sefer Tahara, Hilkhos Tumat Met* 3:11).

- רְאֵיתָמֶר עַלְהָ אָמָר עֲוֹלָא: דָבָר תּוֹרָה  
עֹרוֹ אָדָם, טָהוֹר. וּמַי טָהָר אָמָר טָהָר  
גּוֹדָה שְׁמָא יִשְׂחָה אָדָם עֲוֹזָת אָבִיו וְאָמוֹ  
שְׁטִיחָן לְחָמָר.

וְאַיִּכָּא דָמָרִי: חָרִי עֹרוֹ, דָאֵין גּוֹשׁוּ מְחָלִיף,  
וְתַנְעַן יְתַחְכִּים פּוֹסְלָין". וְאַיִּלוּ וּבְמַאוֹ  
לְאַקְאַמְכָשָׁר אַלְאָ דָקְרוּ בְשָׂרָא וְחַיָּא.  
וְלֹעֲלָם אַיִּינְגּוֹשׁוּ מְחָלִיף, וְאָמָר עֲוֹלָא: דָבָר  
תוֹהָה - עֹרוֹ אָדָם טָהוֹר!

בַּיְ אִיתָמֶר דָעַלְלָא - אַסְפִּיא אִיתָמֶר: וּכְלָן  
שְׁעַבְרָן אֹו שְׁהִילָּךְ בָּהּ בְּדִי עַבְרָה  
טָהוֹרִין, חֹזֶן מְעֹרֶר אָדָם. וְאָמָר עֲוֹלָא: דָבָר  
תוֹהָה - עֹרוֹ אָדָם כִּי עַבְרָו, טָהוֹר. וּמָה טָעַם  
אָמָר טָמָא - גּוֹדָה שְׁמָא יִשְׂחָה אָדָם עֹרוֹ  
אָבִיו וְאָמוֹ שְׁטִיחָן.

הַהְרִי בָשָׂר, דָנוֹשׁוּ מְחָלִיף וְטָמָא! אָמָר מָר  
בר רב אשִׁי: בָשָׂר נַעֲשָׂה מִקְמוֹ צְלָקָת.

אָבָל הַזּוֹב. זֹב מְגַלֵּן? דְתַנִּיא: "זֹוב  
טָמָא" - לִימֵד עַל הַזּוֹב שֶׁהָוָא טָמָא.

וְהַלְאָ דִין הוּא, לְאֶחָרִים - גּוֹרָם טָמָא, הַלְעַצְמָוּ - לְאָכְלָ שְׁבָן? שְׁעוֹר הַמְשֻׁלָּחָה  
יוֹכִיחַ, שְׁגֹורָם טָמָא לְאֶחָרִים - וְהָוָא  
עַצְמָוּ, טָהוֹר. אָרֶף אַתָּה אֶל תִּתְהַמֵּה עַל זוֹהָ  
שְׁאָר עַל פִּי שְׁגֹורָם טָמָא לְאֶחָרִים - הוּא  
עַצְמָוּ טָהוֹר. תְּלִמּוֹד לוֹמָר: "זֹוב טָמָא" -  
לִימֵד עַל הַזּוֹב שֶׁהָוָא טָמָא.

The Gemara explains that it was stated with regard to that mishna that Ulla said: By Torah law, the skin of a dead person is ritually pure. And what is the reason the Sages said that it is impure? It is a rabbinic decree lest a person should fashion rugs for a donkey out of the skins of his deceased father and mother.<sup>N</sup>

And some say a different version of the above discussion: Isn't there the case of skin, whose root does not renew itself<sup>N</sup> and this is as we learned in a mishna (*Hullin* 54a): In the case of an animal whose hide was removed, Rabbi Meir deems it kosher, and the Rabbis deem it a *tereifa* and unfit for consumption, as its skin does not regrow? The Gemara explains: And even Rabbi Meir deems it fit only because the flesh cools and the animal heals, but he concedes that actually the skin's root does not renew itself. Accordingly, the skin of a corpse should be impure. But Ulla said: By Torah law, the skin of a dead person is ritually pure.

The Gemara answers that when the opinion of Ulla was stated, it was stated with regard to the latter clause of that mishna: And for all of these skins, in a case where one tanned them<sup>H</sup> or where one spread them on the ground and trod on them for the same amount of time it takes for tanning, they are no longer classified as flesh and are ritually pure, except for the skin of a dead person, which maintains the status of flesh. And with regard to this Ulla said that by Torah law the skin of a dead person, when one tanned it, is ritually pure. And what is the reason the Sages said it is impure? It is a rabbinic decree lest a person should fashion rugs out of the skin of his deceased father and mother.

The Gemara asks: But isn't there the case of flesh, whose root renews itself, as when one's flesh is cut it regrows and heals, and yet it is impure? Mar bar Rav Ashi says: Flesh does not renew itself, as although when someone is cut his flesh regrows and heals, a scar is formed in its place.

**§** The mishna teaches: But *ziva* transmits impurity when moist, although not when dry. The Gemara asks: From where do we derive that *ziva* transmits impurity? As it is taught in a *baraita* that discusses the verse: "When any man has an issue out of his flesh, his issue, it is impure" (Leviticus 15:2). This taught with regard to *ziva* that it is impure.

The *baraita* asks: Why is this derivation necessary? Could this not be derived through an *a fortiori* inference? Since *ziva* causes impurity to others, i.e., to the one who emitted the discharge, is it not all the more so that *ziva* itself is impure? The *baraita* replies that the case of the scapegoat brought on Yom Kippur may prove that this inference is not valid, as it causes impurity to others, i.e., the dispatcher of the scapegoat is rendered impure, and yet the goat itself is pure. So too, you should not be surprised about this, the discharge of *ziva*, that even though it causes impurity to others, *ziva* itself is pure. Therefore, the verse states: "His issue, it is impure." This taught with regard to *ziva* that it is impure.

## NOTES

Lest a person should fashion rugs for a donkey out of the skins of his deceased father and mother – **שְׁטָמָא יַעֲשֵׂה אֲדָם עֲוֹזָת אָבִיו וְאָמוֹ שְׁטִיחָן לְחָמָר:** The mention of a donkey indicates that these skins would be used in a degrading manner. Some versions of the text omit the term: For a donkey (*Tosafot*). Rashi on *Hullin* 122a explains that these rugs were used as upholstery for beds and expensive chairs. Other early commentaries maintain that the aim of this practice was to honor one's parents by keeping their memories alive and present. Nevertheless, there are two prohibitions involved in such an act: Failing to bury a dead body and degrading the deceased (*Ritva*; *Ramban*).

Some claim this practice was a form of sorcery, and that the use of skins of a close relative provided a more powerful sorcery (*Responsa of the Radbaz*). The commentaries ask: Since it is in any case prohibited to derive benefit from a corpse, why is a rabbinic decree of ritual impurity necessary to prohibit this practice? *Tosafot* give two answers: One is that people treat matters of impurity more stringently than they treat other prohibitions, and the other is that the skin is not included with the flesh in the prohibition against deriving benefit from a corpse. Others suggest that using mats fashioned from skins is not considered deriving benefit (*Mei Nidda*).

And some say, isn't there the case of skin whose root does not renew itself – **אַיִּכָּא דָמָרִי הַיְיָ עֹרוֹ בְּלִילָה:** In other words, according to this opinion, if skin is removed it will not grow again (Rashi). The later commentaries are puzzled by this claim, as it is unusual to find a dispute in the Gemara with regard to reality, in a situation where one can simply see whether new skin grows in place of skin that has been removed. They therefore explain that everyone agrees new skin will grow to replace removed skin, but there are distinguishing marks that indicate it is not the same skin. According to the second version of the discussion, due to these marks skin is considered an item whose root does not replenish itself, whereas according to the first version, since new skin does grow it is in the category of an entity that replenishes itself.

## HALAKHA

And all of these skins where one tanned them, etc. – **כְּלַיְלָן**: With regard to the hide of a domesticated pig, the skin of the hump of a young camel that is still soft, the skin of the womb, the skin of an animal fetus in the womb of a slaughtered animal, and the skin beneath the tail of a ewe, if one tanned them

or spread them on the ground and trod on them for the period of time required for tanning, they are ritually pure, as stated in the mishna in *Hullin* (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:9).

ואימא: חנ' מיל' – במנגע, אבל במשא –  
 לא, מידי דהוה אשראין אמרו רב ביבי בר  
 אבוי: במנגע לא איצטיריך קרא – שלא  
 גרע משכבות וגו'

The Gemara objects: But one may say that this statement, that the discharge of *ziva* transmits impurity, applies only to transmitting impurity by contact. But with regard to transmitting impurity by carrying it does not transmit impurity, just as it is with regard to the carcass of a creeping animal, which transmits impurity by contact but not by carrying. Rav Beivai bar Abaye said: A verse was not necessary to teach that *ziva* transmits ritual impurity by contact, as the halakha with regard to *ziva* is no less stringent than with regard to semen, which transmits impurity by contact.

## Perek VII

### Daf 55 Amud b

#### NOTES

Just as is the halakha with regard to contact with an animal carcass – מידי דהוה אפגע בבה: An animal carcass transmits impurity by touch only to the one who touched it, not to the garments he is wearing, whereas if one carries a carcass both he and the clothing or non-earthenware vessels with which he is in contact while touching the carcass become impure (Rashi). This is because the verse states with regard to the impurity of an animal carcass: "And if any animal of which you may eat dies, he who touches its carcass shall be impure until the evening...he who also bears its carcass shall wash his clothes, and be impure until the evening" (Leviticus 11:39–40).

The number of emissions by which one becomes impure with the impurity of a *zav* – לְמִינֵי נָסָר: If a person experiences one gonorrhea-like discharge [*ziva*], he becomes impure for one day, and his impurity is equivalent to the impurity of one who experiences a seminal discharge. Only when one experiences two emissions of *ziva*, on the same day or on two consecutive days, does he become impure with the more severe impurity of a *zav*, which lasts seven days, and for which he requires seven clean days to become pure. If the person experiences a third emission of *ziva* on the same day or on the next day, he must bring an offering as part of his purification process.

In the case of the third emission the Merciful One juxtaposed the status of a male *zav* to that of a female – בשלישי אקשיה רחמנא לנבקה: The Gemara is teaching that there is a distinction between the first two emissions of a *zav* and the third emission. The first two emissions do not render him impure if they occurred due to an accident, e.g., due to excessive consumption of food, rather than a disease (see *Zavim* 2:2). In this regard, the halakha of a male *zav* differs from that of a female *zava*, i.e., a woman who experiences a discharge of uterine blood after her menstrual period, as a *zava* is rendered impure by any discharge of blood from the uterus, irrespective of the cause. The Gemara is stating that with regard to the third emission of a *zav*, his halakha does not differ from that of a *zava*, and therefore it renders him obligated to bring an offering even if it occurred due to an accident (see 35a).

#### HALAKHA

The emission of a *zav* with regard to impurity by carrying – זוב לטעון טומאת משא: The *ziva* of a *zav*, like the *zav* himself, is a primary source of ritual impurity, and it transmits impurity by touch and carrying in any amount (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 1:12).

כפי איצטיריך קרא – למשא. ואימא:  
 במשא – מטה מא אדם ובגדים. ובמנגע,  
 אורים – מטה מא, בגדים – לא לטמא, מידי  
 דהוה אפגע בבה!

לא סלקא דעתך, דעתני, אחרים  
 אמרום: "הזוב את זבו ליבר ולנקה" –  
 מקיש וזבו לו. מה הוא – לא חלפת  
 בין מגעו למשאו לטמא אדם ולטמא  
 בגדים, אף זבו – כן.

השתא דנקקה לנו מ"הזוב את זבו,"  
 זבו טמא" למה לי?

אמר רב יודה מדיסקרטא: איצטיריך,  
 סלקא דעתך דעתני אמינה: שער המשתלה  
 יוכיח – שוגרים טומאה לאחריהם והוא  
 עצמו טהור, וכי מושם "הזוב את זבו" –  
 למניינה הוא דעתך.

זוב – תר, זוב – תרתי, ושלישי  
 אקשיה רחמנא לנבקה!

When the verse was necessary, it was to teach that *ziva* transmits impurity by carrying. The Gemara asks: And yet one may say that *ziva* transmits impurity to a person and to his garments only by carrying, but as for impurity by contact, although *ziva* transmits impurity to the person who touches it, it does not transmit impurity to his garments, just as is the halakha with regard to contact with an unslaughtered animal carcass.<sup>N</sup> If one touches a carcass he is rendered impure but his garments remain pure, despite the fact that if one carries a carcass his garments are also rendered impure.

The Gemara answers: This could not enter your mind, as it is taught in a baraita that *Aherim* say, with regard to the verse: "This is the law of him that has an issue... And of her who experiences the flow of her menstrual impurity, and of one who emits his issue [zovo], in the case of a male or a female" (Leviticus 15:32–33). The verse juxtaposes the impurity of the issue of the *zav* to the impurity of the *zav* himself: Just as with regard to him you did not distinguish between impurity transmitted by contact with him and impurity transmitted by carrying him, as in both cases the *zav* transmits impurity to a person and transmits impurity to his garments, so too, with regard to the issue of the *zav* the halakha is the same.<sup>H</sup>

The Gemara asks: And now that we have derived the impurity of the discharge of a *zav* from the verse: "And of one who emits his issue" (Leviticus 15:33), why do I need the verse: "When any man has an issue out of his flesh, his issue, it is impure" (Leviticus 15:2)?

Rav Yehuda of Diskarta said: This verse was necessary, as it might enter your mind to say that the case of the scapegoat may prove that the discharge of a *zav* is not impure, as the scapegoat causes impurity to others and yet the goat itself is pure. Likewise, one might conclude that although the discharge of a *zav* causes impurity to others, *ziva* itself is pure. And if one were to dismiss this possibility, due to the verse: "And of one who emits his issue [zovo], in the case of a male or a female" (Leviticus 15:33), one could reply that it does not indicate the impurity of *ziva*. Rather, it comes to teach the number of emissions by which one becomes impure with the impurity of a *zav*.<sup>N</sup>

Rav Yehuda of Diskarta clarifies this interpretation of the verse. The term: An issue [zov], would indicate one emission of *ziva*. Since the verse uses the term "his issue [zovo]," the superfluous addition indicates two emissions of *ziva*. With regard to these two emissions, the verse states: "In the case of a male," indicating that the status of a male *zav* differs from the status of a female *zava* in that he is not rendered impure if the emission occurred due to an accident, which would render a female impure. But in the case of the third emission of *ziva* the Merciful One juxtaposed the status of a male *zav* to that of a female,<sup>N</sup> as the verse states: "Or a female," indicating that even if the third emission was due to an accident he is nevertheless obligated to bring an offering.

**כתב רחמנא זובו טמא. וזה שטתא דאמאי רחמנא זובו טמא הו – דרוש ביה נמי האי.**

**§ "זה רוק. ווק מינין? דתניא: זובי רוק, אבל אף על פי שלא נגע – תלמוד לומוד בטהור – עד שיגע בטהור.**

**אין לי אלא רוקו, כיון ומינו ומיל' האן שלו מינין? תלמוד לומוד זובי רוק.**

**אמר מר: יכול אף על פי שלא נגע, מהיכא תית?**

**סלק בא דעתך אמרינו: מל' רוק "זוק"**  
**מייבמלה, מה התרם – אף על פי שלא נגע,**  
**אף הכא נמי – שלא נגע, קא משמען.**

**אימר: הע מיili – במנגע אבל במנשא – לא, מיד דהוה אשען! אמר ריש לקיש,**  
**תנא דבי רבוי ישמעאל. אמר קרא בטהור – בוה שבין עהור טמאתי לך.**

**איימא: במשא – מטמא אדים ובגדים,**  
**במנגע – אדים לטמא, בגדים – לא לטמא,**  
**מיד דהוה אפגע נבלחה!**

Since one would not have derived the impurity of *ziva* from this verse, the Merciful One wrote: “His issue, it is impure” (Leviticus 15:2). And now that the Merciful One states: “His issue, it is impure,” one may derive from the verse “and of one who emits his issue” not only the number of emissions, but also this interpretation, that there is no difference between the impurity imparted by *ziva* by contact and by carrying.

**§** The mishna teaches: And the mucus and the saliva of a *zav* transmit impurity when moist but not when dry. The Gemara asks: From where do we derive the ritual impurity of the saliva of a *zav*? The Gemara answers that this is derived as it is taught in a *baraita*: The verse states: “And if one who has an issue spits on the pure person, then he shall wash his clothes, and bathe himself in water, and he is impure until the evening” (Leviticus 15:8). One might have thought that the saliva transmits impurity even if the *zav* merely spat in the direction of a pure person, despite the fact that it did not come into contact with him. Therefore, the verse states: “And if one who has an issue spits on the pure person,” which teaches that unless the saliva comes into contact with the pure person he is not rendered impure.

The *baraita* continues: I have derived only that his saliva is impure. From where is it derived that his phlegm, his mucus, and his nasal fluids are also impure?<sup>h</sup> The verse states: “And if one who has an issue spits.” The superfluous “and” is an amplification, indicating that these substances also transmit impurity.

The Master said above: One might have thought that the saliva transmits impurity even if the *zav* merely spat in the direction of a pure person, despite the fact that it did not come into contact with him. The Gemara asks: From where would this be derived? Why would one think that a person becomes impure from saliva that did not come into contact with him, making it necessary for a verse to exclude this possibility?

The Gemara explains: It might enter your mind to say that we should derive a verbal analogy from the term saliva in the verse “and if one who has an issue spits,” and the term saliva stated in connection with a *yevama*,<sup>b</sup> a widow whose husband died childless and who participates in *halitza*, as the verse states: “His *yevama* shall approach him, before the Elders, and remove his shoe from on his foot and spit before him” (Deuteronomy 25:9). Just as there, with regard to *halitza*, the ritual is valid even though the saliva did not touch her brother-in-law, so too here, with regard to the saliva of a *zav*, it transmits impurity despite the fact that it did not come into contact with the pure person. Therefore, the verse teaches us that the saliva of a *zav* transmits impurity only if it comes into contact with the pure person.

The Gemara objects: And yet one may say that this statement, that the saliva of a *zav* transmits impurity, applies only to transmitting impurity by contact. But with regard to transmitting impurity by carrying it does not transmit impurity, just as is the halakha with regard to the carcass of a creeping animal, which transmits impurity by contact but not by carrying. Reish Lakish said that the school of Rabbi Yishmael taught in a *baraita*: The verse states: “And if one who has an issue spits on the pure person.” The term “on the pure person” is interpreted to mean that in any case where something of the saliva is in the hand of the pure person I deemed him impure for you, even if he did not come into direct contact with the saliva but merely carried it.

The Gemara objects: But one may say that although the saliva of a *zav* transmits impurity both by carrying and by contact, nevertheless there is the following difference between them: By carrying the saliva of a *zav*, it transmits impurity to a person and to his garments, but by contact, although it transmits impurity to the person who touches it, it does not transmit impurity to his garments, just as is the halakha with regard to contact with an unslaughtered animal carcass.

## HALAKHA

His phlegm, his mucus, and his nasal fluids are also impure – **כיוון מיעוט ומיל' האן של'**: The phlegm, mucus, saliva, and nasal fluids of a *zav* are considered like his saliva in all regards, and each of these transmits impurity by touch and carrying to people and vessels in any amount (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 1:16).

## BACKGROUND

**Yevama – בבבמה:** When a man dies without children, the Torah requires his brother to perform levirate marriage with the wife of the deceased. If the brother does not wish to marry the widow he may perform the *halitza* ceremony, thereby releasing her from her bond, and she is then allowed to remarry out of the family (see Deuteronomy 25:7-10). The term *halitza* is derived from the central element of this ceremony, which involves the widow removing [*holetz*] a special sandal from the foot of the brother. *Halitza* must be performed before a rabbinical court.

**NOTES**

What is the reason the verse states specifically on the pure person, conclude two conclusions from it – **מַיְאָבֶטֶהוֹר שְׁמֵעַ מִינֶּה תְּרֻתִּי**: It is derived from the term “pure person [tahor]” that the touch of the saliva of a *zav* transmits impurity both to a person and the garments he is wearing. The impurity of carrying is derived from the term “on,” as the word in full reads *batahor*, on the pure person.

**LANGUAGE**

**Paint [kehol]** – **כְּחֹלֶל**: The material known in the Talmud as *kehol* was a blue substance that contained antimony oxide. It was ordinarily used as a cosmetic, but was sometimes applied in order to heal various ailments of the eyes and as a disinfectant, due to the antimony. Furthermore, there was a special brush known as a *mikhhol*, which was used to apply the cosmetic to the eyes, and this brush also served to apply various other remedies, such as ointments and the like. Consequently, every treatment of the eye by means of ointments is called *kehila*.

**Poison [zihara]** – **זִיהָרָא**: From the Middle Persian *zahr*, meaning venom and anger.

**HALAKHA**

**תשעה משקין** etc. – **הַזָּב וּכְסִי**: There are nine types of fluids emitted by the *zav*. Three of them are a primary source of ritual impurity: His saliva, semen, and urine. Each of these transmits impurity to people and vessels in any amount. Three others have the status of a secondary source of ritual impurity: His tears, blood from his wound, and the milk of a woman who is a *zava*. These are like impure liquids that do not transmit impurity to people, but they do render vessels impure by rabbinic law. Finally, three fluids of the *zav* are ritually pure: His sweat, his foul secretion, and his excrement (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshev 1:16).

אמור ריש לkish, ובן חננא דבורי ישמעאל:  
**אמור קרא בבטחו – טהרה שטהורתי לך –**  
**במקום אחר טמאתי לך פאן, ואיתה זה –**  
**זה מגע נבלה.**

Reish Lakish said, and so too the school of Rabbi Yishmael taught, that the verse states: “And if one who has an issue spits on the pure person.” The term “on the pure person” teaches that a case of purity, i.e., that which I deemed pure for you in a different case, I have deemed impure for you here. And which case is this? This is referring to contact with an animal carcass, which renders only the one touching it impure, but not his garments, whereas the saliva of a *zav* renders them both impure.

ואימא כמשא דשרץ! אם כן נכתוב קרא  
**בארם, מא' בטחו – שמיע מינה תורה!**

The Gemara objects: But one can say that the case deemed pure elsewhere but deemed impure here is that of carrying the carcass of a creeping animal. Perhaps the verse is teaching that whereas a creeping animal does not transmit impurity by carrying, the saliva of a *zav* does transmit impurity by carrying. By contrast, contact with the saliva of a *zav* renders only the one touching it impure, but not his garments, as is the halakha with regard to an animal carcass. The Gemara responds: If that is so, let the verse write: If one who has an issue spits on the person. What is the reason the verse states specifically: “On the pure person”? Conclude two conclusions from it,<sup>N</sup> both that the saliva of a *zav* transmits impurity by carrying and that contact with the saliva renders impure both the person and his garments.

זומי האך. מי האך? אמר רב:  
**בנגוריין דרך הפה, לפי שאפשר למי**  
**האך בללא צחצחי הרוק, ובמי יוחנן אמר:**  
**אפיקלו בנגוריין דרך החותם, אלמא קסביר:**  
**מיין הוא, ורוחמן בבייה.**

**S** The aforementioned baraita teaches: And the nasal fluids of a *zav* also transmit impurity. The Gemara asks: What are these nasal fluids? Rav says: This is referring to fluids that are emitted via the mouth of a person. They are impure because it is impossible for the nasal fluids to flow through the mouth without containing traces of saliva, which are impure. And Rabbi Yohanan says: The baraita is referring even to fluids that are emitted via the nose. Evidently, Rabbi Yohanan maintains that nasal fluids are categorized as a flow of bodily fluids, and the Merciful One included it among the impure bodily fluids of a *zav*, by the amplification: “And if one who has an issue spits.”

רב, נחשוב נמי דמעת עינו! דאמר רב:  
**היא מאן דבש דלקתמה לעיני – ליבחול**  
**מגוזו. ולוי אמר: הא מאן דבש דלימות –**  
**לייחול מגוזו.**

The Gemara asks: But according to Rav, who maintains that nasal fluids are impure because they contain traces of saliva, this is difficult: Let the mishna also count among the impure bodily fluids of the *zav* the tears of his eye, as Rav said: He who desires to blind his eye should have a gentile paint [*likhhol*]<sup>1</sup> his eye, as the gentile is apt to add a substance that causes blindness. And Levi said: He who desires to die should have a gentile paint his eye, as the gentile is apt to add poison to the paint.

ואמר רב חייא בר גורייא: מא' טעם א דרב  
**דרלא אמר הא מאן דבש דליך דלימות – הויל**  
**ויכל לגוזן ולהוציאן דרך הפה! ורב, נהי**  
**היז Hera – נפיך, דמעתא גוף – לא נפיך.**

The Gemara continues: And Rav Hyya bar Gurya said: What is the reasoning of Rav, that he did not say like Levi: He who desires to die should have a gentile paint his eye? Rav did not say this because he maintains one can prevent the poisonous substances from killing him, since he can suck the poisonous substances into his mouth by inhaling and emit them via the mouth. This indicates that the fluids of the eye can also be emitted through the mouth, and if so, the tears of a *zav* should likewise transmit impurity. The Gemara answers: And Rav would say that although the poison [*dezihara*]<sup>1</sup> placed in one's eye can exit the body via the mouth, the tears themselves do not exit the body through the mouth.

תא שמע, תשעה משקין הובן הוי שעה,  
**והלילה סרווחה, והריש – טהוריין מבלום.**  
**דמעת עינו, זדם מגפתה, וחלב האשפה –**  
**מטמאין טומאת משקין בריביעית. אבל**  
**זבוב, רוקן, ומיטמי רגלי – מטמאין טומאה**  
**תערורה. ואילו "מי האך" לא קתני.**

The Gemara states: With regard to the above dispute between Rav and Rabbi Yohanan, come and hear a baraita: There are nine types of fluids of the *zav*.<sup>1</sup> The sweat, the foul secretion from an infected wound, and the excrement are pure from any form of impurity. The tears that emerge from his eye, the blood from his wound, and the milk of a woman who is a *zava* all transmit the ritual impurity of liquids, i.e., they render food and liquids impure, as other impure liquids do, in a situation where there is at least a quarter-log of the fluid. But his *ziva*, his saliva, and his urine all transmit a severe form of ritual impurity. The Gemara comments: The baraita lists many substances, and yet it does not teach that nasal fluids are impure.

**בשְׁלָמָא לֹבֶן לֹא קַתְנִי – וְלֹא פְּסִיקָה  
לֹהֶה לְמַתְנִי, יְמִינִי דָּאֲתִי דָּרְךָ הַפָּה וְיְמִינִי  
– דָּאֲתִי דָּרְךָ הַחֹטֶם. אֲלֹא לְרֹבֵי יוֹחָנָן  
לִתְנִי!**

**לְעַטְמִיךְ – כִּיחַו וְנוֹעַז מֵקַתְנִי? אֲלֹא:  
תְּנָא רֹוק וְכָל דָּאֲתָא מְרֻבּוֹא, הַכָּא נָמִי  
תְּנָא רֹוק, וְכָל דָּאֲתָא מְרֻבּוֹא.**

**דְּמֹעַת עַינוֹ – דְּכַתְּבֵי יְוָתְשָׁקָמוּ בְּדְמֹעַת  
שְׁלִישִׁי. וּרְם מְגַפְּתוֹ – דְּכַתְּבֵי וּרְם  
חַלְלִים יְשָׁתָּה, מָה לִקְטָלִיהָ כּוֹלִיהָ, מָה  
לִקְטָלִיהָ פְּלִגִּיהָ, חַלְבָּה אַשְׁתָּה – דְּכַתְּבֵי  
וַתְּפַתַּח אֶת נָאוֹר הַחַלְבָּה וְתַשְׁקָהוּ.**

**מִימִי וְגַלְיוֹ מְגַלְּלוֹ? דְּתַנְיָא: "זָבוֹ טָמֵא...  
וְזֹאת" – לְרַבּוֹת מִימִי וְגַלְיוֹ לְטוּמָה.  
וְהַלְאָ דִין הוּא, וּמָה רֹוק נְבָא מִמְּקוּם  
שְׁהָרָה – טָמֵא, מִימִי וְגַלְיוֹ הַבָּאִין**

Granted, according to the opinion of Rav, the *tanna* of the *baraita* does not teach that nasal fluids are impure, as he could not teach it categorically, since sometimes the nasal fluid comes via the mouth, and is impure, and sometimes it comes via the nose, and is not impure. But according to the opinion of Rabbi Yohanan, let the *tanna* teach that nasal fluids are impure.

The Gemara responds: And according to your reasoning, does this *tanna* teach that his phlegm and his mucus are impure? Rather, he taught that saliva is impure, and this includes the impurity of all substances that are derived from its amplification, e.g., his phlegm and his mucus. Here too, with regard to nasal fluids, the *tanna* taught the *halakha* of his saliva, and this includes all substances that are derived from its amplification, including nasal fluids.

The *baraita* teaches that in the case of a *zav* or *zava*, the tears of their eyes and the blood from their wounds, as well as the milk of a *zava*, all transmit the ritual impurity of liquids. The Gemara cites the source for these cases of impurity: The tears of his eye are classified as a liquid, as it is written: “You have fed them with the bread of tears, and given them tears to drink in great measure” (Psalms 80:6). And the blood from his wound is classified as a liquid, as it is written: “And he shall drink the blood of the slain” (Numbers 23:24). Although the verse is referring to the blood of a dead person, and not to the blood of a wound, what difference does it make to me if one killed all of him, and what difference does it make to me if one killed part of him, i.e., wounded him? With regard to the milk of a woman, it too is classified as a liquid, as it is written: “And she opened the bottle of milk, and gave him to drink” (Judges 4:19).

The *baraita* teaches that the urine of a *zav* transmits a severe form of ritual impurity, as do his *ziva* and his saliva. The Gemara asks: From where do we derive that the urine of a *zav* is impure? As it is taught in a *baraita*: The verse states: “When any man has an issue out of his flesh, his issue, it is impure. And this shall be his impurity” (Leviticus 15:2–3). The term “and this” comes to include his urine with regard to a severe form of ritual impurity. The *baraita* asks: And could this not be derived through an *a fortiori* inference? If saliva, which comes from a place of purity, i.e., one’s mouth, whose secretions are not usually impure, is nevertheless impure, then with regard to his urine, which comes

## Perek VII

### Daf 56 Amud a

**מִמְּקוּם טָמֵא – אֵינו דִין שִׁיחַו טָמֵא? זֶה  
הַיּוֹצֵא מִפְּי הַאֲמָה יוֹכֵחַ, שֶׁבָּא מִמְּקוּם  
טָמֵא – וְתַהְוּ, אָרְךָ אֲתָה אֶל תַּתְמָה עַל  
זֶה, שָׁאָף עַל פִּי שְׁבָא מִמְּקוּם טוֹמָה –  
הַיּוֹתֵר טָהָר, תַּלְמָוד לוֹמֵר "זָבוֹ טָמֵא...  
וְזֹאת" – לְרַבּוֹת מִימִי וְגַלְיוֹ לְטוּמָה.**

from a place of impurity, the same place that emits *ziva*, is it not logical that it should be impure? The *baraita* answers: The case of blood that issues from the opening of the penis may prove that this inference is invalid, as the blood comes from a place of impurity and yet it is pure. Likewise, you should not be surprised about this, the urine of a *zav*, that even though it comes from a place of impurity it should be pure. Therefore, the verse states: “When any man has an issue out of his flesh, his issue, it is impure. And this shall be his impurity” (Leviticus 15:2–3). The term “and this” comes to include his urine with regard to the severe form of ritual impurity.

**HALAKHA**

Blood that issues from his mouth or from the opening of the penis – **דָם הַיֹּצֵא מִפְיוּ וּמִפְּנֵי הַאַמָּה**: Blood that flows from the penis of a *zav* or that issues from his mouth is considered like blood from the wound of a *zav*, and it causes ritual impurity only at the level of second-degree ritual impurity. When the Gemara states that the blood in these two cases is ritually pure, it means that it does not transmit impurity as a *zav*, but it does transmit impurity in the manner of impure liquids. This is explicitly stated in the *Tosefta in Zavim* 5:3 (Rambam *Sefer Tahara, Hilkhah Metamei Mishkav UMoshav* 1:16 and *Kesef Mishne* there).

A creeping animal that dried up but its skeleton is intact – **שְׂרֵץ שִׁבְט וְשְׁלֹדוֹ קִימָת**: With regard to the carcass of a creeping animal that dried but its skeleton is intact, since its entire structure is there it transmits ritual impurity. The *halakha* is in accordance with the opinion of Reish Lakish. The Rambam adds: It would seem to me that this impurity applies by rabbinic law (Rambam *Sefer Tahara, Hilkhah She'ar Avot HaTumot* 4:12 and *Kesef Mishne* there).

**BACKGROUND**

Carcass of a creeping animal – **שְׂרֵץ**: There are eight creeping animals, which are small mammals and lizards, whose carcasses impart ritual impurity upon contact (Leviticus 11:29–30). There is no clear oral tradition with regard to the identities of the animals listed in the Torah. Consequently, the determination of their identity involves educated conjecture. Among the suggestions offered are that *ḥoled* is a rat, *akhbar* a mouse, *tzav* a dab lizard, *anaka* a gecko, *koah* a monitor, *leta'a* a lizard, *ḥomet* a skink, and *tinshemet* a chameleon.

**דָם הַיֹּצֵא מִפְיוּ וּמִפְּנֵי הַאַמָּה מִן־דְּתַהֲרָה?**  
דְתַהֲרָה: יְכוֹל הִיא דָם הַיֹּצֵא מִפְיוּ וּמִפְּנֵי  
הַאַמָּה טְמֵאִין – תַּלְמוּד לְמַר זֶבוֹ טְמֵא  
וּמִפְּנֵי הַאַמָּה טְמֵא, אַלְאָ טְהָר.

**וְאִיפּוֹךְ אָנָא!** אָמָר רַבִּי יוֹחָנָן מִשׁוּם רַבִּי  
שְׁמַעַן בֶּן יוֹחָנָן: דְבָמִיא דָרוֹק, מֵה רָוק –  
שְׁמַתְעֵגֵל יוֹצֵא, אַף־כֵּל – שְׁמַתְעֵגֵל יוֹצֵא,  
**יִצְאָ דָם – שָׁאַיִן מִתְעֵגֵל יוֹצֵא.**

**וְהִרְיָה חֶלֶב שְׁבָאָשָׁה, שְׁמַתְעֵגֵל יוֹצֵא.**  
**אָמָר מֶר:** חֶלֶב שְׁבָאָשָׁה – מִטְמָא טוֹמָאת  
מִשְׁקִין. טוֹמָאת מִשְׁקִין – אַיִן, אַבְלָ לֹא  
טוֹמָאת חֶמְרוֹת!

**אַלְאָ אָמָר רַבִּי יוֹחָנָן מִשׁוּם רַבִּי שְׁמַעַן בֶּן**  
**יוֹחָנָן: דְבָמִיא דָרוֹק, מֵה רָוק – מִתְעֵגֵל יוֹצֵא**  
**וְחוֹזֵר וְגַבְלָע, אַף־כֵּל – מִתְעֵגֵל יוֹצֵא וְחוֹזֵר,**  
**וְגַבְלָע, יִצְאָ דָם – שָׁאַיִן מִתְעֵגֵל יוֹצֵא,**  
**וְיִצְאָ חֶלֶב שְׁבָאָשָׁה – שָׁאַיִן עַל פִּי שְׁמַתְעֵגֵל**  
**יוֹצֵא, אַיִן חֹזֵר וְגַבְלָע.**

**וְנִילְבָּז מִזְבוֹן: מֵה זֶבוֹן שָׁאַיִן מִתְעֵגֵל יוֹצֵא –**  
**מִטְמָא, אַף־כֵּל!** אָמָר רַבָּא: מִזְבוֹן לִיבָּא:  
**לִימְלָף – שְׁבָן גָּוָם טוֹמָאת לְאֶחָרִים.**

**וְהַשְּׂרֵץ.** אָמָר רַיִשׁ לְקִישׁ: **שְׂרֵץ שִׁבְט**  
**שְׁלֹדוֹ קִימָת – טְמָא.** וְהַאֲנָן תְּנַן: מִטְמָא  
לְחִינִּים וְאַיִן מִטְמָא יִבְשֵׁי! אָמָר רַבִּי זִירָא:  
**לְאַקְשִׁיא, הָא – בְּכָולָן, הָא – בַּמְקַצֵּן.**

The Gemara asks: From where do we derive that blood that issues from the opening of the penis is pure? As it is taught in a *baraita* concerning a *zav*: One might have thought that blood that issues from his mouth or from the opening of the penis<sup>1</sup> is impure, like his saliva and urine. Therefore, the verse states: “His issue, it is impure” (Leviticus 15:2). The term “it” is an exclusion, indicating that it, *ziva*, is impure, but blood that issues from his mouth or from the opening of the penis is not impure; rather, it is pure.

The Gemara suggests: But perhaps I should reverse the *halakhot*. One could derive from the amplification “and this” that blood issuing from the penis of the *zav* is impure, and from the exclusion “it” that his urine is pure. **Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai:** Urine, rather than blood, should be included among the impure fluids of the *zav*, as it is similar to saliva: Just as saliva is a fluid that first gathers together and then comes out of the mouth, so too, all impure fluids are those that gather together and then come out of the body. Blood is therefore excluded, as it does not first gather together and then come out of the body.

The Gemara objects: But there is the case of the milk that is emitted from a woman, which first gathers together and then comes out of the body, and it should therefore transmit a severe form of ritual impurity, like saliva and *ziva*. And yet the Master said in the aforementioned *baraita*: The milk of a woman transmits the ritual impurity of liquids. One may infer that with regard to the ritual impurity of liquids, yes, it transmits impurity, but it does not transmit a severe form of ritual impurity.

**Rather, Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai:** In order to transmit a severe form of impurity the fluid must be similar to saliva: Just as saliva first gathers together and then comes out of the mouth, and if it is not expectorated it is reabsorbed, so too, all impure fluids first gather together and then come out of the body, and are reabsorbed by the body if they are not emitted. Blood is therefore excluded, as it does not first gather together and then come out of the body. The milk that is emitted from a woman is also excluded, as even though it gathers together and then comes out of the body it cannot be reabsorbed.

The Gemara further objects: But let us derive from the case of *ziva* that both blood and breast milk transmit impurity: Just as his *ziva* does not first gather together and then come out of the body, and yet it transmits impurity, so too, all the fluids of a *zav* should transmit impurity, even if they do not gather together before they are emitted from the body. **Rava said** in explanation: One cannot derive the *halakha* with regard to the blood and breast milk of a *zav* or *zava* from the *halakha* with regard to his *ziva*, as the case of *ziva* is unique in that it causes impurity to others, i.e., to the one who emitted *ziva*.

**§** The mishna teaches: And the carcass of a creeping animal<sup>2</sup> transmits impurity when moist but not when dry. **Reish Lakish says:** With regard to the carcass of a creeping animal that dried up but its skeleton is intact,<sup>HN</sup> i.e., its bone structure remains in place, it is ritually impure. The Gemara asks: But didn't we learn in the mishna that the items it lists, including the creeping animal, all transmit impurity when they are moist, but they do not transmit impurity when they are dry? **Rabbi Zeira said:** It is not difficult. This statement of Reish Lakish, that creeping animals transmit impurity even when dry, is referring to a case where all of the bones are intact. By contrast, that ruling of the mishna, that they do not transmit impurity when dry, is referring to a situation where only part of the bones are intact.

**NOTES**

The carcass of a creeping animal that dried up but its skeleton is intact – **שְׂרֵץ שִׁבְט שְׁלֹדוֹ קִימָת**: The early commentaries suggest various descriptions of this dried creeping animal whose skeleton remains intact. Some say its overall structure is still there, i.e., its

bones have not broken and it retains its form (Rashi). Others explain that its spine appears whole and its ribs are still attached (Rambam *Sefer Tahara, Hilkhah Tumat Met* 3:9; Rambam's Commentary on the Mishna).

דתניא, אמר רבי יצחק ברבי ביסנא.  
אמר רבי שמעון בן יוחי: "בַּהֲם", יכוֹל  
בכָּלֵן? תְּלִמּוֹד לְוֹמֵר "מַהֲם".

אֵי "מַהֲם" – יִכּוֹל בֶּםְקַצְטָן? תְּלִמּוֹד  
לוֹמֵר – "בַּהֲם". הָא פִּיצְדָּן – בְּלַה,  
בְּאָן – בְּבָשָׂר.

אמור ורבא: העני בזבאי דמחוזא, כי שלדי  
קַיִמָּת – טָמֵאיין. ואמר ריש ל'קיש: שְׁרוֹץ  
שְׁנֶשֶׁר וְשְׁלֹדוֹ קַיִמָּת – טָמָא.

מייתיב: נמצא שְׁרוֹץ שְׁרוֹף עַל גַּבְיוֹ  
הַחַיִּים, וּכְן מְתֻלָּת הַמְּהֻהָה – טָהוֹרִין,  
שְׁכָל הַתְּמָמוֹת כְּשִׁיעַת מַצְיאָתָן; אָמָר  
רַב זֵירָא: לֹא קָשֵׁיא, הָא – בְּכָלֵן, הָא –  
בֶּםְקַצְטָן.

דתניא, אמר רבי יצחק ברבי ביסנא  
משום רבי שמעון בן יוחי: "בַּהֲם", יכוֹל  
בכָּלֵן? תְּלִמּוֹד לְוֹמֵר "מַהֲם".

אֵי "מַהֲם" – יִכּוֹל בֶּםְקַצְטָן? תְּלִמּוֹד  
לוֹמֵר – "בַּהֲם". הָא פִּיצְדָּן – בְּאָן –  
בְּשָׁוֹר, בְּאָן – בְּשָׁאינוּ שְׁרוֹף.

This is as it is taught in a *baraita* that Rabbi Yitzḥak, son of Rabbi Bisna, says that Rabbi Shimon ben Yoḥai says: The verse states with regard to creeping animals: “Whoever touches them when they are dead shall be impure until the evening” (Leviticus 11:31). One might have thought that the carcasses of creeping animals transmit impurity only if one comes into contact with all of them, i.e., with creeping animals that are completely intact. Therefore, the verse states: “And upon whatever any of them falls when they are dead shall be impure” (Leviticus 11:32). The term “any of them” indicates that this halakha applies even if one comes into contact with only part of a creeping animal.

If the halakha is derived from the term “of them,” one might have thought that even if one comes into contact with a part of them he is rendered impure. Therefore, the verse states: “Whoever touches them,” which indicates completely intact creeping animals. The *baraita* concludes: How can these texts be reconciled? Here, where the verse indicates that even part of them transmits impurity, it is referring to a moist creeping animal. There, where the verse teaches that only a complete creeping animal transmits impurity, it is speaking of a dry creature.

Rava said: With regard to these lizards of the city of Mehoza,<sup>8</sup> when their skeleton is intact they are impure. The dab lizard is one of the creeping animals listed in the Torah. And Reish Lakish says: With regard to the carcass of a creeping animal that was burned but its skeleton is intact,<sup>9</sup> it is ritually impure.

The Gemara raises an objection from a mishna that indicates a burnt carcass of a creeping animal is pure (*Teharot* 9:9): In a case where a burnt creeping animal was found on top of a pile of olives, and likewise, if the tattered rag of a *zava*<sup>10</sup> was found on a pile of olives, the olives are pure. One is not concerned that the carcass of the creeping animal touched the olives before it was burned or that the rag touched the olives before it became tattered, because with regard to all matters of impurity, it is assumed that when the item in question came into contact with the potential sources of impurity, the potential sources of impurity were in the same state as they were at the time they were found, and a burnt carcass does not transmit impurity. Rabbi Zeira said: It is not difficult; this statement of Reish Lakish refers to a case where all of the bones are intact, whereas that ruling of the mishna is referring to a situation where only part of the bones are intact.

As it is taught in a *baraita* that Rabbi Yitzḥak, son of Rabbi Bisna, says in the name of Rabbi Shimon ben Yoḥai: When the verse states: “Whoever touches them when they are dead shall be impure” (Leviticus 11:31), one might have thought that creeping animals transmit impurity only if one comes into contact with all of them, i.e., with creeping animals that are completely intact. Therefore, the verse states: “And upon whatever any of them falls when they are dead shall be impure” (Leviticus 11:32), indicating that even a part of them transmits impurity.

If the halakha is derived from the term “of them,” one might have thought that even contact with a part of them transmits impurity. Therefore, the verse states: “Whoever touches them.” How can these texts be reconciled? Here, where the verse teaches that only the complete carcass of a creeping animal transmits impurity, it is referring to a burnt creeping animal.<sup>11</sup> There, where the verse indicates that even a part of them transmits impurity, it is referring to the carcass of a creeping animal that is not burnt.

## BACKGROUND

Mehoza – מְחוֹזָא: Mehoza was a large city on the banks of the Tigris River. It served as a major center of commerce, but the Jewish inhabitants’ great wealth corrupted them. Rava, who was the head of the yeshiva in Mehoza, sharply criticized the traits of the inhabitants of the city when he taught them and was often able to point out the corruption in the city, due to his close familiarity with the goings-on there.



Location of Mehoza

## HALAKHA

A creeping animal that was burned but its skeleton is intact – שְׁרוֹץ שְׁנֶשֶׁר וְשְׁלֹדוֹ קַיִמָּת: With regard to the carcass of a creeping animal that was burned but its skeleton is intact, as its entire structure remains intact it transmits ritual impurity. The halakha is in accordance with the opinion of Reish Lakish. The Rambam notes: It would seem to me that this impurity applies by rabbinic law (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 4:12 and *Kesef Mishne* there).

A burnt creeping animal was found on top of a pile of olives and likewise the tattered rag of a *zava* – שְׁרוֹף עַל גַּבְיוֹ חַיִּים בְּן מְתֻלָּת כְּהוֹתָא: With regard to a burnt creeping animal that was found on top of food, and likewise an impure, worn-out rag of a *zava* that was found among vessels, the food is ritually pure whether it is in the public or in the private domain. One does not need to be concerned that the creeping animal was burned after it touched the food, or that the rag came into contact with the other vessels before it wore out and became pure, as it is presumed that all ritually impure items had already been in the same state they were in at the time they were found (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 15:10).

## NOTES

Here it is referring to a burnt creeping animal, etc. – בְּאָן בְּשָׁוֹר, בְּאָן – בְּשָׁאינוּ שְׁרוֹף:  
כִּי: Although Rabbi Yitzḥak, son of Rabbi Bisna, earlier interpreted these verses in a different manner, as referring to moist and dry creatures, this is not a contradiction. The reason is that these two expositions are one and the same, as a burnt creeping

animal is equivalent to a dry one, and the halakha in both cases is derived from the word “them.” Likewise, an animal that is not burnt and one that is moist are the same, and both of these are derived from the term “of them” (Rashba).

**HALAKHA**

How much time is their soaking in lukewarm water – **כִּיְהָ הִיא שְׁרִיקַת בְּפֹשֶׁרֶן**: The ziva and saliva of a *zav* transmit impurity only when they are moist, but not when they are dry. To what extent is this the case? If one could soak them for a twenty-four-hour period to restore them to their previous state, they transmit impurity provided the water is lukewarm at the beginning of the soaking, even if it is not lukewarm at the end. This *halakha* is in accordance with the opinion of Yehuda ben Nekosa and is learned by tradition (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 2:1).

The carcass of a creeping animal that was found in an alleyway – **הַשְׁרֵץ שְׁנִמְצָא בָּמְבוֹי**: The carcass of a creeping animal that was found in an alleyway transmits ritual impurity retroactively, from the time about which one would state before the court: I examined this alleyway on such-and-such a day and there was no creeping animal in it. Even in a case where one swept the alleyway, if he neglected to examine it, the creeping animal transmits ritual impurity retroactively, from before the time of sweeping. This is the *halakha* only if the creeping animal was found dry; if it was found moist it transmits impurity retroactively only from when it could have died and still been moist when it was found. The *halakha* is in accordance with the opinion of Rabbi Shimon, as explained by Rabbi Elazar in the Gemara (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 18:4).

**BACKGROUND**

**Alleyway – נַבְוֵי:** The alleyway mentioned in the Talmud refers to one that is open to the public domain, and whose walls are those of courtyards or houses that open up to the alleyway. An open alleyway is one that leads to a public domain at both ends. Although it is widely used as a passageway between main streets, it itself is too narrow to serve as a public thoroughfare and is therefore not considered a public domain. An enclosed alleyway refers to one that is closed with a wall on one end and whose open end leads to the public domain.

§ **בְּמַטְמָאִין לְחַיִּין. זֶב – דְּכִתְבֵּי זֶב  
בְּשָׂרוֹ. כִּיחַדְוָנוּ וְרוֹקָן – דְּכִתְבֵּי כִּיחַדְוָנוּ וְרוֹקָן.**

**שְׁרֵץ – בְּמַמְוֹתָם** אמר ר' חַמְנָא, בַּעֲנָן  
מִיתָּה. שְׁכַבְתָּזְעָ – הָרָאוּה לְהַזְוִיעַ.  
נְבָלָה – דְּכִתְבֵּי כִּימָות – בַּעֲנָן  
מִיתָּה.

**אִם יָכוֹלָן לְהַשְׁרֹות. בַּעֲנָן ר' יַרְמֵיהַ:  
תְּחִילָתוֹ וְסֻופּוֹ בְּפֹשֶׁרֶן, או דְּלָמָא  
תְּחִילָתוֹ אַךְ עַל פִּי שָׁאַן סֻופּוֹ?**

**הַא שָׁמַע דְּתַנְיָה: כִּיְהָ הִיא שְׁרִיקַת  
בְּפֹשֶׁרֶן? יְהוּדָה בֶּן נְקוֹסָא אָוֹמֵר: מֵעֵית  
לְעֵית, תְּחִילָתוֹ אַךְ עַל פִּי שָׁאַן סֻופּוֹ.  
רַבָּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אָוֹמֵר: אַרְבִּין  
שִׁיחַו פּוֹשֶׁרֶן מֵעֵית לְעֵית.**

**ר' יוֹסֵי אָוֹמֵר בְּשָׂר הַפְּתָת** כ"ו. אָמֵר  
שְׁמוֹאֵל: טָהוֹר מַלְטָמָא בְּכִזְוֹת, אַבְלָל  
מַטְמָא טוֹמָאת רַקְבָּת. תְּנִיא נָמֵי הַכִּיר, ר' יוֹסֵי  
אָוֹמֵר בְּשָׂר הַפְּתָת שִׁיבָּשׂ וְאַין יָכוֹל  
לְשָׁרוֹת וְלְחַזּוֹר בְּמֹתָת שְׁהִיחָה – טָהוֹר  
מַלְטָמָא בְּכִזְוֹת, אַבְלָל טָמָא טוֹמָאת  
רַקְבָּת.

**מְתַנִּי** הַשְׁרֵץ שְׁנִמְצָא בָּמְבוֹי –  
מַטְמָא לְמַפְרָעָ, עַד שִׁיאָמָר "בְּרָקָתִי  
אֶת הַפְּנֵבוֹ הַזֶּה, וְלֹא הַזֶּה בְּ שְׁרֵץ",  
או עַד שָׁעַת כְּבוּד.

§ The mishna teaches that the *ziva* of a *zav*, the mucus and saliva of a *zav*, the carcass of a creeping animal, an animal carcass, and semen all **transmit impurity** when they are **moist**, but they do not transmit impurity when they are dry. The Gemara cites the sources for these *halakhot*: The *ziva* of a *zav* transmits impurity only when moist, as it is written: “His flesh runs with his issue” (Leviticus 15:3), which is referring to a moist discharge. His phlegm and his mucus and his saliva likewise transmit impurity only when moist, as it is written: “And if one who has an issue spits” (Leviticus 15:8), which is referring to a substance that is like saliva, which is moist.

The carcass of a creeping animal transmits impurity only when moist, as the **Merciful One** states: “Whoever touches them when they are dead shall be impure” (Leviticus 11:31). This indicates that they transmit impurity when they are in a state **similar to** their state at the time of **death**, when creatures are still moist. Semen transmits impurity only when moist, as it must be fit to inseminate. An animal carcass transmits impurity only when moist, as it is written: “And if any animal of which you may eat dies, he who touches its carcass shall be impure until the evening” (Leviticus 11:39), which teaches that the carcass transmits impurity when it is in a state **similar to** its state at the time of **death**.

§ The mishna teaches that if one could soak those dry substances in water and restore them to their previous state they would transmit impurity both when moist and when dry. The mishna further teaches that this is referring to soaking them in lukewarm water for a twenty-four-hour period. **Rabbi Yirmeya** raises a dilemma: Does the mishna mean that the soaking must be performed in lukewarm water from the **beginning** of the soaking until its **end**, or perhaps it is sufficient if the water is lukewarm at the **beginning** of the soaking, even if at the **end** of the soaking the water is not lukewarm?

The Gemara explains: Come and hear, as it is taught in a *baraita*: How much time is their soaking in lukewarm water?<sup>H</sup> **Yehuda ben Nekosa**<sup>P</sup> says: This is referring to a twenty-four-hour period, and it is sufficient if the water is lukewarm at its **beginning**, even if it is not lukewarm at its **end**. **Rabban Shimon ben Gamliel** says: The water **must be lukewarm** for the entire twenty-four-hour period.

§ The mishna teaches that **Rabbi Yosei** says: With regard to the **flesh of a corpse** that is dry and cannot be soaked to restore it to its previous state, it is ritually pure. **Shmuel** says: It is pure from transmitting **impurity** by the amount of an olive-bulk, but if there is a ladleful of the flesh it **transmits the impurity of the decayed flesh of a corpse**. This is also taught in a *baraita*: **Rabbi Yosei** says: With regard to the **flesh of a corpse** that dried up and cannot be soaked and restored to its previous state, it is ritually pure from transmitting **impurity** by the amount of an olive-bulk, but it is impure with the **impurity of the decayed flesh of a corpse**.

**MISHNA** The carcass of a creeping animal that was found in an alleyway<sup>H8</sup> renders pure items **impure retroactively**. All items that passed through that alleyway from the time about which one may state: I examined this alleyway and there was no carcass of a creeping animal in it, or from the time of the sweeping of the alleyway, are impure.

**PERSONALITIES**

**Yehuda ben Nekosa** – יְהוּדָה בֶּן נְקוֹסָא: Rabbi Yehuda ben Nekosa, who is sometimes referred to without his title, lived in the generation of his apparently older peer, Rabbi Yehuda HaNasi. Like many Sages of his generation, he studied under Rabbi Yehuda HaNasi's tutelage. Nevertheless, Yehuda ben Nekosa transmitted Torah in the name of other Sages who lived in the previous generation,

who were apparently his primary teachers. The statements of Rabbi Yehuda ben Nekosa are cited in both the Jerusalem Talmud and the Babylonian Talmud. The Midrash relates that he argued with the heretics of his day and was victorious in his debates with them.

**ובן בתרם שונמץ' באחלה – מטמא לimpure,**  
עד שיאמרו "בפרקוי אמת התחלה הזה, ולא  
היה בו בתרם", או עד שעת הקבוס.

**ומטמא בין לח בין יבש. רבינו שמעון אומר:**  
**היבש – מטמא לimpure, והלח – אין**  
**מטמא אלא עד שעת שהיא יכולה להחזרו**  
**וליהיות לה.**

**גמ' איבעיתא להו: עד שעת בבודחוκתו?**  
**ברוק, או דלמא חיקתו מתקבֵד?**

**ומאי נפקא מינה – ר' אמר "כבוד ולא**  
**בדק". אי אמרות חיקתו בדוק – ה' לא**  
**ברוק, אי אמרות חיקתו כבוד – ה'**  
**מתכבד.**

And likewise, a blood stain that was discovered on the robe<sup>b</sup> of a woman renders her impure retroactively. Any pure items that she handled from the time about which one may state: I examined this robe and there was no blood stain on it, or from the time of the laundering of the robe, are impure.

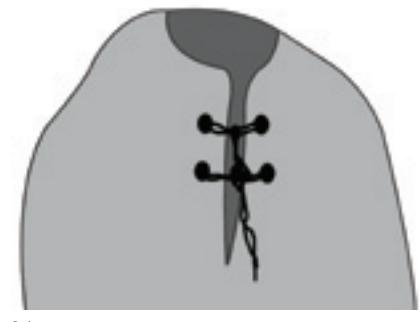
And the carcass of a creeping animal or a blood stain renders items impure retroactively whether they are still moist or are already dried out. Rabbi Shimon says: The dry one renders items impure retroactively, but the moist one does not render items impure from the aforementioned times, but only from such a time that it could still be moist from then up to the moment it was discovered.

**GEMARA** With regard to the case of the carcass of a creeping animal that was found in an alleyway, a dilemma was raised before the Sages: The mishna teaches that any pure items that passed through that alleyway from the time of the sweeping of the alleyway are impure. Does this mean that once the alleyway is swept its presumptive status is that it has been examined, as it is examined during the sweeping and any impure item would have been discovered, and therefore any pure items that passed through the alleyway beforehand remain pure? Or perhaps the mishna means that once the alleyway is swept its presumptive status is that it has been entirely swept, and therefore any creeping animal would have been removed by the sweeping.

The Gemara asks: And what is the practical difference that arises from this dilemma? The Gemara answers: There is a difference in a case where the one who swept the alleyway said he swept it but did not examine it. If you say that items that were present in the alleyway before it was swept remain pure because the presumptive status of a swept alleyway is that it has been examined, in this case the man explicitly said that he did not examine it, so it does not have this presumptive status. By contrast, if you say that the items remain pure because the presumptive status of the alleyway is that it has been completely swept, in this case too it has been swept, and therefore the items that were present earlier remain pure.

## BACKGROUND

**Robe [haluk] – חילוק:** A haluk is a garment whose upper half is divided [mehulak] into two. The upper part of the garment, which is tied together with lacing, is called the key of the robe.



Robe

## Perek VII

### Daf 56 Amud b

**אי נמי – דאותפה בוגמא. אי אמרות**  
**חיקתו בדוק, מאן דברך – בוגמא נמי**  
**ברוק, אי אמרות חיקתו מתקבֵד – גומא**  
**לא מתכבד.**

Alternatively, there is a difference between these explanations in a case where the creeping animal was found in a hole in the ground. If you say the presumptive status of a swept alleyway is that it has been examined, it is clear that one who examines the alleyway also examines any holes, and any items that were in the alleyway beforehand should remain pure. By contrast, if you say its presumptive status is that it has been completely swept, this applies only to items that are on the ground, whereas a hole is not considered to have been swept. Consequently, even items that passed through the alleyway before it was swept should be deemed impure.

**ובן הבתרם" וכו'. איבעיתא להו: עד שעת**  
**בבוס חיקתו בדוק, או דלמא חיקתו**  
**מתכבד?**

The mishna teaches: And likewise, a blood stain that was discovered on the robe of a woman renders her impure retroactively. With regard to this halakha as well a dilemma was raised before the Sages: The mishna states that any pure items the woman handled from the time of laundering are impure. Does this mean that once the robe has been laundered its presumptive status is that it has been examined, as when it is laundered it is examined thoroughly, and any blood stain would have been discovered? Or perhaps the mishna means that its presumptive status is that it is thoroughly laundered, and any blood stain would have been removed by the laundering.

**HALAKHA**

The appearance of a stain after the laundering is not similar to the appearance...before the laundering – **אינו דומה כתם של אחר הכבוס...שלפני הכבוס**: In a case of a woman who wore a robe while she was menstruating and it was laundered, and she subsequently wore it again when she was ritually pure without examining it, if it was laundered by a Jewish woman who is not present and one can ask her, she is presumed to have examined it when laundering and therefore it cannot be assumed that the blood stain was from when the owner of the robe was menstruating. If the woman who laundered it is present and says that she did not examine the robe, its owner may presume that the blood stain was there beforehand and was not removed by the laundering. The same applies if it was laundered by a Canaanite maid-servant or a gentile woman, even if they are not present, as they are not presumed to have examined it when laundering. In a case where the owner knows how to discern between different types of blood stains, if the stain passes through the robe it was evidently present before laundering, and if it remains hard on the outside, it came after laundering. If she is not expert in this examination she must be stringent. It should be noted that the *Shulhan Arukh* follows a different interpretation of the terms *makdir* and *maglid* than Rashi. The halakha is in accordance with the opinion of Rabbi Yehuda HaNasi (*Shulhan Arukh, Yoreh De'a* 190:46, and see 47).

**LANGUAGE**

Penetrates [*makdir*] – **מַקְדִּיר**: The basic meaning of this root is unclear. Some explain that *kadar* refers to a hole that has been bored [*nekev*], or to a deep insertion. Others claim it belongs to the category of roots that can have opposite meanings, and therefore *kadar* can mean shine as well as darkness. Alternatively, it means to heat or boil, which leads to the common term *kedeira*, a pot used for cooking.

Forms a crust [*maglid*] – **מַגְלִיד**: The root *gimmel, lamed, dalet* has several meanings, first and foremost of which is a description of the skin covering human flesh, as in the verse: "I have sewed sackcloth on my skin [*gildi*] and have laid my horn in the dust" (Job 16:15). From this, its meaning has extended to refer to any substance that hardens as a membrane. Accordingly, part of the healing process of a wound on the human body is called *hagla*, which refers to the scab that covers it.

**NOTES**

This stain penetrates [*makdir*] the garment and that stain forms a crust [*maglid*] – **זה מקידר וזה מגליד** – **רבי יהודה הנזיר** does not clarify which of the types of blood stain is which. Furthermore, the terms *makdir* and *maglid* are left unexplained. Rashi states that *makdir* refers to a blood stain that was caused after laundering, and it means the stain penetrated the garment, whereas *maglid* refers to a blood stain that was on the garment before laundering, which hardens over the outside of the garment. Others maintain that *makdir* means the blood stain darkens, which occurs after laundering. Yet others explain that *makdir* means only a thin blood stain is visible in the material of the garment, and this indicates that the stain was already laundered, whereas *maglid* means a thicker blood stain is visible above the fabric, which indicates that the staining occurred after the laundering (Ramban; Rashba).

**למי נפקא מינה –** **דאמר כייס ולביק, אי אמרת חיקתו בדוק –** **הא לא בדק, אי אמרת חיקתו מתקבב –** **הא מתקבב.**

**אי נמי, דاشתכחתה בסטרוא. אי אמרת חיקתו בדוק –** **מאן בדק, בסטרוא נמי בדק, אי אמרת חיקתו מתקבב –** **סטרוא לא מתקבב.**

The Gemara asks: What is the practical difference that arises from this dilemma? The Gemara replies: There is a difference in a case where the person who laundered the robe said he laundered it but did not examine it. If you say its presumptive status is that it has been examined, in this case the man explicitly said that he did not examine the robe, so it does not have this presumptive status. By contrast, if you say its presumptive status is that it is thoroughly laundered, in this case too it has been laundered.

Alternatively, there is a difference between these explanations in a case where the blood stain was found on the side of the robe, in an area where there are folds and stitches. If you say its presumptive status is that it has been examined, it is clear that one who examines the robe also examines the side of the robe, and therefore any items that the woman handled before the robe was laundered should remain pure. By contrast, if you say its presumptive status is that it is thoroughly laundered, this applies only to the main part of the robe, but on its side it is not laundered thoroughly enough to remove a blood stain.

**מאי? תא שמע, דתנייא, אמר רבי מאיר:**  
**מן פניה אמרו הרשות שנמצאה במבו –**  
**מטמיא למפער, עד שלא אמר ברקתי את החובוי הזה, ולא היה בו שערץ,** או עד שעת בירור? **מן פניה שחוקת בתני ישראל בודקין מבאותיהם בשעת כבודיהם, ואם לא בדקו – הפסידו למפער.**

**ומפני מה אמרו כתם שנמצא בחלוקת מטמיא למפער, עד שלא אמר ברקתי את החלוק ולא היה בו כתם,** או עד שעת הכבוס? **מן פניה שחוקת בתני ישראל בודקין חילוקין בשעת כבודיהם, ואם לא בדקו – הפסידו למפער.**

**רבי אחא אמר: תחוור ותכפسنו, אם נראה מראיתו – בירוע של אחר כבוס, אם לאו – בידוע שלפני הכבוס.**

**רבי אומר: אינו דומה כתם של אחר הכבוס לכתם שלפני הכבוס,** **מיקידר וזה מגלייד. שמע מינה: חיקתו בדוק, שמע מיפה.**

What is the halakha with regard to these two dilemmas? Come and hear, as it is taught in a baraita that Rabbi Meir says: For what reason did the Sages say that the carcass of a creeping animal that was found in an alleyway renders pure items impure retroactively from the time about which one may state: I examined this alleyway and there was no creeping animal in it, or from the time of the sweeping of the alleyway? It is due to the fact that there is a presumption with regard to Jewish people that they examine their alleyways at the time of their sweeping. And therefore, if they did not examine the alleyway they retroactively lose the purity of any items that were there from the last time it was examined.

And similarly, for what reason did the Sages say that a blood stain that was found on the robe of a woman renders her impure retroactively from the time about which one may state: I examined the robe and there was no blood stain on it, or from the time of the laundering of the robe? It is due to the fact that there is a presumption with regard to the Jewish women that they examine their robes at the time of their laundering. And therefore, if they did not examine the robe they retroactively lose the purity of any items they handled since it was last examined.

Rabbi Aha says: Even in a case where the robe was not examined when it was laundered and a blood stain was subsequently found on it, and it is unknown whether the stain was present before the laundering, there is a remedy to the dilemma: Let her launder it again. If the appearance of the blood stain changes as a result of this laundering it is known that the robe became stained after the previous laundering, which is why the present laundering affected its appearance. Consequently, those pure items that the woman handled before the earlier laundering remain pure. And if the blood stain's appearance does not change due to the second laundering it is known that the robe became stained before the previous laundering, and therefore the items that she handled before the laundering are impure.

Rabbi Yehuda HaNasi says: One can differentiate between a blood stain that was on the robe before it was laundered and one that stained the robe afterward by inspecting the stain itself. This is because the appearance of a blood stain after the laundering is not similar to the appearance of a blood stain before the laundering,<sup>H</sup> as this stain, from after the laundering, penetrates [*makdir*]<sup>L</sup> the garment, and that stain, from before the laundering, forms a crust [*maglid*]<sup>LN</sup> that can be scraped off the robe. With regard to the Gemara's dilemma, one may conclude from Rabbi Meir's statement that the presumptive status of a swept alleyway or a laundered robe is that it has been examined. The Gemara concludes: Indeed, conclude from it that this is so.

**וְמַטָּמָא בֵּין לְחִ' וּבִ' וְבִ' אֲלֹעֲזָה:**  
לֹא שָׁנו – אֶלְאָ שָׂרָץ, אֶבֶל כַּחֲם לְחִ'  
**בְּנֵי מַטָּמָא לְמַפְרָע,** אִيمְרָה בְּשָׁהָה וּמִיא  
**נַפְלֵל עַלְיהָ.**

§ The mishna teaches: **And the carcass of a creeping animal or a blood stain renders items impure retroactively whether** they are still **moist** or are already dried out. Rabbi Shimon says: The dry one renders items impure retroactively, whereas the moist one does not render items impure since the aforementioned times, but only from such a time that it could still be moist from then up to the moment it was discovered. With regard to the opinion of Rabbi Shimon, **Rabbi Elazar says:** The mishna taught this halakha only with regard to the carcass of a creeping animal, but Rabbi Shimon concedes that a moist blood stain also renders the woman impure retroactively<sup>h</sup> from the time that the robe was examined. This is because one can say the blood stain was dry beforehand and water fell upon it, causing it to become moist.

**שָׂרָץ נַمֵּי, אִימְרָה: יִבְשֵׁה הָהָה וּמִיא נַפְלֵל עַלְיהָ!** אָם אִתְּא דְּחַכִּי הוּא – אַמְרָתוּתִי אִימְרָתִי.

**מַתְנִי** **כָּל הַכְּתָמִין הַבָּאִין מַרְקָם** –  
טָהֹרוֹן. **רַבִּי יְהוּדָה מַטָּמָא,** מַפְנֵי שָׁהָם גְּרִים וּטוּעִין. **הַבָּאִין מִבֵּין הַגּוּם – טָהֹרוֹן.** **מִבֵּין יִשְׂרָאֵל וּמִבֵּין הַפּוֹתִים – רַבִּי מְאֵיר** מַטָּמָא, וְחַכְמִים מַטָּהָרִים, מַפְנֵי שָׁלָא. **נַחֲשָׁדוּ עַל כְּתָמֵיהֶן.**

The Gemara asks: With regard to the moist carcass of a **creeping animal as well**, one can say **it was dried out beforehand and water fell on it**. It should therefore render items impure retroactively from the time that the alleyway was swept. The Gemara answers: **If it is so, that this is** what occurred, the dead creeping animal **would be sundered apart** and would not have its current appearance.

**MISHNA** Any blood stains on garments that come from the town of Rekem<sup>b</sup> are ritually pure, as most of the residents there are gentiles, and the blood stains of gentile women are not ritually impure. **Rabbi Yehuda deems** those stains **impure because** in his opinion the residents of Rekem are not gentiles; rather, **they are converts** whose halakhic status is that of Jews, **but they are misguided** and do not put away their blood-stained garments. The blood stains on garments that come from among the gentiles<sup>h</sup> are ritually pure. With regard to blood stains on garments that come from among the Jews and from among the Samaritans,<sup>b</sup> **Rabbi Meir deems them impure**, as they may have come from the Jews. And the Rabbis deem them ritually pure due to the fact that Jews are not suspected of failing to put away their garments on which there are blood stains.

## HALAKHA

A moist stain also renders her impure retroactively – **כַּחֲם לְחִ' נַמֵּי מַטָּמָא לְמַפְרָע:** If a woman sees a blood stain on her body she is impure retroactively from her last examination. Similarly, if a blood stain is found on the garment of a woman it is impure retroactively from the time about which she can say: I examined this robe and there was no blood stain on it. Even in a case where she laundered the robe, if she did not examine it then the robe is impure retroactively from the most recent examination. Furthermore, even if the blood stain was moist when found, it transmits ritual impurity retroactively from the moment of the examination of the robe, as it is assumed the stain was present from that moment onward and is moist now because water fell on it, as stated by Rabbi Elazar (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 3:7).

The stains on garments that come from among the gentiles – **הַבָּאִין מִבֵּין הַגּוּם:** Blood stains on garments that come from among the gentiles have the presumptive status of ritual purity (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:10).

## BACKGROUND

**Rekem – רְקֵם:** The location of Rekem is not entirely clear from the sources, as it is mentioned infrequently. Nevertheless, most Aramaic translations of the Torah render Kadesh Barnea (see, e.g., Deuteronomy 1:2) as Rekem. If so, it is a city in the southeastern part of Eretz Yisrael, near the ancient Nabatean site of Petra. Apparently, after this area was conquered by the Hasmoneans and its inhabitants converted to Judaism it became a place of Jewish settlement. It can therefore be used as a marker of the southern border of Eretz Yisrael.

**Samaritans [Kutim] – כּוֹתִים:** The name *Kutim* refers to the members of the nations, only some of whom were actually from Kuta, who were brought to Eretz Yisrael by the Assyrian kings to replace the Jews exiled from there. These gentiles settled in Samaria and are therefore also known as Samaritans. It is related in II Kings, chapter 17, that they accepted upon themselves some of the strictures of Judaism only out of fear of lions that were attacking them. For this reason some of the Sages maintained their conversion was invalid and therefore their halakhic status is that of gentiles. Apparently, they also did not entirely abandon idolatry.

At the beginning of the Second Temple era, when the Jews returned from Babylonia, relations with the Samaritans and their allies deteriorated. The Samaritans attempted to prevent and undermine the construction of the Temple and the wall of Jerusalem by a host of means, including informing on the Jews to the Persian government and even taking military action. During this period there was also assimilation and intermarriage between Jews and Samaritans. Later, the Samaritans established a center of worship on Mount Gerizim, as they claimed that the sanctity of

that mountain was established in the Torah. Over time, attitudes toward the Samaritans fluctuated: There were periods when deep feelings of hatred separated Samaritans and Jews. Yohanan Hyrcanus even waged war against Samaria and destroyed their temple on Mount Gerizim. In other eras there was some measure of cooperation between the two communities, such as during the bar Kokheva revolt.

The Sages initially disagreed over the halakhic status of the Samaritans and the validity of their conversion. Ultimately, the opinion prevailed that halakhically the Samaritans are gentiles, especially after it was discovered that they persisted in various idolatrous practices, which was partly due to Greek and Roman influences.



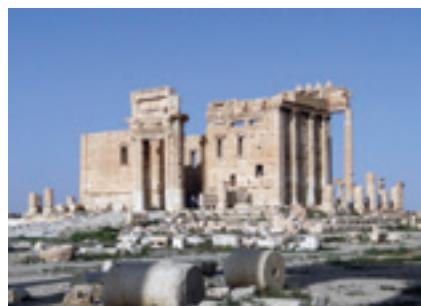
Mount Gerizim

## BACKGROUND

**Tarmod – תרמוד:** The city of Tarmod, or Tadmor, known in English as Palmyra, is located in an oasis in the Syrian desert. Tadmor is an ancient city whose name dates back thousands of years. In the Bible the city is also called Tamar, meaning palm. For many generations Tadmor was an important center of commerce and served as a crossroads for different trading routes across Syria, Arabia, and Babylonia.

The Bible relates that King Solomon built and fortified Tadmor (see I Kings 9:18–19; II Chronicles 8:4). This is the source for the claim that Solomon's bond servants lived there, as well as the reason for the Jewish influence on the city's religion and culture.

The kingdom of Tadmor grew powerful in the middle of the third century CE, as its ruler, Odaenathus, called Papa bar Nasser in the Gemara, established Tadmor as a great power under Roman patronage, along with his wife, Zenobia. Papa bar Nasser destroyed the city of Neharde'a, and his wife even reigned over Eretz Yisrael. Apparently, the Jews opposed these rulers and treated them with hostility and contempt. In the year 273 CE the Roman emperor Aurelian conquered Tadmor, and from that point onward its influence waned considerably. Nevertheless, although it has been conquered and partially destroyed several times, certain parts of the city remain standing to this day.



Ruins of ancient temple in Palmyra

גַּם קָפֵסִיק וְתַנִּי, אַפִּילוּ מִתְרָמוֹד! אָמֵר  
רַבִּי יוֹחָנָן, זֹאת אֲוֹמֶרֶת: מַקְבֵּלִין גְּרִים  
מִתְרָמוֹד.

אֵין, וְהִא רַבִּי יוֹחָנָן וּסְבִיא דְּאָמָרִי תְּרוּיָה:  
אֵין מַקְבֵּלִין גְּרִים מִתְרָמוֹד!

כִּי תִּימָא: "זֹאת", וְלֹא סְבִיא לִיה֒, וְהִא מָרֵ  
רַבִּי יוֹחָנָן: הַלְּכָה כְּסֵתָם מִשְׁנֵת!

אֲמֹרָא יִנְהָהוּ, וְאַלְכָא דְּרַבִּי יוֹחָנָן.

מִבֵּין יִשְׂרָאֵל וּכְךָ. וּרְבָנָן, אֵי דִי שִׁירָאֵל  
מִטְהָרִי, דְּמָאוֹן מִטְמָאוֹ?

חַפּוּרִי מִתְחָרְאָא, וְהִכְּקָתְּבִי: מִבֵּין יִשְׂרָאֵל –  
טָמֵא. מִבֵּין הַפּוֹתִים – רַבִּי מַאיָּר מִטְמָא,  
דְּכֽוֹתִים גָּרִי אֲמָתָה הָןְןָ. וְחַכְמִים מִטְהָרִי,  
דְּכֽוֹתִים גָּרִי אֲמִינָה הָןְןָ.

אֵי הַכִּי, "שְׁלָא נְחַשְׂדוּ עַל בְּתֵמִיחָן" – גָּרִי  
אֲמִינָה" מִבְעַד לִיה֒!

אַלְאָ הַכִּי קָאָמָר: מִבֵּין יִשְׂרָאֵל וּמִבֵּין  
הַפּוֹתִים – טָמֵאִי, דְּכֽוֹתִים גָּרִי אֲמָתָה הָןְןָ.  
הַגְּמַצְעָן בְּעֵרִי יִשְׂרָאֵל – טָהוֹרִין, שְׁלָא  
נְחַשְׂדוּ עַל בְּתֵמִיחָם, וְאַצְנוּשִׁי מִצְנְשִׁי לְהָוֹה.

**GEMARA** The mishna categorically teaches that any blood stains on garments that come from among the gentiles are ritually pure, thereby indicating that this applies even to garments that come from among the gentile population of Tarmod.<sup>8</sup> Rabbi Yoḥanan says: That is to say, one may accept converts from Tarmod, i.e., there is no concern with regard to whether they are actually Jews of flawed lineage, who may not marry Jews of fit lineage.

The Gemara asks: Is that so? But aren't there Rabbi Yoḥanan and the Elders who both say that one may not accept converts from Tarmod? This is due to a concern that the daughters of the ten tribes exiled during the First Temple period might have intermingled with them, and according to Rabbi Yoḥanan the offspring of a Jewish woman and a gentile is a *mamzer*, who may not marry a Jew of fit lineage.

And if you would say that Rabbi Yoḥanan merely infers that this is the opinion of the mishna, as indicated by the term: That is to say, but he himself does not hold accordingly, that is not so. Didn't Rabbi Yoḥanan say a principle that the *halakha* is in accordance with the ruling of an unattributed mishna, as is the case here?

The Gemara answers: They are *amora'im*, and they disagree with regard to the opinion of Rabbi Yoḥanan. According to one *amora*, Rabbi Yoḥanan maintains that converts from Tarmod are not accepted, and he did not state that it is a principle that the *halakha* is in accordance with the ruling of an unattributed mishna. According to another *amora*, Rabbi Yoḥanan holds that the *halakha* is in accordance with the unattributed mishna, and therefore one may accept converts from Tarmod.

¶ The mishna teaches with regard to blood stains on garments that come from among the Jews and from among the Samaritans that Rabbi Meir deems them impure, and the Rabbis deem them ritually pure. The Gemara asks: But with regard to the opinion of the Rabbis, if they deem stains that come from a Jewish woman pure, whose stains do they deem impure?

The Gemara answers: The mishna is incomplete and this is what it is teaching: Everyone agrees that blood stains on garments that come from among the Jews are impure. With regard to blood stains that come from among the Samaritans, Rabbi Meir deems them impure, as he maintains the Samaritans are true converts and have the halakhic status of Jews, whose blood stains are impure. And the Rabbis deem them ritually pure, as they maintain the Samaritans are converts who converted under duress due to the threat posed by lions, and therefore their conversion is void, and their halakhic status is that of gentiles.

The Gemara asks: If so, why does the mishna state that according to the Rabbis the blood stains of the Samaritans are ritually pure due to the fact that they are not suspected of failing to put away their garments on which there are blood stains? The mishna should state that their blood stains are pure, as they are converts who converted due to the threat of lions.

Rather, this is what the mishna is saying: Blood stains on garments that come from among the Jews and from among the Samaritans are ritually impure, as everyone agrees the Samaritans are true converts. With regard to blood stains that are found in the towns of Jews,<sup>9</sup> they are pure, as they are not suspected of failing to put away their garments on which there are blood stains, and they certainly put them away. Therefore, the stains necessarily come from gentiles.

## HALAKHA

Stains that are found in towns of Jews – חַמְצָעָן בְּעֵרִי יִשְׂרָאֵל: garments on which there are blood stains (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:10).

הנְמַצָּאִין בָּשָׂרִים כּוֹתִים – רַבִּי מֵיר מַטְהָרִין.  
ונְחַשְׁדוּ עַל בְּתִימָה. וְחַכְמָם מַטְהָרִין.  
שֶׁלֹּא נְחַשְׁדוּ עַל בְּתִימָה.

**מתני'** כל הבתמים הנמצאים בכל מקום – טהורים, חוץ מן הנמצאים בחדרים בסביבות בית הטמאות.

בית הטמאות של כותים מטהרין באלה,  
בפני שם קוברין שם את הנפלים.  
רביה יהודה אומר: לא היו קוברין, אלא  
משליךין, וחיה גורתו.

נאמנים לומר "קברנו שם את הנפלים",  
או "לא קברנו". נאמנים לומר על הבאה  
אם בכלה אם לא בכלה. נאמנים על ציון  
קובנות.

ואין נאמניין לא על הסכבות, ולא על  
הפרעות, ולא על בית הפרס.

זה הכלל: דבר שחוודים בו – אין נאמניין  
עליו.

The Gemara continues paraphrasing the mishna: With regard to blood stains that are found in the towns of Samaritans, Rabbi Meir deems them impure, as the inhabitants are suspected of failing to put away their garments on which there are blood stains. And the Rabbis deem them pure, as they maintain that even Samaritans are not suspected of failing to put away their garments on which there are blood stains, and the stains are necessarily from gentiles.

**MISHNA** All blood stains on garments that are found anywhere<sup>H</sup> where Jews and gentiles reside are ritually pure, since they must not belong to Jews, who put away their stained garments. This is the halakha except for the stained garments that are found in the inner rooms of the house, as these might be garments that the Jews put away there; and except for the stained garments found in proximity to the house of impurity, i.e., the room that women used when they were impure due to menstruation.

**The house of impurity of Samaritans imparts the impurity** that is imparted by a corpse by means of a tent,<sup>B</sup> due to the fact that they bury the stillborn children there. Rabbi Yehuda says: The house of impurity of Samaritans does not impart that impurity, as they would not bury a stillborn child there. Rather, they would cast it outside and an animal would drag it away.

Samaritans are deemed credible to state: We buried the stillborn children there, in a certain place, and it transmits ritual impurity; or to state: We did not bury the stillborn children there, and it does not transmit ritual impurity. They are likewise deemed credible to state about an animal whether it previously gave birth or whether it did not previously give birth; and their testimony is accepted with regard to determining whether the animal's offspring has the status of a firstborn animal,<sup>B</sup> which is sacred. They are also deemed credible to testify about the marking of graves, i.e., that where they marked is deemed a grave and where they did not mark is deemed a place where there is no grave.

But with regard to the following cases, in which the exact location of a grave is unknown, the Samaritans are not deemed credible to testify: They are not deemed credible to testify about the overhanging boughs, nor about the protrusions<sup>N</sup> that jut out of stone fences and cover the ground. If it is unknown which bough or protrusion hangs over a grave, forming a tent that transmits the impurity of a corpse, and if a Samaritan testifies that the grave is not beneath a particular bough or protrusion his testimony is not accepted. And likewise they are not deemed credible to testify about a *beit haperas*.<sup>BL</sup> The Sages issued a decree that in such a case, the area that was plowed is impure as far as one hundred cubits from the original grave, due to the concern that the bones were dispersed by the plow.

This is the principle governing the credibility of Samaritans: In the case of any matter of halakha that they are suspected of not fulfilling, they are not deemed credible to testify about it.

Overhanging boughs...protrusions – סְכֻבּוֹת...פְּרֻעּוֹת: The commentaries dispute the meaning of these concepts. Rashi maintains it is referring to trees or walls adjacent to a cemetery where there is a concern that a corpse or part of a corpse might be buried

beneath them. Others explain that there is certainly a corpse buried underneath the branch or protrusion from the wall, but there is doubt as to the precise location of the corpse.

## HALAKHA

All stains on garments that are found anywhere – גָּל הַכְּתָמִים הַנְמַצָּאִים בְּכָל מִקּוֹם: Blood stains on garments that are found anywhere are ritually pure, except for the stained garments found in inner rooms in the house and those found proximate to the house of impurity. These are considered ritually impure due to uncertainty (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:10).

## BACKGROUND

Imparts the impurity that is imparted by a corpse by means of a tent – טְמֵאָן בְּצָהָל: The halakhot of the impurity imparted by a corpse, including that imparted by a tent covering a corpse, are cited in great detail in tractate Oholot. The essential halakhot of a tent over a corpse appear in the Torah (Numbers, chapter 19). The Sages derived from the verses that any structure that has a cavity of at least one cubic handbreadth in volume and contains a corpse or part of a corpse, e.g., its flesh, bones, or limbs, becomes a tent over a corpse. Any person or item subject to ritual impurity that enters the structure becomes ritually impure and becomes a primary source of ritual impurity, i.e., imparts ritual impurity to other people and items.

**Firstborn animal** – בָּכָר: A male firstborn calf, lamb, or kid belonging to a Jew is sanctified from birth and must be given to a priest to be sacrificed on the altar in the Temple (see Numbers 18:17–18). If a firstborn animal develops a physical blemish that disqualifies it from being sacrificed as an offering, it is slaughtered and eaten like any other non-sacred kosher animal. It is prohibited to intentionally inflict a disqualifying blemish on a firstborn animal. A firstborn animal may not be used for any mundane purpose, e.g., for work or for its fleece, even if it is blemished. The halakhot of a firstborn animal are detailed in tractate Bekhorot.

**Beit haperas** – בֵּית הַפֶּרֶס: A *beit haperas* is a place that the Sages decreed ritually impure, as though it were a cemetery. There are three cases that are defined as a *beit haperas*: The first type is a field known to contain a grave but the location of the grave within the field is unknown. Therefore, the concern is that the grave might be located in any part of the field (*Tosafot*). The second type is a field in which a grave was plowed over, and there is a concern that the bones might have been scattered throughout an area the size of a one-hundred-cubit furrow, as will be explained (*Oholot* 17:1; Rambam Sefer Tahara, Hilkhot Tumat Met 10:1). The third kind is a field in which people would eulogize the dead. It is considered a *beit haperas* because part of a corpse might have fallen there (*Oholot* 18:2–4).

## NOTES

Overhanging boughs...protrusions – סְכֻבּוֹת...פְּרֻעּוֹת: The commentaries dispute the meaning of these concepts. Rashi maintains it is referring to trees or walls adjacent to a cemetery where there is a concern that a corpse or part of a corpse might be buried

beneath them. Others explain that there is certainly a corpse buried underneath the branch or protrusion from the wall, but there is doubt as to the precise location of the corpse.

## LANGUAGE

**Beit haperas** – בֵּית הַפֶּרֶס: Opinions are divided as to the origin of this term. Rashi and *Tosafot* explain that the word *peras* means broken, as the field became impure when it was plowed and the bones were broken and scattered about. The Rambam apparently understands the term in the sense of spreading, *perisa*, as the

impurity spreads over the entire area. Some contend it is derived from the Greek πάρος, *paros*, meaning before, in the sense of both time and place. Finally, there are those who claim that it is from the Greek ἀπόρος, *aporoς*, which means without passage.

Perek VII  
Daf 57 Amud a

NOTES

**What did they interpret – מאי דרשו:** It is unclear to which of the rulings of the mishna this is referring. According to Rashi, the reference is to Rabbi Yehuda's statement that Samaritans would not bury their stillborn children. Others explain that the Gemara is referring to the opinion of the Rabbis that Samaritans bury their stillborn children outside the cemetery (Rambam; Meiri).

**You shall not remove your fellow's boundary marker which was bounded by the first ones in your inheritance – לא תטיג גבול ריבך אשר גובל ריבך ואשימים בנהלתך:** This main part of this exposition appears in the *Sifrei*, which interprets this verse as referring to one who sells his ancestors' graves (Rashi). An ancestral burial ground is a designated bounded area inherited from "the first ones." The Samaritans extended this concept and inferred that the mitzva of burial applies only to those who are candidates to inherit, which excludes stillborn children. The commentaries dispute whether this exposition is valid, notwithstanding the fact that it is the Samaritans' interpretation. Some authorities reject it and rule that it is an obligation to bury stillborn children (*Magen Avraham*; Responsa of the Radbaz). Others claim that the exposition is correct, and there is no obligation by Torah law to bury stillborn children, although by rabbinic law one must do so (*Ha'amek Davar*, *Shulhan Arukh*, *Orah Hayyim* 526:10; *Haggahot Maimoniyot*). The *Hazon Ish* is of this opinion, and adds that the Samaritans did not invent this exposition but received it as a tradition.

**Where a priest is standing there – בכאן עומד שם:** The Gemara must be referring to a Samaritan who is a priest, as otherwise there would be no reason to rely on the statement of the Samaritan that the place is pure (Rashi). This is problematic: How can a Samaritan be a priest, as priests must be descendants of Aaron, whereas Samaritans were converts? Some explain that the Gemara is speaking of those individuals appointed by the Samaritans to serve as their priests, who observe the *halakhot* of actual priests (Responsa of the Rashba).

**גמ' מאי דרשו? לא תטיג גבול ריבך אשר גובל ריאשין בנהלתך,**

**כל שיש לו נחלתה – יש לו גבול, כל שאין לו נחלתה – אין לו גבול.**

**נאמנים לומר קרבנו. והא לית להו יולפניע עור לא תתן מכשלי! אמר רבי אבהה: בכחן עומדר שם.**

**ודילמא פנוי טמא הווא? דנקייט תרומה בידיה. ודילמא תרומה טמאה היא? רקאכיביל מינפה.**

**אי הabi, Mai li'mi'mra? מהו דתימא: לא בקאי באיזה, קא משמע לך.**

**נאמניין על הבבחנה וכו. והא לית להו יולפניע עור לא תתן מכשלי! אמר רבי חייא בר אבא, אמר רבי יוחנן: בגוזו ועובר.**

**GEMARA** The mishna teaches that the Samaritans do not observe burial customs for stillborn children. The Gemara asks: **What verse did they interpret<sup>N</sup>** as a source for this practice? The Gemara replies that they interpreted the verse: "**You shall not remove your fellow's boundary marker, which was bounded by the first ones, in your inheritance<sup>N</sup>** that you shall inherit, in the land that the Lord your God gives you to possess it" (Deuteronomy 19:14).

The Gemara explains: The Sages derived from this verse that it is prohibited to sell one's ancestral burial ground. In accordance with this interpretation of the verse, the Samaritans derived that **any individual who has an inheritance**, i.e., who stands to inherit land, **has a boundary**, i.e., a burial place, whereas **any individual who does not have an inheritance** in the land, e.g., a stillborn child, **does not have a boundary**, i.e., a burial place. The Samaritans therefore concluded that the mitzva of burial does not apply to stillborn children.

The mishna teaches that Samaritans **are deemed credible to state**: **We buried the stillborn children in a certain place, or to state that they did not bury the stillborn children there, and that place does not transmit ritual impurity.** The Gemara objects: **But the Samaritans do not accept** the Sages' interpretation of the verse: "**And you shall not put a stumbling block before the blind**" (Leviticus 19:14), that one may not cause another to sin. Since they are not concerned about misleading others, why is their testimony accepted? **Rabbi Abbahu says:** The mishna is referring to a case **where a Samaritan priest is standing there**,<sup>N</sup> on that spot, which indicates that he genuinely maintains it is not impure with the impurity of a corpse.

The Gemara objects: **But perhaps he is an impure priest** and therefore he does not refrain from standing in an impure place. The Gemara explains: The mishna is referring to a situation **where the priest is holding teruma in his hand**, which indicates he is ritually pure. The Gemara further objects: **But perhaps it is impure teruma.** The Gemara explains: The mishna is referring to a case **where the priest is partaking of the teruma**, which indicates that it is not impure, as it is prohibited to consume impure teruma.

The Gemara asks: **If so**, i.e., if this is the circumstance, it is obvious that the Samaritan priest's testimony can be accepted. Then **what is the purpose of stating this halakha?** The Gemara answers: The ruling of the mishna is necessary, **lest you say** that the Samaritans **are not knowledgeable with regard to** the stages of the formation of an embryo, and they might bury a fetus believing that it is an unformed fetus that does not transmit impurity, when it is actually a forty-day-old fetus, which is impure. Therefore, the mishna **teaches us** that they are sufficiently knowledgeable, and their testimony is accepted.

The mishna teaches that the Samaritans **are deemed credible to state with regard to an animal** that it previously gave birth, and its subsequent offspring does not have the sacred status of a first-born animal. The Gemara objects: **But the Samaritans do not accept** the Sages' interpretation of the verse: "**And you shall not put a stumbling block before the blind**," that one may not cause another to sin. Why, then, is their testimony accepted? **Rabbi Hiyya bar Abba** says that **Rabbi Yohanan** says: The mishna is referring to a case **where the Samaritan is shearing and working** the offspring of the animal. Since the Samaritans are meticulous with regard to Torah law, it is evident that it is not a firstborn.

אֵי הַכִּי, מָאִי לְבִימְרָא? מַהוּ דְּתִימָא: לֹא  
בְּקִיאִי בְּטִינּוֹת, קָא מְשֻׁמָּעַ.

The Gemara asks: If so, i.e., if this is the circumstance, what is the purpose of stating this halakha? The Gemara answers: The ruling of the mishna is necessary, lest you say that the Samaritans are not knowledgeable with regard to a murky discharge emitted from the uterus, which is indicative of a fetus and exempts subsequent births from the mitzva of the firstborn (see *Bekhorot* 21a). It is possible that the Samaritan mistakenly believes the animal previously emitted a murky discharge and therefore its offspring is not a firstborn. Therefore, the mishna teaches us that they are sufficiently knowledgeable, and their testimony is accepted.

נְאָמֵן עַל צִוְּוֹת וּכְוָ'. וְאֶל עַל גְּזַרְמָנָן  
הַוָּא, בֵּין דְּכִיבָּא - מִזְהָר וְהַרְיִ בַּה,  
דְּכִיבָּב: "וְרֹאָה עַצְם אָדָם וּבְנָה אֲצָלָ  
צִוְּוֹן".

The mishna further teaches that the Samaritans are deemed credible to testify with regard to the marking of graves, as the Samaritans mark their graves, and we rely on their marking as an indication that a corpse is buried there. Therefore, any place where there is no marking is considered ritually pure. The Gemara explains: Even though the marking of graves is required only by rabbinic law, and Samaritans generally do not observe rabbinic law, since it is written in the Bible, the Samaritans are meticulous with regard to it, as it is written: "And those that pass through shall pass through the land, and when one sees a human bone he shall set up a marking by it, until the buriers have buried it in the valley of Hamon-gog" (*Ezekiel* 39:15).

אָבָל אֵין נְאָמֵן לֹא עַל הַסְּכָכוֹת וּכְוָ'.  
סְכָכוֹת - דָּתָן: אֲלֹו הַן סְכָכוֹת - אַילָן  
הַמִּיסָּק עַל הָאָרֶץ. פְּרוּעוֹת - דָּתָן: אַבְנִים  
פְּרוּעוֹת הַיּוֹצָאֹת מִן הַגּוֹרָ.

The mishna teaches: But with regard to the following cases in which the exact location of a grave is unknown, the Samaritans are not deemed credible to testify: They are not deemed credible to testify about overhanging boughs, nor about the protrusions that jut out of stone fences. The Gemara explains these terms: The term overhanging boughs should be understood as we learned in a mishna (*Oholot* 8:2): These are overhanging boughs: A tree that hangs over the ground. The term protrusions should be understood as we learned in the *Tosefta* (*Oholot* 9:4): Protruding stones that jut out of a fence.

בֵּית הַפְּרָס - אָמֵר רַב יְהוּדָה, אָמֵר רַב  
שְׁמוֹאֵל: מַגְפֵּח אָדָם בֵּית הַפְּרָס וְהַולֵּךְ.

**S** The mishna teaches that the Samaritans are not deemed credible to testify about a *beit haperas*. With regard to a *beit haperas*, Rav Yehuda says that Rav Shmuel says: The reason the Sages deemed a *beit haperas* impure is due to the concern that the bones, but not the flesh of the corpse, were dispersed by the plow throughout the field. The *halakha* is that a bone transmits impurity by carrying or by contact, if it is at least the size of a barley grain, but it does not transmit impurity by means of a tent. Therefore, if a person is carrying ritually pure items, or if he wishes to remain ritually pure so that he may consume consecrated items, and yet he must pass through a *beit haperas*, he may blow on the earth of the *beit haperas* before each step, so that if there is a bone beneath the dust he will expose it and avoid it. And in this manner he may walk across the area<sup>h</sup> while remaining ritually pure, even though he might step over a bone.

רַב יְהוּדָה בֶּן אַבִּי מְשִׁמְיהָ דָּרָב יְהוּדָה  
אָמֵר: בֵּית הַפְּרָס שְׁנִידֵשׁ - טָהוֹר. וְתַנָּא:  
הַחוֹרֵשׁ בֵּית הַקְּבָרוֹת - חֲרֵץ הַעֲשָׂה בֵּית  
הַפְּרָס. וְעַד כִּמָּה הוּא עֲשָׂה? מְלָא מַעֲנָה  
מִאָה אַמָּה, בֵּית אַרְבָּעָת קָאָן. רַבִּי יוֹסֵי  
אָומֵר: חַמִשָּׁ.

Rav Yehuda bar Ami says in the name of Rav Yehuda: A *beit haperas* that has been trodden underfoot by many people is pure, as it may be assumed that any bone fragments at least as large as a barley grain that were on the surface were either broken or removed. And it was taught in a *baraita*: In the case of one who plows a graveyard, this individual thereby renders it a *beit haperas*. And to what extent<sup>h</sup> does he render it a *beit haperas*, i.e., how far does the concern apply that bones might have been dispersed? The field is rendered a *beit haperas* to the extent of a full furrow [*ma'ana*]<sup>1</sup>, one hundred cubits by one hundred cubits, which is the area required for sowing four *se'a* of seed.<sup>8</sup> Rabbi Yosei says: The area rendered a *beit haperas* is the area required for sowing five *se'a* of seed.

## HALAKHA

A person may blow on the earth of the *beit haperas* and in this manner walk across the area – **מַגְפֵּח אָדָם**: **בֵּית הַפְּרָס וְהַולֵּךְ:** One who must pass through a *beit haperas* may blow on the ground before each step. If he does not find a bone the size of a grain of barley, he retains his ritual purity and slaughters and partakes of the Paschal offering. In addition, if the ground of a *beit haperas* is well trodden, those who pass through it must partake of the Paschal offering. The reason is that in the case of an obligation involving excision from the World-to-Come [*karet*], such as the bringing of the Paschal offering, the Sages were not strict with regard to the ritually impure status of a *beit haperas*, as it applies by rabbinic law. The *halakha* is in accordance with the opinion of Rav Yehuda, citing Shmuel (Rambam *Sefer Korbanot*, *Hilkhot Korban Pesah* 6:8).

And to what extent, etc. – **זַעַד בְּפִיה וּכְוָ'**: A *beit haperas* is an area where a grave was plowed over, causing its bones to be scattered over a wide area. How far does a *beit haperas* extend? One hundred cubits by one hundred cubits from the spot of the grave (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 10:1).

## LANGUAGE

**Furrow [ma'ana]** – **מַעֲנָה**: The term *ma'ana* is connected to the act of plowing in a field, although its precise meaning is a matter of dispute among the early commentaries. Some maintain it means furrow, and therefore the term: A full furrow, is the area of a furrow plowed in one act of plowing (Rashi on *Temura* 13a). Others claim it refers to the sign the one plowing marks in the ground, as an indication of the exact spot where he wants to plow in his field.

## BACKGROUND

Area for sowing four *se'a* of seed – **בֵּית אַרְבָּעָת קָאָן**: The *se'a* is a dry volume measure. It is one of the basic measures of volume in the Bible and the Talmud.

Areas in the Talmud are based on an estimation of how large

a field must be for the sowing of a certain amount of wheat. The standard measure is a *beit se'a*, i.e., the amount of land required for a *se'a*, which is 2,500 square cubits, or fifty by fifty cubits. Accordingly, an area for sowing four *se'a* is ten thousand square cubits.

### BACKGROUND

**Shabbat boundary – תחומם שַׁבָּת:** By rabbinic decree, and some say by Torah law, one is not permitted to travel more than a certain distance from the place where he established his residence at the onset of Shabbat. That distance is known as the Shabbat boundary or limit. Even animals and inanimate objects have a limit, determined by that of the one to whose care they are entrusted, and beyond which they may not be taken. Generally, the Shabbat boundary is defined as two thousand cubits outside of one's city, in all directions.

**Wine used for a libation – יין נִסְךָ:** In its strict sense this term refers to wine used in the rites of idolatry. It is prohibited to drink or benefit from such wine (see Deuteronomy 32:38). The Sages extended the scope of this prohibition to include any wine touched by gentiles even if it was not used, or intended, for idolatry.

וְלֹא מֵהִימְנִי וְהַתְּנִיא: שְׂדָה שָׁאָבֶד  
בָּהּ קָבֵר – נָאָמֵן בָּוטֵי לְוָנוּ "אֵין שָׁם  
קָבֵר."

לֹפִי שָׁאָינוּ מַעֲדָן אֶלָּא עַל גּוֹפוֹ שֶׁל  
קָבֵר. אַיְלָן שָׁהָוָא מַיְסָךְ עַל הָאָרֶץ –  
נָאָמֵן לְוָנוּ "אֵין תְּחִתָּיו קָבֵר," לֹפִי  
שָׁאָינוּ מַעֲדָן אֶלָּא עַל גּוֹפוֹ שֶׁל קָבֵר!

אמָר רֹבֵי יוֹחָנָן: בְּמַהְלָךְ וּבְאֶלְפִּינִי  
בִּיהְוָה

אֵי חֲכִי, מַאי לְמִימְרָא? מַהְזָּדִתִּמְאָה:  
רְצִיעָה נִפְקָא, קָא מְשֻׁמָּלָן.

"זֶה הַבְּלָלִי כָּו. זֶה הַבְּלָלִי לְאַתְּ�וּ  
מַאי? לְאַתְּ�וּ תְּחִמְמִין יִיּוֹן נִסְךָ."

הדור עליך דם הנדה

With regard to the ruling of the mishna that the Samaritans are not deemed credible to testify about a *beit haperas*, the Gemara asks: **And aren't they deemed credible? But isn't it taught in a *baraita*:** With regard to a field in which a grave was lost, which has the status of a *beit haperas*, a Samaritan is deemed credible to say: **There is no grave there?**

The *baraita* explains: This is due to the fact that he is not considered to be testifying about a case of uncertain impurity; rather, he is testifying about the location of the grave itself, which is a matter of Torah law, and the Samaritans are deemed credible with regard to a matter of Torah law. Likewise, in the case of a tree that is hanging over the ground, a Samaritan is deemed credible to say: **There is no grave beneath it, as he is testifying only about the location of the grave itself.** This indicates that the Samaritans are deemed credible with regard to overhanging boughs and protrusions.

Rabbi Yohanan says in explanation: The *baraita* is referring to a case where the Samaritan is walking to and fro over the entire area, and therefore if there was a grave there he would certainly have become impure. Consequently, one may rely on his statement with regard to the purity of the place. By contrast, the mishna is speaking of a case where the Samaritan did not traverse the entire area, and therefore his testimony is not accepted, as they are not meticulous with regard to cases of uncertainty.

The Gemara asks: If so, it is obvious that his testimony is credible, and what is the purpose of stating this *halakha*? The Gemara answers: The ruling of the *baraita* is necessary, lest you say that perhaps a narrow strip of land, which is called by the same name as this field, extends into a nearby field, and the Samaritan presumes the grave is located in that strip of land. If so, even if the Samaritan traversed the entire field his testimony cannot be accepted, as he traversed the field because he considered it merely a case of uncertain impurity. The *baraita* therefore teaches us that if the Samaritan traverses the entire field his testimony is accepted, as this concern is not an issue.

The mishna teaches: **This is the principle governing the credibility of Samaritans:** In the case of any matter of *halakha* that they are suspected of not fulfilling, they are not deemed credible to testify about it. The Gemara asks: **What is added by the term: This is the principle?** The Gemara answers: It serves to add that Samaritans are not deemed credible with regard to Shabbat boundaries,<sup>8</sup> i.e., to say that a Shabbat boundary extends until a certain point, as the *halakha* of Shabbat boundaries applies by rabbinic law. And likewise, the Samaritans are not deemed credible with regard to the status of wine used for a libation<sup>8</sup> in idol worship, as the Samaritans do not refrain from drinking wine touched by a gentile.

## Summary of **Perek VII**

Just as a woman becomes ritually impure by a discharge of blood from the uterus and consequently has the status of a primary source of ritual impurity, which means that her touch transmits impurity to people and vessels, her blood is likewise impure and transmits impurity through contact and by being carried. Not only does moist blood transmit impurity, as derived from the verse: "And of her who experiences the flow of her menstrual impurity" (Leviticus 15:33), but so does dry blood. In this regard the blood of a menstruating woman differs from the secretions of a *zav*, such as his saliva, mucus, and semen, which transmit impurity only in a moist state.

It was further established in this chapter that not only does blood transmit impurity if it was initially moist and subsequently dried, but it does so even if it was dry from the outset. This is derived from the verse: "And her issue in her flesh shall be blood" (Leviticus 15:19), which indicates that the blood is in its impure state even if it was dry from the outset. Furthermore, just as a menstruating woman transmits impurity to one who carries her, rendering him impure with first-degree ritual impurity, so too, one who carries menstrual blood is rendered impure with first-degree ritual impurity.

Like the blood of a menstruating woman, the flesh of a corpse also transmits impurity. The definition of the flesh of a corpse is disputed by the Sages. Some say that any flesh dry enough to crumble is no longer categorized as dried flesh that transmits impurity. Others say that it transmits impurity even if it crumbles, provided it is not so dry that it has become like flour and is therefore classified as dust.

Apropos the discussion of the impurity of the blood of a menstruating woman and the flesh of a corpse, the chapter examined whether other sources of ritual impurity, such as the impurity of a *zav*, an animal carcass, and semen, also transmit impurity when dry. It was determined that these transmit impurity only when moist. If after being soaked in lukewarm water for a twenty-four-hour period they would return to their former state, they transmit ritual impurity even when they are dry.

It was taught in the previous chapter that by Torah law a woman is not rendered impure by blood stains found on her body or her clothing. Nevertheless, the Sages issued a decree deeming a woman who finds a blood stain on her garment ritually impure just as in the case of a woman who experienced a discharge of uterine blood. The woman is rendered impure retroactively, and any pure items she touched previously are rendered impure. As for the question of how far back in time she is rendered impure retroactively, it was established that any items she touched since she last laundered the garment are rendered impure. By contrast, those pure items that she touched before the garment was last laundered are not rendered impure, as it was evident to the Sages that a woman examines her robes thoroughly when laundering them, and therefore any blood stain present at that time would have been discovered.

The decree of the Sages with regard to blood stains applies only to the stains of Jewish women. Although the Sages decreed that gentiles have the status of *zavim* in all regards, they did not apply the status of impurity to the stains of gentile women. Therefore, bloodstained garments that come from places inhabited exclusively by gentiles are ritually pure. Even if both gentiles and Jews live in that city the stains are deemed pure, as there is a presumption with regard to Jewish women that they do not fail to put away their bloodstained garments, and therefore the stains are necessarily from gentile women.

*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

## Introduction to **Perek VIII**

As explained in the introduction to Chapter Six, it is derived from the verse “And if a woman has an issue, and her issue in her flesh is blood” that a woman is rendered ritually impure only by an actual sighting of blood from her source, i.e., from the uterus, and not by a stain on her body or clothing. The phrase “and her issue in her flesh” teaches that in order to render a woman impure, the emission must be accompanied by a sensation in her body, which does not occur when she simply finds a stain and did not feel anything.

Due to various concerns, however, the Sages decreed impurity with regard to stains as well, and therefore the status of different kinds of stains must be determined. To what extent did the Sages impose this decree? In what circumstances may a stain be attributed to a source other than the woman’s body? For example, if she had passed through a place where blood is frequently sprayed, e.g., a butchers’ marketplace, it can be claimed that the stain should be attributed to that source. Likewise, if she had a wound, may she presume that the blood is from that part of her body and therefore it does not render her impure?

An additional factor that must be taken into account is the location of the stain on the woman’s body. Is every blood stain assumed to come from her uterus, or are there cases where she can conclude that blood from her uterus could not possibly have left a stain on that part of her body or in that location on her garment? Furthermore, does this decree apply to stains of all sizes, even those smaller than a bean, or does it apply only to larger stains?

Likewise, is there any difference in the *halakha* with regard to the item on which the stain was found, or did the Sages decree that all stains that might have come from a woman’s body render her impure regardless of the surface upon which they are discovered? In general, were the Sages stringent with regard to this decree of the ritual impurity of stains, or were they typically lenient in the many cases of uncertainty that arise?

These are the main topics dealt with in this chapter.



Perek VIII  
Daf 57 Amud b

**מתני'** הרואה בכתם עלبشرה, כגון בית התוּרָפָה – טמָאָה, ושלא בוגר בית התוּרָפָה – טהוֹרָה, עלעקבותה ועלראש גודלה – טמָאָה.

על שׂוֹקָה וְעַל פִּרְסּוֹתִיהָ, מִבְּפִנֵּים – טמָאָה, מִבְּחוֹזָן – טהוֹרָה, וְעַל הַצְּדִין – בְּגָאנַן וּמִבְּאָנוֹן – טהוֹרָה.

ראתה על חיליקה, מן החגור ולמטה – טמָאָה, מן החגור ולמעל – טהוֹרָה.  
ראתה על בית יי' של חיליק, אם מישן – נוגר בית התוּרָפָה – טמָאָה, ואם לאו – טהוֹרָה.

היתה פושטתו ומתקפה בו בלילה, כל מקום שנמצא בו כתם – טמָאָה, מפני שהוא חוזר. וכן בפוליות.

**MISHNA** A woman who sees a blood stain on her flesh<sup>h</sup> adjacent to her vagina [beit haturpa]<sup>l</sup>, i.e., a place where blood that originated in her vagina could be found, becomes ritually impure,<sup>n</sup> as there is a concern that it originated in the uterus and is menstrual blood. And if it was discovered on her flesh in an area not adjacent to her vagina she remains ritually pure, as it certainly did not originate in the uterus. If the stain was discovered on her heel or on the tip of her large toe, although it is not adjacent to her vagina she is ritually impure, as blood from the uterus could have reached there.

In a case where the stain was discovered on her leg or on her feet, if it was on the inner side she is ritually impure, as blood from the uterus could have reached there. If it was on the outer side she is ritually pure, and if it was on the sides, either from here, i.e., on the front of her leg or foot, or from there, i.e., on the back of her leg or foot, she is also ritually pure, as blood from the uterus could not have reached there.

In a case where the woman saw a blood stain on her robe,<sup>h</sup> if it was from the belt and below she is ritually impure, as blood from the uterus could have reached there; if it was from the belt and above she is ritually pure. In a case where she saw the stain on the end of the sleeve of the robe,<sup>h</sup> if the sleeve can reach adjacent to her vagina she is ritually impure; and if not, i.e., if the stain is in a place on the sleeve that does not reach adjacent to the vagina, she is ritually pure.

If it was a robe which she would remove and with which she would cover herself at night, wherever on the robe that the stain is found, the stain renders her ritually impure, due to the fact that the robe moves while the woman is asleep and therefore the blood could have originated in the uterus. And likewise with regard to a kerchief [bapoleyos],<sup>l</sup> no matter where the blood is found on the kerchief, the woman is impure.

### HALAKHA

A woman who sees a blood stain on her flesh – **הרואה בכתם עלبشرה**: A woman is not rendered ritually impure by a blood stain found anywhere on her body, but only if it is found in those areas where it might have come from her uterus. How so? If it was discovered on her heel she is impure, and the same applies if it was found anywhere on the inner parts of her leg or foot, which are the parts that press together when she stands with her feet together. Likewise, she is impure if it was discovered on the tip of her large toe, and the Rema adds that she is certainly impure if it was on the top of her foot itself. But if it was found on the outside of her leg or foot she is pure (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:8; Shulhan Arukh, Yoreh De'a 190:11).

The woman saw a blood stain on her robe – **ראתה על שמלה**: If a stain was found on a woman's robe from the belt and below, or on the belt itself, she is ritually impure, even if it was on the outer side of the garment. The Rema adds that there is no difference whether it was discovered on the part of the robe worn on the front, back, or side, as these garments will typically sway from one side of the body to the other with her movements (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:10; Shulhan Arukh, Yoreh De'a 190:12).

She saw the stain on the end of the sleeve of the robe – **ראתה על בית יי' של חילוק**: With regard to a stain that was found on the sleeve of a robe, if that portion of the sleeve can reach adjacent to her vagina she is ritually impure, even if it reaches there only if she extends herself. If it cannot reach adjacent to her vagina she is ritually pure (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:10; Shulhan Arukh, Yoreh De'a 190:13).

### LANGUAGE

Vagina [beit haturpa] – **בית התוּרָפָה**: The term in this context is clearly a euphemism for the vagina. There are various suggestions as to why the word *turpa* bears this meaning. Some maintain that it means degradation, as this, more than anywhere else on her body, is the area of which a woman is ashamed in the presence of others. Some associate it with the word *toref*, which means the essence of a matter, e.g., *toref* is the name given to the essential part of a document. Likewise, this place can be considered the essence of womanhood. Alternatively, the word *turpa* stems from the word weakness [*rifayon*], and therefore the term used for vagina, *beit haturpa*, would refer to the most sensitive and vulnerable part of a woman's body.

Kerchief [poleyos] – **פּוֹלִיּוֹס**: *Poleyos*, or *poleyom*, is from the Greek φελάνης, *palinis*, which may come from the Latin *pallium*, meaning a cloak or upper garment. It is a kind of kerchief used for covering the head, somewhat similar to a hood. This garment was considered one of the basic items of a woman's clothing. In certain situations this cloth had a different function, as in a barber's shop, where it was placed over the customer's knees. In this case it was called the barber's wrap (see *Shabbat* 9b).

### NOTES

A woman who sees a blood stain on her flesh adjacent to her vagina becomes ritually impure – **הרואה בכתם עלبشرה**: The early commentaries discuss the reason for the decree of the Sages that stains are ritually impure. Some suggest it is a decree due to uncertainty, in case the blood of the stain came from the uterus (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:2). This interpretation is problematic, as there is actually a compound uncertainty here: Perhaps the blood did not come from the woman's body at all, and even if it did come from her body, it is possible that it is from the vaginal canal and

she would be pure. If so, she should not be rendered ritually impure, as the halakha is generally lenient in cases involving compound uncertainties.

Some explain that the Sages instituted a decree in this case despite the existence of a compound uncertainty due to the severity of the impurity of a menstruating woman. Others maintain that as the blood of a woman generally comes from the uterus, the possibility that it might come from the vaginal canal is disregarded (*Taz; Tosafot* on 62a).

### NOTES

If a woman examined the ground and sat upon it and found blood on it she is ritually pure – בְּדִקָה קָרְקָע עֲלֵם וַיֹּשֶׁבֶת עַלְיהָ וּמְצָאָה דֶם עַלְיהָ טֹהוֹרָה. The commentaries note that Shmuel's statement indicates she is entirely pure, not only by Torah law but by rabbinic law as well. This conclusion can likewise be inferred from the initial stages of the Gemara's discussion of his opinion. If so, the reason Shmuel cites a verse in support of his opinion, which might be taken as an indication that his ruling applies by Torah law alone, is to illustrate that since she is pure by Torah law, the Sages did not see fit to deem her impure. But according to the conclusion of Rav Yirmeya later on, Shmuel does concede that she is impure by rabbinic law (Rashba).

**גַם** אמר שְׁמוּאֵל: בְּדִקָה קָרְקָע עֲלֵם וַיֹּשֶׁבֶת עַלְיהָ, וּמְצָאָה דֶם עַלְיהָ – טֹהוֹרָה, שְׁנָאָמָר בְּבִבְשָׂרָה – עַד שְׁתַרְגִּישׁ בְּבִבְשָׂרָה.

### GEMARA

With regard to the cases discussed in the mishna concerning a blood stain found on a woman, Shmuel says: If a woman examined the ground beneath her to see if it was clean from blood and other substances, and she found nothing, and subsequently she sat upon it and then found blood on it, although it might be assumed that this blood came from her, she is ritually pure.<sup>NH</sup> The reason is as it is stated: "And her issue in her flesh shall be blood, she shall be in her menstrual state seven days" (Leviticus 15:19). This verse teaches that a woman does not become impure unless she senses, i.e., experiences some type of sensation, in her flesh that she emitted blood from her uterus. Since this woman did not sense an emission of blood, she is pure.

הָאִי "בְּבִבְשָׂרָה" – מִבְעֵי לִיה שְׁמַטְמָאָה בְּפִינִים בְּבָחוֹזִים אָם גָּז, לִקְאָא קָרָא "בְּבִבְשָׂרָה", מְאַי "בְּבִבְשָׂרָה" – שְׁמַע מִפְּהָ: עַד שְׁתַרְגִּישׁ בְּבִבְשָׂרָה.

אַבְכְּתִי מִבְעֵי לִיה: "בְּבִבְשָׂרָה" – וְלֹא בְּשִׁפְרִי, וְלֹא בְּחַתִּיכָה! תְּרוּתִי שְׁמַע מִפְּהָ.

תֵּא שְׁמַע, הָאֲשָׁה שְׁהִיא עֹשֶׂה צְרִיכָה וּרְאֻתָה דֶם, רַבִּי מַאי אָמָר: אָם עֲמֹדָת – טְמָאָה, אָם יוֹשֶׁבֶת – טֹהוֹרָה.

הַיְכִי דְמִי? אֵי דְאָרְגָּשָׁה – יוֹשֶׁבֶת אַמְפָאִי טֹהוֹרָה? אַלְאָ לֹא – דְלֹא אָרְגָּשָׁה, וְקַתְנִי! עֲמֹדָת – טְמָאָה!

לְעוּלָם – דְאָרְגָּשָׁה, וְאִימָרוּ: הַרְגַּשָּׁת מִגְּלִים הָאֵי. עֲמֹדָת – הַדּוֹר בְּיַרְגִּילִים לְמַקוּן, וְאִיתִי דֶם, וְיוֹשֶׁבֶת טֹהוֹרָה.

The Gemara asks: How can Shmuel interpret the verse in this manner? After all, he requires this term: "In her flesh," to teach a different halakha, that a woman becomes impure by finding blood inside her body just as by seeing blood outside her body, i.e., provided that the blood is uterine blood, even if it is currently situated inside her vaginal canal, she is impure. The Gemara answers: If so, if it serves to teach only that blood inside is like blood outside, let the verse say: In the flesh. What is the reason that the verse states: "In her flesh"? Conclude from this term that a woman does not become impure unless she senses in her flesh.

The Gemara asks: And still, Shmuel requires the term "in her flesh" to teach that she is impure only if the blood touches her flesh, and not through blood found in a gestational sac, nor through blood found in an amorphous piece of tissue that she emitted. The Gemara answers: Conclude two conclusions from this verse, as the plain meaning of the term teaches all these halakhot.

With regard to the opinion of Shmuel, the Gemara suggests: Come and hear a mishna at the beginning of the next chapter (59b): In the case of a woman who is urinating and sees blood<sup>H</sup> intermingled with the urine, Rabbi Meir says: If she urinates while she is standing she is ritually impure, as the blood could have originated in the uterus. And if she is sitting she is ritually pure, as it is clear that the blood is from a wound.

The Gemara analyzes this mishna: What are the circumstances? If she sensed while urinating, then in the case where she is sitting, why is she ritually pure, according to Shmuel? Rather, is it not referring to a case where she did not sense while urinating? And yet the mishna teaches that if she urinates while she is standing she is ritually impure. This indicates that her status does not depend on her sensing, which contradicts the statement of Shmuel.

The Gemara answers: This affords no proof, as the mishna is actually referring to a case where she sensed while urinating, and yet since this feeling accompanied urination, one might say it was the sensation of urine. Consequently, if she urinated while standing, the urine would return to her uterus and bring blood with it. But if she urinated while sitting the urine cannot return to the uterus and therefore she is pure, as the sensation is attributed to her urine.

### HALAKHA

If a woman examined the ground and sat upon it and found blood on it she is ritually pure – בְּדִקָה קָרְקָע עֲלֵם וַיֹּשֶׁבֶת עַלְיהָ וּמְצָאָה דֶם עַלְיהָ טֹהוֹרָה: The Sages did not decree impurity on a stain found on an item that is not susceptible to ritual impurity. Therefore, if a woman examined the ground beneath her, or a toilet that is not susceptible to ritual impurity (Rema), or any similar item, and she sat on it and subsequently found a stain, she is pure. This halaka is in accordance with the opinion of Shmuel (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:7; Shulhan Arukh, Yoreh De'a 190:10).

A woman who is urinating and sees blood – הַאֲשָׁה שְׁהִיא עֹשֶׂה צְרִיכָה וְאַתָּה דֶם: If a woman sees blood in her urine, whether she urinated while standing or while sitting, she remains ritually pure. Even if she feels her body trembling she does not need to be concerned, as

this is simply the sensation of the urine leaving the bladder, whereas the blood must be from a wound of some sort. The Rema writes that some say she is ritually pure only if she was sitting while urinating (Tur, citing Rosh). Likewise, if she was standing and urinating in a steady stream, and she found blood in the basin into which she urinated, she remains pure. But if the urine was found on the edge of a basin she is impure.

Others claim that even when she is sitting, she is pure only if she urinates in a steady stream into a basin; while if she finds blood on the edge of the basin she is impure. Furthermore, if she was standing while urinating and found blood, she is impure in any event (Mordechai; Haggahot Maimoniyot). The Rema writes that the custom in practice is to follow this opinion (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:17; Shulhan Arukh, Yoreh De'a 191:1).

תא שמע: עד שהיָה נטוּ מחת הַכְּרֵשׁ  
ונמִצְאָה עַלְיוֹ דָם, אֲם עַגְוָל – טָהוֹר, וְאָם  
מְשׁוּךְ – טָמֵא!

הַיְכִי דָמֵי? אִי דָאָרְגִּישָׁה – עַגְוָל אֶפְאָי  
טָהוֹר? אַלְאַלְאָו – דָלָא אָרְגִּישָׁה, וְקַתְנִי!  
מְשׁוּךְ – טָמֵא!

לֹא, לְעוֹלָם – דָאָרְגִּישָׁה, וְאִימָרוּ: הַרְגְּשָׁת  
עַד הַוָּאִי, מְשׁוּךְ – וְרַאי מְנוּפָה אַתָּה,  
עַגְוָל – טָהוֹר.

תא שמע: נמִצְאָה עַל שְׁלֹחַ – טָמֵאין  
וְחַיְבָן בְּקָרְבָּן; נמִצְאָה עַל שְׁלֹה אַתָּה  
טָמֵאין, וְחַיְבָן בְּקָרְבָּן; נמִצְאָה עַל שְׁלֹה  
לְאַחֲרֵי זָמָן – טָמֵאים מְסֻפָּק, וּפְטוּרִין מִן  
הַקְּרֵבָן.

הַיְכִי דָמֵי? אִי דָאָרְגִּישָׁה – לְאַחֲרֵי זָמָן  
אֶפְאָי פְּטוּרִין מִן הַקְּרֵבָן? אַלְאַלְאָו –  
דָלָא אָרְגִּישָׁה, וְקַתְנִי; נמִצְאָה עַל שְׁלֹה  
אַתָּה יָמָם – טָמֵאין, וְחַיְבָן בְּקָרְבָּן לֹא,  
לְעוֹלָם – דָאָרְגִּישָׁה, וְאִימָרוּ: הַרְגְּשָׁת  
שְׁפֵשָׁה הוּא.

The Gemara further suggests: Come and hear the mishna below (58b): With regard to an examination cloth that was placed beneath the pillow and blood was later found on the cloth,<sup>4</sup> and it is unclear whether it is the blood of an examination or the blood of a louse that was crushed beneath it, if the stain is round it is ritually pure. There is no concern that this blood might have come from her examination, as a woman examines through an act of wiping and a stain produced in this manner would not be round. And if the stain is elongated it is ritually impure, as this shape can be formed by an examination.

The Gemara analyzes the mishna: What are the circumstances? If she sensed, then in the case where the stain is round why is it pure? Rather, is it not referring to a case where she did not sense? And yet the mishna teaches that an elongated stain is impure. This contradicts the opinion of Shmuel that a woman is rendered impure only if she sensed.

The Gemara answers: No, the mishna is actually referring to a case where she sensed, but since she also performed an examination one might say this was the sensation of the examination cloth. Consequently, if the stain was elongated, as appropriate for a stain produced by an examination, the blood certainly came from her body, whereas if the stain was round it is pure, as this is not the usual appearance of a stain from an examination.

The Gemara suggests: Come and hear another mishna (14a): If blood was found on his, i.e., the husband's, examination cloth following intercourse, the woman and her husband are both ritually impure for seven days, in accordance with the halakha of a menstruating woman and one who engages in intercourse with her, and they are each liable to bring a sin offering for unwittingly performing an action punishable with excision from the World-to-Come [karet]. If blood was found on her cloth immediately after intercourse, the woman and her husband are likewise ritually impure for seven days and are each liable to bring a sin offering. If blood was found on her swatch after time passed, they are both ritually impure due to uncertainty, as it is possible that the blood appeared only after intercourse, and they are exempt from bringing the sin offering.

The Gemara analyzes this mishna: What are the circumstances? If it is referring to a situation where she sensed, then in the case where blood was found on her cloth after time passed, why are they exempt from bringing the sin offering? Rather, is it not referring to a case where she did not sense? And yet the mishna teaches that if blood was found on her cloth immediately after intercourse, they are ritually impure for seven days and are each liable to bring a sin offering. Once again, this contradicts the opinion of Shmuel. The Gemara answers: No, the mishna is actually referring to a case where she sensed, but since she was engaging in intercourse at the time, one might say this was the sensation of the male organ.

#### HALAKHA

An examination cloth that was placed beneath the pillow and blood was later found on it – עד שהיָה נטוּ תחת הַכְּרֵשׁ נמִצְאָה: In a case where a woman examined herself with her cloth and placed it under a pillow, and on the following day blood was found on it, if the stain is elongated it is impure, as it is presumed to have come from her examination. If it is round and no larger than the size of a bean she is pure, as it is assumed to be the blood of a louse that was killed beneath the pillow. This ruling

is in accordance with the mishna. Some authorities rule that the same applies even if blood was found on the cloth immediately (*Pithei Teshuva*, citing *Meir Netivim*).

In addition, the Beit Yosef and Rema maintain that in a case where the stain is round but is larger than a bean, if she can attribute it to an external source she is pure (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 4:18; *Shulhan Arukh, Yoreh De'a* 190:34).

**HALAKHA**

On her flesh...on her robe – על בָּשָׂרָה...עַל חָלִוקָה:  
With regard to all stains about which the Sages stated that they render a woman ritually impure, in a case where a woman can attribute the stain to some external factor the following distinction applies: If the stain is discovered on a garment she is pure, as the Sages were lenient with regard to stains on a garment. If the stain was found on her body she is impure and she may not attribute it to an outside source, as in such a case the blood would have been present on her garments as well. But if there is a reasonable explanation as to why there should be blood on her body even when it is not found on her clothes, e.g., she had a wound that could reopen and bleed, she may attribute the blood to that source and she is pure (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:19, 22; see Beit Yosef on Tur 190:11).

Where she passed through a marketplace of butchers – שְׁעֵבָרָה בָּשָׂק שְׁלַחֲחִים: If a woman passed through a marketplace of butchers or was handling items that cause stains and a blood stain was found on her robe, she may attribute it to that external source, regardless of where on the robe it was found. In a case where the stain was found on her flesh alone, then if it is from her belt and below she is impure. If she had jumped, then even if the stain is from her belt and above she is impure. The reason is that if this blood was from the external source it should have been present on her clothes as well (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:19–21, and see Kesef Mishne there; Shulhan Arukh, Yoreh De'a 190:11–12).

תֵּא שְׁמַע: נִמְצָאת אַתָּה אָסֶר, שָׁלֹשָׁה  
סְפֻקוֹת בְּאַשְׁהָ: עַל בָּשָׂרָה, סְפֻקָּת מְנָא סְפֻקָּה  
טָהוֹר – טְמָא; עַל חָלִוקָה, סְפֻקָּת מְנָא סְפֻקָּה  
טָהוֹר – טָהוֹר; וּבְמְגֻעּוֹת וּבְחִיסְטוֹת – הַלְּקָן  
אַחֲרֵי הָרֹב.

מַאי "הַלְּקָן אַחֲרֵי הָרֹב"? לֹא אָם רֹוב יְמִיה  
טְמָאִין – טְמָאָה, וְאֶפְעַל גַּבְדָּלָא אַרְגְּשָׁה!

לֹא, אָם רֹוב יְמִיה בְּהַרְגֵּשָׁה חַזְיָה – טְמָאָה,  
דָּאִימָרוּ: אַרְגְּשָׁה וְלֹא אַדְעַתָּה.

אָמַר מֶר: עַל בָּשָׂרָה, סְפֻקָּת מְנָא סְפֻקָּה  
טָהוֹר – טְמָא; עַל חָלִוקָה, סְפֻקָּת מְנָא סְפֻקָּה  
טָהוֹר – טָהוֹר.

הַיְכִי דְמִי? אֵי מְחַגּוֹר וּלְמַטָּה – עַל חָלִוקָה  
אֵימָא טָהוֹר? וְהִיא תֹּנוֹ: מִן הַחַגּוֹר וּלְמַטָּה –  
טְמָא! אֵי מְחַגּוֹר וּלְמַעַלָּה – עַל בָּשָׂרָה  
אֵימָא טְמָא? וְהַתֵּנוֹ: רָאַתָּה ذָם עַל בָּשָׂרָה  
שְׁלֹא בְּנֶגֶד בֵּית הַתוֹרֶה – טָהוֹר!

אָבֶשֶׁת אִימָא: מְחַגּוֹר וּלְמַטָּה, וְאָבֶשֶׁת  
אִימָא: מְחַגּוֹר וּלְמַעַלָּה. אֵי בְּעֵית אִימָא:  
מְחַגּוֹר וּלְמַטָּה – בְּגַונְן שְׁעֵבָרָה בָּשָׂק שְׁלַחֲחִים,  
שְׁלַחֲחִים, עַל בָּשָׂרָה – מְגֻפָּה אַתָּא, דָּאִי  
מְעַלְמָא אַתָּא – עַל חָלִוקָה מִבְּשָׁר לִיה  
אָשְׁתְּבוֹחוֹ. עַל חָלִוקָה – מְעַלְמָא אַתָּא,  
אֵי מְגֻפָּה אַתָּא – עַל בָּשָׂרָה מִבְּשָׁר לִיה  
אָשְׁתְּבוֹחוֹ.

The Gemara suggests: Come and hear from a *baraita*: You are found to say that there are three uncertainties involving cases where blood is found on a woman or her garments. If a stain is discovered on her flesh and there is uncertainty whether it is impure or pure, the halakha is that it is impure. If it is found on her robe and there is uncertainty whether it is impure or pure, the halakha is that it is pure. And in the case of a woman whose status as a menstruating woman is uncertain, with regard to her touching items and with regard to her moving items, one should follow the majority.

The Gemara analyzes the *baraita*: What is the meaning of the phrase: Follow the majority, with regard to this woman of uncertain status? Does this not mean that if for the majority of her days she is in a state of ritual impurity, as she emits impure blood on many days, then she is considered impure even when her status is uncertain? And since this *baraita* does not differentiate between cases where she did and did not sense, the ruling that one follows the majority, and that she is impure, evidently applies even though she did not sense, which contradicts the opinion of Shmuel.

The Gemara answers: No proof may be brought from here, as this is what the *baraita* means: If on the majority of her days this woman sees blood accompanied by a sensation, she is impure, despite the fact that she is uncertain whether she had a sensation, as one can say she sensed on this occasion as well, but it was not on her mind, i.e., she did not pay attention to it at the time.

Before returning to the opinion of Shmuel, the Gemara analyzes the other clauses of this *baraita*. The Master said above: If a stain is discovered on her flesh and there is uncertainty whether it is impure or pure, it is impure; if it is found on her robe<sup>H</sup> and there is uncertainty whether it is impure or pure, it is pure. The juxtaposition of these two cases indicates that the blood is found in the same area in both instances.

The Gemara asks: What are the circumstances? If the blood was discovered from the belt and below, then when it was found on her robe why is she pure? But didn't we learn in the mishna: In a case where the woman saw a blood stain on her robe, if it was from the belt and below she is ritually impure? And if the blood was from the belt and above, then if it was discovered on her flesh why is she impure? But didn't we learn in the mishna that if she saw blood on her flesh in an area not adjacent to her vagina she remains ritually pure?

The Gemara answers: If you wish, say that the blood was discovered from the belt and below, and if you wish, say instead that it was found from the belt and above. The Gemara elaborates: If you wish, say that the blood was found from the belt and below, as the *baraita* is referring to a situation where the blood can be attributed to an external factor, e.g., a case where she passed through a marketplace of butchers [*tabbahim*].<sup>HL</sup> Consequently, if the blood is found on her flesh it is assumed that it came from her body, as, if it came from the outside world, it should have been found on her robe as well. If it is discovered on her robe it is assumed that it came from the outside world, as, if it came from her body, it should have been found on her flesh as well.

**LANGUAGE**

**Butchers** [*tabbahim*] – טַבְּחִים: In the Bible and talmudic literature the term *tabbah* refers to a slaughterer and butcher, i.e., one who slaughters the animal and then cuts it into pieces. Likewise, the word in modern Hebrew for kitchen, *mitbah*, indicates that it is the

place where meat is found. Naturally, in a marketplace of butchers there is a lot of blood, and it would not be unusual for blood to be sprayed on a passerby.

ואיבעת אימא: מחגור ומעלה – בגון דא זוקה. על בשרה – ודאי מגופה אתאי, דאי מעלמא אתאי – על חלקה איבע ליה אשתקוח, על חלקה – מעלמא אתאי, דאי מגופה אתאי – על בשרה איבע ליה אשתקוח.

And if you wish, say instead that the blood was found from the belt and above, and the *baraita* is referring to a situation where it is possible the blood came from her body, e.g., a case where she jumped backward. Therefore, if the blood is found on her flesh it certainly came from her body, as, if it came from the outside world, it should have been found on her robe as well. And if it is discovered on her robe the assumption is that it came from the outside world, as, if it came from her body, it should have been found on her flesh as well.

קחני מיהת "על בשרה ספק טמא ספק טהור – טמא", ואך על גב דלא הרגישו? ועוד, תנ' רואה בתם על בשרה כנור בית התוּרֶפָה – טמאה, ואך על גב דלא הרגישו? אמר רב ירמיה מדפתי: מודה שמואל שהיא טמאה

The Gemara raises an objection from the *baraita* to the opinion of Shmuel: In any event, the *baraita* teaches that if a stain is discovered on her flesh and there is uncertainty whether it is impure or pure, it is impure, and this is the *halakha* even though she did not sense, which contradicts the opinion of Shmuel. And furthermore, we learned in the mishna that a woman who sees a blood stain on her flesh adjacent to her vagina becomes ritually impure, and this is apparently the *halakha* even though she did not sense. Rav Yirmeya of Difti says: The ruling of Shmuel that a woman must sense in order to be rendered impure applies only by Torah law. But Shmuel concedes that in all the cases cited above, where it is indicated that a woman is impure despite the fact that she did not sense, she is impure

## Perek VIII

### Daf 58 Amud a

#### מדרבנן

by rabbinic law. Accordingly, Shmuel agrees that if she examined the ground, found it clean, sat upon it, and later found blood, even if she did not sense that she emitted blood she is impure by rabbinic law.

רבashi אמר: שמואל הוּא דאמר ברבי נחמייה. דתנן, רבי נחמייה אומר: כל דבר שאינו מקבל תומאה – אין מקבל כתמים.

Rav Ashi said: Shmuel said this woman is pure even by rabbinic law, in accordance with the opinion of Rabbi Nehemya,<sup>N</sup> as we learned in a mishna (59b) that Rabbi Nehemya says: Any item that is not susceptible to ritual impurity, e.g., the ground, is not susceptible to ritual impurity due to blood stains. This is because the decree of impurity of blood stains was limited to items susceptible to ritual impurity. According to Rav Ashi, all the sources cited above that indicate she is impure even if she did not sense an emission are referring to cases where the stain was found on an item that is susceptible to ritual impurity.

בשלמא לר'ashi – הינו דקאמו קורע אלא לר' ירמיה – מאיריא קורע? אפילו גלי מא נמי לא מביעא קאמו,

The Gemara asks: Granted, according to the opinion of Rav Ashi with regard to Shmuel's opinion, that is why Shmuel says the woman examined the ground beneath her, as the ground is not susceptible to ritual impurity. But according to the opinion of Rav Yirmeya, why does Shmuel refer specifically to the ground? The same *halakha* should apply even if she sat on a cloak and did not sense an emission of blood. The Gemara answers that Shmuel is speaking utilizing the style of: It is not necessary.

לא מביעא גלי מא – דלא מבדק שפיר, ואיכא למימר מעלמא אתא, אלא אפילו קורע רטבדק שפיר, ואיכא למימר מגופה אתאי – טהור.

The Gemara elaborates: It is not necessary to state that if a woman examined a cloak, found it pure, sat upon it, and then saw a blood stain on it, she is pure. The reason is that it is not easy to examine a cloak well, due to its creases, and therefore there is room to say the stain on the cloak came from the outside world, i.e., from some external factor. Rather, even in the case of the ground, which one can examine well and therefore there is room to say the stain on the ground must have come from her body when she sat upon it, Shmuel teaches that the blood is nevertheless ritually pure.

#### NOTES

Rav Ashi said, Shmuel said in accordance with the opinion of Rabbi Nehemya – רבashi אמר שמואל. רבashi אמר ברבי נחמייה: The commentaries explain that according to Rav Ashi, Shmuel maintains that a woman who experiences bleeding without an accompanying sensation is entirely pure, both by Torah law and by rabbinic law. Furthermore, since Shmuel said his statement in accordance with the opinion of Rabbi Nehemya, the *halakha* should follow his ruling (Rashba). The Ran writes that this is the ruling of the Ra'avad, although, as noted by the Arukh LaNer, he is probably referring to the Rambam (*Sefer Kedusha, Hilkhot Issurei Bia* 9:7), as the Ra'avad holds that the *halakha* is not in accordance with the opinion of Rabbi Nehemya. The *Shulhan Arukh* rules in accordance with Rav Ashi's explanation that the Sages did not apply their decree to items that are not susceptible to ritual impurity (*Yoreh De'a* 190:10).

### LANGUAGE

Place of the joint [mekom havak] – מָקוֹם חֲבֵק: In general this expression refers to a location where tendons cause two limbs of the body to embrace [*lehabek*], or join, one another. In this particular instance, the Gemara is referring to the ligaments next to the knee that join the thigh and the shin.

על עקבה ועל רأس גורלה טמאה וכו' בשלמה עקבה – עביד דגע באוטו מיקום, אלא ראש גורלה, מי טמא? וכי טמא: יומין דגע בעקבה, מי מזוקין טומאה ממקום לmekom?

**§** The mishna teaches: If a stain was discovered on her heel or on the tip of her large toe, although it is not adjacent to her vagina she is ritually impure, as blood from the uterus could have reached there. The Gemara comments: Granted, when blood is found on her heel she is impure, as it is wont to touch that place, her vagina, when she kneels. But if the blood is discovered on the tip of her large toe, what is the reason she is thereby rendered impure? And if you would say the reason is that sometimes the tip of one large toe might touch her heel, i.e., the heel of the other foot, do we presume that ritual impurity travels from place to place? Since that is not presumed, the stain on the large toe of one foot cannot be presumed to come from the heel of the other foot.

והתניא: היהה לה מכבה בצוארה שתוכל תחולות – תוללה, על בתרפה שאינה יכולת תחולות – אינה תוללה,

The Gemara cites the source of this principle. But isn't it taught in a *baraita*: If a woman had a wound on her neck<sup>H</sup> in an area where she can attribute the blood she found adjacent to her vagina to that wound, she may attribute the blood to the wound and she is pure. But if the wound was on her shoulder, which is a place where she cannot attribute the blood she found adjacent to her vagina to that wound, she may not attribute it to the wound, and she is ritually impure.

ואין אומרים שם באירה נטלה והביאתו לשמי אלא: שאין ראש גורלה, דבחד רפואה, עביד דמתרמי.

The Gemara explains the proof from the *baraita*: And it is clear from this *baraita* that we do not say that perhaps she took blood from her wounded shoulder in her hand and brought it there, near her vagina. Rather, this is the reason for the ruling of the mishna: The tip of her large toe is different,<sup>H</sup> as when she walks it might happen that the tip of this toe is positioned under her vagina and blood drips onto it from there. For this reason she is rendered impure by a stain on that toe.

ולא מזוקין טומאה ממקום לmekom?  
והתניא: נמצאת על קשרי אצבעותיה – טומאה, מפני שידיים עסקיות הן.

The Gemara asks: And do we not presume that ritual impurity travels from place to place? But isn't it taught in a *baraita*: If blood was found on the joints of her fingers on the back of her hand she is impure, despite the fact that blood from her source is not usually found on that part of her hand because hands are active?

מאי טמא – לאו מושם דעתינו: ברקה בחד יד ואנעה באידך יד לא, שאני ידה – דכילה עבידא דגנעה.

The Gemara analyzes the *baraita*: What is the reason for this *halakhah*? Is it not due to the fact that we say she examined with one hand and then touched the back of the other hand? If so, this indicates that ritual impurity is presumed to travel from place to place. The Gemara answers: No, the reason she is impure when blood is found on the back of her hand is that her hand is different,<sup>H</sup> as with regard to the entire hand, including the back, it might happen that it touched the vagina, as one's hands are active.

על שוקה ועל פרסותיה מבפנים וכו': מbehinim עד היכא? אמר רבי ינאי: עד מקום חבק.

**§** The mishna teaches: In a case where the stain was discovered on her leg or on her feet, if it was on the inner side she is ritually impure, as blood from the uterus could have reached there. If it was on the outer side of the leg or foot she is ritually pure. The Gemara asks: With regard to the term: On the inner side, until where does it extend? The students of the school of Rabbi Yannai said: Until the place of the joint [mekom havak]<sup>L</sup> of the thigh and shin, the ligaments on the inside of the kneecap.

### HALAKHA

If a woman had a wound on her neck – היהה לה מכבה בצוארה: One does not presume that ritual impurity traveled from one place to another. How so? If a woman had a wound on her shoulder and she found a stain on her thigh, it is not assumed that perhaps she touched the wound with her hand and then touched her thigh with the same hand and stained it. Likewise, one may not attribute a stain in this manner to any other part of her body or clothing, as stated in the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:8; Shulhan Arukh, Yoreh De'a 190:11, 18).

The tip of her large toe is different – שאין ראש גורלה טמא: If a blood stain was found on the tip of a woman's large toe she is impure,

as blood from her vagina might have dripped on it as she was walking. This is in accordance with the ruling of the Gemara (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:8; Shulhan Arukh, Yoreh De'a 190:11).

Her hand is different – שאני ידה: If blood was discovered on a woman's hand, including on the joints of her fingers on the back of her hand, she is impure. This is because her hand might have touched her vagina, as hands are active. This ruling is in accordance with the Gemara (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:8; Shulhan Arukh, Yoreh De'a 190:11).

אָבֶעֶנְיא לְהֵז: מִקּוֹם חַבֵּק כְּלָפִנִים אוֹ בְּלָחֹז? תֵּא שְׁמַע דְּתַנִּי רַב קְטִינָא: עַד מִקּוֹם חַבֵּק, וְחַבֵּק עַצְמוֹ - כְּלָפִנִים. רַב חַיָּא בָּרְיהָ וְרַב אֲוֹנָא מִתְּעִילָה בְּהַדְרִיא. אָמָרִי דְּבִי רַבִּי יָנָא: עַד מִקּוֹם חַבֵּק, וְחַבֵּק עַצְמוֹ - כְּלָפִנִים.

בְּעֵירְבִּי יְרֵמְיאָה: בְּשִׂיר מָהָה, בְּשָׂוֶרֶת מָהָה,  
טִיפְנִין טִיפְנִין מָהָה, לְרוֹזְבָּה לְרוֹזָה מָהָה?

תֵּא שְׁמַע: עַל בָּשָׂרָה סְפָק טָמֵא סְפָק  
טָהֹר - טָמֵא. עַל בָּשָׂרָה - מָאֵל אֶל  
כִּי הָאֵי גְּנוּנָא? לֹא, דְּלָמָא דְּעַבְדִּים  
כְּרוֹצְעָה.

הַהִיא אִיתְתָּא דְּאִשְׁתְּבַח לְהֵדָמָא  
בְּמִשְׁתְּחִיאָה, אַתָּא לְקִמְיהָ דְּרִבִּי יָנָא,  
אָמָר לְהֵה: תְּיִלְל וְתִתְיִלְל.

הַהִתְנְאָא: אֵין שׁוֹנֵן בְּתָהּוֹת! בַּי אָמְרִין  
- אֵין שׁוֹנֵן" - לְקוֹלָא, אָבֵל לְחוֹמְרָא -  
שׁוֹנֵן.

"הִיְתָה פּוֹשְׁתָה" וּכְוֹ. תְּנִיאָ, אָמָרִ רַבִּי  
אַלְישָׁוּ בְּרִבִּי יוֹסֵי: דָּבָר הַהְוִתִּי בְּשִׁיר  
וּמִ לְאָיסָר. וּכְשַׁבָּאתִי אֶצְלָ חַכְמִים  
שְׁבָדוּם אָמְרוּ לִי יְפָה הַוִּוִּתָּה.

In this regard, a **dilemma** was raised before the Sages: Is the place of the joint itself considered as part of the inner side or as part of the outer side? Come and hear, as Rav Ketina explicitly teaches: The inner side extends until the place of the joint, and the joint itself is considered as part of the inner side. The Gemara adds that Rav Hiyya, son of Rav Avya, teaches it explicitly that the students of the school of Rabbi Yannai themselves said: The inner side extends until the place of the joint, and the joint itself is considered as part of the inner side.

**Rabbi Yirmeya raises a dilemma:** If the stain on a woman's body was in the shape of a bracelet,<sup>b</sup> what is the halakha? Likewise, if it was in the shape of a straight line, what is the halakha? If it was not in a single defined shape but was a series of drops, what is the halakha? Furthermore, if the stain extended along the width of her thigh,<sup>h</sup> what is the halakha? Is there a concern in these cases that the blood might have come from her uterus?

The Gemara suggests: **Come and hear a baraita:** If a stain is discovered on her flesh and there is uncertainty whether it is impure or pure, it is impure. What, is it not that the case of blood found on her flesh is referring to a case like this, i.e., those cases mentioned by Rabbi Yirmeya, and therefore she is impure? The Gemara answers: There is no proof from here, as perhaps the baraita is referring to a stain shaped like a strip along the length of her thigh, as this is the usual form of a stain from the vagina.

The Gemara relates that there was a certain woman who discovered blood in the warp<sup>bh</sup> on the loom where she was weaving. She was concerned that while she was weaving, the threads of the warp might have come between her legs and been stained. She came before Rabbi Yannai to inquire about the status of this blood. Rabbi Yannai said to her: Let her go and come, i.e., she should go and weave in her usual manner. Since this involves a repetitive action, it will soon become clear whether the threads stretch between her legs.

The Gemara asks: But isn't it taught in a baraita that one does not rely on repeated actions with regard to ritually pure items? Since the second action might not precisely mimic the first it cannot be relied upon to determine ritual-purity status. The Gemara answers that when we say one does not rely on repeated actions it is only in cases where it would lead to a leniency. But if it leads to a stringency, as in this case where the woman is currently pure, since the blood was not found on her body or her garments one does rely on repeated actions. If the repeated action indicates that the threads of the warp come between her legs while weaving, she is impure.

**§** The mishna teaches: If it was a robe that she would remove and cover herself with at night, no matter where on the robe the stain is found, she is ritually impure because the robe moves while the woman is asleep, and therefore the blood could have originated in the uterus. The Gemara comments: It is taught in a baraita that Rabbi Eliezer, son of Rabbi Yosei, said: With regard to this matter of blood found on a robe worn at night, I issued a prohibitive ruling in the city of Rome.<sup>b</sup> And when I came to the Sages in the south of Eretz Yisrael they said to me: You issued a proper ruling.

## BACKGROUND

**Bracelet – צְלָמָה:** This is a round decorative object encircling a body part. They were used by women as ornaments, and were often tied to the necks or legs of animals as ornaments as well.



Anklet found in Iran, 650 BCE

**Warp [mashtita] – צְשַׁתְּחִיאָה:** This word is the Aramaic equivalent of the Hebrew word for the loom used for weaving [masekhet]. The act of weaving is performed using the threads of the warp, which are mainly fixed in the loom. In certain cases these threads can be lifted up, but generally they are firmly attached. The threads of the warp form the basis of the woven material, while the threads of the weft are passed through those of the warp by various means.



Warp and weft

**Issued a prohibitive ruling in the city of Rome – חַרְמִינָה בְּשִׁיר וּמִצְמָא:** As related elsewhere in the Talmud (see Me'ilah 17a–b), Rabbi Eliezer, son of Rabbi Yosei, traveled to Rome together with Rabbi Shimon bar Yoḥai in order to persuade the authorities to rescind Roman decrees of persecution against the Jews. Rabbi Eliezer, son of Rabbi Yosei, recounts his experiences over the course of that visit, which included seeing important items in the Caesar's treasures, such as the Sanctuary Curtain.

## HALAKHA

If the stain was in the shape of a bracelet...of a straight line...a series of drops...along the width of her thigh – ...בְּשִׁיר...טִיפְנִין טִיפְנִין לְרוֹזָה לְרוֹזָה: If a blood stain was found on a woman's body, whether it was long like a strip or round, or in the form of a series of drops, or the length of it extended along the width of her thigh, or it looked as though it came from below to above, she is impure when it is adjacent to her vagina. This halakha is in accordance with the ruling of the baraita (Rambam Sefer Kedusha, Hilhot Issurei Bia 9:9, and see Maggid Mishne there; Shulhan Arukh, Yoreh De'a 190:9).

הַהִיא אִיתְתָּא דְּאִשְׁתְּבַח לְהֵדָמָא  
בְּמִשְׁתְּחִיאָה, אַתָּא לְקִמְיהָ דְּרִבִּי יָנָא:  
אָמָר לְהֵה: תְּיִלְל וְתִתְיִלְל.

A certain woman who discovered blood in the warp – הַהִיא אִיתְתָּא דְּאִשְׁתְּבַח לְהֵדָמָא בְּמִשְׁתְּחִיאָה: If a woman was occupied with her work and discovered blood on a particular item that she had been occupied with, if the item had been previously examined and found to be pure, and if it was susceptible to ritual impurity (Rema), she should repeat the activity in which she was occupied. If when she repeats the activity the item is adjacent to the area between her legs (*Derisha; Shakh*), she is impure. If not, she is pure (Shulhan Arukh, Yoreh De'a 190:32).

תנו ר'נן: אַרְוֹפָה שְׁלֵבֶשֶׁה חֲלוּקָה שֶׁל  
קָצָרָה, וּקָצָרָה שְׁלֵבֶשֶׁה חֲלוּקָה שֶׁל  
אַרְוֹפָה, אִם מָגִיעַ בְּנֶגֶד בֵּית הַתוֹרָה  
שֶׁל אַרְוֹפָה - שְׂתִיָּה טְמָאֹת. וְאִם לֹא,  
אַרְוֹפָה - טְהֹורָה, וּקָצָרָה - טְמָאָה.

With regard to blood discovered on a robe, the Sages taught in a *baraita*: In the case of a tall woman who wore the robe of a short woman<sup>h</sup> without first examining it to see if it was clean of stains, and likewise a short woman who wore the robe of a tall woman, if a stain was subsequently found on the robe and it is unknown from which woman it came, the *halakha* is as follows: If the location of the stain reaches adjacent to the vagina of the tall woman they are both ritually impure. The reason is that in this case it certainly reached that area of the short woman. And if it does not reach adjacent to the vagina of the tall woman, the tall woman is pure, as the stain is definitely not from her, and the short woman is impure.

תַּנִּינָא אִידָּךְ: בְּדֻקָּה חֲלוּקָה וְהַשְׁאַילְתָּה  
לְחַבְירָתָה, הֵיא - טְהֹורָה, וְחַבְירָתָה -  
הַוְלָה בָּהּ. אָמָר רַב שְׁשָׁה: וְלֹעֲנֵנִי דִּינָא  
תַּנָּן, אַבְלָל לֹעֲנֵנִי טְמָאָה - הֵיא טְהֹורָה,  
וְחַבְירָתָה טְמָאָה.

It is taught in another *baraita*: If a woman examined her robe and did not find a stain, and then lent it to another woman,<sup>h</sup> after which a stain was discovered on the robe, what is the *halakha*? She, the woman who lent the robe, is pure, and the other woman, the one who borrowed the robe, may attribute the stain to the woman who lent the robe to her, i.e., she may say that she does not rely on the lender's examination. Rav Sheshet said in explanation of this *baraita*: And we learn this ruling that the borrower can say she does not rely on the lender only with regard to the matter of a monetary judgment as to which of the women must pay for the laundering of the robe. But with regard to the matter of ritual impurity, she, the lender, is pure, and the other woman, the borrower, is impure.

#### HALAKHA

A tall woman who wore the robe of a short woman – **אַרְוֹפָה שְׁלֵבֶשֶׁה חֲלוּקָה שֶׁל קָצָרָה**: In a case where a tall woman wore the robe of a short woman, and a stain was subsequently found on that robe, if the location of the stain reaches the area adjacent to the vagina of the tall woman she is impure. If it does not reach then she is pure, as the stain is from the short woman, as stated in the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:31; Shulhan Arukh, Yoreh De'a 190:48).

If a woman examined her robe and did not find a stain and then lent it to another woman – **בְּדֻקָּה חֲלוּקָה וְהַשְׁאַילְתָּה לְחַבְירָתָה**: If a woman examined her robe after wearing it and found that it was pure, and then lent it to another, who wore it, and a blood stain was subsequently discovered on it, the first woman is pure and the second woman is impure, as stated in the *baraita* and as explained by Rav Sheshet (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:30; Shulhan Arukh, Yoreh De'a 190:40).

## Perek VIII

### Daf 58 Amud b

#### BACKGROUND

**Sela – סֶלָה:** The *sela* is a coin worth four silver shekels. It was minted by the Roman emperor Nero in 85–96 CE. *Sela* is used as a general name for various coins mentioned by the Sages, as from the period of Nero the Romans began minting coins in the region of Eretz Yisrael. The diameter of the *sela* ranges from 5.2 to 6.2 cm, and this was also the size of coins minted in later times, until the end of the period of the *tanna'im*.

#### HALAKHA

Two women who were occupied with one slaughtered bird – **שְׁתִי נְשָׁמָם שְׁנוּעַסְפָּקוּ בְּצֹבּוֹר אַחֲרָה**: If two women were involved with one slaughtered bird that contained an amount of blood the size of a *sela*, and a stain the size of a *sela* was found on each one of them, they are both impure, as stated in the *baraita* (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:26; Shulhan Arukh, Yoreh De'a 190:25).

מַאֲи שָׁנָא מְהָא דְתַנִּינָא: שְׁתִי נְשָׁמָם  
שְׁחוּרָתָעַסְפָּקוּ בְּצֹבּוֹר אַחֲרָה, וְאַיִן בּוּ אַלְאָ  
כְּסֶלָע דָם, וּמִמְצָא כְּסֶלָע עַל וּכְסֶלָע  
עַל וּוּ - שְׂתִיָּה טְמָאֹת? שָׁאַי הַתָּם -  
דְּאַיְבָא כְּסֶלָע יִתְרָה.

The Gemara asks: In what way is this case different from that which is taught<sup>n</sup> in a *baraita*: With regard to two women who were occupied with one slaughtered bird,<sup>h</sup> and the bird contained only an amount of blood capable of producing a stain as big as a *sela*<sup>b</sup> coin, and blood the size of a *sela* was found on this woman and blood the size of a *sela* was found on that woman, they are both impure, despite the fact that the blood of one of them can be attributed to the bird. Likewise, in the case of Rav Sheshet the lender should be impure as well, as she might not have examined the robe properly. The Gemara answers: There it is different, as there is an additional *sela*.

#### NOTES

In what way is this case different from that which is taught, etc. – **מַאֲי שָׁנָא מְהָא דְתַנִּינָא וּסְיִ:** The commentaries are puzzled by the suggested comparison between a stain found on a robe used by two women and a stain the size of a *sela* discovered by two women who were occupied with one slaughtered bird. In the case of the bird, the possibility that the blood is from the bird applies equally to both women, just as the other blood stain might have come from either of their bodies. By contrast, in the case of the robe there is a logical reason to declare the first woman pure, as she examined the robe before she lent it out, whereas the woman who borrowed it neglected to examine it before wearing it.

Tosafot cite Rabbeinu Tam's answer that this *baraita* is likewise dealing with a case where one of the women was occupied with the bird before the other came along. Had the second woman not arrived, the first one could have attributed the blood on her to the bird, but since there are two of them and the amount of blood found was of a larger quantity than that of the bird, they are both deemed impure. The Gemara is claiming that the same logic should apply in the case of the borrowed robe: Since the second woman can attribute the blood to the first woman, one can claim that both of them should be considered impure.

תנו רבנן: לבשה שלשה חולקות הבודקין לה, אם יכולת לטלות – תוללה, ואפ"ל בחתונות. אין יכולת לטלות – אינה תוללה. ואפ"ל בעליון.

ביצה, עבירה בשוק של טבחים – תוללה, ואפ"ל בחתונות. לא עבירה בשוק של טבחים – אף בעליון אינה תוללה.

The Sages taught in a *baraita*: In the case of a woman who wore three robes, one on top of the other, that had been examined by her<sup>NH</sup> for blood stains, and she subsequently found a stain on one of the robes, if she can attribute the blood on the robe to an external source, she may attribute it to that source, and she is pure. And this is the *halakha* even if the stain was on the lower robe, closest to her skin. But if she cannot reasonably attribute the blood to an external factor she may not attribute it to an external factor, and she is impure, and this is the *halakha* even if the stain was on the upper robe.

The *baraita* elaborates: How so? If she passed through a marketplace of butchers, where blood could have sprayed on her clothes, she may attribute a stain on her garment to the butchers and she is pure, even if the stain was on the lower robe. If she did not pass through a marketplace of butchers or anywhere else with a lot of blood, then even if the stain was on the upper robe she may not attribute the blood to an external source and she is impure.

מתני' תוללה בכל דבר שהיא יכולת שחתה בהמה חייה ועוף, נטשכה בכחמים, או שישבה באדר געסוקין בהן, הרוגה מאכולות – הרי זו תוללה בה.

**MISHNA** And a woman who discovers a blood stain on her body or her garment may attribute its existence to any matter to which she can attribute it.<sup>H</sup> If she slaughtered a domesticated animal, an undomesticated animal, or a bird;<sup>N</sup> or if she was occupied with the removal of blood stains from the garments of other women or from her own garment, from any source, such as blood that originated from a wound elsewhere on her body or even her own menstrual blood from a prior menstrual cycle; or if she sat alongside others who were occupied with removing blood stains; or if she killed a louse; in all of these cases, that woman may attribute the blood stain to it.

#### NOTES

A woman who wore three robes that had been examined by her, etc. – **לבשה שלשה חולקות הבודקין לה וכו'**: In other words, if she passed through a marketplace of butchers or somewhere similar, she may attribute the blood to that cause even if the stain is on the robe closest to the skin and not an upper one. The early commentaries suggest several reasons for this *halakha*: An upper robe, and even two such garments, can sometimes be moved to the side, allowing blood to be sprayed on the lower one (*Tosafot* on 57b). Furthermore, the spray of the blood can come from below and thereby avoid some or even all of her clothes (*Rashba*).

If she slaughtered a domesticated animal an undomesticated animal or a bird – **שחתה בהמה חייה ועוף**: It can be inferred from the mishna that a woman is fit to slaughter not only birds but domesticated and undomesticated animals as well. It is likewise stated at the beginning of tractate *Hullin* that everyone may slaughter an animal and their slaughter is valid, and *Tosafot* comment that this includes women. As for why that mishna does not state: Everyone

slaughters, both men and women, which is the type of formulation found in the first mishna of tractate *Temura* with regard to substituting consecrated animals; it is because there is no need for such an emphasis; there is no reason to assume that women may not slaughter. Nevertheless, according to *Hilkhot Eretz Yisrael* cited by *Tosafot*, *Hilkhot Eldad HaDani* cited by other early commentaries, and Rav Shmuel ben Hofni Gaon, women may not slaughter because they lack fortitude and they might faint (*Smag*, positive mitzva 63; see *Yam shel Shlomo* and *Bah*).

*Tosafot* and many early commentaries reject this opinion in light of the *halakha* that women are fit to slaughter even sacrificial animals (see *Zevahim* 31b). In any case, it was very rare, at least in the lands of Ashkenaz, for women to perform ritual slaughter, and certainly not as the designated ritual slaughterer in a town. The later commentaries write that one cannot infer from the *halakha* that women are fit to slaughter sacrificial animals that they are also fit to slaughter non-sacred animals (*Maharatz Hayyut*; *Arukh HaShulhan*, *Yoreh De'a* 1:37).

#### HALAKHA

A woman who wore three robes that had been examined by her – **לבשה שלשה חולקות הבודקין לה**: With regard to a woman who was wearing three robes, one on top of the other, if she can attribute the blood on the robe to an external source she may attribute it, even if the stain is on the robe closest to her skin. If she cannot attribute the blood to an external source, she may not attribute it and she is impure, even if the stain was on the upper robe.

If she passed through a marketplace of butchers, even if the stain was on the lower robe she may attribute it to the blood of the slaughtered animals. If she did not pass through a marketplace of butchers or any similar place, then even if the stain was on the upper robe she may not attribute the blood to an external source, and she is impure. If it is uncertain whether or not she passed by the marketplace, or if it is uncertain whether or not she was occupied with blood stains, she may not attribute the blood to

that source. This ruling is in accordance with the *baraita* (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:27; *Shulhan Arukh*, *Yoreh De'a* 190:18).

And she may attribute its existence to any matter to which she can attribute it – **תוללה בכל דבר שהיא יכולת שחתה**: Since the impurity of stains applies by rabbinic law, the *halakha* is lenient in that a woman may attribute a stain's existence to any matter she can attribute it to. How so? If she slaughtered a domesticated animal, an undomesticated animal, or a bird, or if she was occupied with the removal of blood stains from the garments of other women, or if she sat alongside others who were occupied with removing them, she may attribute the blood stain to these causes and she is pure (*Shulhan Arukh*, *Yoreh De'a* 190:18; see Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:27).

## BACKGROUND

**Split bean – גְּרִיס שֶׁל פּוֹל:** The bean *Vicia faba* L., which comes from the family of Fabaceae, or legumes, is primarily used as an edible vegetable. It is known today as the broad bean or fava bean. Like other legumes, its seeds grow in pods, and they are especially rich in protein. The beans can be eaten cooked, and are sometimes roasted in fire and then split into halves, at which point they are called groats [gerisim].

Beans were often split in two along their seams in preparation for cooking. A split bean was a convenient measure for a small area, such as that of a mark or a stain, since the interior side was smooth and could be laid down flat on the skin or a piece of cloth. Among contemporary halakhic authorities, the area of a broad bean is held to be equal to that of a circle between 19 and 21 mm in diameter.



Broad bean on a grid of 5 mm squares



Flowering broad bean plant

עד כמה תוללה? ובי חנינה בן אנטיגונוס אומר. עד ברום של פול, ואך על פי שליא הרגה. ותוללה בבנה או בבעל. אם יש בה מכה, והיא יכולת להגעל ולוחזיא דם – הרי זו תוללה.

**How large a stain may a woman attribute to a louse?**<sup>h</sup> **Rabbi Hanina ben Antigonus says:** It can be up to the area of a split bean.<sup>g</sup> And she may attribute the stain to a louse even if she does not remember that she killed it. **And she may attribute the blood stain to her son or to her husband<sup>h</sup>** in a case where one of them is near her and has a wound. Furthermore, if the woman herself has a wound, even if the wound scabbed over and is no longer bleeding, **but it can reopen and bleed,<sup>h</sup>** **that woman may attribute the blood stain to that wound.**

There was an incident involving one woman who came before Rabbi Akiva.<sup>j</sup> She said to him: I saw a blood stain. Rabbi Akiva said to her: Perhaps there was a wound on your body? She said to him: Yes, there was a wound and it healed. He said to her: Was it perhaps a wound that could reopen and bleed? She said to him: Yes it was. And Rabbi Akiva deemed her ritually pure.

מששה באשה אחת שבאת לפני רבי עקיבא, אמרה לו: ראתי כתם. אמר לה: שמא מכה חיה ביך? אמרה לו: הן, חיתינה. אמר לה: שמא יוללה להגעל ולוחזיא דם? אמרה לו: הן. ויטורה וביעקבא.

ראא תלמידיו מסתכלין זה בזו, אמר להם: מה הדבר קשה בעיניכם? שליא אמרו חכמים הדבר להחמיר – אלא להקל, שאנו: "אשה כי תהיה בבה דם יהיה זבה בברשותה", "דם" – ולא כתם.

Rabbi Akiva saw his students looking at each other, wondering why he ruled leniently in this case. Rabbi Akiva said to them: What in this matter is difficult in your eyes? The reason I ruled this way is that the Sages did not state the matter of the impurity of blood stains in order to be stringent; rather, they instituted this impurity in order to be lenient, as it is stated: “And if a woman has an issue, and her issue in her flesh shall be blood” (Leviticus 15:19), from which it is derived that by Torah law, “blood” deems her impure, but not a stain. Impurity from a blood stain was instituted by the Sages, and they rule leniently in any case where the stain can be attributed to another source.

עד שהוא נתון תחת הבר ונמצא עליו דם, עגול – טהור, משוכן – טמא, דברי רבי אליעזר ברבי צדוק.

With regard to an examination cloth that was placed beneath the pillow and blood was found on the cloth, and it is unclear whether it is the blood of an examination or the blood of a louse that was crushed beneath it, if the stain is round the woman is ritually pure, as an examination to determine whether a woman is menstruating would not leave a round stain. If the stain is elongated the woman is ritually impure; this is the statement of Rabbi Eliezer, son of Rabbi Tzadok.

## HALAKHA

**How large a stain may a woman attribute to a louse – שע' קבעה תוללה:** The Sages decreed impurity only on a blood stain that is slightly larger than the size of a bean, which is the area of three lentils by three lentils. If the stain is smaller than this she may attribute it to a louse, even if she had not killed one. But if the stain is this size or larger she may not attribute it to a louse, whether the stain is square-shaped or long. This ruling is in accordance with the opinion of Rabbi Hanina in the mishna, and of Rav Hisda, stated later (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:23; Shulhan Arukh, Yoreh De'a 190:5).

**And she may attribute the blood stain to her son or to her husband – ותוללה בבנה או בבעל:** If a woman's son or husband had been in contact with blood stains or had suffered an injury, she may attribute a blood stain on her clothing to them, as they frequently come into physical contact with her. But if

there were no stains on them she may not attribute her stain to them, unless their activity was such that the blood would have sprayed when she was nearby, e.g., the act of slaughter (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:24; Shulhan Arukh, Yoreh De'a 190:19).

**If the woman has a wound even if it is no longer bleeding but it can reopen and bleed – אם יש בה מכה והיא יכולה להגעל:** If a woman has a wound on her body she may attribute a blood stain to that wound, even if the stain is on her body, provided that the wound is in an area where blood could have dripped from it onto the place of the stain. Even after the wound has healed, if upon rubbing it may reopen and bleed again, she may attribute a stain to it despite the fact that it has scabbed over and is not bleeding (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:22; Shulhan Arukh, Yoreh De'a 190:18).

## PERSONALITIES

**Rabbi Akiva – רבינו עקיבא:** Rabbi Akiva, who lived just after the destruction of the Second Temple, was one of the greatest of the *tanna'im*. Unlettered until the age of forty, Akiva was encouraged by his wife, Rachel, to devote himself to the study of Torah. After years of study under the tutelage of Rabbi Eliezer ben Hyrcanus, Rabbi Yehoshua ben Hananya, and others, he acquired thousands of students and established his own academy in Bnei Brak. He systematized and arranged the many oral traditions, and it was the Mishna of Rabbi Akiva as received by his disciple, Rabbi Meir, that ultimately became the basis of the six orders of the Mishna.

Rabbi Akiva was the spiritual leader of the bar Kokheva revolt. He even proclaimed bar Kokheva as the Messiah early in the struggle, but later retracted this opinion. Despite Roman decrees against disseminating Torah, the aged Rabbi Akiva continued to teach. He was ultimately arrested by the Romans, imprisoned, tried, and sentenced to death. As the Romans were torturing him to death, Rabbi Akiva recited *Shema* and explained to his students that he had now had the opportunity to fulfill the true meaning of loving God with all of one's soul (see *Berakhot* 61b). Due to his murder by the Romans, he is considered one of the ten martyrs.

**גמ' תניינא לְהָא דַתָּנוּ וּבָנָן:** מִשְׁשָׁה  
וְתֹלֶה רַבִּי מֵאִיר בְּקִילּוֹר, וּרְבִי תְּלָה בְּשָׁרָן  
שְׁקָמָה.

**או שִׁישְׁבָּה.** יִשְׁבָּה – אֵין, לֹא יִשְׁבָּה  
לֹא

**GEMARA** The mishna teaches that a woman who dis-  
covers a blood stain on her body or her  
garment may attribute its existence to any matter to which she can  
attribute it. The Gemara notes: We learn in the mishna that which  
the Sages taught explicitly in a *baraita*: An incident occurred  
involving a blood stain found on a woman's garment, and Rabbi  
Meir attributed it to an eye salve [bekilor]<sup>1</sup> that the woman had  
previously handled, and likewise, Rabbi Yehuda HaNasi attributed  
a stain to the sap of a sycamore<sup>2</sup> tree the woman had touched.

**תניינא לְהָא דַתָּנוּ וּבָנָן:** עֲבָרָה בְּשָׁוֹק שֶׁל  
בְּעֵבֶרֶת, סְפִיקָה יִתְהַגֵּן עַלְיהָ סְפִיקָה לֹא נִתְהַגֵּן  
עַלְיהָ – תּוֹלָה, סְפִיקָה עֲבָרָה סְפִיקָה לֹא עֲבָרָה  
טְבִינָה.

**"הרגה מאכולות".** הרגה – אין, לֹא הרגה  
לֹא. מותניין מאי? רבנן שמעון בן גמליאל  
היא, דתנייא: הרגה – תוללה, לֹא הרגה –  
אינה תוללה, רבבי רבנן שמעון בן גמליאל  
ונכמים אומרים: בין קן ובין קן – תוללה.

**אמר רבנן שמעון בן גמליאל:** לדברי אין  
כך, ולדברי חבירי אין סוף.

**ר' בריה אין קץ –** שאין לך אשה שטהורה  
לבעלה, שאין לך כל מיטה ומיטה שאין בה  
כפופה טיפי דם מאכולות.

**§** The mishna teaches: Or if she was occupied with the removal of  
blood stains from the garments of other women or from her own  
garment, from any source, such as blood that originated from a  
wound elsewhere on her body or even her own menstrual blood  
from a prior menstrual cycle; or if she sat alongside others who  
were occupied with removing blood stains. The Gemara infers: If  
she knows for certain that she sat alongside those occupied with  
removing blood stains, yes, she may attribute blood to this source.  
But if she does not know for certain that she sat alongside those  
who were removing blood stains, but knows only that she was in the  
same area as they were, she may not attribute blood to this source.

Again the Gemara comments: We learn in the mishna that which  
the Sages taught explicitly in a *baraita*: If a woman passed through  
a marketplace of butchers and it is uncertain whether blood from  
the marketplace sprayed on her or whether it did not spray on her,  
she may attribute a stain to the butchers. But if she is uncertain  
whether she passed by the marketplace or whether she did not  
pass by, she is deemed **impure** and may not attribute it to that  
source. In this case as well, only if she is certain that she was in a  
circumstance to which she can attribute the blood may she attribute  
it to that cause.

**§** The mishna teaches that if she killed a louse she may attribute  
the blood stain to it. The Gemara infers: If she killed a louse, yes,  
she may attribute blood to it, but if she did not kill a louse she  
may not attribute blood to it. The Gemara asks: Whose opinion is  
expressed in the mishna? The Gemara answers that it is the opinion  
of Rabban Shimon ben Gamliel, as it is taught in a *baraita*: If a  
woman killed a louse before finding blood, she may attribute blood  
to it. If she did not kill a louse she may not attribute blood to it;  
this is the statement of Rabban Shimon ben Gamliel. And the  
Rabbis say: Both in this case and in that case she may attribute  
blood to a louse.

Rabban Shimon ben Gamliel said there is a difficulty with regard  
to both his opinion and that of the Rabbis: According to my state-  
ment, that a woman may attribute a stain only to a creature she  
actually killed, there is no limit; and according to the statement  
of my colleagues, who rule that she may attribute a stain to a louse  
even if she had not killed one, there is no end.

Rabban Shimon ben Gamliel explains: According to my statement,  
there is no limit to the size of the stain she found, as she is impure  
even if it is as small as a mustard seed. Consequently, you have no  
woman who is pure to her husband, as you have no bed of any  
sort on which there are not several drops of blood of a louse.  
Since I rule that a woman may attribute blood to a louse only if she  
previously killed one, all women will be in a state of impurity to  
their husbands.

**LANGUAGE**

Eye salve [kilor] – קִילּוֹר: From the Greek κολλύριον,  
*kollurion*, meaning a salve for the eyes.

**BACKGROUND**

**Sycamore – שְׁקָמָה:** The sycamore, *Ficus sycomorus* L., is a tall, wide  
tree similar to a fig tree. Although it is possible to eat the fruits of a  
sycamore tree, it is usually grown for its wood, as the trunk is wide,  
large, and relatively light. In general, a sycamore is left to grow until

it reaches a significant size, at which point it is chopped down. The  
remaining part of the tree grows again, and is chopped down again  
every few years. Sycamore trees thrive in heat and grow primarily  
in plains, not in mountainous regions.

### HALAKHA

**תולָה – בְּפִשְׁפֵשׁ:** She may attribute a stain to a bedbug – If a woman killed a bedbug or smelled its odor, and subsequently found a blood stain on her clothing, she may attribute the stain to the bedbug if the stain is up to the width of a lupine seed, in accordance with the opinion of Rav Nahman bar Yitzhak. The Rashba and Rabbeinu Yeruham maintain that in places where bedbugs are common a woman may attribute even a stain the width of a lupine seed to them, and even if she has not killed one (*Shulhan Arukh, Yoreh De'a* 190:7; and see *Shakh* there).

**If he tasted the taste of a bedbug in his mouth – שֶׁטְעַם טֻעם פְּשֶׁפֶשׁ בְּפִי:** One who is eating and tastes a bedbug must spit the food out of his mouth, in accordance with the mishna in tractate *Terumot* (Rambam *Sefer Zera'im, Hilkhot Terumot* 10:13).

לְבָרִי חֲבָרִי אֵין סֹר – שְׁאֵין לְגַם אֲשָׂה  
שְׁאֵנָה טְהוֹרָה לְבָעֵלָה, שְׁאֵין לְגַם בְּלִקְדָּן  
סְדִין שְׁאֵין בּוֹ כִּמָּה טִיפִּיךְ.

אֲבָל נְאֵין דְּבָרִי רַבִּי חַנִּינָא בּוֹ אַנְטְּגָנוֹס  
מְדָבָרִי וּמְדָבָרִים, שְׁהִיא אָוֹמֶר: עַד כִּמָּה  
הִיא תּוֹלָה – עַד בָּגְרִיס שֶׁל פּוֹל, וּלְדָבָרִי  
אֲנוֹ מְזֻדִּים. וּלְבָנֵן דְּאַקְרִי תּוֹלָה, עַד כִּמָּה?  
אָמָר רַב נְחָמָן בֶּן יִצְחָק: תּוֹלָה בְּפִשְׁפֵשׁ  
וְעַד תְּרוּמוֹס.

תָּנוּ רְבָנִים: פְּשֶׁפֶשׁ זוֹ, אַרְפָּכוֹ בְּרַחְבוֹ, וְתַעֲמֹד  
כְּרִיחֵוּ, בְּרִית בְּרוֹתָה לוֹ – שְׁבֵל הַמּוֹלָל  
מְרִיחֵיכּוּ. אַרְפָּכוֹ בְּרַחְבוֹ – לְעַנֵּן בְּתִימִים,

תַּעֲמֹדוּ בְּרִיחֵוּ – לְעַנֵּן תְּרוּמָה. דְּתַנָּן: אָוּ  
שֶׁטְעַם טֻעם פְּשֶׁפֶשׁ בְּפִיו – הַרְיָה וּפְלוֹטָה.  
מַנָּא יְדֻעָה? טַעַם בְּרִיחֵוּ. וְאַבְפָתִי מַנָּא יְדֻעָה?  
בְּרִית בְּרוֹתָה לוֹ, שְׁבֵל הַמּוֹלָל מְרִיחֵיכּוּ.

By contrast, according to the statement of my colleagues there is no end to the advantage their ruling provides to women, because if their ruling is accepted you have no woman who is not pure to her husband, as you have no sheet of any sort on which there are not several blood drops, and every woman can attribute all these drops to a louse, even if she had not killed one.

Rabban Shimon ben Gamliel continues: **But the statement of Rabbi Hanina ben Antigonus appears to be more correct than my statement and their statement, as Rabbi Hanina ben Antigonus would say: How large a stain may a woman attribute to a louse?** It can be up to the area of a split bean. And therefore we concede to his opinion and accept his statement. The Gemara asks: And according to the opinion of the Rabbis, who say that a woman may attribute blood to a louse whether or not she killed one, how large can the stain be? After all, some stains are far bigger than those produced by a louse. **Rav Nahman bar Yitzhak says: She may attribute a stain to a bedbug,**<sup>HB</sup> which has more blood than a louse, and this applies to any stain whose size is up to the width of a lupine seed.<sup>B</sup>

The Gemara continues to discuss the matter of the bedbug. **The Sages taught in a baraita: This bedbug, its length is equal to its width, and its taste is like its foul smell. A covenant is made with it, i.e., it is a law of nature, that anyone who squeezes it will smell its foul odor.** The Gemara explains with regard to which halakhot these characteristics of the bedbug were mentioned. The fact that its length is equal to its width was stated with regard to the matter of stains, i.e., if a stain is found whose length is the same as its width, one may attribute it to the blood of a bedbug even if the stain is larger than the area of a split bean.

The statement that its taste is like its foul smell is applicable with regard to the matter of the partaking of teruma, the portion of the produce designated for the priest, as we learned in a mishna (*Terumot* 8:2): **Or if he tasted the taste of a bedbug in his mouth,**<sup>H</sup> which is prohibited for consumption, this person must spit out the contents of his mouth, despite the fact that it is generally prohibited to waste teruma. **How does he know that there is a bedbug in his mouth?** He knows because its taste is like its foul smell. **And still, how does he know the smell of a bedbug?** In answer to this question the baraita explains that one does not err with regard to the smell of the bedbug, as a covenant is made with it that anyone who squeezes it will smell its foul odor, and therefore it is a well-known smell.

### BACKGROUND

**Bedbug – בְּפִשְׁפֵשׁ:** This is an insect with a flattened and elliptical body, 3–5 mm in length, and reddish dark-brown in color. It has a characteristic proboscis on the front of its head that it uses for sucking. This bug is known for the foul smell it emits.

**Lupine – לָבָנוֹת:** Lupine is the name for several plants from the legume family. The cultivated lupine, *Lupinus termis*, and the yellow lupine, *L. luteus*, are particularly common. The lupine seeds grow inside pods. The seeds themselves are round, with a diameter of up to 15 mm in the cultivated lupine.



Lupine

- אמר רב אש"י: עיר שיש בָּה חֲזִוִּים  
**אין חֹשֶׁן לְכַתְמִים.** אמר רב נחמן  
**בר יִצְחָק: וְהִיא דְּרוֹקְרָת - בָּעֵיר שִׁישׁ**  
**בָּה חֲזִירִים דְּמִיאָ.**

"עד בְּמַה הִיא תּוֹלָה" וכו'. אמר רב הנָזָן: **כְּגִירִים - אֵין תּוֹלָה, פְּחוֹת**  
**מִכְגָּרִים - תּוֹלָה. וּrb חַסְדָּא אָמָר:**  
**כְּגִירִים - תּוֹלָה, יִתְרַכְּגִירִים - אֵין**  
**תּוֹלָה.**

**לִימָא בַּעַד וְעַד בְּכָלְלָה קָא מִיפָּלָגָי,**  
**רוֹב הַנוֹּן סְבָר: עַד - וְלֹא עַד בְּכָלְלָה,**  
**וּrb חַסְדָּא סְבָר: עַד וְעַד בְּכָלְלָה.**

**אמָר לְךָ רַב הַנוֹּן: אֵיכָא עַד וְעַד**  
**בְּכָלְלָה, אֵיכָא עַד וְלֹא עַד בְּכָלְלָה,**  
**וְהַכָּא לְחוֹמְרָא וְהַכָּא לְחוֹמְרָא.**

**וּrb חַסְדָּא אָמָר לְךָ: בְּעַלְמָא אִימָא**  
**לְךָ - לְחוֹמְרָא אִמְרָנָן, לְקוֹלָא לְאָ**  
**אִמְרָנָן, וְהַכָּא - כְּדוּבֵי אֲבָהָיו, דָּאָמָר**  
**רַבִּי אֲבָהָו: כָּל שְׂעוּרִי חֲכָמִים -**  
**לְהַחְמָיו, חַזְמִיכְרִים שֶׁל בְּתָמִים -**  
**לְהַקְלָה.**

The mishna teaches that a woman may attribute a blood stain as having come from another entity and remain pure. In this regard Rav Ashi says: In the case of a town in which there are pigs,<sup>4</sup> one need not be concerned for stains found on the body or clothes of a woman living there. Since pigs wander the streets and often have stains of blood on them, and their living areas attract bugs of all kinds, any blood stain found on a woman can be attributed to the pigs. Rav Nahman bar Yitzhak said: And this town of Dukeret,<sup>5</sup> where there are many slaughterhouses, garbage heaps, and bugs, is considered like a town in which there are pigs.

**§** The mishna teaches: How large a stain may a woman attribute to a louse? Rabbi Hanina ben Antigonos says: It can be up to the area of a split bean. The Gemara notes that the meaning of the statement of Rabbi Hanina ben Antigonos is a matter of dispute among the Sages. Rav Huna says: If the stain was the size of a split bean she may not attribute it to the blood of a louse; if it was less than the size of a split bean she may attribute it to the blood of a louse. And Rav Hisda says: Even if it was the size of a split bean she may still attribute it to the blood of a louse; but if the stain was more than the size of a split bean she may not attribute<sup>6</sup> it to the blood of a louse.

The Gemara suggests: Let us say that these Sages disagree with regard to the matter of: Up to and including. As Rav Huna maintains that the term: Up to, means: Up to the measure but not including the measure, and since Rabbi Hanina ben Antigonos said that a stain can be up to the area of a split bean, this does not include the size of a bean itself. And Rav Hisda maintains that the term means: Up to and including the measure.

The Gemara responds: Rav Huna could say to you that there are instances where the term means up to and including the measure, and there are instances where it means up to and not including the measure. And both here, where it means up to and not including the measure, it is intended as a stringency, as in the statement of Rabbi Hanina ben Antigonos; and there, where it means up to and including the measure, it is likewise intended as a stringency.

And Rav Hisda could say to you that in general I will say to you that when it leads to a stringency, we say that the term: Up to, means up to and including the measure, whereas if it leads to a leniency we do not say so. And here, with regard to stains, I interpret the term in this manner despite the fact that it entails a leniency, in accordance with the opinion of Rabbi Abbahu. As Rabbi Abbahu says: All measures of the Sages must be interpreted stringently, except for the measure of a split bean as a standard for stains of blood found on a woman's clothing, which is interpreted leniently. Therefore, even if the stain is exactly the size of a bean the woman remains pure.

## BACKGROUND

Dukeret – דֻּקְרָת: The location of this place is uncertain. Some identify it with what is now the city of Wasit, west of the Tigris River. Apparently, several important Sages, including Rav Huna and Rav Nahman bar Yitzhak, lived in this city or in its neighboring villages.

## HALAKHA

A town in which there are pigs – **עיר שיש בָּה חֲזִוִּים** – In a place where there are pigs, or where pigs constantly enter, a woman does not need to be concerned for a stain found on her clothing. Some authorities maintain that nowadays one may not attribute stains to pigs (*Tosafot*), but the Rashba comments that he does not know the reasoning behind this statement.

The early commentaries explain that wherever Jews live in their own neighborhood it is considered a separate town for the purposes of this halakha, and therefore a woman may attribute a stain to pigs only if it is clear that she was near them (*Maggid Mishne*). The later commentaries suggest this is the reason why this halakha is omitted by the *Shulhan Arukh*, as repulsive creatures are uncommon in Jewish areas. In addition,

any such animals owned by gentiles are kept in the gentiles' houses (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 9:28; *Arukha Shulhan*, *Yoreh De'a* 190:73; see *Tur, Yoreh De'a* 190).

More than the size of a split bean she may not attribute – **יִתְרַכְּגִירִים אֵין תּוֹלָה**: The halakha is in accordance with the opinion of Rav Hisda, who rules that a woman may attribute a stain up to the size of a bean to the blood of a louse, even if she did not kill one. But if it is larger than a bean she may not attribute it to a louse, whether it is square-shaped or elongated (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 9:23; *Shulhan Arukh, Yoreh De'a* 190:5).

איכא ר' אמרו לה ליה שטחתא באפי נפשה. רב הונא אמר: גבריס – ביצה מוגרים, ורב חסדא אמר: גבריס – כפחות מוגרים, וקמיפלגי ב"עד עד" דהכא, בראumarין, מיתיבין:

Some say this halakha as a distinct matter, not specifically as an explanation of the mishna: Rav Huna says the area of a split bean is considered the same as the area of greater than a split bean. And Rav Hisda says the area of a split bean is considered the same as the area of less than a split bean. And these two *amora'im* disagree with regard to the matter of up to, whether it means including or not including the measure itself, as discussed in this case here, with regard to stains. The Gemara raises an objection:

## Perek VIII

### Daf 59 Amud a

#### NOTES

Small [*lematta*] drops of blood and large [*lemala*] drops of blood – טיפות זרמים למטה וטיפות זרמים למעללה: Although the Hebrew words *lematta* and *lemala* literally mean below and above, respectively, Rashi explains that in this context the Gemara is referring to small and big drops.

היו עליה טיפות זרמים למטה, וטיפות זרמים למעללה – תוללה בעלון עד גבריס. מי לאו – גבריס מלמתה? לא, גבריס מלמעלה.

אייתמר, נמצאה עליה גבריס ועוד, ואותו עד – רצופה בו מאכולות, רב חנינא אומר: טהורה. רב ינאי אומר: טהורה. רב חנינא אומר: טמאה, כי תלי – בכוגריס, בכוגריס ועוד – לא תלי.

רב ינאי אומר: טהורה, כי מייל – היכא דלא רצופה בו מאכולות, אבל היכא דרצופה בו מאכולות – מזחאת מילתא דהאי ועוד דם מאכולות הו. פשללה – כוגריס, בין דבعلמא תלי, היכא נמי תלי.

If there were on a woman's body small drops of blood and large drops of blood,<sup>NH</sup> she may attribute these drops to an external source, even with regard to the largest drop, provided that it is up to the size of a split bean. What, is it not that a drop the size of a split bean itself is considered small, like a drop that is less than the size of a bean, which contradicts the opinion of Rav Huna? The Gemara responds: No, it means that a drop exactly the size of a split bean is like a large drop, i.e., a drop greater than a bean.

It was stated: If a stain was found on a woman and it was the size of a split bean and slightly more, which is too large to be attributed to a louse, and in that area that was slightly more than a bean there was a squashed louse,<sup>H</sup> what is the status of that woman? Rabbi Hanina says she is ritually impure, as the stain is not attributed to a louse; Rabbi Yannai says she is pure. The Gemara explains their opinions: Rabbi Hanina says she is impure, in accordance with the halakha that a woman may attribute a stain to a louse only with regard to a stain whose area is up to the area of a split bean, whereas with regard to a stain the size of a split bean and slightly more, she may not attribute it to a louse.

By contrast, Rabbi Yannai says she is pure, as he maintains that this statement that one may not attribute a stain larger than a bean to a louse applies only where there is no louse squashed on the stain. But in a case where there is a louse squashed on the stain it is apparent that this blood that causes the stain to be slightly more than the size of a bean is the blood of a louse. Since it is visibly squashed there, there is no uncertainty in this regard. When that area is subtracted one is left with a stain that is the size of a split bean, and one may say that since in general a woman attributes a stain the size of a bean to a louse, here too, she may attribute the stain to another, second louse.

#### HALAKHA

If there were on a woman's body small drops of blood and large drops of blood – היו עליה טיפות זרמים למטה וטיפות זרמים למעללה: If a woman found two blood stains, one above her belt and the other below it, and she knows she did not jump backward, she is pure, as it is reasonable to assume that just as the upper stain must have come from an outside source the same is true of the lower one. This is the halakha only if the upper stain is larger than a bean, as it certainly came from the outside. But if it is no larger than a bean it is possible that it is from a louse, and in that case, if the lower stain is larger than a bean she is impure, in accordance with the baraita. It should be noted that this interpretation, according to which the terms *lematta* and *lemala* in the baraita mean below and above, does not follow the explanation of Rashi (*Shulhan Arukh, Yoreh De'a* 190:17).

And in that area that was slightly more there was a squashed louse – ואו שעיליה טיפות זרמים למטה וטיפות זרמים למעללה: With regard to a woman who found a stain larger than a bean, the Rambam maintains she may not attribute it to a louse even if a louse was found crushed on the stain, as the blood stain of a louse would be no larger than a bean; this is in accordance with the opinion of Rabbi Hanina. Other commentaries rule that she is pure, in accordance with the opinion of Rabbi Yannai (Ramban; Rashba). Their reasoning is that since part of the stain was certainly caused by the louse the rest can also be attributed to a louse, because this remaining part is no larger than a bean (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 9:23; *Shulhan Arukh, Yoreh De'a* 190:28).

**בְּשַׁי וּבִי יִרְמֵיה: נִתְעַסְּקָה בְּכָנֹרִים, וּמְצָא עֲלֵיהֶם כְּנָגָרִים וְעוֹד, מַהוּ תָּבַשְ׀י לְרַבִּי יְנָנָא, תָּבַשְ׀י לְרַבִּי יְנָא.**

With regard to the dispute between Rabbi Hanina and Rabbi Yannai, **Rabbi Yirmeya raises a dilemma:** If a woman was occupied with an item the size of a split bean, e.g., the blood of a slaughtered bird, or eye salve, and then a stain was found on her the size of a split bean and slightly more,<sup>h</sup> what is the halakha? Rabbi Yirmeya elaborates: **The dilemma can be raised according to the opinion of Rabbi Hanina**, who maintained in the previous case that she is impure, and **the dilemma can be raised according to the opinion of Rabbi Yannai**, who ruled that she is pure.

**תָּבַשְ׀י לְרַבִּי יְנָנָא – עַד בָּאוֹן לֹא קָאָמֵר רַבִּי יְנָנָא הַתְּמִימָה תָּמִימָה – אַלְאָ דָלָא נִתְעַסְּקָה, אַבְלָא הַכָּא דְנִתְעַסְּקָה – תְּלִיאָ? אַז דְלָמָא: אַפְּיָלוּ לְרַבִּי יְנָא דָאָמֵר טָהָרוֹת, הַנִּמְלִיא הַכָּא דְרַצְוֹף בּוֹ מַאֲכָלָת, אַבְלָא הַכָּא דְאַיִן רַצְוֹף בּוֹ מַאֲכָלָת – לֹא תְּלִיאָ?**

**The dilemma can be raised according to the opinion of Rabbi Hanina**, as perhaps Rabbi Hanina states there that she is impure only where she was not occupied with a louse, and there is no reason to attribute the stain to that cause. **But here, where she was occupied with an item that can stain her, it can be claimed that she may attribute the stain to that source. Or perhaps, even according to the opinion of Rabbi Yannai, who said in the previous case that she is pure, that statement applies only where a louse was found squashed on the stain; but in a case where there is no louse squashed on the stain and there is no certainty that part of the stain came from another source, she may not attribute part of the stain to the item she was occupied with and part of the stain to a louse.** In this situation everyone agrees she is impure.

**תָּא שְׁמַע: נִתְעַסְּקָה בְּאֲדָום – אַין תּוֹלָה בְּהַשְׁחָרָה, בְּמוֹעֵט – אַין תּוֹלָה בּוֹ מַרְגּוֹבָה, הַיכִּי דְמִי? לֹא בִּי הַאִי גְּוֹנוֹן?**

The Gemara suggests: Come and hear a resolution from a baraita: If a woman was occupied with a red item<sup>h</sup> she may not attribute a black stain to it. Likewise, if she was dealing with a small item she may not attribute a large stain to it. What are the circumstances of the second clause of this baraita? Is it not referring to a case like this dilemma raised by Rabbi Yirmeya where she was occupied with an item the size of a bean and a stain was found on her that was the size of a bean and slightly more? If so, the baraita teaches that in such a situation she may not attribute the stain to the item.

**לֹא, בָּגָז דְנִתְעַסְּקָה בְּכָנֹרִים, וּמְצָא עֲלֵיהֶם שְׁנִי גְּרִיסִין וְעוֹד. אַיִלְכִּי, מַאי לִמְיָרָא?**

The Gemara responds: No, the baraita is referring to a case where she was occupied with an item the size of a split bean, and subsequently a stain was found on her the size of two split beans and slightly more. In this situation she may not attribute the stain to the item she was occupied with. The Gemara asks: If that is so, what is the purpose of stating this case? Even if as much of the stain as possible is attributed to the item, a stain larger than a bean remains, and that part cannot be attributed to that source.

**מַהוּ דְתִּימָא: שְׁקוֹל בְּכָנֹרִים צָפוֹר – שְׂדֵי בַּיְמָעֵי, וַיְלַכְּדָה, לִיכָּא שִׁיעֻרָא, וַיְלַכְּדָה – לִיכָּא שִׁיעֻרָא, קָא מְשֻׁמָּעָלָן.**

The Gemara answers that the ruling of the baraita is necessary lest you say that one should take the blood stain the size of a split bean that came from the blood of the bird she was previously occupied with and cast it into the middle of the stain. In other words, assume the blood from the bird is in the middle of the large stain, joining together two smaller stains. Consequently, one could say: Go here and measure the stain on this side, and there is no measure that transmits impurity, as it is less than the size of a bean, and likewise, go there, to the other side, and there is no measure that transmits impurity. Therefore, the baraita teaches us that this is not so, and in such a case she is impure.

**אָמֵר רַבָּא: גְּמַצָּא עֲלֵיהֶם כְּמַן אַחַד – תּוֹלָה בּוֹ בְּפָמָה מִינֵּן, מִתְּחִיבָה: נִתְעַסְּקָה בְּאֲדָום – אַין תּוֹלָה בּוֹ שְׁחוֹר! נִתְעַסְּקָה שָׁאַנְיָה!**

**Rava says:** If one type of a stain was found on a woman, e.g., a stain from the sap of a sycamore tree or an eye salve, she may attribute other stains to that source, even if the stains are of several types, i.e., if they differ in color from the first stain. The Gemara raises an objection to the opinion of Rava from the aforementioned baraita: If a woman was occupied with a red item she may not attribute a black stain to it. The Gemara answers: A situation where she was occupied is different from Rava's case. Since she was occupied with a red item, there is no reason to attribute a black stain to that source. In Rava's case, by contrast, she was not occupied with any item, and therefore one can say that just as a stain of one type was sprayed upon her without her knowledge, the same occurred with regard to the other types of stains.

## HALAKHA

If she was occupied with an item the size of a split bean and a stain was found on her the size of a split bean and more – **נִתְעַסְּקָה בְּכָנֹרִים וּמְצָא עֲלֵיהֶם כְּנָגָרִים וְעוֹד**. If a woman was involved with blood that could not have produced a stain larger than a split bean, and she found on herself a stain as big as two split beans, some commentaries maintain that she may attribute the area of a split bean to the blood she was occupied with, and the area of the other split bean to a louse, and she is therefore pure. If the stain was larger than two split beans, however, she is impure (Rashba; Raah). Others rule stringently, that she is impure even if the stain is only as large as two split beans, in accordance with the plain meaning of the baraita (Rosh; Tur). The Rema writes that one may rely on the lenient opinion, as the halakha is generally lenient with regard to stains (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:26; Shulhan Arukh, Yoreh De'a 190:26).

If a woman was occupied with a red item – **נִתְעַסְּקָה בְּבָאָדָום**: In the case of a woman who was occupied with a red item and she found a black stain on herself, or the reverse, she may not attribute the stain to that source, in accordance with the ruling of the baraita (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:27; Shulhan Arukh, Yoreh De'a 190:23).

## HALAKHA

Where she was occupied with a slaughtered chicken which has several types of blood – **דָאַתְעַסְקָה בְתִרְגּוֹלֶת**: If a woman was involved with a slaughtered chicken she may attribute a stain to it if the stain is red, black, or the color of the crocus plant, as the blood that emerges from a slaughtered chicken is red, the blood of its limbs is black, and the blood of its intestines is the color of the crocus plant (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:27; Shulhan Arukh, Yoreh De'a 190:24).

But the impurity of blood stains themselves is by rabbinic law – **וְכַתְמִים עֲצָם דָרְבָנָן**: By Torah law a woman is rendered ritually impure and is forbidden to her husband only if she senses the emission of blood from her flesh. But the Sages decreed impurity on a stain found on her body or her clothing and deemed her forbidden to her husband even if she did not sense the emission of blood (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:1-2; Shulhan Arukh, Yoreh De'a 190:1).

**Elongated stain** – **כְּתָם אַרְוֹךְ**: If a stain is larger than a bean it may not be attributed to a louse, whether it is square shaped or elongated, as stated in the *baraita* (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:6; Shulhan Arukh, Yoreh De'a 190:5).

**Series of drops** – **טְפִין טְפִין**: If a stain is no larger than a bean in any one place, even if there are many drops adjacent to each other that are collectively larger than a bean, the woman is pure, as each separate drop is attributed to a louse, in accordance with the ruling of the *baraita*. Some say this applies only if the stains were on her robe, but if they were on her flesh then those drops do combine to form the size of more than a bean (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:6, and see Ra'avad and Maggid Mishne there; Shulhan Arukh, Yoreh De'a 190:8).

אֵיכָא דָאמְרוּ, אָמָר רְبָא: נִתְעַסְקָה בְמַיִן  
אֲחֹר – תָולָה בּוּ פְמָה מִינָן. מִיְתִיבָן: נִתְעַסְקָה  
בְאַדְום – אֵין תָולָה בּוּ שְׁחוֹר! כִּי קָאָמָר  
רְבָא – דָאַתְעַסְקָה בְתִרְגּוֹלֶת, דָאַתְבָה  
בְפְמָה מִינָן דָמָא.

Some say a different version of the above discussion. Rava says: If a woman was occupied with an item of one type, she may attribute stains of several types to it. The Gemara raises an objection to the opinion of Rava: If a woman was occupied with a red item she may not attribute a black stain to it. The Gemara answers: When Rava said his ruling he was referring to a situation where she was occupied with a slaughtered chicken, which has several types of blood,<sup>h</sup> and therefore she may attribute stains of different types to that cause.

מִשְׁעָשָׂה בְאַשָּׁה" [וכו]. וְהַתִּנְיָא: לֹא אָמְרוּ  
חַכְמִים אֶת הַדָּבָר לְהַקְלָל, אֶלָא לְהַחְמִיר!

אָמָר רְבָנָא: לֹא לְהַקְלָל עַל דָבְרֵי תֹרַה –  
אֶלָא לְהַחְמִיר עַל דָבְרֵי תֹרַה, וְכַתְמִים עֲצָם  
דָרְבָנָן.

עִיר שֶׁהָוָא נִתְנוֹן. אִיבְנָא לְהָה: מִי פְלִיגִי  
רְבָנָן עַלְיהָ דָרְבֵי אַלְיעָר בְּרֵבֵי צְדוֹק, או  
לֹא?

תֵא שְׁמַע: כְתָם אַרְוֹךְ – מִצְטָרָה, טְפִין טְפִין –  
אַיִן מִצְטָרִיפִין. מַנִּי? אֵי רְבֵי אַלְיעָר בְּרֵבֵי  
צְדוֹק – לְפָה יִצְרוֹן? דָאָמוּ: מְשׁוֹךְ כָל  
שֶׁהָוָא – טְמָא!

אֶלָא לֹא – רְבָנָן, שְׁמַע מִינָה: פְלִיגִי. לֹא  
לְעֹלָם רְבֵי אַלְיעָר בְּרֵבֵי צְדוֹק, וְכִי אָמָר רְבֵי  
אַלְיעָר בְּרֵבֵי צְדוֹק – בַּעַד, אֶבֶל בְּכַתָּם –  
לֹא.

תֵא שְׁמַע, דָאָמָר רְבֵי יְהוּדָה, אָמָר שְׁמוּאֵל:  
הַלְכָה בְרֵבֵי אַלְיעָר בְּרֵבֵי צְדוֹק, הַלְכָה –  
מְכַלְלָה וּפְלִיגִי, שְׁמַע מִינָה.

הַדָּרְוָן עַל הַרוֹאָה כְתָם

§ The mishna teaches that there was an incident involving one woman who came before Rabbi Akiva and he deemed her pure, to the surprise of his students. He explained to them that the Sages did not state the matter of the impurity of blood stains in order to be stringent; rather, they instituted this impurity in order to be lenient. The Gemara asks: But isn't it taught in a *baraita* that the Sages did not state the matter of the impurity of blood stains to be lenient, but rather to be stringent?

Ravina says that there is no contradiction between these two statements: The very institution of the impurity of blood stains was enacted so as not to be more lenient than Torah law, but rather to be stringent beyond Torah law. But since the impurity of blood stains themselves is by rabbinic law,<sup>h</sup> the Sages were lenient in specific cases.

§ The mishna teaches with regard to an examination cloth that was placed beneath the pillow and blood was later found on the cloth, that Rabbi Eliezer, son of Rabbi Tzadok, maintains that if the stain is round it is ritually pure and if it is elongated it is ritually impure. Concerning this a dilemma was raised before the Sages: Do the Rabbis disagree with Rabbi Eliezer, son of Rabbi Tzadok, or not?

The Gemara suggests: Come and hear a resolution from a *baraita*: An elongated stain<sup>h</sup> combines with other elongated stains, so that if together they form the area of slightly more than a bean the woman is impure. But a series of drops<sup>h</sup> do not combine to constitute a stain that renders her impure. Whose opinion is stated in this *baraita*? If it is the opinion of Rabbi Eliezer, son of Rabbi Tzadok, why do I need a combination in the case of an elongated stain? Didn't he say that an elongated stain of any size renders her impure?

Rather, is it not the opinion of the Rabbis, and should one not conclude from it that the Rabbis disagree with Rabbi Eliezer, son of Rabbi Tzadok? The Gemara responds: No, actually the *baraita* is in accordance with the opinion of Rabbi Eliezer, son of Rabbi Tzadok, and when Rabbi Eliezer, son of Rabbi Tzadok, said an elongated stain is ritually impure he was referring to a stain found on an examination cloth; but with regard to a regular stain of an elongated shape, he does not hold it is impure regardless of its size.

The Gemara suggests: Come and hear, as Rav Yehuda said that Shmuel said: The *halakha* is in accordance with the opinion of Rabbi Eliezer, son of Rabbi Tzadok. Since Shmuel rules that the *halakha* is in accordance with his opinion, it may be derived by inference that the Rabbis disagree with his opinion, as otherwise there would be no need for a ruling of *halakha*. The Gemara affirms: Indeed, conclude from it that this is correct.

## Summary of **Perek VIII**

It was taught in Chapter Six and Chapter Seven that by Torah law a woman is not rendered ritually impure by a stain on her body or clothing, as derived from the verse: "And if a woman has an issue, and her issue in her flesh is blood" (Leviticus 15:19). This verse indicates both that she must see actual blood, not merely a stain, and that the sighting of blood must be accompanied by a physical sensation.

Nevertheless, the Sages decreed impurity even on stains. With regard to the extent of this decree, it was determined that in any situation where a stain can be attributed to an external source, e.g., if the woman passed through a place where blood is frequently sprayed from slaughtered animals, such as a butchers' marketplace, or if the blood might have come from elsewhere on her body, such as a wound, she may attribute it to that source and she is ritually pure. The same applies if she had been occupied with the removal of blood stains from the garments of other women.

It was further determined, at least according to one opinion, that the decree of the impurity of stains applies only to a stain that is found on an item that is susceptible to ritual impurity. It does not apply if the stain was discovered on an item or surface that is not susceptible to ritual impurity, such as the ground.

Likewise, if a stain was found on a woman's body or on her clothing in a place where blood from her uterus could not have reached, she is pure. But if it is possible the blood came from her uterus, she is impure. For example, if a woman has a stain on her big toe she is impure, since while she walks her toe is positioned in such a manner that blood from her uterus could drip onto it. The same reasoning applies in the case of a robe with which a woman covers herself at night: Since the position of the robe moves while she is asleep, any stain found on that robe renders her impure, as this blood could have originated in the uterus.

With regard to the size of the stain to which this decree applies, it was established that if a stain is the size of a split bean or smaller, a woman may attribute it to the blood of a squashed louse. The reason the Sages imposed this decree only on larger stains is that lice are common enough that a woman might have inadvertently squashed one and had its blood spray onto her as a result. If it sprayed onto her body, according to the Rambam she is impure no matter how small the stain, while according to others she is impure only if it is larger than a bean. If it sprayed onto her clothing she is impure only if it is larger than a bean. The principle in this regard is that the Sages did not state the matter of the impurity of blood stains in order to be stringent; rather, they instituted this impurity in order to be lenient. In other words, since the impurity of blood stains applies by rabbinic law, the Sages were lenient with regard to their status.



*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

## Introduction to Perek IX

This verse teaches that a woman is ritually impure as a menstruating woman only if blood emerges from her uterus. Normally a woman menstruates at regular intervals, and the Torah states that she becomes ritually impure when this occurs. But it can happen that a woman experiences an unusual flow of blood, e.g., while she is urinating. In such a case, it is uncertain whether the blood came from her uterus and therefore renders her impure, or whether it came from a wound elsewhere in her body and therefore does not render her impure. If she urinated into a basin where a man had also urinated, and blood is found in the basin, there is a further element of uncertainty, i.e., whether the blood came from her body or whether it came from the man.

Earlier, in Chapter Six and Chapter Eight, it was taught that a woman becomes ritually impure only when she experiences bleeding, whereas if she sees a blood stain she is not impure by Torah law. But the Sages decreed that a woman is rendered impure if she sees a blood stain. Since there are many types of common blood stains, the details of this *halakha* are complex. The Gemara discusses the extent to which the Sages were stringent with regard to blood stains. It further deals with the *halakha* in a case where one can attribute the stain to another woman or another source. For example, if two women wore the same garment or slept in the same bed and subsequently found a blood stain on it, which of them is impure?

This chapter also explains how a woman can examine a suspected blood stain with certain substances to determine whether it is indeed blood, or merely dye or some other red substance.

It was taught in the beginning of this tractate that a woman who has a fixed menstrual cycle and experiences bleeding at the expected time does not render food impure retroactively. This *halakha* applies in a case where there is a set time when she regularly menstruates. What is her status in this regard if she has a physical symptom, e.g., shivering or repeated yawning, that triggers her menstruation? In this context, the chapter discusses how a woman establishes a set pattern based on a physical sensation. It also deals with the manner in which such a pattern is displaced.



Perek IX  
Daf 59 Amud b

**מתני'** האשה שהיא עוזה צבכיה, ורואתה דם. רבבי מאיר אומר: אם עומדת – טמאה, ואם ישבת – טהורה. רבבי יוסי אומר: בין בְּנֵי בָּנֶן – טהורה.

איש ואשה שעשו צרכיהם לתוכן הפסל, ומוצא דם על המים. רבבי יוסי – מטהר, ובמי שמעון – מטמא. שאין בְּנֵי האיש להזיאו דם, אלא שוחקת דמים מן האשה.

**MISHNA** In the case of a woman who is urinating and saw blood<sup>h</sup> intermingled with the urine, Rabbi Meir says: If she urinated while standing she is ritually impure,<sup>n</sup> as the blood could have originated in the uterus. And if she is sitting, she is ritually pure, as it is clear that the blood is from a wound. Rabbi Yosei says: Whether she urinates in this manner, i.e., standing, or whether she urinates in that manner, i.e., sitting, she is ritually pure.<sup>n</sup>

In the case of a man and a woman who urinated into a basin [hasefel],<sup>hl</sup> and blood is found on the water in the basin, Rabbi Yosei deems her ritually pure. Even when it is clear that it is the blood of a woman who urinated, and there is only one uncertainty, Rabbi Yosei deems her ritually pure. In this case, there is a compound uncertainty: Did the blood originate with the man or with the woman, and did the blood come from the uterus or from a wound? And Rabbi Shimon deems her ritually impure, because there is only one uncertainty, as it is not the typical manner of the man to discharge blood with his urine; rather, the presumptive status of the blood is that it was discharged from the woman.

**גמ' נמי** מי שנאה עומדת – דאמרין מי וגליים הדרו לפקורי ואיתיה דם, יושבת נמי נימא מי גליים הדרו לפקורי ואיתיה דם!

**GEMARA** The mishna teaches that in a case where a woman finds blood in her urine Rabbi Meir distinguishes between a case where she is standing and a case where she is sitting. The Gemara asks: What is different about a situation where she is standing? The difference is that we say that while she was urinating the urine returned to the uterus and brought blood from there, which renders her impure. But if so, when she is sitting as well, let us say that the urine returns to the uterus and brings blood. Why does Rabbi Meir deem her ritually pure in that case?

אמר שמואל: במנוגנת. מונגת נמי, דלמא בתר דתמו מיא אתה דם?

Shmuel says, in answer to this question: This mishna is referring specifically to a case where the urine flows in a steady stream, without the woman straining. In such a situation, when she is sitting and the urine flows in a steady stream, the stream of urine does not return to the uterus and bring blood. By contrast, if she is standing the urine does not flow in a steady stream, and she must strain to urinate. When she strains to urinate, the urine can bring blood from the uterus with it, whether she is standing or sitting. The Gemara objects: But in a case where she is sitting as well, when the urine flows in a steady stream, perhaps after the urine has finished, blood will come naturally from the uterus, and the flow of blood will mix with the urine?

### HALAKHA

A woman who is urinating and saw blood – **האשה שראה עוזה צבכיה ורואתה דם**: If a woman sees blood in her urine, whether she urinated while standing or while sitting, she remains ritually pure. Even if she feels her body trembling she does not need to be concerned, as this is simply the sensation of the urine leaving the bladder, whereas the blood must be from a wound of some sort. The Rema writes that some say that she is ritually pure only if she was sitting while urinating (*Tur*, citing *Rosh*). Likewise, if she was standing and urinating in a steady stream, and she found blood in the basin into which she urinated, she remains pure. But if the urine was found on the edge of a basin, she is impure. Others claim that even when she is sitting, she is pure only if she urinates in a steady stream into a basin; while if she finds blood on the edge of the basin she is impure. Furthermore, if she was standing while urinating, she is impure in any event (*Mordekhai*; *Haggahot Maimoniyot*). The Rema writes that the custom in practice is to follow the latter opinion (*Rambam Sefer Kedusha, Hilkhos Issurei Bia* 5:17; *Shulhan Arukh, Yoreh De'a* 191:1).

A man and a woman who urinated into a basin – **איש ואשה שעשו צרכיהם לתוכן הפסל**: If blood is found in a basin into which both a man and a woman have urinated, the woman remains ritually pure. The reason is that this is a compound uncertainty, as perhaps the blood came from the man, and even if it came from the woman, it is possible that it is not uterine blood (*Shulhan Arukh, Yoreh De'a* 191:1, and *Shakh* there).

### LANGUAGE

**Basin [sefel] – ספל**: From the context here and in many other places it is clear that this is a large vessel into which significant quantities of liquid were poured, either for the purpose of drinking or for washing one's feet. In this context, it refers to a toilet. In modern usage this word refers to a small vessel used for drinking, but that is not the case in older sources.

### NOTES

Rabbi Meir says, if she urinated while standing she is ritually impure – **רבבי מאיר אמר אם עומדת טמאה**: Earlier (14b), various opinions were cited with regard to the meaning of Rabbi Meir's statement. According to Rabbi Yosei, son of Rabbi Hanina, Rabbi Meir deems this woman ritually impure as one who has seen a blood stain, i.e., due to uncertainty. By contrast, according to Rav Ashi, Rabbi Meir deems her impure with the definite impurity of a menstruating woman. Some commentaries write that according to the conclusion of the discussion on 14b she is certainly impure (*Tosafot* on 14b). Rabbi Meir's reasoning is explained here. He maintains that the urine will return to the uterus and bring blood from there. He evidently holds that this definitely happens, and therefore the woman is certainly impure. Others explain that Rabbi Meir agrees with those who are concerned even for the minority. If so, he does not necessarily maintain that the blood is definitely from

Rabbi Yosei says, whether this or whether that she is ritually pure – **רבבי יוסי אומר בין בְּנֵי בָּנֶן ובין בְּנֵי טהורה**: The early commentaries discuss Rabbi Yosei's opinion, which is accepted as halakha. Some claim that Rabbi Yosei deems the woman entirely pure (*Tosafot* on 14b). Others contend that Rabbi Yosei deems her pure only with regard to the status of a menstruating woman by Torah law, but that he agrees that she is impure by rabbinic law, like a woman who finds a blood stain. In other words, Rabbi Yosei deems her impure due to uncertainty (*Rabbeinu Hananel*; *Noda BiYehuda*; *Shulhan Arukh, Yoreh De'a* 191:1 and in the comment of Rema, and *Shakh* and *Beur HaGra* there).

אמור ובי אבא: בישבת על שפת הספל, ומונקת בתוך הספל, ונמצא דם בתוך הספל.adam איתא רברור ותומו מיא אתה עלי שפת הספל איבש ליה לאשתחוו.

אמר שמואל, ואמרי לה אמר רב יהודה, אמר שמואל: הלכה ברבי יוסי, וכן אמר ליה רב אבא קללא: הלכה ברבי יוסי.

איש ואשה [כו'] איבשיה להו: איש ואשה עומדים. מה לי אמר רב מאיר?

כى אמר רב מאיר - בחוד ספקא, אבל בספק ספקא - לא מטמא, או דלמא לא שנא?

אמר ריש לוייש: היא היא, מפאי - מקלא קתני "רבי מאיר ורב יוסף מטהרין".

אי ה'כ, השטה רבי מאיר בספק ספק נטמא, בחוד ספקא מיבשיה? להודיעך בז' רבי יוסף - דא פילו בחוד ספקא מטהר.

ואdemipeliu בחוד ספק - להודיעך בז' רבי יוסף, לפלו בספק ספקא - להודיעך בז' רבי מאיר! כה זה יתרעא עדיף ליה.

Rabbi Abba says: This is no concern, as the mishna is referring to a case where she is sitting on the edge of the basin and urinates in a steady flow<sup>N</sup> into the basin, and the blood is found only inside the basin. As, if it is so that after the stream of urine finished the blood came naturally from her uterus, the blood should have been found on the edge of the basin. Since the blood is found only inside the basin it is clear that it came with the urine, not separately.

Shmuel said, and some say that Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yosei. And similarly, Rabbi Abba ruled for a Sage called Kala, who inquired into this matter, that the halakha is in accordance with the opinion of Rabbi Yosei.

¶ The mishna teaches: In the case of a man and a woman who urinated into a basin, and blood is found on the water in the basin, Rabbi Yosei deems her ritually pure. A dilemma was raised before the Sages: In a case where a man and a woman were standing and they urinated into the same basin, and blood was found in the basin, what would Rabbi Meir, who distinguishes between a woman who was sitting and a woman who was standing, say the halakha is?

The Gemara clarifies the dilemma: When Rabbi Meir said that a woman who sees blood in her urine while standing is impure, does this apply when there is only one uncertainty, i.e., whether the blood came from a wound or from the uterus? Whereas in a case of a compound uncertainty, i.e., whether the blood came from the man or from the woman, and even if it came from the woman, whether it came from a wound or from her uterus, perhaps Rabbi Meir does not deem her impure? Or perhaps there is no difference between the two cases according to Rabbi Meir.

Reish Lakish said: Rabbi Meir would rule in this case of a compound uncertainty exactly as he rules in that case of a single uncertainty, i.e., there is no difference between the two cases. Reish Lakish clarifies: From where do I know that this is Rabbi Meir's opinion? From the fact that the latter clause of the mishna does not teach: Rabbi Meir and Rabbi Yosei deem her pure. Instead, the mishna states merely that Rabbi Yosei deems her pure. This indicates that Rabbi Meir deems her impure even if a man and a woman both urinated into the same basin where the blood was found.

The Gemara raises a difficulty with regard to Reish Lakish's opinion: If so, i.e., if according to Rabbi Meir a woman is impure even when a man also urinates into the same basin, now that Rabbi Meir deems her impure in a case of compound uncertainty, is it necessary for the mishna to teach his opinion in a case of one uncertainty? The Gemara answers: The mishna formulated the halakha in that manner to convey the far-reaching nature of the opinion of Rabbi Yosei, i.e., that he deems her pure even in a case of one uncertainty.

The Gemara asks: But if so, rather than stating the dispute in a case of one uncertainty, which serves to convey the far-reaching nature of the opinion of Rabbi Yosei, let the tanna teach the dispute in a case of compound uncertainty, in order to convey the far-reaching nature of the opinion of Rabbi Meir. The Gemara answers: It is preferable for the tanna to teach the strength of a lenient ruling. If a tanna can formulate a dispute in a manner that emphasizes the extent of the more lenient opinion, he will do so.

#### NOTES

Where she is sitting on the edge of the basin and urinates in a steady flow – בישבת על שפת הספל ומונקת: The commentaries note that it is only according to the opinion of Rabbi Meir, who deems her impure if she urinates while standing, that she is impure if she urinates while sitting and strains while urinating. By contrast,

according to Rabbi Yosei, who deems her pure even if she urinates while standing, she is likewise pure if she is sitting and she strains while urinating (Rosh). Others claim that even Rabbi Yosei agrees that if she urinates while sitting and strains, she is impure (*Haggahot Maimoniyot* on Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 5:17).

וְרַבִּי יוֹחָנָן אָמַר: בַּיְקָרָא וְרַבִּי מֵאִיר – בְּחֵד  
סְפָקָא. אֲבָל בְּסְפָקָק סְפָקָא – לֹא אָמַר. אֶם  
כֵּן, לִתְעַנֵּן "רַבִּי מֵאִיר וְרַבִּי יוֹסֵי מְתַהֲרוֹן!" אֵין  
הַכִּי נְמִי, וְאַיִדִי דְּסֶלִיק מְרֻבִּי יוֹסֵי – פָּתָח  
בְּרַבִּי יוֹסֵי.

And Rabbi Yohanan disagreed with Reish Lakish, and said: When Rabbi Meir says that the woman is impure, that applies only to a case of **one uncertainty**, but in a case of **compound uncertainty** Rabbi Meir did not say that she is impure. The Gemara raises a difficulty with regard to Rabbi Yohanan's opinion: If so, i.e., if Rabbi Meir deems her pure when both a man and a woman urinate into the same basin, let the mishna teach: **Rabbi Meir and Rabbi Yosei deem her pure**. Why does the *tanna* mention only Rabbi Yosei? The Gemara answers: **Yes, it is indeed so**, that Rabbi Meir agrees with this ruling, but since the mishna left off with the opinion of Rabbi Yosei at the end of the first clause of the mishna, the *tanna* opened the latter clause with the opinion of Rabbi Yosei as well.

וְרַבִּי יוֹסֵי, בְּחֵד סְפָקָא – מְטָהָר, בְּסְפָקָק  
סְפָקָא מִבְשָׁעָא? מַהוּ דְּתִימָא: חַנִּי מִילִי –  
דַּיְגָבָר, אֲבָל בְּכִתְחָלָה – לֹא, קָא מְשֻׁמָּעָ  
לֹא.

The Gemara asks: But as Rabbi Yosei deems her pure in a case of **one uncertainty**, is it necessary for the mishna to teach his opinion in a case of a **compound uncertainty**? The Gemara answers: It is necessary for the *tanna* to state that Rabbi Yosei deems her pure in a case of compound uncertainty, lest you say that this statement, that Rabbi Yosei deems her pure, applies only after the fact, if the woman has already touched pure items, but he does not deem her pure *ab initio*. Therefore, the *tanna* teaches us that Rabbi Yosei deems her pure even *ab initio*.

תַּנִּינָא בְּפּוֹתִיה דְּרַבִּי יוֹחָנָן: אִישׁ וְאִשָּׁה שְׁעַשְׂשָׁ  
אַרְבָּהָן לְטוֹךְ הַסְּפָלָה, נִמְצָא דָם עַל הַפִּים –  
רַבִּי מֵאִיר וְרַבִּי יוֹסֵי מְתַהֲרוֹן, וְרַבִּי שִׁמְעוֹן  
מְטָהָרָה.

It is taught in a *baraita* in accordance with the opinion of Rabbi Yohanan: In the case of a man and a woman who urinated into a basin, and blood is found on the water in the basin, Rabbi Meir and Rabbi Yosei deem her ritually pure, and Rabbi Shimon deems her ritually impure, as there is only one uncertainty.

אִיבְשָׁעָא לְהָוָה: אִשָּׁה יוֹשְׁבָת, מַה לֵי אָמַר  
רַבִּי שִׁמְעוֹן? בַּיְאָמַר רַבִּי שִׁמְעוֹן – בְּעוֹמָדָה,  
דַּדְחִיק לְהָעַלְמָא, אֲבָל יוֹשְׁבָת – לֹא. אוֹ  
דְּלַמָּא לֹא שְׁנָא?

**§** The mishna teaches that Rabbi Shimon deems her ritually impure because there is only one uncertainty, as it is not the typical manner of the man to discharge blood with his urine. A **dilemma was raised before the Sages**: In a case where a **woman** was **sitting** and she urinated into a basin, and blood was found in the basin, what would **Rabbi Shimon say**? The Gemara explains the dilemma: When **Rabbi Shimon stated his opinion**, was he referring specifically to a woman who is **standing**, who in general must strain to urinate in such a position, and perhaps as a result the blood came from the uterus? Whereas if she is **sitting** without straining, in which case Rabbi Meir deems her pure, perhaps Rabbi Shimon agrees that she is **not impure**. Or perhaps there is no difference between the two cases according to the opinion of Rabbi Shimon.

תֵּא שְׁמַע: דְּתַנָּא, יוֹשְׁבָת – תּוֹלָה, עַזְמָדָת –  
אֵינָה תּוֹלָה, דְּבָרִי רַבִּי מֵאִיר. וְרַבִּי יוֹסֵי אָמַר:  
בֵּין בָּקָר בָּקָר – תּוֹלָה. וְרַבִּי שִׁמְעוֹן אָמַר:  
בֵּין בָּקָר בָּקָר – אֵינָה תּוֹלָה.

The Gemara answers: Come and hear, as it is taught in a *baraita*: If a woman urinates while **sitting** and blood is found in the basin, she can **attribute** the blood to a wound and she is pure, but if she is **standing** she **cannot attribute** the blood to a wound, and therefore she is impure; this is the **statement of Rabbi Meir**. **Rabbi Yosei said**: Both in this case and in that case she can attribute the blood to a wound and she is pure. **Rabbi Shimon said**: Both in this case and in that case she **cannot attribute** the blood to a wound, and she is impure.

אִיבְשָׁעָא לְהָוָה: אִישׁ וְאִשָּׁה יוֹשְׁבִין. מַה  
לֵי אָמַר רַבִּי שִׁמְעוֹן? בַּיְאָמַר רַבִּי שִׁמְעוֹן  
עַזְמָדָת – דַּדְחִיק לְהָעַלְמָא, יוֹשְׁבִין – דַּחַד  
סְפָקָ, אֲבָל בְּסְפָקָק סְפָקָא – לֹא אָמַר. אוֹ  
דְּלַמָּא לֹא שְׁנָא?

Another **dilemma was raised before the Sages** with regard to the opinion of Rabbi Shimon: In a case where a **man and a woman** were **sitting** and urinated into the same basin, and blood was found in the basin, what would **Rabbi Shimon say**? The Gemara clarifies the dilemma: When **Rabbi Shimon stated his opinion**, was he referring to a woman who is **standing**, who in general must strain to urinate in such a position and perhaps as a result the blood came from the uterus, or to a case where she alone is **sitting**, which are cases of **only one uncertainty**? Whereas in a case of **compound uncertainty**, i.e., uncertainty whether the blood came from the man or from the woman, and even if it did come from the woman, whether it was from a wound or from her uterus, perhaps he **does not say** that she is impure. Or perhaps there is no difference between the cases, as it is entirely atypical for a man to discharge blood.

**NOTES**

She attributes it to the gentile or the menstruating woman – **הַרִי זו תָּוֹלֶת בָּהּ**: Rashi explains that in this instance, where she attributes the stain to a gentile or an impure Jewish woman, the blood stain does not change the status of the other woman, as she is already impure. By contrast, if a ritually pure Jewish woman loans her garment to another ritually pure Jewish woman, and after both have worn it they find a blood stain, they are both ritually impure.

**LANGUAGE**

Bench [*safsaf*] – **סְפָסָל**: From the Latin *subsellium*, meaning a low seat or bench.

Bench [*itzteva*] – **אִיצְטֵבָא**: The primary source for this word, which appears in several different forms, is the Greek *στοά*, *stoa*. It has several related definitions: Column, colonnade, shed, or warehouse. The Sages used this term in different ways. In this case, the reference is to a type of bench or shelf upon which items are placed.

**BACKGROUND**

Bench of a bathhouse – **אִיצְטֵבָא שֶׁל מַרְחֵץ**: In the Roman period, one section of a bathhouse contained an elongated vessel, similar to modern bathtubs. The lip of this vessel was wide, allowing people to sit on the edge while placing their feet in the hot water. The bench of the bathhouse is identified as this lip on the edge of the bathtub.



Roman bath with statue on the bathhouse bench, Hertfordshire, England

**תֵּא שְׁמֻעָה:** בֵּין דָּאָמָר וּבֵי שְׁמַעַן  
חִזְקִית דָּמִים כִּן דָּאָשָׁה – לֹא שָׁנָא  
עוֹמְדִין וְלֹא שָׁנָא יוֹשְׁבִין.

The Gemara answers: Come and hear the mishna: Since Rabbi Shimon said that the presumptive status of the blood is that it was discharged from the woman, evidently there is no difference in his opinion whether she was standing or whether she was sitting.

**מַתְנִי** הַשְּׁאֵילָה חִלּוּקָה לְגִבְרִית אֹ  
לְנָהָה – **הַרִי זו תָּוֹלֶת בָּהּ**.

**שֶׁלֶשׁ נְשִׁים שָׁלַבְשׁוּ חָלָק אֶחָד, אוֹ  
שָׁיְבּוּ עַל סְפָסָל אֶחָד וּנְמַצֵּא עַל  
דָּם – בְּלִין טָמָאות.**

**MISHNA** In a case where a woman lent her garment to a gentile woman or to a menstruating Jewish woman,<sup>H</sup> and after the borrower returned the garment the owner wore it and then discovered a blood stain, she attributes the blood stain to the gentile or the menstruating woman.<sup>N</sup>

In a case of three women who wore one garment<sup>H</sup> or who sat on one bench [*safsaf*],<sup>L</sup> one after the other, and the garment, or bench, was examined before the first of them donned it, or sat on it, and it was clean, and after the third one removed the garment, or stood up, a blood stain was discovered on the garment or on the bench, all the women are ritually impure.

**שָׁבּוּ עַל סְפָסָל שֶׁל אָבִן, או עַל  
הַאִיצְטֵבָא שֶׁל מַרְחֵץ – רַבִּי נְחֶמְיָה  
מִתְהָרָה. שָׁהָה רַבִּי נְחֶמְיָה אָוּרָה: בְּלִין  
דָּבָר שָׁאַיָּנוּ מַקְבֵּל טוֹמָא – אֲנִי  
מַקְבֵּל בְּתָמָים.**

If they sat on a stone bench or on the bench [*ha'itzteva*]<sup>L</sup> of a bathhouse,<sup>B</sup> neither of which can become ritually impure, the first because it is stone and the second because it is attached to the floor of the bathhouse, and a blood stain was found on one of those benches, Rabbi Nehemya deems all three women ritually pure, as Rabbi Nehemya would say: Any item that is not susceptible to ritual impurity<sup>H</sup> is not susceptible to ritual impurity due to blood stains. The decree of impurity due to blood stains was limited to items susceptible to ritual impurity.

**גַּמְ�** אָמָר רַב: בְּנִכְרִית

**GEMARA** Rav says: The ruling of the mishna is stated with regard to a gentile woman

**HALAKHA**

A woman lent her garment to a gentile woman or to a menstruating Jewish woman – **הַשְּׁאֵילָה חִלּוּקָה לְגִבְרִית אֹלְנָה**: In a case where a woman wore a garment that she had examined and found to be free of blood stains, and after removing it she loaned it to a Jewish woman who was ritually impure due to menstruation or to a gentile woman who was old enough to menstruate, and afterward a blood stain was found on the garment, the owner of the garment is pure. The same applies if she examined the garment before loaning it to them and wore it after them, after which she discovered a blood stain. The owner may attribute the blood stain to the other woman even if she herself is counting her seven clean days. This ruling is in accordance with the Rambam's explanation of the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:29; *Shulhan Arukh*, *Yoreh De'a* 190:41).

**שֶׁלֶשׁ נְשִׁים שָׁלַבְשׁוּ חָלָק אֶחָד**: If three women all wore the same garment, or sat on the same bench, one after another, and a blood stain was found there, they are all ritually impure. This applies only if the bench

is made of a material that is susceptible to ritual impurity, and if they all have the same likelihood of having a flow of blood. If one of them was more likely to experience bleeding than the others, e.g., one is post-menopausal, pregnant, nursing, or too young to have menstruated, the woman who is less likely to experience bleeding may attribute the blood to a woman who is more likely to experience bleeding (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:32; *Shulhan Arukh*, *Yoreh De'a* 190:49).

**כָּל בָּדָבָד** **שָׁאַיָּנוּ מַקְבֵּל טוֹמָא**: The Sages did not render a woman ritually impure if she found a blood stain on an item that is not susceptible to ritual impurity. For example, if she examined to see that there were no blood stains on the ground or on a toilet that is not susceptible to ritual impurity (Rema), and then sat there and afterward found a blood stain, she remains pure. This halakha is in accordance with the opinion of Rabbi Nehemya (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 9:7; *Shulhan Arukh*, *Yoreh De'a* 190:10).

**Perek IX****Daf 60 Amud a****NOTES**

Just as a menstruating woman is one who sees, etc. – **בָּהּ נְהָה דְּקַחְתִּיא וּכְ**: The commentaries explain that this does not mean that she is an actual menstruating woman; rather, it is known that she has menstruated at least once in her life. This is also the meaning in the case of the gentile woman; she has previously emitted menstrual blood (*Toseftot HaRosh*; *Rashba*; see *Rashi*).

**חַזְוָה.**

who is of age and already seeing a flow of menstrual blood, i.e., she has had a flow of menstrual blood.

**מַמְאִי? דּוֹמִיא דְּנָהָה, מַה נְהָה  
דְּקַחְתִּיא, אָף נְכִירִית – דְּקַא חַזְוָה.**

The Gemara explains: From where does Rav know that this is referring to a gentile woman who once experienced a flow of blood? He infers from the mishna that the gentile woman it mentions is similar to a menstruating woman: Just as a menstruating woman is one who sees,<sup>N</sup> i.e., who has already experienced bleeding, so too, the mishna is referring to an adult gentile woman who already sees menstrual blood.

אמור רב ששת: כי מים ושביב רב אמרה להא  
שמעתא דתנייא תוליה בנכנית. ובפי מאיר  
אומר: בנכנית הראוייה לראות. ואפיקלו רבבי  
מאיר לא קא אמר - אלא בראוייה לראות.  
אבל רואה - לא אייטיך.

אמור רבא: ותסבירה רבבי מאיר לחומרא? רבבי  
מאיר ליקילא.

דתנייא: אינה תוליה בנכנית. רבבי מאיר אומר:  
תוליה. ואלא קשיא ה'ן תרי'ץ ה'כ': והוא  
ראהה. ובפי מאיר אומר - בראוייה לראות.  
ואך על פי שאינה רואה.

גנ' רבנן: תוליה בשומרות יום בגדי יום בשני  
שלוחה

ובסתורה שבעה שלא טבלה. לפיכך היא -  
בהתקנות. ותברתת - מוקולקלת. דברי רבנן  
שמעון בן גמליאל. רבבי אומר: אינה תוליה.  
לפיכך שתיהן מוקולקלות.

ושוין שתוליה בשומרות יום בגדי יום בראשו  
שלוחה

**Rav Sheshet says:** I say that when Rav was dozing or sleeping he said that halakha, i.e., it is an error. As it is taught in a baraita: If a woman loaned her garment to a gentile and subsequently found a blood stain on it, she attributes the stain to the gentile woman. This tanna deems it permitted for her to attribute the blood to any gentile woman, regardless of her age or her likelihood of bleeding. **Rabbi Meir disagrees and says:** This applies specifically to a gentile woman who is fit to see menstrual blood. And the Gemara adds that even Rabbi Meir says only that the gentile woman must be fit to see menstrual blood, but he too agrees that it is not necessary for her to be seeing blood at that time. She does not have to have actually experienced bleeding at some point.

**Rava said** in response to Rav Sheshet's challenge: And how can you understand that Rabbi Meir is coming to be stringent? Rav Sheshet maintains that according to the first tanna of the baraita she can attribute the blood stain to any gentile, whereas Rabbi Meir rules stringently that she may attribute it only to a gentile who is fit to experience bleeding. This is incorrect, as Rabbi Meir is actually coming to be lenient. In other words, the first tanna is more stringent, as he deems it permitted for her to attribute the blood stain only to a gentile woman who had experienced a menstrual flow at least once. By contrast, Rabbi Meir rules that she may attribute the stain to a gentile woman who is old enough to experience bleeding, even if she has never experienced a menstrual flow.

The Gemara provides the reason for Rava's opinion. **As it is taught** in a baraita: A woman who loaned her garment to a gentile woman and subsequently finds a blood stain on it **may not attribute** the stain to the gentile woman. **Rabbi Meir says** that she may attribute the blood stain to the gentile woman. **But if so,** the first baraita, which states that according to the first tanna she may attribute the blood stain to any gentile woman, is **difficult**. You must **answer like this:** According to the first tanna she may attribute the blood to any gentile woman provided that she sees, i.e., that she once experienced bleeding. By contrast, **Rabbi Meir says** a more lenient opinion, that she may attribute it to the gentile woman provided that she is fit to see menstrual blood, and this is the halakha even though she has not actually seen menstrual blood yet.

¶ The Sages taught a baraita with regard to a woman who loaned her garment to another woman who was a lesser zava:<sup>N</sup> The lender may attribute the blood stain on the loaned garment to a woman who observes a clean day for each day<sup>N</sup> she experiences a discharge, if the blood is found on her second day, i.e., the day after she had a discharge, despite the fact that she does not have a presumptive status of seeing blood. It is nevertheless considered that her uterus is open and the likelihood is that she will experience bleeding.

And likewise, she may also attribute the blood stain if she loaned her garment to a woman counting seven clean days who did not immerse in a ritual bath, and who will now have to count another seven clean days. **Therefore**, the status of the one who loaned the garment is **fixed**, and the status of the other woman is **ruined** and she must begin her counting again; this is the statement of Rabban Shimon ben Gamliel. **Rabbi Yehuda HaNasi says:** She may not attribute the blood flow to either of these women. Therefore, the statuses of both the woman who loaned the garment and the one who borrowed it are ruined, in that both women are deemed impure.

The baraita continues: And both Rabban Shimon ben Gamliel and Rabbi Yehuda HaNasi agree that a woman who lends her garment may attribute any blood stain found on it to a woman who observes a day for a day<sup>H</sup> if it is on her first day of the discharge. In this case the status of the woman who borrowed the garment is no more ruined than it was already, as either way she can become pure on the following day.

## NOTES

**Zava – זבה:** The halakhot of a female zava are not like those of a male zav, a man who experiences a gonorrhea-like discharge. Her impurity is not dependent on the type of discharge, but on the days on which she sees it. Even if she sees blood many times on a single day, they are all considered a single sighting.

A woman has the status of a zava if she experiences a blood flow not at the time of her menstrual period, but during the eleven days after her seven-day menstrual period, in accordance with the verse: "Not in the time of her impurity" (Leviticus 15:25). During the seven-day menstrual period, even if she sees blood for the entire seven days, by Torah law she may immerse on the night of the eighth day and is pure. The next eleven days are days in which it is assumed she does not experience menstrual bleeding. These are the days during which she can become a zava. If she sees blood on only one day during this time she is a lesser zava. By Torah law, she is required to wait for the passing of only one day without any discharge of blood, i.e., to observe a clean day for a day she experiences a discharge, in order to immerse and become pure. Even when she immerses in a ritual bath before the clean day is complete, if she does not experience a discharge for the rest of the day, once night comes she is considered retroactively pure from the time of her immersion. If she sees blood on two consecutive days she must observe herself on the third day and may immerse that evening or during the day. But if she sees blood on three consecutive days she becomes a greater zava, after which she must count seven clean days and may immerse only on the seventh day. She then brings an offering on the eighth day, after which it is permitted for her to partake of offerings.

**May attribute it to a woman who observes a clean day for each day – תוליה בשומרות יום בגדי יום בשמי:** Some explain that this is because her uterus is open, as she saw blood the day before, and it is natural for women who have experienced a flow of blood to continue to see blood for more than one day. Although she has experienced bleeding for only one day, and therefore does not have a presumptive status of seeing blood, one can nevertheless attribute the blood stain to her as it is likely that the blood came from her. This is the halakha despite the fact that as a result of attributing the blood to her she will have to count an additional clean day (Rashi).

## HALAKHA

And they agree that she may attribute it to a woman who observes a day for a day, etc. – **ושאין שתוליה בשומרות יום בגדי יום וכו'**: If a woman loaned her garment to a lesser zava on her impure day, or to a woman who has experienced a flow of ritually pure blood, or to one experiencing hymenal bleeding, and she finds a blood stain on the garment, she may attribute it to these other women (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:29; Shulhan Arukh, Yoreh De'a 190:42).

ובִּזְוֹשֶׁבֶת עַל דָם טוֹהָר, וּבְבִתְולָה  
שְׂדֵמָה טָהוֹרִין.

לְפִיכְךָ רֹבֵן שָׁמְעוֹן בֶן גַּמְלִיאֵל לִפְהָ  
לִ? מִשּׁוּם דָּרְבֵי:

לְפִיכְךָ רֹבֵי לִפְהָ לִ? מִהוּ דִתְיִמְאָ:  
הַחֲיא אֲשֶׁר תָּבַח פֶּתַח גַּבָּה – תַּחֲלַקְלֵל  
אַזְעָק – לֹא תַּחֲלַקְלֵל קְמַשְׁמָעָלָן.

אָמָר רַב חָסָדָא: טָמֵא וְטוֹהוֹר שָׁהָלָבוֹ  
בְּשַׁנְיָ שְׁבִילֵין, אַחֲרֵ שָׁהָר וְאַחֲרֵ טָמֵא –  
בָּאוּנו לְמִתְלֻקָּת רַבִּי רֹבֵן שָׁמְעוֹן בֶּן  
גַּמְלִיאֵל.

מִתְקִיף לְהַרְבֵּב אַזְעָק: עַד כִּאן לֹא קָאָמֵר  
רַבִּי הַתָּם – אַלְאָ דְתְרוּיָה בַּיּוֹדֵי  
ニִנְהָוָה, הַכָּא – מַאֲנִיפְקָא לֹן מִפְהָ?

And they also agree in a case where the woman who borrowed the garment was a woman after childbirth **who is observing** the period of the **blood of purity**. During these days, attributing the blood to her does not ruin her status, as any blood she emits is pure and does not affect her status. And similarly, the lender may attribute the blood stain to a virgin who engages in intercourse for the first time, as **her blood is pure**, as there is an assumption that it is hymenal bleeding rather than menstrual blood.

The Gemara asks: Why do I need the clause starting with: **Therefore**, mentioned by Rabban Shimon ben Gamliel? It is obvious that the status of only one woman is ruined, so what information does this observation add? The Gemara answers that this clause does not add any new information; rather, the *baraita* taught it because of the use of the similar clause beginning with: Therefore, stated by Rabbi Yehuda HaNasi in the latter part of the *baraita*.

The Gemara persists: But why do I need the clause starting with: **Therefore**, in the statement of Rabbi Yehuda HaNasi? That too is apparently superfluous. The Gemara explains: It is necessary, lest you say that the status of the woman **who has** the blood stain found with her when she is wearing the garment, should be ruined, whereas the status of **the other** woman should **not be ruined**, as the garment was not with her when the blood stain was discovered. Therefore, the *baraita* teaches us the clause beginning with: Therefore, to stress that both women are impure.

§ With regard to the dispute between Rabban Shimon ben Gamliel and Rabbi Yehuda HaNasi, Rav Hisda says: In a case of two individuals, one of whom was ritually impure and the other of whom was pure, who walked on two paths,<sup>h</sup> one of which was pure and the other one impure due to a corpse buried there, and neither remembers which path he took, and afterward they handled items of ritual purity, e.g., the portion of produce designated for the priest [teruma] or consecrated items, we have arrived at the dispute between Rabbi Yehuda HaNasi and Rabban Shimon ben Gamliel. According to Rabban Shimon ben Gamliel, if one of the two individuals was already impure it can be assumed that he was the one who walked along the ritually impure path, and the other individual remains pure. Rabbi Yehuda HaNasi claims that there is no assumption that the one who was pure retains that state, as it is equally possible that he walked along the ritually impure path.

Rav Adda objects to this suggestion of Rav Hisda, claiming that one cannot compare the two cases. It is possible that Rabbi Yehuda HaNasi states his halakha **only there**, with regard to a woman who observes a day for a day, as she can immerse in a ritual bath at any time, and therefore both women are like each other, i.e., both have a presumption of ritual purity. But here, in the case of the two individuals walking on two paths, what practical difference does it make to the one who was previously impure if he remains ritually impure? Since there is no change of status, Rabbi Yehuda HaNasi would agree in that case that it can be assumed that the individual who was previously impure was the one who walked on the impure path.

#### HALAKHA

Two paths – **שַׁנְיָ שְׁבִילֵין**: In a case where there were two paths, one ritually pure and the other impure, and two people walked along them, i.e., one on each path, and one of the people was ritually pure while the other was impure, or even if the second person was impure due to uncertainty, the pure individual may attribute, i.e., he may assume that the ritually impure path was traversed by the impure individual or the one who was

impure due to uncertainty. Consequently, the pure individual remains pure. This is the halakha even if they inquired about their status together. This ruling is in accordance with the opinion of Rabbi Yosei, son of Rabbi Hanina, as the halakha generally follows his opinion (Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot 19:4).

רוב חסידא – סוף סוף איהי טבילה בעין.

איתמר, אמר רבי יוסי ברבי חנינה: טמא שנהור, ואפלו טהור ותולוי, שהלכו בשני שבילין, אחד טמא ואחד טהור – תוללה טמא בתולין, וטהור בטהורה – לדברי הפל.

בעא מיניה רבינו יוחנן מרבו יהודה בר לוייאי מהו לתולות בתם בכתם? אליבא דרב – לא תבעי לך.

השיטה, ומה התם זקא חזיא מגופה – אמרת אינה תוללה, הכא דמעלמא קא אתי – לא כל שבוי?

בי תבעי לך – אליבא דרבון שמעון בן גמליאל, התם הו זקא חזיא מגופה – פלא, הכא דמעלמא קאתי – לא פלא, או דלמא לא שנא?

אמור ליה: אין תולין. מה טעם? לפי שאין תולין.

And the Gemara asks: How would Rav Hisda respond to this claim? Rav Hisda would answer that a woman who observes a day for a day is also not fully pure, as ultimately she requires immersion in a ritual bath to complete her purification, and yet Rabbi Yehuda HaNasi still rejects the attribution of the blood flow to her. Accordingly, the two cases are comparable and Rabbi Yehuda HaNasi would not assume that the individual who was already impure was the one who walked along the path that was impure.

It was stated that Rabbi Yosei, son of Rabbi Hanina, says: In a case of two individuals, one of whom was ritually impure and the other of whom was pure, or even where one was pure and the other was impure due to uncertainty, who walked on two different paths, one of which was impure and the other one pure, and neither remembers which path he took, one may attribute by assuming that the impure path was the one traversed by the individual who was impure due to uncertainty, and the pure path was traversed by the one who was ritually pure. And everyone agrees with this ruling, i.e., Rabbi Yehuda HaNasi agrees with Rabban Shimon ben Gamliel in this case. This statement is in accordance with Rav Adda's objection, not in accordance with the suggestion of Rav Hisda.

**§** Rabbi Yoḥanan raised a dilemma before Rabbi Yehuda bar Livai: What is the halakha with regard to attributing a blood stain<sup>H</sup> to a woman who is already impure due to having seen a blood stain? Rabbi Yoḥanan clarifies his question: I am not raising this dilemma to you according to the opinion of Rabbi Yehuda HaNasi.

Rabbi Yoḥanan explains why his dilemma does not apply according to the opinion of Rabbi Yehuda HaNasi: Now, and if there, where one loaned her garment to a woman who observes a clean day for a day, which is a case where she sees a discharge from her body, and yet you said that according to Rabbi Yehuda HaNasi the other woman may not attribute the blood stain to her, then here, in the case of a woman who is impure merely due to having seen a blood stain, where her impurity came from a source external to her, is it not all the more so that Rabbi Yehuda HaNasi would not permit one to attribute the blood stain to her?

Rather, when I raise this dilemma to you, it is in accordance with the opinion of Rabban Shimon ben Gamliel. Rabbi Yoḥanan clarifies the dilemma: Perhaps it is only there, in the case where she loaned her garment to a woman who observes a day for a day, where she sees the discharge from her body, that the lender may attribute the blood stain to her, whereas here, where it is possible that the stain came from a source external to her, Rabban Shimon ben Gamliel would not permit the lender to attribute this new blood stain to her. Or perhaps it is no different, and Rabban Shimon ben Gamliel would rule leniently in both cases.

Rabbi Yehuda bar Livai said to Rabbi Yoḥanan: She may not attribute this blood stain to a woman who was already impure due to having seen a blood stain, and both women are ritually impure. Rabbi Yoḥanan asked Rabbi Yehuda bar Livai: What is the reason that she may not attribute the blood stain to her? Rabbi Yehuda bar Livai answered: It is because in this case one may not attribute<sup>N</sup> the new blood stain to that other woman, as her previous stain might have come from an external cause.

## HALAKHA

What is the halakha with regard to attributing a blood stain, etc. – מהו לתולות כתם וכו': If a woman loaned her garment to another woman, who has seen a blood stain, whether she saw that blood stain before borrowing the garment or afterward, the new stain cannot be attributed specifically to either woman and both must be concerned for impurity. This ruling is in accordance with the opinion of Rabbi Yehuda bar Livai (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:29; Shulchan Arukh, Yoreh De'a 190:43).

## NOTES

Because one may not attribute – לפי שאין תולין – Some commentaries write that Rabbi Yehuda bar Livai did not answer Rabbi Yoḥanan's question and did not give a basis for his opinion. He simply responded that it is the accepted halakhic practice, and there is no need to inquire into the reason (Arukha). Others claim that Rabbi Yehuda bar Livai was in fact providing an explanation: Since she is not impure due to blood that certainly came from her

body, but because of a blood stain found on her body or garment, which might have come from outside her body, she therefore does not have a presumptive status of seeing blood. For this reason, the blood stain found on the borrowed garment cannot be attributed to her (Rashi). The later authorities note that this form of response occurs elsewhere as well (see, e.g., Shabbat 21a and Gittin 60a).

אִתְיַבֵּה: אֵין תֹּלֵן בַּתְּמַבְּכָתָם.  
הַשָּׁאֵילָה חֲלֹקָה לְכָרְוִית אוֹ לְיִשְׁבָּתָה  
עַל הַבְּכָתָם - הַרְיָה זוֹ תֹּולֶה בָּהּ.

הָא גּוֹפָה קְשִׁיאָ! רִישָׁא אָמְרוֹת אֵין  
תֹּלֵן, סִיפָּא אָמְרוֹת תֹּלֵן! הָא לֹא  
קְשִׁיאָ, הָא - רַבִּי וְהָא - רַבָּן שְׁמֻעוֹן  
בֶּן גַּמְלִיאֵל.

אִיכָּא דְאָמְרוּ: הָא וְהָא - רַבִּי, הָא -  
בְּרָאשׁוֹן שְׁלָה, הָא - בְּשַׁנִּי שְׁלָה.

רַב אַשִּׁי אָמַר: הָא וְהָא - רַבָּן שְׁמֻעוֹן  
בֶּן גַּמְלִיאֵל, וְלֹא קְשִׁיאָ.

Rabbi Yohanan raised an objection to Rabbi Yehuda bar Livai from the following *baraita*: A woman who loans her garment to another and subsequently finds a blood stain on it **may not attribute** the blood stain to a woman who was impure due to having previously seen a blood stain. But if she loaned her garment to a gentile woman or to a woman who was observing days of impurity due to having seen a blood stain, she **may attribute** the blood stain found on the garment to that other woman.

Before explaining the objection, the Gemara first analyzes the *baraita*. This *baraita* itself is **difficult**. In the first clause you said that a woman who loans her garment to another and subsequently finds a blood stain on it **may not attribute** the blood stain to a woman who was impure due to having previously seen a blood stain, whereas in the latter clause you said that she **may attribute** the blood stain to such a woman. Rabbi Yohanan explains this contradiction: **This is not difficult**. This first clause of the *baraita* is in accordance with the opinion of **Rabbi Yehuda HaNasi**, and that latter clause is in accordance with the opinion of **Rabban Shimon ben Gamliel**.

There are those who say an alternative resolution of the contradiction: Both **this clause and that clause** are in accordance with the opinion of **Rabbi Yehuda HaNasi**. The difference is that **this latter clause**, where she may attribute the blood stain to the other woman, is referring to a case where the blood stain was found **on that woman's first day**, when she had just found the blood stain and is impure for that day. Since she is in any case impure for that day, she is not adversely affected by having the new stain attributed to her. The case where the blood stain may not be attributed to the other woman is a case where the blood stain in question was found **on her second day**, i.e., the day after she found the blood stain, when she is not impure but merely requires immersion. The lender may not attribute the new blood stain to her, as that would render her ritually impure for an extra day.

Rav Ashi said yet another resolution of the *baraita*: Both **this first clause and that latter clause** are in accordance with the opinion of **Rabban Shimon ben Gamliel**, and it is **not difficult**.

## Perek IX

### Daf 60 Amud b

כְּאֵן - לְמַפְרָע, כְּאֵן - לְהַבָּא.

Here, in the latter clause of the *baraita*, when she may attribute the stain to a woman who had seen a blood stain, it is referring to rendering that woman impure **retroactively** with regard to the status of pure items that she had already touched before the stain was found on the garment she borrowed. This attribution of the blood stain to the woman who was already impure due to seeing a blood stain does not harm her impure status in any way, as items she had previously touched were already considered impure. There, in the beginning of the *baraita*, where the ruling is that the lender may not attribute the blood stain to a woman who was already impure, it is referring to her own status **with regard to the future**.<sup>N</sup> With regard to the future, one may not attribute the stain to woman who had already seen a blood stain, as this attribution would ruin that woman's counting of pure days.

#### NOTES

Here retroactively, there with regard to the future – **כְּאֵן**: According to some commentaries, Rav Ashi means that with regard to any pure items already touched by the women, impurity is ascribed to the woman who has seen a blood stain. The reason is that it does not affect her status, as even without attributing this impurity to her, she retroactively

renders impure any ritually pure items she touched, since she is already impure. By contrast, with regard to the impurity of ritually pure items that the women will touch, the other woman may not attribute the blood stain to the one who was already impure due to having seen a blood stain, as this would render her status more stringent than it was beforehand (Rashi).

מִבְּלַי מָקוֹם קְשִׁיאָ! אָמֵר רַבִּינוּא: לֹא  
קְשִׁיאָ, הֲכִי קָאָמֵר: הַשְׁאֵילָה תְּלֻוָּה  
לְנֶכְרִית – בָּעֵלֶת כַּתְם חָרִי וּתְולָה  
בָּתָה.

וְהִיא "או לְיוֹשֵׁבָה עַל הַכְּתָם" קְתַנִּי!  
הֲכִי קָאָמֵר: או לְיוֹשֵׁבָה עַל דָם טוֹהָר  
בָּעֵלֶת כַּתְם תְּולָה בָּה.

"שָׁלֵשׁ שְׁלֹבֶשׁ כּו' שְׂהִיה רַבִּי נְחֵמִי"  
כו': אָמֵר רַב מַתָּנה: מַאי טָעֵמָא דַרְבִּי  
נְחֵמִי – דְבָרִיבִי "נִקְתָּה לְאָרֶץ תְּשִׁבָּ",  
כִּין שִׁיבָּה לְאָרֶץ – נִקְתָּה.

אָמֵר רַב הָנוּא אָמֵר רַבִּי חַיְינָא: מַטָּהָר  
הַיִהְיָה רַבִּי נְחֵמִי אַפִּילוּ בְּאַחֲרוֹן כָּלִי  
חֲרָס. פְּשִׁיטָא!

מַהוּ דָתִים אָ: לְיִזְוֹד גַּבּוֹ אַטוֹ תָּכוֹ –  
קָא מְשֻׁמָּעַ לָן.

אָמֵר אֲבִי: מַטָּהָר הַיִהְיָה רַבִּי נְחֵמִי  
בְּמַטְלָנוֹת שָׁאַי בָּהוּ שָׁלֵשׁ עַל שָׁלֵשׁ,  
דְלֹא חַיְינַן לָא לְעַנְיִים וְלֹא לְעַשְׂיוֹם.

The Gemara returns to the objection: The *baraita* has been resolved, but in any case everyone agrees that according to Rabban Shimon ben Gamliel she may attribute the stain to a woman who had previously seen a blood stain. This presents a difficulty to the answer of Rabbi Yehuda bar Livai, i.e., that according to Rabban Shimon ben Gamliel one may not attribute the blood stain in such a case. Ravina said: It is not difficult, as this is what the *baraita* is saying in its latter clause: If she loaned her garment to a gentile woman, then with regard to defining the lender as one who had seen a blood stain, the lender may attribute the stain to the gentile woman. If so, it cannot be inferred from the *baraita* that according to Rabban Shimon ben Gamliel one may attribute a blood stain to another woman who was already impure due to a blood stain.

The Gemara raises an objection: But the *tanna* of the *baraita* teaches: Or to a woman who was observing days of impurity due to having seen a blood stain, i.e., it mentions another woman who was already impure due to having seen a blood stain. Ravina explains that this is what the *tanna* is saying: If she loaned the garment to a gentile woman or to a woman after childbirth who is observing the period of the blood of purity, then with regard to defining the lender as a woman who saw a blood stain, she may attribute the stain to the gentile or to the woman observing the days of ritually pure blood, and the lender remains pure.

**§** The mishna teaches: In a case of three women who wore one garment, etc. If they sat on a stone bench or on the bench of a bathhouse, Rabbi Nehemya deems all three women ritually pure, as Rabbi Nehemya would say: Any item that is not susceptible to ritual impurity is not susceptible to ritual impurity due to blood stains. The Gemara clarifies the opinion of Rabbi Nehemya. Rav Mattana says: What is the reason for the opinion of Rabbi Nehemya? As it is written: "And her gates shall lament and mourn; and clean she shall sit upon the ground" (Isaiah 3:26). This teaches that once she sits on the ground, which is not susceptible to ritual impurity, she shall be clean, i.e., pure.

Rav Huna says that Rabbi Hanina says: Rabbi Nehemya would deem her ritually pure even if she sat on the exterior of an inverted earthenware vessel.<sup>H</sup> Since an earthenware vessel becomes impure only if an impure item enters its airspace, its exterior is not susceptible to ritual impurity and therefore it does not render a woman who sees a blood stain on it ritually impure. The Gemara asks: Isn't that obvious? Rabbi Nehemya himself said that she does not become impure if a blood stain is found on an item that is not susceptible to ritual impurity. What does Rabbi Hanina add to that statement?

The Gemara answers: This observation is necessary, lest you say: Let the Sages decree that she becomes impure from a blood stain found on the exterior of an earthenware vessel, due to its similarity to a blood stain found on the interior, which would render her impure. Therefore, Rabbi Hanina teaches us that there is no such decree.

Abaye says: Rabbi Nehemya would deem her ritually pure if she saw blood stains on small rags that do not have an area of three fingerbreadths by three fingerbreadths,<sup>NH</sup> as these rags are suitable for use neither for the poor nor for the wealthy.

## NOTES

Small rags that do not have an area of three by three fingerbreadths – בְּמַטְלָנוֹת שָׁאַי בָּהּ שָׁלֵשׁ עַל שָׁלֵשׁ: The Gemara does not find it necessary to specify the unit of this measurement of three by three as it is a common expression, which refers to three by three fingerbreadths. The Sages state that any garment of at least this size is susceptible to ritual impurity, as it is suitable for use by poor people, despite the fact that wealthy people would not use it (see *Shabbat* 26b).

## HALAKHA

On the exterior of an earthenware vessel – בְּאַחֲרוֹן כָּלִי חֲרָס: If a woman sat upon an overturned earthenware vessel and when she arose she found a blood spot there, she is ritually pure. The reason is that the Sages did not decree ritual impurity for any blood spot found on an item that is not susceptible to ritual impurity. This halakha is in accordance with the opinion of Rabbi Nehemya (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 9:7).

Small rags that do not have an area of three by three fingerbreadths – בְּמַטְלָנוֹת שָׁאַי בָּהּ שָׁלֵשׁ עַל שָׁלֵשׁ: If a woman sat on a piece of cloth that was less than three by three fingerbreadths, and she found a blood stain on it when she arose, she is ritually pure. Similarly, if she sat on the ground and found a blood spot there when she arose, she remains ritually pure, as the Sages did not decree ritual impurity for any blood stain found on an item that is not susceptible to ritual impurity (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 9:7).

## PERSONALITIES

Father – אבָא: Rav Nahman's father was called Ya'akov, and the Jerusalem Talmud always refers to Rav Nahman as Rav Nahman bar Ya'akov. By contrast, the Babylonian Talmud simply calls him Rav Nahman. The Gemara in *Bava Metzia* 16b relates that Rav Nahman's father was a scribe in Shmuel's court and would often take Rav Nahman there when Rav Nahman was a child. Apparently, Rav Nahman's father taught him most of the Torah that he learned as a child, and Rav Nahman would later cite his father as an authority (see *Beitzah* 26b). Although there are no explicit statements in the Talmud citing Rav Nahman's father, he was likely a leading scholar in his own right.

## HALAKHA

Two women who were grinding with a hand mill and blood was found beneath the woman on the inside – שְׁתִּים שְׁנַיְוֹת בְּרִיאִים שֶׁלְּדַבֵּר טָמֵאִים: If two or three women were working side by side in such a manner that at some stage they all move to the inner point, e.g., if they were all taking turns using a hand mill, and blood is found beneath the innermost woman, the two innermost women are ritually impure. If the blood is found beneath the outermost woman, she is impure and the two women on the inside remain ritually pure. This halakha is in accordance with the opinion expressed in the *baraita* (*Shulhan Arukh*, *Yoreh De'a* 190:52).

דָּרְשׁ וּבְחִיאָ בֶּן רְבִבִּי מַתָּנָה מִשְׁמִינָה  
דָּרְבָּן הַלְּכָה בָּרוּבִי נְחֵמִיָּה. אֲמֹר לֵיהֶ  
רְבִבִּי נְחֵמִיָּה: אָבָא תַּנִּי מַעַשָּׂה בָּא לְפִנֵּי  
חֲכָמִים וְטָמָאִים, וְאַתְּ אָמְרָתְךָ הַלְּכָה  
כָּרְבִּי נְחֵמִיָּה?

מַאי הִיא? דְּתַנְיָא: שְׁתִּי נְשִׁים שְׁחַי  
טוֹחֲנוֹת בְּרִחִים שֶׁלְּ יָד וּנוּמֶצְאָה דָם  
תְּחִתָּה הַפְּנִימִית – שְׁתִּיּוֹן טָמָאֹת,  
תְּחִתָּה הַחִיצְׁוֹנָה – הַחִיצְׁוֹנָה טָמָאָה,  
וְהַפְּנִימִית טָהֹרָה, בֵּין תְּמִימָה – שְׁתִּיּוֹן  
טָמָאֹת.

הַיְהָ מַעַשָּׂה וּנוּמֶצְאָה דָם עַל שְׁפַתָּה  
שֶׁל אַמְּבֵטִי, וְעַל עַלְהָ שֶׁלְּ וַיְהִי בְּשָׁעָה  
שְׁמִסְיקֹת אֶת הַתְּנָור, וּבָא מַעַשָּׂה  
לְפִנֵּי חֲכָמִים – וְטָמָאִים.

תְּנָאֵי הִיא, דְּתַנְיָא: רְבִבִּי יַעֲקֹב בְּטָמָא,  
וּרְבִבִּי נְחֵמִיָּה טָהֹר, וְהַוּן חֲכָמִים  
כָּרְבִּי נְחֵמִיָּה.

Rav Hiyya bar Rav Mattana taught in the name of Rav: The *halakha* is in accordance with the opinion of Rabbi Nehemya. Rav Nahman said to Rav Hiyya bar Rav Mattana: Father<sup>p</sup> teaches the following *baraita*: An incident of this kind came before the Sages, involving two women who found a blood stain on an item that was not susceptible to ritual impurity, and the Sages deemed both women ritually impure, in accordance with the opinion of the Rabbis, who disagree with Rabbi Nehemya. And yet you say that the *halakha* is in accordance with the opinion of Rabbi Nehemya?

The Gemara inquires: What is that incident in question? As it is taught in a *baraita*: With regard to two women who were grinding with a hand mill<sup>b</sup> and were standing next to each other, and blood was found beneath the woman on the inside,<sup>H</sup> i.e., the woman standing closest to the mill, they are both ritually impure. The reason is that the woman standing further away pushes in to get closer to the mill, and therefore the blood stain could be from either of them. But if blood was found beneath the woman on the outside, i.e., the woman standing further from the mill, the woman on the outside is impure and the woman on the inside is pure. If the blood was found between them, they are both impure.

The *baraita* continues: There was an incident and blood was found on the edge of a bathtub,<sup>B</sup> and in another case a blood stain was found on an olive leaf at the time that the women were kindling the oven.<sup>B</sup> And the incident came before the Sages and they deemed both women ritually impure. Since an olive leaf is not susceptible to ritual impurity, this *baraita* is not in accordance with the opinion of Rabbi Nehemya.

Rabbi Hiyya bar Rav Mattana answered: It is a dispute between *tanna'im* whether or not the *halakha* is in accordance with the opinion of Rabbi Nehemya. As it is taught in a *baraita*: If a blood stain is found on an item that is not susceptible to ritual impurity, Rabbi Ya'akov deems her impure, but Rabbi Nehemya deems her pure. And the Sages ruled that the *halakha* is in accordance with the opinion of Rabbi Nehemya.

## BACKGROUND

Hand mill – גְּדָדִים שֶׁלְּ יָד: Hand mills were fashioned with one hole in the top stone, where the grain could be inserted, and another hole on the side for a stick, enabling the grindstone to be turned against the bottom stone. These hand mills were often used in the home. When flour was produced commercially, larger mills were used, whose stones were turned by waterpower or by animals. Such mills could, in emergencies, be turned by people as well; see, e.g., Judges 16:21.



Close-up of the two sections of a hand mill



Child using ancient hand mill

The edge of a bathtub – שְׁפַתָּה שֶׁל אַמְּבֵטִי: Bathtubs similar to those found in modern bathrooms were in the past found only in communal bathhouses or in the homes of the very rich. Some baths had a wide ledge on which a few people could sit.



Roman bathtub

Kindling the oven – מִסְיקֹת אֶת הַתְּנָור: Many ovens in late antiquity were made of clay and open at the top. Fire was kindled inside to heat the oven until the fuel turned to ash. The ash was then swept away to make room for dough that had been rolled out flat, which was inserted through the hole in the top of the oven and pasted to the walls of the oven or to the heated base. Sometimes the oven had a separate fuel compartment in its base that allowed the fire to burn while the bread baked.



Remains of clay ovens such as those used in talmudic times

**מִתְנִי** שֶׁלְשׁ נָשִׁים שַׁהֲיוּ יְשִׁנּוֹת בְּמִטָּה אַחֶת, וּנְמַצֵּא דָם תְּחִתָּ אַחֶת מִתְהַן – כְּלַיְלָה טָמֵאות. בָּרְקָה אַחֶת מִתְהַן וּנְמַצֵּאת טָמָא – הִיא טָמָא וְשָׂתְתִין טָהֹרוֹת. וְתוֹלוֹת זוֹ בָּזָו, וְאַם לֹא הִיא רָאוּין לְרָאוֹת – רָוְאִין אַוְתָן בְּאַילָוּ הַן רָאוּוֹת.

**גַּמְ'** אָמַר רְבִיבָה, אָמַר רְבָבָה: וְהִיא שְׁבָרְקָה עֲצָמָה בְּשִׁיעָרָוּ וְסַתָּ.

סְבָר לְהָכְבָּר פְּדָא, וְאָמַר: כָּל שְׁבָעַלָּה בְּחַטָּאת – טָהֹרוֹתִיהִיא טָמֵאות,

**MISHNA** In a case of three women who were sleeping in one bed and blood was discovered beneath one of them,<sup>h</sup> all of them are ritually impure. If when the blood was discovered one of them examined herself and discovered that she was impure due to menstruation, she is impure and the other two are pure. And if none of them examined themselves, or if all of them examined themselves and were pure, they attribute the blood to each other, i.e., if one of them is unfit to menstruate, e.g., she is pregnant, she may attribute the blood to the other women who are fit to menstruate. And if all three women were not fit to see the flow of blood, e.g., they each belonged to one of the categories listed in the mishna on 7a, one considers them as though they were fit, and all three are impure, because the blood must have originated from one of them.

**GEMARA** The mishna teaches that if one of the women examined herself when the blood was discovered and found that she was impure due to menstruation, she is impure and the other two are pure. In this regard, Rav Yehuda says that Rav says: The other two women may attribute the blood to the one who examined herself only when she examined herself within the brief period of time needed for the onset of menstruation.<sup>h</sup> But if she checked herself after this time, although she is impure, the other women are also impure, due to uncertainty.

The Gemara explains: Rav holds in accordance with the opinion of bar Padda, who said: There are three time periods with regard to defining a woman's ritual-purity status if she sees blood after engaging in intercourse. The shortest is the period of time required for the onset of menstruation, i.e., for menstrual bleeding to begin. The next shortest is the time it would take the woman to get out of bed after intercourse and wash her private parts. The longest period is any time longer than that. If a woman finds blood after intercourse within the period of time needed for the onset of menstruation, she must have been impure during intercourse. With regard to any woman whose husband would be liable to bring a sin offering if he had engaged in intercourse with her, because she found the blood within that short period, if she had not been engaging in intercourse, but rather had been preparing food in a state of ritual purity, and then she found blood within that short period, all the pure items that she touched are ritually impure.

בְּעַלְהָ בְּאַשְׁם תָּלִי – טָהֹרוֹתִיהִיא תָּלִיota,  
בְּעַלְהָ פְּטוּר – טָהֹרוֹתִיהִיא טָהֹרוֹת.

By contrast, with regard to any woman whose husband would be liable to bring a provisional guilt offering<sup>b</sup> if he had engaged in intercourse with her, as it is uncertain whether he violated a transgression for which he would be liable to bring a sin offering, if she had not been engaging in intercourse, but rather had been preparing food in a state of ritual purity and then found blood within that same time period, the status of all the pure items she touched is suspended, as their status is uncertain. They are not burned but they may not be eaten either. Finally, with regard to any woman whose husband would be exempt from bringing any offering, i.e., where she finds blood after a longer time period, if she had not been engaging in intercourse, but rather had been preparing food in a state of ritual purity, and then found the blood after a longer time period, all the pure items she touched remain pure.

## HALAKHA

Three women who were sleeping in one bed and blood was discovered beneath one of them – שֶׁלְשׁ נָשִׁים שַׁהֲיוּ יְשִׁנּוֹת בְּמִטָּה אַחֶת וּנְמַצֵּא דָם תְּחִתָּ אַחֶת מִתְהַן: If three women were sleeping side by side on one bed such that their legs were entwined, and blood is found beneath one of them, they are all ritually impure. Even if their legs are not entwined, but blood is found beneath the woman in the middle, they are all impure. This is the halakha only if none of them had examined themselves beforehand. If one or two of the women had examined themselves and found themselves to be ritually pure, they are pure while the other one or two women, who did not check themselves, are impure (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:32; Shulchan Arukh, Yoreh De'a 190:50–51).

When she examined herself within the brief period of time needed for the onset of menstruation – הדָּבָר שְׁבָרְקָה עֲצָמָה בְּשִׁיעָרָוּ וְסַתָּ: If three women were lying on the same bed and blood was found on the bed, and one of them examined herself and found herself to be ritually impure, the other women remain pure. If one examined and found herself pure, she is pure and the others are impure. These examinations must take place immediately after the blood is found. If the examinations were delayed by the amount of time it would take to perform an examination, i.e., the time it would take to check the folds and crevices of her vagina, this examination is ineffective and all the women are impure. This ruling is in accordance with the opinion of Rav Yehuda citing Rav (Rambam Sefer Kedusha, Hilkhos Issurei Bia 9:32; Shulchan Arukh, Yoreh De'a 190:51).

## BACKGROUND

Provisional guilt offering – אַשְׁם תָּלִי: The provisional guilt offering appears in the Torah in Leviticus 5:17–19, and its various halakhot are explained in tractate Karetot. The standard case of a provisional guilt offering is a situation of uncertainty as to whether or not a transgression warranting a sin offering was committed. For example, if a piece of forbidden fat and a piece of permitted fat

were found together and one thought they were both permitted and ate one of them, he must bring a provisional guilt offering. The offering protects him from punishment until it is determined whether or not he actually sinned. If it is discovered that he did sin, he must bring a sin offering.

וְרַבִּי אָוֹשְׁעָנָא אָמָרָ: אֲפִילוּ בָּעֵלָה בְּחֶשְׁאָת -  
טֻהְרוּתָה תְּלוּוֹת.

בְּשִׁלְמָא הַתָּם - אִيمֶר שָׁמֶשׁ עֲבֵבִיה לְדִם  
[אָבֵל] הַכָּא - אָם אִתְּאָ דְּהַיִּם מִזְמָן  
עֲבֵבִיה?

אָמָר רַבִּי יְרַמְּיָה: מִשֵּׁל דָּרְבִּי אָוֹשְׁעָנָא לְמָה  
הָהָרְדוּמָה - לִילָּד וְקַנְעָן שְׁחוּי מְהֻלָּכִין בְּרוּךְ,  
כְּלִזְמָן שְׁחוּי בְּרוּךְ - יָלֵד שׂוֹאָלָבָא, נְכַסְתָּו  
לְעֵיר - יָלֵד מְמַהָּר לְבָא. וְאָמָר אַבְּיָי: מִשֵּׁל  
דָּרְבִּי אָוֹשְׁעָנָא לְמָה הָהָרְדוּמָה - לְאָדָם  
שְׁטוֹתָן אָצְבָּע בְּעֵינָן, כְּלִזְמָן שְׁאָצְבָּע בְּעֵינָן -  
דְּמָעָה שׂוֹהָא לְבָא, נְטָלָה אָצְבָּע - דְּמָעָה  
מִמְּהָרָת לְבָא.

יוֹתְלָות וּבּוֹ. פָּנָן: בִּיצְדּוֹתְלָות וּ  
בּוֹ. עֲוֹרָה וְשָׁאִינָה עֲוֹרָה - תְּולָה עֲוֹרָה  
בְּשָׁאִינָה עֲוֹרָה,

מִנִּיקָה וְשָׁאִינָה מִנִּיקָה - תְּולָה מִנִּיקָה  
בְּשָׁאִינָה מִנִּיקָה, וְקַנְעָן וְשָׁאִינָה וְקַנְעָן -  
תְּולָה וְקַנְעָן בְּשָׁאִינָה וְקַנְעָן, בְּתוּלָה וְשָׁאִינָה  
בְּתוּלָה - תְּולָה בְּתוּלָה בְּשָׁאִינָה בְּתוּלָה.

הַיְיָ שְׁתִּיכְהַן עֲוֹרָות, שְׁתִּיכְהַן מִנִּיקָות, שְׁתִּיכְהַן  
זְקִנּוֹת, שְׁתִּיכְהַן בְּתוּלָות - וְהַיְיָ שְׁשִׁנְיָנוֹ, לֹא  
הַיְיָ רְאוּיוֹת לְרָאוֹת - רְזָאִין

**And Rabbi Oshaya says:** There is no connection between her husband's obligation to bring an offering and the ritual-purity status of the items she handled. Even if her husband is liable to bring a sin offering, i.e., when she discovered the blood within the period of time needed for the onset of menstruation, the status of all the pure items she touched before she discovered the blood is suspended, as their status is uncertain.

Rabbi Oshaya explains his reasoning. Granted, there, in the case of intercourse, where the husband must bring an offering, one can say that the male organ prevented the blood from emerging from her body, and therefore it is clear that she was impure beforehand. But here, in the case of preparing food in a state of ritual purity, if it is so that there was blood coming out of her while she was preparing the food, what prevented the blood from emerging from her body?

Rabbi Yirmeya says a parable in explanation of the opinion of Rabbi Oshaya: To what is this matter comparable? To a child and an old man who are walking along the road. As long as they are on the road, the child delays his arrival, i.e., he walks at the pace of the old man. But once they enter the city, the child hastens his arrival, and runs on ahead. Similarly, as soon as the couple has finished engaging in intercourse, the blood comes quickly, but the blood is hindered from coming out during intercourse. And Abaye also says a parable in explanation of the opinion of Rabbi Oshaya: To what is this matter comparable? To a man who puts his finger in his eye. As long as his finger is in his eye, the tears delay their arrival and remain in the eye. But as soon as he has removed his finger the tears hasten their arrival.

§ The mishna teaches: And with regard to three women who were sleeping in one bed and blood was discovered beneath one of them, that if one of them is unfit to menstruate they attribute the blood to each other, i.e., to the women who are fit to menstruate. In this regard, the Sages taught in a baraita: How do they attribute the blood to one another?<sup>h</sup> If one of the women is pregnant and one is not pregnant, the pregnant woman may attribute the blood to the woman who is not pregnant.

If one of the women is nursing and the other is not nursing, the nursing woman may attribute the blood to the woman who is not nursing. If one of the women is old and no longer experiences bleeding regularly, and the other one is not old, the old woman may attribute the blood to the woman who is not old. Likewise, if one of the women is a virgin, in this context, one who has not yet experienced bleeding due to her youth, and the other woman is not a virgin, in this context, one who has experienced bleeding, the virgin may attribute the blood to the woman who is not a virgin.

The baraita continues: If both women are pregnant, or both women are nursing, or both women are old, or both women are virgins, in this case the halakha is as we learned in the mishna: If both women were not fit to see menstrual blood, and yet blood is found beneath them on the bed, one considers them

#### HALAKHA

How do they attribute to one another – בִּיצְדּוֹתְלָות וּבּוֹ: If, in the case described in the mishna, one of the women was more likely to experience a flow of blood than the others, the ones who are less likely to experience bleeding may attribute the blood stain to the one who is more likely to experience bleeding, and they remain pure. How so? If one of two women was elderly and had passed three months without experiencing a menstrual flow, and the other was young, the elderly woman is pure and the young woman is impure. If one woman was noticeably pregnant and one

was not, the pregnant woman is pure and the other is impure. If one woman was young and had never experienced a menstrual flow, and the other had experienced a menstrual flow, the one who had experienced a menstrual flow is impure, while the other woman is pure. This applies even if both women are married (Shakh, citing Rashi). If one woman is nursing a baby and the other is not, the one who is nursing is pure while the other is impure (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:33; Shulhan Arukh, Yoreh De'a 190:52).

## Perek IX

## Daf 61 Amud a

כְּאֵלֹת הָןּוּ רַאוּיוֹת.

**מתני'** שלש נשים שׁהוּ יִשְׂנֹת בִּמְפַתָּח  
אַחֲרֶת, וּנְמַצְאָה רֵם תְּחִתַּת הָאַמְצַעִית – כְּלֹן  
טָמָאות. תְּחִתַּת הַפְּנִימִית – שְׁתִים הַפְּנִימִיות  
טָמָאות, וְהַחִיצָנָה טָהוֹרָה. תְּחִתַּת הַחִיצָנָה –  
שְׁתִים הַחִיצָנָות טָמָאות, וְהַפְּנִימִת טָהוֹרָה.

אִימְתִּי – בָּוּמָן שַׁעֲבָרוּ דָּרָךְ מִרְגָּלֹת הַמְּפַתָּח,  
אָבֶל אָם עֲבָרוּ דָּרָךְ עַלְיהָ – כְּלֹן טָמָאות.  
בְּדִקָּה אַחֲתָה מֵהֶן, וּנְמַצְאָת טָהוֹרָה – הִיא  
טָהוֹרָה, וְשִׁתְמָוֹת. בְּדִקָּו שְׁתִים, וּמַצְאָו  
טָהוֹחות – הָן טָהוֹרות, וּשְׁלִישִׁית טָמָאת.  
שְׁלִשְׁתָן, וּמַצְאָו טָהוֹרות – כְּלֹן טָמָאות.

לְמַה הַזָּבֵר דָּמָה – לְגַל טָמָא שְׁנַתְּשֻׁבָּב בֵּין  
שְׁנַי גָּלִים טָהוֹרים, וּבְדִקָּו אַחֲתָה מֵהֶן וּמַצְאָו  
טָהוֹר – הוּא טָהוֹר, וְשִׁתְמָוֹת טָמָאים. שְׁנִים,  
וּמַצְאָו טָהוֹרִין – הִם טָהוֹרִין, וּשְׁלִישִׁית טָמָא.

שְׁלִשְׁתָן, וּמַצְאָו טָהוֹרִין – כְּלֹן טָמָאים, דָבָר  
רַבִּי מֵאִיר. שְׁרֵבִי מֵאִיר אוֹמֵר: כִּי דָבָר שֶׁהוּא  
בְּחִזְקַת טוֹמָא – לְעוֹלָם הוּא בְּטוֹמָאתוֹ, עַד  
שִׁירְדוּ לְכָל טוֹמָאָה דִּיקָּנוּ הִיא.

וחכמים אוֹמְרִים: בּוֹדֵק עַד שְׁמַגִּיעַ לְפָלוּ  
או לְבָתִילָה.

as though they were fit, and all three are impure, because the blood must have originated from one of them.

**MISHNA** In a case of **three women who were sleeping in one bed**<sup>n</sup> that was located adjacent to a wall, and blood was discovered beneath the middle woman,<sup>h</sup> all of them are ritually impure. If the blood was discovered **beneath** the woman on the **inside**, closest to the wall, the two innermost women are ritually impure and the woman on the **outside** is ritually pure. If the blood was discovered **beneath** the woman on the **outside**, farthest from the wall, the two outermost women are ritually impure and the woman on the **inside** is ritually pure.

When is that the ruling? It is when they passed into their positions on the bed via the foot of the bed; but if they passed into their positions on the bed via the side of the bed, over the place where the blood was discovered, all of them are ritually impure. If immediately after the blood was discovered, one of them examined herself and she was found to be ritually pure, she is pure and the other two are impure. If two of them examined themselves and found that they were ritually pure, they are pure and the third is impure. If all three of them examined themselves and found that they were ritually pure, all of them are ritually impure, as the blood must have originated from one of them.

To what case is this matter comparable? It is similar to the case of a ritually impure pile of stones with an olive-bulk of a corpse beneath it, where this pile was intermingled with two ritually pure piles,<sup>h</sup> and they examined one of them and found it pure. That pile is pure and the other two are impure. If they examined two of them and found them ritually pure, they are ritually pure and the third is impure.

If they examined all three of them and found them ritually pure, all of them are impure; this is the statement of Rabbi Meir, as Rabbi Meir would say: With regard to any item that has the presumptive status of ritual impurity, it forever remains in its state of ritual impurity, even if one examined the relevant area or item and the source of impurity was not found, until it becomes known to you where the ritual impurity is. The assumption is that the impurity was not found because the examination was not conducted properly.

And the Rabbis say: One continues searching the relevant area until he reaches bedrock or virgin soil, beneath which there is certainly no ritual impurity. If no ritual impurity is found at that stage, presumably an animal dragged the olive-bulk of the corpse from beneath the pile, and the pile of rocks is pure.

## NOTES

Three women who were sleeping in one bed – **שְׁלֹשׁ נָשִׁים שָׁהֵי יִשְׂנֹת בִּמְפַתָּח**: The early commentaries explain that this is referring specifically to women who were asleep. Since they move, or move each other, in their sleep, it is impossible to establish the source of the blood stain, and therefore in certain situations they are all impure. By contrast, if they were awake, they know where they have been and can credibly claim that they did not pass over the area where the stain was found. Therefore, in such a case only the woman beneath whom the stain was discovered is impure (Rosh, citing Ra'avad; Rashba).

## HALAKHA

And blood was discovered beneath the middle woman, etc. – **נְמַצְאָה רֵם תְּחִתַּת הָאַמְצַעִית וּכְי**: If three women were lying on a bed and blood was found beneath the innermost woman, she and the middle woman are impure and the outermost woman is pure. If the blood was found beneath the outermost woman, she and the middle woman are impure and the innermost woman is pure. This is the halakha only when they all climbed into the bed from the foot of the bed. If they all climbed in from the side and blood is found beneath the outermost woman, they are all impure, as the blood might have been emitted even by the first woman as she climbed into the bed. Furthermore, this is the halakha only when the blood is found on the sheet beneath them. If the blood is found on the sheet that covers them, they are all impure, as the sheet moves around

from one woman to the next (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:34; Shulhan Arukh, Yoreh De'a 190:50).

A ritually impure pile of stones where it was intermingled with two ritually pure piles – **שְׁנַי גָּלִים טָהוֹרים שְׁנַתְּשֻׁבָּב בֵּין**: If one impure pile of items was intermingled with two other piles, and one of them was examined and found to be pure, that pile is pure and the other two are impure. If two piles were checked, they are pure and the other one is impure. If all three were examined and found to be pure, then all three are impure until they are examined thoroughly, down to the bedrock or virgin soil. If that has been done, all three are pure. This halakha is in accordance with the opinion of the Rabbis (Rambam Sefer Tahara, Hilkhot Tumat Met 9:10).

## BACKGROUND

**Kefar Sava – כפר סבא:** The village of Kefar Sava is mentioned in the works of Josephus as a place where Alexander Yannai dug trenches to defend himself against Antiochus Dionysus. There was a Jewish presence in Kefar Sava throughout the talmudic period. Kefar Sava is listed in a mosaic found in Tel Rehov, near Beit She'an, as one of the borders of Eretz Yisrael with regard to produce of the Sabbatical Year. This village was located in the area where the city of Kfar Saba is today.



Tel Rehov mosaic, with Kefar Sava listed

**Shihin – שיחין:** Shihin is an abbreviated name for Kefar Shihin. It was a large village in the Lower Galilee, on the western side of Beit Netofa valley, and the residence of one of the twenty-four priestly watches. Together with Kefar Hananya on the border between the Upper and Lower Galilee, Kefar Shihin was known for its production of earthenware vessels.

**Shovels – קרדומות:** Although there is no precise record of what these implements looked like in the time of the Mishna and the Gemara, it would appear from descriptions in the Gemara that they were similar to the Roman dolabra. This utensil had several functions, including cutting down trees (see Jeremiah 46:22) and digging the earth. Generally, a scythe was used for harvesting crops, but if one wanted to remove the crops and the roots it was easier to use this shovel.



Roman dolabrae

**Mortar – מכתש:** During the period of the Mishna and the Talmud, extensive use was made of mortars, both to crush grain in preparation for milling, and to crush various types of legumes. Since they were designed for use with large volumes of produce, the mortars were relatively large, although there were also smaller ones for pounding seasonings and spices. Occasionally, to stabilize the mortar, it would be attached to the ground with mud, clay, or some other adhesive substance, and sometimes rocks embedded in the ground were hollowed out and turned into mortars.



Stone mortar, Khobak, India

גַם מֵאִישָׁנָה רִישָׁא - דְלֹא מִפְלָג, וּמֵאִישָׁנָה  
סִיפָּא דִקְמְפָלָג? אָמָר רַבִּי אֲמִי: בְּמִשְׁאָבוֹת.

The previous mishna taught that if blood is found beneath one of three women lying together on a bed, they are all ritually impure. By contrast, the mishna here distinguishes based on the precise location where the blood was found. The Gemara asks: **What is different in the first clause**, i.e., the previous mishna, **which did not distinguish** on the basis of where the blood was found, **and what is different in the latter clause**, i.e., this mishna, **which does distinguish** in that manner? **Rabbi Ami** said that the previous mishna is referring to a case **where** the women were lying **intertwined**, and therefore it is impossible to distinguish between the woman on the inside and the woman on the outside.

בְּדַקְתָּה אֶחָתָה [וּכְוּ] לְפָה לִיה לְמַתְתֵּי "לְמַה  
זֶה דְּמַמָּה?"

הַכִּי קָמָר לְהֹוו רַבִּי מֵאִיר לְרַבָּן: מֵאִישָׁנָה  
בְּרֻם דְלֹא פְלִיגִיתָה, וּמֵאִישָׁנָה בְּגַל דְפִלִיגִיתָה?

§ The mishna teaches: If immediately after the blood was discovered, **one of them examined** herself and she was found to be ritually pure, she is pure and the other two are impure. If two of them examined themselves and found that they were ritually pure, they are pure and the third is impure. If all three of them examined themselves and found that they were ritually pure, all of them are ritually impure. The mishna proceeds to compare this case to that of a pile of stones beneath which there is an olive-bulk of a corpse. The Gemara asks: **Why does the tanna need to teach: To what case is this matter comparable?** The ruling of the mishna is clear enough without this analogy.

The Gemara explains that **this is what Rabbi Meir is saying to the Rabbis: What is different with regard to the case of blood, where you do not disagree with me, as you concede that all three women are impure, and what is different with regard to the case of the pile of stones, where you disagree with me and maintain that all three piles of stones can be ritually pure if they are examined?**

וּרְבָּן, בְּשַׁלְמָא הַתָּם - אִימָא עֹזֶב נַטְלָה, אַלְאָ  
הַכָּא - הָא יִדְםָמָה אַתָּה?!

And the Rabbis would counter that the two cases are different. Granted, there, with regard to the piles of stones, one could say that a raven or some other animal took away the olive-bulk of the corpse, so there is a reason to deem all the piles pure. But here, in the case of the three women and the blood, **from where did this blood come?** It must have come from one of them. Therefore, at least one of the women must be ritually impure, and one cannot say that all three are pure.

תְּנִינָא, אָמָר רַבִּי מֵאִיר: מַעֲשָׂה בְּשִׁקְמָה שֶׁל כְּפָר  
סְבָא שְׁחִי מִתְחִיקִין בָּה טוֹמָאָה, וּבְדַקְוּ וְלֹא  
מֵצָאוּ, לִימִם נְשָׁבָה בּוֹ חֲרוֹת וּעֲקָרָתוֹ, וּנְמִצָּאוֹ  
גִּלְגָּלָתָה שֶׁל מַתְחִיבָה לוֹ בְּעַקְרוֹ. אָמָר הוּא:  
מִשְׁמָ רְאֵיה? אִימָר לֹא בְּדַקְוּ כֹּל צְרוּפוֹ.

The Gemara discusses other cases involving possible mistakes in examinations. It is taught in a *baraita*: Rabbi Meir said that there was an incident involving a sycamore tree in Kefar Sava,<sup>b</sup> with regard to which they had a presumption of ritual impurity, i.e., a presumption that there was a corpse buried beneath it. And they examined by digging in that place and did not find any corpse. Some days later, the wind blew at it and uprooted the sycamore tree, and they found a skull from a corpse stuck in its roots. This apparently indicates that in general one cannot rely upon an examination. The Sages said to Rabbi Meir: Do you seek to bring a proof from there? One can say that they did not examine as much as was necessary.

תְּנִינָא, אָמָר רַבִּי יוֹסֵי: מַעֲשָׂה בְּמִעֵרָה שֶׁל  
שִׁיחִין שְׁחִי מִתְחִיקִין בָּה טוֹמָאָה, וּבְדַקְוּ וְלֹא  
שָׁהַגְּנִיעַ לְקַרְקָעַ שְׁחוֹתָה חֲלָקָה בְּאַפְרוֹן, וְלֹא  
מֵצָאוּ, לִימִם נְכָנסׁוּ בָה פּוּלָלִים מִפְנֵי הַגְּשָׁמִים.  
וּנְטוּ בְּקַרְוּמוֹתָיוּ, וּמֵצָאוּ מִכְתָּשָׁת מִלְאָה  
עַצְמָות. אָמָר הוּא: מִשְׁמָ רְאֵיה? אִימָר לֹא בְּדַקְוּ  
כֹּל צְרוּפוֹ.

The Gemara cites another case. It is taught in a *baraita*: Rabbi Yosei said that there was an incident involving a cave in Shihin<sup>b</sup> with regard to which they had a presumption of ritual impurity of a corpse. And they examined by digging inside the cave until they reached ground that was as smooth as a fingernail, and they did not find any corpse. Some days later workers entered the cave because they sought shelter from the rain. And they dug with their shovels<sup>b</sup> and found a mortar<sup>b</sup> full of bones. Once again, this indicates that one cannot rely upon an examination. The Sages said to Rabbi Yosei: Do you bring a proof from there? One can say they did not examine as much as was necessary.

תניא, אבא שאול אומר: מעשה בסלע  
בֵּית חָרוֹן שְׁחִי מִתוּקֵין בָּה טוֹמַא, וְלֹא  
כַּלּוּ חֲכָמִים לְבָדֹק, מִפְנִי שְׁחִיתָה מְרוֹבָה.  
וְהִיא שֶׁם זָכוֹר אֶחָד, וּרְبִי יְהוֹשֻׁעַ בֶּן חָנָנִיא  
שָׁמוֹ, אָמַר לְהָן: הַבָּיוֹל קְדִימָם הַבָּיוֹל  
קְדִימִים, וְשָׂרָאָן בְּפִים, וּפְרָסָן עַלְיִם. מָקוֹם  
טָהָרָה – יְבָשׁ, מָקוֹם טוֹמַא – לְתָה. וּבְרוּךְ  
וּמְצָאוֹ בָּור גָּדוֹל מְלָא עַצּוֹת.

תנא: הוא הבור שמילא ישמעאל בן נתניה  
חוללים, רכתיב: "וְקִבְרָו אֲשֶׁר הַשְׁלֵךְ שָׁם  
ישמעאל את כל פגוי אנשי אשר הכה  
בַּיְד גָּדְלָיה".

ובַּיְד גָּדְלָיה הָרְמָן? וְהַלֵּא יְשַׁמְּעָל הָרְמָן? אַל  
מִתְּוֹךְ שְׁחִיתָה לוֹ לְחוֹשׁ לְעֵצֶת יְהָנֵן בְּנוֹ קָרְבָּה  
וְלֹא חַשׁ – מַעַלְהָ עַלְיָה הַכְּתוּב בְּאֵילָה הָרְמָן.

אמור ר' בא: הא לישנא בישא, אף על פי  
דרקביoli לא מבשי – מיחש ליה מבשי.

הנה בֵּין גָּלִילָא דְנַפְקָעֵלְיוֹ הַקְּלָא דְקָטוֹל  
נְפָשָׁא, אָתוֹ לְקַמְּיהָ דָרְבִי טְרֵפָן, אָמַר לוֹ:  
לְנִתְמְרוּן מָר! אָמַר לוֹ: הַיכִּי נַעֲבָד? אֵלָא  
אַטְמְרִינְכּוּ – חֹזֶה יְתִיכּוּ, אַטְמְרִינְכּוּ – הָא  
אָמַר וּרְבָּן הא לישנא בישא, אף על גב  
דרקביoli לא מבשי – מיחש ליה מבשי, זילו  
אתון טמרו נפשיכו.

The Gemara cites yet another relevant case. It is taught in a *baraita*: Abba Shaul says that there was an incident involving bedrock in Beit Horon,<sup>8</sup> with regard to which they had a presumption of ritual impurity of a corpse. And the Sages were unable to examine it because the area of the bedrock was too large. And there was one old man there, and his name was Rabbi Yehoshua ben Hananya. He said to them: Bring me sheets. They brought him sheets and he soaked them in water and spread them over the bedrock. In every place of ritual purity the ground remained dry, and in every place of ritual impurity the ground became moist. They understood that it was not entirely bedrock, as the area where the ground was wet was actually soft earth. And they examined there by digging and found a large pit filled with bones.

It is taught: That pit that they found is the pit that Ishmael, son of Nethaniah, filled with corpses,<sup>9</sup> as it is written: "Now the pit where Ishmael cast all the dead bodies of the men whom he had slain by the side of Gedaliah was that which Asa the king had made for fear of Baasa king of Israel; the same Ishmael, son of Nethaniah, filled with them that were slain" (Jeremiah 41:9).

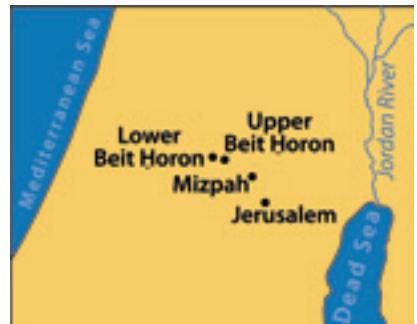
The Gemara analyzes that verse: **And did Gedaliah kill them? But didn't Ishmael kill them?** Gedaliah was one of those killed by Ishmael and his men (see Jeremiah 41:2). The Gemara answers: Rather, since Gedaliah should have been concerned and cautious based on the advice of Johanan, son of Kareah,<sup>10</sup> who warned him that Ishmael was conspiring to kill him and even offered to go and kill Ishmael in a preemptive strike (see Jeremiah 40:13–16), but Gedaliah was not concerned and he refused to listen to Johanan's advice, saying that he did not want to listen to malicious speech, the verse ascribes him blame as though he himself killed them.

**§** In relation to the above comment that Gedaliah was killed after not heeding the warning of Johanan, the Gemara clarifies what is permitted when receiving such a warning. Rava said: With regard to this prohibition against listening to malicious speech, even though one should not accept the malicious speech as true, one is nevertheless required to be concerned about the harm that might result from ignoring it.

The Gemara cites examples of people who were concerned about malicious speech. There were these people of the Galilee about whom a rumor emerged that they had killed someone. They came before Rabbi Tarfon and said to him: Will the Master hide us? Rabbi Tarfon said to them: What should we do? If I do not hide you, your pursuers will see you and kill you. If I do hide you, this too is problematic, as didn't the Rabbis say: With regard to this prohibition against listening to malicious speech, even though one should not accept the malicious speech as true, one is required to be concerned about the harm that might result from ignoring it? Therefore, you must go and hide yourselves.

## BACKGROUND

**Beit Horon – בֵּית חָרוֹן:** The city of Beit Horon was divided into two adjacent towns, Upper and Lower Beit Horon, located near the northern border of the tribe of Judah. These cities are mentioned in the Bible and, due to their strategic location on the main road to Jerusalem, were the site of many famous battles, including the victory of Judah Maccabee during the Great Revolt. In ancient cities such as these, which were resettled at the time of the return from the Babylonian exile, there was generally a traditionally religious community replete with Torah scholars. This incident in Beit Horon teaches us about the local residents' commitment to observing mitzvot with great care.



Location of Beit Horon

**pit that Ishmael son of Nethaniah filled with corpses – בָּור שְׁמִילָא יְשַׁמְּעָל בַּן נְתַנְיָהוּ חֲלָלִים:** This is the pit into which Ishmael, son of Nethaniah, threw the corpses of his victims. Asa, king of Judah, and Baasa, king of Israel, waged war with each other throughout their reigns. In the course of one war, Asa destroyed all the buildings and fortresses that Baasa had built in the city of Ramah. Asa instructed his troops to bring the wood to Geba of Benjamin and to Mizpah, in the north of his kingdom, in order to build defensive buildings there (see I Kings 15:22). While building defenses for the Kingdom of Judah they dug a pit in which to store water or grain, as part of their preparations for a siege. This pit still existed after the destruction of the First Temple, and Ishmael threw into it the corpses of those he slew in Mizpah.

## NOTES

The advice of Johanan son of Kareah – עַצְתִ יְהָנֵן בְּנוֹ קָרְהָה: This event sealed the fate of the Jews in Eretz Yisrael after the destruction of the First Temple. It is described in detail in the book of Jeremiah (chapters 40–41). After the destruction of the Temple, Gedaliah, son of Ahikam, was appointed by the king of Babylonia to govern the Jews who remained in Eretz Yisrael. Many came to Gedaliah's residence in Mizpah to accept his authority, including the prophet Jeremiah. Gedaliah issued numerous promises about the goodness they would receive from the king of Babylonia in the future if they did not rebel against him. One of those who came to visit Gedaliah was the commander of the army, Johanan, son of Kareah, and Gedaliah promised to treat him well.

Johanan knew that Baalis, king of Amon, had sent Ishmael, son of Nethaniah, to assassinate Gedaliah. Johanan secretly informed Gedaliah of this plot, but Gedaliah refused to believe him. On Rosh HaShana, Ishmael and his men rose up and slew Gedaliah, and on the following day Ishmael killed those who were loyal to Gedaliah. Eventually Ishmael fled to Amon, and Johanan went to Egypt accompanied by those loyal to him, leaving Eretz Yisrael barren and desolate. In commemoration of this tragedy the Sages established the Fast of Gedaliah on the day after Rosh HaShana.

### HALAKHA

**בגָּד שְׁאַבָּד – בְּגָּד בְּחִטָּם:** If a garment had a blood stain that became lost, the garment must be washed with seven specific substances and then immersed in a ritual bath. This ruling is in accordance with the *baraita* (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 4:12).

"וַיֹּאמֶר ה' אֶל מֹשֶׁה אֶל תְּרוֹא" – מִכְרֵי,  
סִיחָן וְעֹג אֲחִי הָו, דָאמַר מֶר: סִיחָן  
וְעֹג בְּנֵי אֲחִיה בֶּר שְׁמַחוֹזָאִי הָו. מַאי  
שְׁנָא מְעוֹג – דְּקָמְסְתָפִי, וְמַאי שְׁנָא  
מִסִּיחָן דְּלָא קְמְסְתָפִי?

The Gemara cites another case of a report that caused concern. Before the battle against Og, king of Bashan, it is stated: **"And the Lord said to Moses: Do not fear him; for I have delivered him into your hand, and all his people, and his land; and you shall do to him as you did to Sihon king of the Amorites, who dwelt at Heshbon"** (Numbers 21:34). The Gemara asks: Now, Sihon and Og were brothers, as the Master said: Sihon and Og were sons of Ahijah, son of Shamhazai. In what way is Sihon different from Og, that God found it necessary to warn Moses not to be afraid of Og, and in what way is Og different from Sihon, that there was no need for a warning not to be afraid of Sihon?

אמֵר רַבִּי יוֹחָנָן, אָמֵר רַבִּי שְׁמֻעוֹן בֶּן יוֹחָנָן:  
מִתְשֻׁבָּתוֹ שֶׁל אָוֹתוֹ צִדְיק אֲתָה יוֹעֵד  
מִהָּה הָיָה בְּלִבּוֹ, אָמֵר: שְׁמָא תַּגְבוּד לוֹ  
בֵּית שֶׁל אָבָרָהָם אָבִינוּ,

Rabbi Yohanan says that Rabbi Shimon ben Yohai says: From the answer that God gave to that righteous one, Moses, you know what was in his heart, i.e., what gave Moses cause to fear. Moses said to himself: Perhaps the merit of our forefather Abraham will stand for Og and save him. Og was the one who told Abraham that Lot had been taken captive by the four kings, enabling Abraham to rescue Lot.

שָׁנָא מֵר זִיבָא הַפְּלִיט וַיַּד לְאָבָרָם  
הָעָבֵרִי, וְאָמֵר רַבִּי יוֹחָנָן: זֶה עֹג שְׁפָלַט  
מִדוֹּר הַמִּפְּבוֹל.

The Gemara cites the source of this claim. As it is stated: **"And there came one that was saved, and told Abram the Hebrew, now he dwelt by the terebinths of Mamre the Amorite, brother of Eshkol, and brother of Aner; and these were confederate with Abram. And when Abram heard that his brother was taken captive, he led forth his trained men, born in his house, three hundred and eighteen, and pursued as far as Dan"** (Genesis 14:13–14). And Rabbi Yohanan said that the term "one that was saved" is referring to Og, who was saved from the punishment of the generation of the flood. For this reason, Moses was more afraid of Og.

תַּנוּ רְבָנָן: בָּגָד שְׁאַבָּד בְּגָּד – מַעֲבֵר  
עַלְיוֹ שְׁבָעָה סְמִינָנִין וּמַבְּטָלוֹ, רַבִּי שְׁמֻעוֹן:  
בְּגָּד אַלְעָוָר אָמֵר:

¶ The Gemara cites another instance in which an impure item was lost, similar to the case discussed above involving the pile of stones. The Sages taught in a *baraita*: Menstrual blood is itself a source of impurity. With regard to a garment in which a blood stain was lost,<sup>h</sup> i.e., it is difficult to determine if the blood is still on the garment, one applies to it, i.e., scrubs it with, seven abrasive substances that are known to remove blood stains, and thereby nullifies the blood stain, so that the garment is pure. Rabbi Shimon ben Elazar says:

### Perek IX

#### Daf 61 Amud b

##### NOTES

If the garment is new one examines it by a needle – **אַבְרָה בָּדְקָן גַּםְחָטָט**: A seminal emission dries after it has left the body. When a needle is carefully passed through the garment, it will get stuck where the semen is (Rashi).

בָּזְדָקָן שְׁבָוּנוֹת שְׁבָוּנוֹת.

אַבְרָה בְּגָד שְׁכַבְתָּוּע, חַדְש – בָּזְדָקָן  
בַּמְחָטָט, שְׁחִוּק – בָּזְדָקָן בְּחִטָּם. תְּנָא:  
אֵין שְׁבָוּנוֹת פְּחֹותָה מִשְׁלַש אַצְבָּעוֹת.

He examines it section by section, as by examining each part of the garment separately he will discover any remaining blood stain.

In the case of a garment in which a seminal emission, which is also ritually impure, was lost,<sup>h</sup> i.e., it is not known where on the garment the semen is, if the garment is new, one examines it by sticking a needle<sup>n</sup> into every part of it. In this manner he will feel if the semen is in the garment. If the garment is worn out, one examines it by holding it up to the sun, as the sun's rays will not pass through the stained part of the garment. It was taught in a *baraita*: The section mentioned need not be less than three fingerbreadths by three fingerbreadths in area.

### HALAKHA

A garment in which a seminal emission was lost – **אַבְרָה בְּגָד שְׁכַבְתָּוּע**: With regard to a garment in which semen is lost, if it was a new garment one must examine it with a needle. If it was

a worn out garment he must check it by holding it up to the sun. This ruling is in accordance with the *baraita* (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 4:12).

תנו רבנן: בגד שאבד בו כלאים – הרי זה לא ימכרו לגוין, ולא יישנו מרדעת לחמו. אבל עוזה ממנה תCKERין למota. אמר רב יוקה: זאת אומורת – מצות בטולות לעתיד לבנא.

אמר ליה אבבי וαι תימא רב דימי: והא אמר רבי מנין, אמר רבי ינאי, לא שננו אלא לספדו, אבל לך בורו – אסורה אמר ליה: לאו איתמר עליה, אמר רבי יוחנן אפילו לך בורו?

רבי יוחנן לטעמיה, אמר רבי יוחנן: מאוי דכתיב "במתים חפשי" – בין שמות אדם, נשחה חפשי מן המצות.

אמר רפאים בר פפא, אמר רב הילדה: בגד שאבד בו כלאים – צובע, ומותר. אמר ליה ר' רבא לרפאים בר פפא: מנה ליה לשבת ר' בא?

אמר ליה: מהתניתין היא, רתנן, בודך, עד שמנגע לפשלע, וαι ליכא – אמר עירוב נטלה. הכי נמי: עטורה וכיתנה בחדידי – לא קליק להו צבעא, וכיון דלא ידע – אמר מנתר נתר.

אמר רב אחא בריה ר' רב יבא ממשmia דמר זוטרא: הא מאן דרמי חוטא דכיתנה בולימה דעטרא ונתקיה, ולא דע אי נתיק אי לא נתיק – שפיר דמי.

The Gemara cites another case of a garment in which something was lost. The Sages taught in a *baraita*: With regard to a garment in which diverse kinds,<sup>b</sup> a prohibited mixture of wool and linen, was lost,<sup>h</sup> i.e., it is a wool garment into which a linen thread was sewn or vice versa and it is not known where on the garment the thread is located, one may not sell it to a gentile and one may not even fashion it into a saddlecloth for a donkey.<sup>b</sup> This is prohibited lest one remove a piece of the garment and sew it onto his own clothing. But one may fashion it into a shroud for a corpse,<sup>hn</sup> as there is no concern that one might remove it from the dead. Rav Yosef said: That is to say that the mitzvot will be nullified in the future.<sup>n</sup> If this were not the case, then when the dead are resurrected they will be deriving benefit from the garment of diverse kinds in which they were buried.

Abaye said to Rav Yosef, and some say that Rav Dimi said to Rav Yosef: But didn't Rabbi Mani say that Rabbi Yannai said: They taught that it is permitted to place a corpse in a shroud of diverse kinds only in order to eulogize him, but it is prohibited to bury him in a shroud of diverse kinds? Rav Yosef said to him: Wasn't it stated with regard to that matter that Rabbi Yoḥanan says: It is even permitted to bury him in a shroud of diverse kinds?

And Rabbi Yoḥanan conforms to his standard line of reasoning in this regard, as Rabbi Yoḥanan said: What is the meaning of that which is written: "Set apart [hofshi] among the dead, like the slain that lie in the grave, whom You remember no more" (Psalms 88:6)? Once a person dies, he becomes free [hofshi] from the mitzvot.

§ Rafram bar Pappa says that Rav Hisda says: With regard to a garment in which diverse kinds was lost, one may dye it, and it is permitted<sup>h</sup> to wear the garment, as wool and linen absorb dye differently, and therefore it will be easy to notice the location of the other kind of thread and remove it. Rava said to Rafram bar Pappa: From where does the Elder, i.e., Rav Hisda, derive this halakha?

Rafram bar Pappa said to him: It is derived from the mishna, as we learned: With regard to a pile of stones that was known to have an item of ritual impurity buried beneath it, one continues searching beneath each of these piles until he reaches bedrock. And if the impure item is not there, i.e., if he found nothing, one can say that a raven or some other animal took it. So too here, wool and flax, i.e., linen, do not absorb the dye in the same manner. And since he dyed the garment and he does not know of any mixture of linen and wool within it, as the entire garment absorbed the dye in the same way, one must say that that thread has fallen out, and therefore it is permitted to wear the garment.

Rav Aha, son of Rav Yeiva, said in the name of Mar Zutra: In a case of one who put a thread of flax in a cloak of wool and it fell out, but he does not know whether it all fell out or whether it did not all fall out, it is permitted to wear the cloak.

**NOTES**

One may fashion it into a shroud for a corpse – **עוזה מ nephesh** **למות**: The early authorities ask why it is not prohibited to make shrouds from diverse kinds due to the prohibition of: "He who mocks the poor blasphemes his Creator" (Proverbs 17:5). In other words, as the deceased is incapable of fulfilling mitzvot, performing a mitzva in his presence is considered to be mocking him. For this same reason, the Sages say that one may not walk in a cemetery with ritual fringes on his garment, phylacteries on his arm, or a Torah scroll in his hand.

Some answer that the prohibition of mocking the poor does not apply to dressing a corpse in shrouds, as the prohibition derived from that verse is only due to the fact that the deceased is unable to fulfill a mitzva that a living person is performing. In the case of the shrouds, the deceased is not violating a prohibition, as he does not derive any benefit from the shrouds of diverse

kinds. Likewise, if a living person has a garment of diverse kinds upon him without deriving benefit from wearing the garment he does not violate a prohibition (*Tosafot*, citing *Rashbam*). The commentaries further suggest that the prohibition of mocking the poor applies only to mitzvot that are considered equivalent to the entire Torah, such as wearing a garment with ritual fringes, but does not apply to other mitzvot (*Tosafot*, citing *Rabbeinu Tam*).

That is to say that mitzvot will be nullified in the future – **אתה אומרת מות בטולות לעתיד לבנא**: Some explain that the future referred to here is the time of the resurrection of the dead (*Tosafot*). Others maintain that it is referring to the time after death, when the deceased is no longer obligated to observe the mitzvot, but at the time of the resurrection all of the mitzvot will once again apply (*Rashba*).

## BACKGROUND

Diverse kinds – **כלאים**: The term: Diverse kinds, is referring to the prohibition by Torah law against wearing a mixture of wool and linen (see Leviticus 19:19 and Deuteronomy 22:11). One may not wear a garment into which these two materials have been spun, woven, or sewn together. Certain other combinations are prohibited by rabbinic decree. In addition, the Sages prohibited lying on a mattress that contains a mixture of wool and linen. One may manufacture, sell, and derive other benefit from these garments.

Saddlecloth for a donkey – **סaddlecloth לחתמור**: This is a type of small blanket that would be placed under the saddle on the back of a donkey or camel. It was normally made of a soft material such as woven fabric or leather, and it was designed to make the ride more comfortable for the rider or the load more comfortable for the animal. Owners of saddlecloths were not particular about their appearance and might repair a ripped saddlecloth by taking a patch from another piece of clothing of a different material, inadvertently transgressing the prohibition of *sha'atnez*. The Gemara therefore teaches that this is prohibited.

## HALAKHA

A garment in which diverse kinds was lost – **בגד שאבד בו כלאים**: With regard to a woolen garment into which a linen thread was sewn, or vice versa, one may not sell it to a gentile lest he resell it to a Jew. Nor may one fashion it into a saddlecloth for a donkey. Since it is not noticeable, there is a concern that a Jew might find it and take part of it and sew it onto his clothing as a patch. This *halakha* is in accordance with the *baraita*, following the Rambam's version of that text (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 10:27 and *Kesef Mishne* there; *Shulhan Arukh*, *Yoreh De'a* 301:8).

But one may fashion it into a shroud for a corpse – **אבל עוזה מ nephesh תCKERין למות**: It is permitted to fashion shrouds for the dead from fabric of diverse kinds, and even to bury the corpse in them. This ruling is in accordance with the *baraita*, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 10:25; *Shulhan Arukh*, *Yoreh De'a* 301:7).

A garment in which diverse kinds was lost, one may dye it and it is permitted – **בגד שאבד בו כלאים צובע**: What can be done in the case of a woolen garment that has a single thread of linen woven into it, or vice versa? It should be dyed, as wool and linen do not absorb the dye in the same manner, and therefore the thread in question will be easily identifiable and can be removed. If no thread is identifiable after dyeing, the garment is permitted, as the thread might have come out by itself. Since any prohibition due to uncertainty applies only by rabbinic law, the Sages ruled leniently in this case (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 10:27, and see *Ra'avad*, *Kesef Mishne*, and *Radbaz* there).

**LANGUAGE**

War [pulmus] – פולמוס: From the Greek πόλεμος, *polemos*, meaning war.

Drum [irus] – אירוס: Similar terms for musical instruments are found in Arabic and other languages. Some say that the name of this instrument is derived from its use at celebrations such as engagements [erusin] and weddings. According to most commentaries, the *irus*, *tavla*, and *tanbura* are slightly different versions of the same instrument, a drum with skin on only one side.

מַיִצְעָמָא – מַדּוֹרִיתָא "שָׁעֲטָנָא" בְּרִיב –  
עד שִׁיחָה שׂוֹעֵטָו וְנוּוּ, וְבִנְהָן הָא דְגָרוּ  
בֵיהֶן. וּבֵין דָלָא יְדֻעָא יְנַתְקִיה – שָׁרִי.

The Gemara asks: **What is the reason that the halakha is lenient in this case of uncertainty? By Torah law, it is written: “Diverse kinds [sha'atnez]”** (Deuteronomy 22:11), and this is interpreted as an acronym indicating that the halakha of diverse kinds does not apply unless the item is combed smooth [shua], spun [tavui] as a thread, and woven [nuz]. Without these characteristics, the combination is not considered diverse kinds by Torah law. **And it is the Sages who decreed that diverse kinds that are merely attached to each other are prohibited, despite the fact that they are not combed and spun together. And in this case, since he does not know if it all fell out it is permitted, as the halakha is lenient with regard to uncertainties involving prohibitions that are by rabbinic law.**

מַתְקִיעַ לְהָרְבָ אֲשֵׁי אִימָר – אוֹ שׁוֹעָא אוֹ טָוִי  
אוֹ נָזִי וְהַלְכָתָא בְמַר וְטוֹרָא, מַדְאַפְקִיעִיה  
רְחַמְנָא בְּחַרָא לִשְׁנָא.

Rav Ashi objects to this leniency. One can say that by Torah law it is prohibited if the linen and wool are either combed, or spun, or woven. Perhaps the word *sha'atnez* does not limit the prohibition to a combination of all three activities, but to any one of them. The Gemara concludes: **And the halakha is in accordance with the opinion of Mar Zutra, from the fact that the Merciful One expresses the prohibition in the Torah in one word, *sha'atnez*. Therefore, the term means all three characteristics together.**

קָנוּ רְבָנָן: בְּגַד צְבֹועַ – מִתְמָא מִשּׁוּם פְתָם,  
רַבִּי נָתָן בֶּן יוֹסֵף אָמָר: אַינוּ מִתְמָא מִשּׁוּם  
פְתָם, שְׁלָא תַקְנֵן בְגַד צְבֹועַ לְאַשָּׁה אַלְאָ  
לְהַקְלָל עַל כְּתַמְיִחָן.

**§ The Sages taught in a baraita: A colored garment renders a woman impure due to blood stains if she sees a blood stain on it. Rabbi Natan bar Yosef says: If she sees a blood stain on the colored garment she is not impure due to a blood stain, as the Sages enacted that women wear colored garments, and this decree was made only in order to be lenient with regard to their blood stains,**<sup>H</sup> i.e., so that they do not become impure.

תַקְנוּ? מַאי תַקְנִינה? אַלְאָ שְׁלָא הַוְתוֹרָ  
בְגַד צְבֹועַ לְאַשָּׁה אַלְאָ לְהַקְלָל עַל  
כְּתַמְיִחָן. הַוְתוֹרָ – מַכְלֵל דָאַסְרִי?

The Gemara questions Rabbi Natan bar Yosef's use of the word: Enacted. The Sages enacted? What was their enactment? Rather, Rabbi Natan bar Yosef said the reason that the Sages permitted colored garments to women was only in order to be lenient with regard to her blood stains. The Gemara raises an objection: From the statement that the Sages permitted colored garments one can conclude by inference they were previously prohibited. But was there a time when it was not permitted for women to wear colored garments?

אַיִן, דַתָּנָן: בְּפּוֹלְמוּס שֶׁל אַסְפְּסִינּוֹס גָּרוּ עַל  
עֲטָרוֹת חַתִּים וְעַל הַאֲרוֹם. בְּקָשׁו לְנוֹזֹר  
עַל בְגַד צְבֹועַ, אָמָרִי: הָא עַדְפָא – בְגַד  
לְהַקְלָל עַל כְּתַמְיִחָן.

The Gemara answers: Yes, as we learned in a mishna (*Sota* 49a): In the war [bapulmus]<sup>L</sup> of Vespasian<sup>B</sup> they decreed upon the crowns of bridegrooms,<sup>H</sup> i.e., that bridegrooms may no longer wear crowns, and upon the drum [*ha'irus*],<sup>L</sup> i.e., they also banned the playing of drums. They also sought to decree with regard to colored garments, i.e., that women may not wear such garments, but they said: This is preferable, that women should wear colored garments, in order to be lenient with regard to their blood stains, as a blood stain found on a colored garment does not render a woman ritually impure.

**HALAKHA**

טומאת חתם – Impurity of a blood stain on a colored garment – If a woman finds a blood stain on a colored garment she remains ritually pure (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 9:7; *Shulhan Arukh, Yoreh De'a* 190:10).

In the war of Vespasian they decreed upon the crowns of bridegrooms – בְּפּוֹלְמוּס שֶׁל אַסְפְּסִינּוֹס גָּרוּ עַל עֲטָרוֹת חַתִּים – After the destruction of the Temple, the Sages of that generation decreed that a groom may not place a crown on his head for decoration. This halakha is in accordance with the baraita (Rambam Sefer Zemanim, *Hilkhot Ta'anit* 5:15; *Shulhan Arukh, Orach Hayyim* 560:1, 4).

**BACKGROUND**

War of Vespasian – פּוֹלְמוּס שֶׁל אַסְפְּסִינּוֹס: This is referring to the great rebellion that led to the destruction of the Second Temple. It is named after Vespasian because he was the head of the Roman army for virtually the entirety of the war, from 67 CE until he was crowned emperor in 69 CE.

The crowns of bridegrooms – עֲטָרוֹת חַתִּים: The Gemara in *Sota* 49b explains that the Sages wanted to permit bridegrooms to wear wreaths made from various plants and flowers, but it was accepted as halakha that these too are prohibited. The use of wreaths for brides was prohibited during the war of Titus, although this decree applied only to a special crown, the so-called city of gold; it was permitted to adorn brides with other kinds of crowns. The Sages also banned excessive decoration of the wedding canopy.

**מתני'** שבעה ספמי מعتبرין על הכתם:  
רוק תפֶל, ומֵגִיסָן, ומֵגְלִים, וַתָּר,  
בּוֹרִית,

**MISHNA** There are seven substances<sup>N</sup> that one applies to the stain<sup>H</sup> on a garment to ascertain whether it is a blood stain or a dye, as these seven substances remove the blood. They are: Tasteless saliva,<sup>B</sup> and liquid from split beans, and urine, and natron,<sup>B</sup> and borit,

**HALAKHA**  
**שבעה**  
Seven substances that one applies to the stain, etc. – **שבעה**: If there is uncertainty as to whether a stain on a woman's garment is menstrual blood or merely red coloring of some sort, one applies the seven abrasive substances used as laundering agents in order to test it. If it vanishes or fades, it is menstrual blood and the woman is ritually impure. If it remains the same, it is coloring and she is pure (see Ra'avad). The seven substances are tasteless saliva, liquid from split beans, urine, natron, borit, Cimolian earth, and potash. These seven substances must be applied in the specific order prescribed; if they are applied

in the wrong order, it is as though no test of the stain has been performed. The woman must rub the garment three times with each agent, and scrub the garment between her hands after applying each one (Maggid Mishne, citing Rashi). The Shulhan Arukh writes that nowadays one cannot rely upon this practice as the exact identities of these substances are unknown (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:36–37, and see Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:13; Shulhan Arukh, Yoreh De'a 190:31).

**BACKGROUND**  
**Tasteless saliva** – **רַוק תְּפֵל**: This is referring to concentrated saliva that is not mixed with liquids from food or drink. Compounds within saliva break up various other organic substances, and therefore it is useful for cleansing.

**Natron** – **תַּתָּר**: Some maintain that this is referring to sodium carbonate, Na<sub>2</sub>CO<sub>3</sub>, which is found in colorless clusters that crystallize from evaporating water. In nature, sodium carbonate is found in desert regions, but in ancient times it was often produced from the ash of sea algae. Also called washing soda, this compound is highly soluble in water, and when it dissolves it causes a strong basic reaction. It can dissolve many different types of fats and was therefore used as a cleaning agent as early as the biblical period.



Natural natron deposit

**Perek IX****Daf 62 Amud a**

קִמוֹנִיא, וְאַשְׁלָג.

הַטְבִּילוּ וְעַשֵּׂה עַל גְּבַיו טָהֹרוֹת, הַעֲבָרָה  
עַלְיוֹ שְׁבָעָה סְמִינִין וְלֹא עֲבָר – הַרְיָה זה  
צְבָע, הַטָּהֹרוֹת טָהֹרוֹת וְאַיִן צְרִיךְ  
לְהַטְבִּיל. עֲבָר אוֹ שְׂדִיקָה – הַרְיָה הַכְּתָם,  
הַטָּהֹרוֹת טָמֹאות, וְצְרִיךְ לְהַטְבִּיל.

אִיּוֹהוּ רַוק תְּפֵל – כָּל שְׁלָא טָעם בְּלֹום. מֵ  
גִּיסָּן – לְעִסְתָּה גִּיסָּן שֶׁל פּוֹל חַלְקָת  
פֶּשׁ. מֵגְלִים – שְׁחַמְמִיעַ.

**Cimolian earth [kamonya],<sup>L</sup> and potash [eshlag].<sup>L</sup>**

If one immersed the garment with the stain whose nature is unknown and then handled ritually pure items with the garment,<sup>H</sup> and then applied these seven substances to the stain and it did not disappear, that stain is presumably from a dye, and therefore the ritually pure items are pure, and he need not immerse the garment again, as there is no impurity. If the stain disappeared or if it faded, that is a blood stain, and the ritually pure items that he handled are impure, and he must immerse the garment again.

**What is tasteless saliva?**<sup>H</sup> It is saliva that emerges from the mouth of any person who tasted nothing all night, when he first awakens in the morning. Liquid from split beans is created through the chewing of split beans<sup>H</sup> that divided naturally, not by human hand, which is then applied to the stain. The urine<sup>H</sup> that is an effective detergent is specifically urine that fermented for three days.

If one immersed the garment and then handled ritually pure items with the garment – **הַטְבִּיל וְעַשֵּׂה עַל גְּבַיו טָהֹרוֹת**:

With regard to a garment that had a stain on it and that was immersed in a ritual bath and then came into contact with ritually pure items, and subsequently the stain was laundered with the seven cleansing agents and it did not disappear, one may assume that the stain is from a dye or some other color, and the pure items remain pure. The garment does not require a second immersion. If the stain disappears or lightens in color, it is a blood stain and any pure items with which it has come into contact are impure. The garment must be immersed a second time, because by trying to remove it, the person has

demonstrated that he does not want the stain to remain on the garment (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 4:13).

**What is tasteless saliva** – **אִיּוֹהוּ רַוק תְּפֵל**: Tasteless saliva is the saliva of one who has not eaten since the beginning of the night, and who slept for the second half of the night and has not yet eaten anything. Furthermore, he has not spoken a lot during the first three hours of the day. If he awoke and studied aloud a chapter of Torah in the first three hours of the day, it is no longer considered tasteless saliva, as speech nullifies the strength of the saliva and weakens

**NOTES**  
**Seven substances** – **שבעה ספמי**: Rashi in tractate Sanhedrin (49b) writes that the term: Substance [sam], refers primarily to any substance that can be used to fix something that is broken or has a defect. For example, the same term is used in reference to medicinal drugs, and it can also refer to perfume, which is used to remove foul odors. In this case too, the substances remove stains from garments.

**LANGUAGE**

**Cimolian earth** [kamonya] – **קִמוֹנִיא**: Apparently from the Greek κιμωλία, *kimolia*. It refers to a white clay that was named after the Aegean island Kimolos, where it was used for washing and laundry.

**Potash** [eshlag] – **אַשְׁלָג**: Possibly from the Persian *esh-gol*, with the last two consonants reversed. It means a type of ash made from grasses, which was used for laundry.

**HALAKHA**

it until it is like water (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:38).

**The chewing of split beans** – **לְעִסְתָּה גִּיסָּן**: With regard to the cleansing agent of split beans that have been chewed, one must chew the beans until they are well mixed with a large quantity of saliva in his mouth (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:38).

**Urine** – **מֵגְלִים**: What type of urine is considered to be one of the cleansing substances that remove a blood stain? This is urine that has become sour by being left to sit for three or more days (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:38).

**HALAKHA**

He has done nothing – **לֹא עָשָׂה וְלֹא כָּלָם**: If all seven cleansing substances were used to launder the garment, but in the incorrect order, or if they were all used at the same time, the laundering is considered to be entirely ineffective. If one used the last substances first, the first ones to be applied in order are effective, and he must launder it again with the last substances in the correct order, so that all seven are used in the proper order (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 9:37).

If one applied...soap and it disappeared – **הַעֲבֵר אַפְּוֹן** – **עַבְרָה**: In the case of a stain that was laundered with six of the cleansing substances and did not disappear, but after one laundered it with soap it disappeared, any pure items that came into contact with the garment are impure. Although detergent removes a colored stain as well as blood, since the person did not test the stain with all seven laundering agents there is a presumption that it is a blood stain, as it is possible that if he had used the seventh agent the stain would have disappeared. This halakha is in accordance with the *baraita* (Rambam Sefer Tahara, *Hilkhot Metamei Mishkav UMoshev* 4:14).

**BACKGROUND**

Alexandrian natron and not natron from Anpantrin – **נָטָר אַלְכִּסְנְדְרִית וְלֹא נָטָר אַנְפָנְטְּרִית**: The city of Alexandria in Egypt was the leading cultural and scientific center in the world, and remained as such for many generations. Alexandrian natron was considered excellent for many types of cleaning.

The city of Anpantrin was located in the north of Judea. It was built, or at least renewed and fortified, by Herod, who named it after his father, Antipater. The Greek version of the name, Αντίπατρος, Antipatros, appears in sources in various different forms. The city was near the springs of the Yarkon, close to modern-day Rosh HaAyin. Anpantrin had an advanced industry that manufactured a specific type of natron named after the city.

These two types of natron were different not only in the place of their production, but in the methods of their production and their quality. Alexandrian natron was manufactured from minerals in Egypt and exported to Eretz Yisrael via the port of Alexandria. Natron from Anpantrin, Eretz Yisrael, was made from plants.

**Ice plant** – **אַלְמָנָה**: Washing soda, sodium carbonate, was used in antiquity for laundry and bathing, and was harvested from the crystalline ice plant, *Mesembryanthemum crystallinum* L., an annual plant that grows on sea-facing rocks in the Sharon region and the coastal plain in Eretz Yisrael. It is called the crystalline ice plant due to its glistening, crystal-like vesicles.



Crystalline ice plant field

**LANGUAGE**

**Soap** [*tzafon*] – **צָפוֹן**: From the Latin *sapo*, which was itself borrowed from Gallic. This word was adopted by many languages, e.g., in modern Hebrew the word for soap is *sabon*.

וְצִוֵּין לְכִסְפֵּס שֶׁלַשׁ פֻּעֲמִים לְכָל  
אַחַד וְאֶחָד. הַעֲבֵרָן שְׁלָא כְּסָדָרָן, אוֹ  
שְׁהַעֲבֵר שְׁבָעָה סְפָמִין בְּאַחַת – לֹא  
עָשָׂה וְלֹא כָּלָם.

And one must rub each and every one of the substances three times over the stain, and one must apply them separately, and one must apply them in the order they are listed in the mishna. If one applied them in a manner that is not in their prescribed order, or if one applied all seven substances simultaneously, he has done nothing.<sup>HN</sup> One cannot determine by means of that examination whether it is blood or a dye.

גַּמְ' תְּנָא: נָטָר אַלְכִּסְנְדְרִית וְלֹא נָטָר  
אַנְפָנְטְּרִית.

בּוֹרִית". אָמֵר רַב יְהוּדָה: זֶה אַחֲלָה.  
וְהַתְּנָא: הַבּוֹרִית וְהַאֲחַלָּה אַלְאָ, מַאי  
בּוֹרִית – בּוֹרִית.

וּרְמִינְהָיִה, הָוָסִיפּוּ עַלְיהָן הַלְּבִיצָן,  
וְהַלְּעַנְנָן, הַבּוֹרִית, וְהַאֲחַלָּה.  
בּוֹרִית אָ, מַיְאַת לִיהְ שְׁבִיעִית? וְהַתְּנָן  
זֶה הַכְּלָל: בְּלֹ שֶׁשׁ לוֹ עִקָּר – יְשָׁוֹ  
שְׁבִיעִית, וְכֹל שְׁאַזְן לוֹ עִקָּר – אִין לוֹ  
שְׁבִיעִית אָלָא מַאי בּוֹרִית – אַחֲלָה.  
וְהַתְּנָא: הַבּוֹרִית וְהַאֲחַלָּה? תַּרְגּוּנִי  
אַחֲלָה.

קְמוֹנִיאָ. אָמֵר רַב יְהוּדָה: שְׁלֹף דָּזָן.  
זְאַשְׁלָגָ. אָמֵר שְׁמוּאֵל: שָׁאלִתִינְהוּ  
לְנַחֲזִי יְמָא, וְאָמְרוּ: אֲשֶׁלָּא שְׁמִיה,  
וּמִשְׁתְּחַכּ בֵּין נְקֵבִי מִרְגַּנִּיתָא, וּמִפְּקֵד  
לָהּ בְּבִמְצָא דְּפָרָולָא.

הַשְּׁטֵבְילָוּ וְעַשְׂהָ [כו']. תְּנָא רְבָנָן:  
הַעֲבֵר עַלְיוֹ שְׁבָעָה סְפָמִין, וְלֹא עַבְרָה.  
אַפְּוֹן, עַבְרָה – טְהָרוֹתָו טְמָאֹת.

**GEMARA** The Gemara clarifies the identities of the seven substances that remove blood stains. With regard to natron, a Sage taught in a *baraita*: This is referring to Alexandrian natron, i.e., from the city in Egypt, and not natron from Anpantrin,<sup>B</sup> which is of a different quality.

The mishna lists *borit* as one of the seven substances. Rav Yehuda says: This is referring to ice plant.<sup>8</sup> The Gemara raises an objection: But isn't it taught in a *baraita*: *Borit* and ice plant, which indicates that they are two different substances? Rather, what is *borit*? Sulfur.

And the Gemara raises a contradiction from the *baraita* discussing the *halakha* of plants whose use is prohibited during the Sabbatical Year: They added to the list of such plants: Bulbs of ornithogalum, and wormwood, and *borit*, and ice plant. And if it would enter your mind to say that *borit* is sulfur, is there sulfur that is subject to the *halakhot* of the Sabbatical Year? But didn't we learn in a *baraita* that this is the principle: Anything that has a root and grows is subject to the *halakhot* of the Sabbatical Year, and anything that does not have a root is not subject to the *halakhot* of the Sabbatical Year? Rather, what is *borit*? It is ice plant. But isn't it taught in the *baraita*: And *borit* and ice plant? The Gemara explains that there are two types of ice plant, one of which is called *borit*.

With regard to the Cimolian earth mentioned in the mishna, Rav Yehuda said: This is the earth referred to as: Pull out, stick in.<sup>N</sup> And with regard to the *eshlag* mentioned in the mishna, Shmuel said: I asked all of the seafarers about the identity of *eshlag*, and they told me it is called *ashlega*, in Aramaic, and can be found in the shell of the pearl, and is removed with an iron skewer.

§ The mishna teaches: If one immersed the garment with the stain whose nature is unknown and then handled ritually pure items with the garment, and then applied these seven substances to the stain and it did not disappear, that stain is a dye, and therefore the ritually pure items are pure, and he need not immerse the garment again, as there is no impurity. The Sages taught in a *baraita*: If one applied these seven substances to the stain and it did not disappear,<sup>N</sup> but he then applied soap [*tzafon*]<sup>L</sup> and it disappeared,<sup>H</sup> any ritually pure items that he handled with the garment are impure.

**NOTES**

He has done nothing [*lo asa velo kelum*] – **לֹא עָשָׂה וְלֹא כָּלָם**: This phrase differs from the similar phrase used in reference to other situations where people perform a process out of order, e.g., a nazirite or leper who brought his offerings in the wrong order (*Nega'im* 14:4). There, the mishna states: He has not done anything [*lo asa kelum*]. Some explain that the use of the double negative term here indicates that the examination has no effect, both in that it does not determine whether or not the stain is pure, and in that it does not prevent the stain from imparting impurity to ritually pure items in the future (Rashi).

Pull out, stick in [*shelof dotz*] – **שְׁלֹף דָּזָן**: Rashi here does not explain this term. In *Sanhedrin* 49b, Rashi writes that he does not

know what this is. Various explanations have been suggested. Some say that it is referring to a specific type of herb that is dried and ground and used for washing and removing dirt from one's hands (*Arakh*). Others claim that it is a type of white clay used for laundering clothes (*Musaf HeArakh*). Yet others contend that it is a type of salt with cleansing properties (Rambam's Commentary on the Mishna), or that it is referring to fine marble chips (*Meiri*).

If one applied these seven substances to it and it did not disappear – **הַעֲבֵר עַלְיוֹ שְׁבָעָה סְפָמִין וְלֹא עַבְרָה**: The commentaries write that if these seven substances were not used to clean the garment, it is impure due to uncertainty (*Shulhan Arukh, Yoreh De'a* 190:31).

צְפּוֹן, צְבּוֹן נָמִי מַעֲבָרִ! אֶלָּא: הַעֲבָר עַלְיוֹ שְׁשָׁה סְמִינִין וְלֹא עֲבָר, הַעֲבָר עַלְיוֹ צְפּוֹן וְעֲבָר – טְהָרוֹתָיו טְמִיאות, שָׁאֵם הַעֲבָר שְׁבִיעֵי מִתְחִילָה – שָׁמָא עֲבָר.

תְּנִיאָ אִידָּךְ: הַעֲבָר עַלְיוֹ שְׁבֻעָה סְמִינִין וְלֹא עֲבָר, שְׁנִיאָן וְעֲבָר – טְהָרוֹתָיו טְהָרוֹת.

אָמָר רַבִּי זִירָא: לֹא שָׁנו – אֶלָּא הַטְהָרוֹת שְׁנִיעָשׂוּ בֵּין תְּכִבּוֹסָת וְאֲשׁוֹנָה לְשִׁנִּיהָ, אֶבֶל – טְהָרוֹת שְׁנִיעָשׂוּ אַחֲרֵי תְּכִבּוֹסָת שִׁנִּיהָ טְהָרוֹתָיו טְמִיאות, שְׁהִי הַקְּפִיד עַלְיוֹ וְעֲבָר.

The Gemara raises an objection with regard to this ruling: But **soap causes dye to disappear as well**; why then should one assume that the stain was blood? Rather, the *baraita* means that if **one applied only six of the seven substances to it and the stain did not disappear**, and he then **applied soap to the stain and it disappeared**, any **ritually pure items** that he handled with the garment are **impure**. The reason is that if he had applied all **seven substances initially**, perhaps the stain would have **disappeared**, proving that it was blood. Consequently, the garment is rendered impure due to uncertainty.

**It is taught in another baraita:** If **one applied the seven substances to the stain and it did not disappear**, indicating that it is a dye, and he then **repeated and applied the seven substances a second time and the stain disappeared**,<sup>h</sup> any **ritually pure items** that he handled with the garment remain **ritually pure**.

In explanation of this *baraita*, Rabbi Zeira says: They taught that the pure items remain pure only with regard to the **ritually pure items that were handled between the first washing with the seven substances and the second washing**. But with regard to any pure items that were handled with the garment after the second washing, these **pure items become impure**, as he was **particular about it**, i.e., by repeating the washing procedure he showed he was concerned that it might be blood, and the stain **disappeared**, demonstrating that it was in fact blood.

### HALAKHA

**שְׁנִיאָן וְעֲבָר –** He repeated and it disappeared – If one examined a stain on a garment with all seven substances and the stain remained, and he then examined the garment a second time with all seven substances and the stain disappeared, any ritually pure items that came into contact with the garment between the first and second launderings remain pure, but any ritually pure items that came into contact with the garment after the second laundering are impure. Since he has demonstrated that he is bothered by the stain and wants to remove it, the garment is impure until he removes the stain and immerses it in a ritual bath. This ruling is in accordance with the *baraita* and the opinion of Rabbi Zeira (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 4:14).

## Perek IX

### Daf 62 Amud b

אָמָר לֵיהּ וּרְבִי אַבָּא לֵרְבָּבָשִׁי: מִידִי בְּקִפְידָא תְּלִיאָ מִילְתָּא?

אָמָר לֵיהּ: אֵין, דְּתַנְיָא, רַבִּי חִיאָ אָזְמָר: דָם הַנְּדָה וְדָא – מַעֲבָר עַלְיוֹ שְׁבֻעָה סְמִינִין וְמַבְטָלָה,

וְאַפְמַאי? הָא דָם נְדָה הוּא! אַלְמָא – בְּקִפְידָא תְּלִיאָ מִילְתָּא, הַכִּי נָמִי – בְּקִפְידָא תְּלִיאָ מִילְתָּא.

Rabbi Abba said to Rav Ashi, with regard to his statement: Does the **matter of purity or impurity depend on** whether or not one is **particular** about the blood stain? If the items he handled on the garment between the first and second washings are ritually pure, then any items he handled after the second washing should likewise be pure.

Rav Ashi said to him: Yes, the status of purity depends upon whether or not the owner of the garment is particular about the stain. As it is taught in a *baraita* that Rabbi Hiyya says: If one finds **blood** on a garment that is **certainly from a menstruating woman**<sup>h</sup> and therefore renders the garment impure, one **may apply the seven substances** listed in the mishna to it and thereby **nullify** it from being considered a blood stain at all, even if the stain is not completely removed. And he may then immerse the garment in a ritual bath and it is ritually pure.

Rav Ashi analyzes this ruling: **But why is the garment pure?** After all, it has **blood from a menstruating woman** on it. Evidently, the **matter of whether or not it is ritually pure depends upon** whether or not the owner of the garment is **particular** about the blood stain.<sup>n</sup> So too here, the **matter of whether or not it is ritually pure depends upon** whether or not the owner of the garment is **particular** about the blood stain.

### HALAKHA

Blood that is certainly from a menstruating woman – **רַבִּי חִיאָ וְדָא**: With regard to a blood stain that came from a woman who was certainly impure due to menstruation, it is nullified by being washed with the seven cleansing agents. Once the garment has been immersed in a ritual bath it may touch ritually pure items. This *halakha* is in accordance with the opinion of Rabbi Hiyya (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 4:11).

### NOTES

Evidently the matter depends upon whether or not he is **particular** about the blood stain – **אלְמָא בְּקִפְידָה תְּלִיאָ מִילְתָּא**: *Tosafot* ask: If so, why is there any need to use the seven substances on the garment? It should be sufficient to nullify it merely by not being

particular about it. They answer that the fact that a specific individual chooses to nullify it is insufficient, due to the principle: His intention is rendered irrelevant by the opinions of all other people.

### NOTES

**שְׁפָסוֹן – משְׁקָה לִצְאָת**: As the impure liquid will eventually emerge – **משְׁקָה לִצְאָת**: A liquid that is absorbed in an earthenware vessel will emerge from that vessel when it is heated in an oven. If an impure liquid is absorbed in a vessel, and that vessel is in an oven, that liquid will enter the airspace of the oven and render it ritually impure (Rashi).

Rabbi Yehuda HaNasi did not teach this, from where did Rabbi Hiyya learn it – **רַבֵּי לֹא שָׁנָה רַבֵּי חִיאָה מִנָּא לְלָהּ**: The early commentaries ask: Following this logic, the Gemara should never be able to challenge opinions of *amora'im* from *baraitot* that were taught in the schools of Rabbi Hiyya or Rabbi Oshaya, as they were both students of Rabbi Yehuda HaNasi. And yet the Gemara is filled with such objections. *Tosafot* answer that those *baraitot* of the academies of Rabbi Hiyya or Rabbi Oshaya that are cited as objections do not necessarily contradict the rulings of the Mishna, and they can be explained in accordance with the relevant mishna. By contrast, in this particular case it was clear to Reish Lakish that there was no source at all in the Mishna for the ruling of this *baraita*.

תַּנִּינְהָרֶם: חֲרָסִין שְׁגַתְמֵשׁ בֵּין זֶבֶחַ וּבְשְׁבָלָעַ מִשְׁקָן, וַיַּפְלֵל לְאֹוֹר הַתְּנָרוֹ, וַיַּופְקֵד הַתְּנָרוֹ –  
הַתְּנָרוֹ טָמֵא, שְׁפָסוֹן מִשְׁקָה לִצְאָת.

§ We learned in a mishna there (see *Kelim* 9:5): In a case of pottery, i.e., a chamber pot, that a man who experiences a gonorrhea-like discharge [*zav*] has used and that has absorbed impure liquids<sup>h</sup> from the *zav*, and it then fell into the air of an oven, and the oven was subsequently heated, the oven is impure, as the impure liquid will eventually emerge<sup>N</sup> from the chamber pot due to the heat of the oven.

אָמַר רֵישׁ לְקִишׁ: לֹא שָׁנו – אַלְאָ מִשְׁקָן כָּלִים, אַבְלָ מִשְׁקָן חִמְרוֹן – טָמֵא, אַף עַל פִּי שְׁלָא הוֹסֵךְ הַתְּנָרוֹ. רַבִּי יוֹחָנָן אָמַר: אַחֲד מִשְׁקָן קָלִין וְאַחֲד מִשְׁקָן חִמְרוֹן, אָם הוֹסֵךְ הַתְּנָרוֹ – אֵין, אַי לֹא – לֹא.

The *amora'im* disagree with regard to the correct interpretation of this mishna. **Reish Lakish says:** They taught that the oven is impure once it is heated only with regard to liquids of lesser ritual impurity, i.e., that are not primary sources of impurity, such as the tears or urine of one who was rendered impure by contact with a corpse. **But with regard to liquids of greater ritual impurity, e.g., urine of a *zav* or *zava*, the oven is impure even though the oven was not heated.** **Rabbi Yohanan says:** With regard to both liquids of lesser ritual impurity and liquids of greater ritual impurity that fell into an oven, if the oven was heated, then yes, the oven is impure, but if the oven was not heated, it is not impure.

אִתְּהִיבָה רַבִּי יוֹחָנָן לְרֵישׁ לְקִишׁ: הַטְּבִילוֹ וְעַשָּׂה עַל גָּבוֹן טָהֹרוֹת, וְהַעֲבִיר עַלְיוֹ שְׁבֻעָה סְמִינִין וְלֹא עֲבָר – תָּרִי וְזֶבַע, וְטָהֹרוֹתִי טָהֹרוֹת, וְאֵין צְרִיךְ לְהַטְּבִיל!

**Rabbi Yohanan raised an objection to Reish Lakish** from the mishna: If one immersed the garment with the stain whose nature is unknown, and then handled ritually pure items with the garment, and then applied these seven substances to the stain and it did not disappear, that stain is presumably from a dye, and therefore the ritually pure items are ritually pure, and he need not immerse the garment again, as there is no impurity. Rabbi Yohanan understands that the stain is not definitely from a dye; even if it is from blood, such blood that is absorbed into the garment to the degree that it does not come out after this process is performed, does not impart ritual impurity. The same should apply in the case of the oven, i.e., the liquids should impart impurity only when the oven is heated and they actually emerge.

אָמַר לֵיה: הַנְחַ לְכַתְמִים – דָּרוֹבָן.

וּדְתַנְיָן רַבֵּי חִיאָה: דָם הַנְּדָה וְדָאִי – נְעַבֵּר עַלְיוֹ שְׁבֻעָה סְמִינִין, וְמַבְטָלוֹ!

Reish Lakish said to Rabbi Yohanan in response: Leave aside blood stains, i.e., one cannot cite a proof from them, as they impart impurity by rabbinic law, and for this reason the Sages were lenient and ruled that they do not impart impurity until they actually emerge. But with regard to liquids that are impure by Torah law, the *halakha* is different.

אָמַר לֵיה: רַבֵּי לֹא שָׁנָה, רַבֵּי חִיאָה מִנָּא לְלָהּ?

Rabbi Yohanan raises another objection to Reish Lakish: But didn't Rabbi Hiyya teach: If one finds blood on a garment that is certainly from a menstruating woman and therefore renders the garment impure, one may apply the seven substances listed in the mishna to it and nullify the stain from being considered a blood stain at all, even if the stain is not entirely removed; and he may then immerse the garment in a ritual bath and it is ritually pure?

Reish Lakish said to Rabbi Yohanan in response: You cannot raise an objection to me from the *baraita* of Rabbi Hiyya, since if **Rabbi Yehuda HaNasi did not teach this halakha in the Mishna, from where did Rabbi Hiyya learn it?**<sup>N</sup> Rabbi Hiyya was a student of Rabbi Yehuda HaNasi, and therefore he could not have included a *halakha* that contradicts the Mishna. Consequently, this statement in his name must be erroneous.

### HALAKHA

**שְׁבָלָעַ מִשְׁקָן**: With regard to earthenware that absorbed impure liquids and was dried and subsequently fell into the airspace of an oven, and the oven was heated, the oven is rendered ritually impure. The reason is that the liquid will eventually come out of the earthenware. This applies specifically to liquids of lesser ritual impurity. With regard to liquids of severe impurity, e.g., menstrual blood or the urine of a menstruating woman, if they could come out, and the owner

of the item they are absorbed in wants them to come out, the earthenware renders the oven ritually impure even if it was not heated. If he does not necessarily want the liquid to come out of the earthenware, it renders the oven ritually impure only when it is heated and the liquid emerges. This ruling is in accordance with the opinion of Rabbi Yohanan, as interpreted by Rav Pappa (*Rambam Sefer Tahara, Hilkhot Kelim* 14:6).

**איתיביה ורבי יוחנן לריש לקליש:** רבי יוחנן לריש לקליש: רם שבולע בבית – הבית טמא. ואמרי ליה: הבית טהור, ולא פלגי, הוא – בכלים דמעיקרא, הוא – בכלים דבسف.

**גבולה בכסות,** אם מתקבשת ויזא ממנה  
וביעות דם – טמאה, ואם לאו – טהורה!

**אמור ורב קהנא:** מוקלי וביעות שנו כאן,  
שאינו דם תבוסה – דרבנן.

**איתיביה ריש לקליש לבי יוחנן:** כל הבלתי  
שלאינו יכול לצאת – טהור, הוא יכול לצאת –  
טהורה, ואף על גב דלא נפיק!

**אמור ורב פפא:** כל היכא דין יכול לצאת,  
ולא הקפיד עליו – דברי הכל טהור, יכול  
לצאת והקפיד עליו – דברי הכל טמא, --

**בי פלני –** יכול לצאת ולא הקפיד עליו.  
**מר סבר:** בין יכול לצאת – אף על גב דלא  
הකפיד עליו. **ומר סבר:** אף על גב יכול  
לצאת,

Rabbi Yoḥanan raised an objection to Reish Lakish from a mishna (*Oholot* 3:2): With regard to a **quarter-log of blood** from a corpse that was absorbed in the floor of a house,<sup>h</sup> every vessel in the house is ritually impure by virtue of being under the same roof as the blood. The Gemara parenthetically notes: **And some say** that the mishna states that every vessel in the house is ritually pure. And these two statements **do not disagree**, as this first statement was issued in reference to vessels that were in the house at the outset, before the blood became absorbed; and this second statement was issued in reference to vessels that came into the house at the end, after the blood had already been absorbed.

The mishna continues: In a case where the blood was absorbed in a **garment**,<sup>h</sup> it is examined. If the garment is washed and a **quarter-log of blood emerges from it**, it is ritually impure and it imparts impurity to the vessels in the house as well. **But if not**, then it is **pure**, and it does not impart impurity. Apparently, only blood that can be removed from a garment is considered blood, whereas blood absorbed in the garment is insignificant. This is in accordance with the opinion that an absorbed substance does not impart ritual impurity, even if it can be removed in some manner.

Rav Kahana said in response: **They taught here a halakha from among the leniencies** that apply to the measurement of a **quarter-log**. That is, this case is **different**, as the mishna is referring to the **blood of submission** discharged from a body at the time of death, and such blood is ritually impure by **rabbinic law**.<sup>n</sup> But in general, a ritually impure liquid that is absorbed into an item does impart impurity.

Reish Lakish raised an objection to Rabbi Yoḥanan from a mishna (*Oholot* 3:2): Any liquid that is absorbed but that is **unable to emerge** is **pure**. Reish Lakish infers from this mishna that if it is able to emerge it is **impure**, and that this is the **halakha even though it has not yet emerged**.

Rav Pappa said in defense of Rabbi Yoḥanan's opinion: **Anywhere** that the liquid is **unable to emerge** and the owner of the garment is **not particular about it**, i.e., he is not bothered that this liquid is absorbed within the garment, **everyone**, i.e., both Rabbi Yoḥanan and Reish Lakish, **agrees that the garment is pure**. If the liquid is **able to emerge** and the owner of the garment is **particular about it** and does not want it in his garment, **everyone agrees** that the garment is **impure**.

They disagree when the liquid is **able to emerge** and the owner is **not particular about it**. One Sage, Reish Lakish, holds that since the liquid is **able to emerge, even though the owner is not particular about it**, the garment is **impure**. And one Sage, Rabbi Yoḥanan, holds that **even though the liquid is able to emerge**,

#### NOTES

The blood of submission [*tevusa*] is impure by rabbinic law – **דם תבוסה דרבנן**: This is referring to the blood that leaves a human body just before and after death. The early commentaries write that it called by this name due to the verse: "And saw you wallowing [mitboset] in your blood" (*Ezekiel* 16:6; see Rosh). The Sages

decreed that this blood is ritually impure as a primary source of impurity, even if a full quarter-log did not leave the body after the person's death, and therefore it renders items impure through contact or carrying or in a tent, i.e., by being under the same roof.

#### HALAKHA

A **quarter-log of blood that was absorbed in a house** – **רשותם שמ שבולע בבית**: If a quarter-log of blood was absorbed into the floor of a house, the house is pure from that point onward, but any item that was in the house when the blood was absorbed is ritually impure. This *halakha* is in accordance with the *baraita* (Rambam *Sefer Tahara, Hilkhot Tumat Met* 4:11).

garment was laundered and a quarter-log of blood emerged, the garment renders other items ritually impure through contact, by carrying, and by the impurity of a tent. But if that amount of blood does not come out from the garment when it is laundered, it does not impart impurity in a tent. Rather, it has the status of a garment that touched a corpse. The reason is that any blood that is absorbed but cannot come out is pure. This *halakha* is in accordance with the *baraita* (Rambam *Sefer Tahara, Hilkhot Tumat Met* 4:13).

**Was absorbed in a garment** – **גבולה בכסות**: With regard to a garment that has a quarter-log of blood absorbed within it, if the

## Perek IX

### Daf 63 Amud a

#### NOTES

Where he passed the middle of the night and was in a state of sleep – שַׁעַר עַלְוֹ חֲצֹת לִילָה בְשִׁינָה: The reason is that sleep strengthens the saliva (Rashi; Meiri).

אם הַקְפֵּיד עַלְוֹ - אֵין, אֵי לֹא - לֹא.

"אייזהו רוק תפיל". תנא: כל שלא טעם כלום מבער. סבר רב פפא קמיה דברא למיבור: במאן דאמר לא טעם מידי באורתא. אמר לה רAVA: מי קתני בערב" – "מבער" קתני, לאפיקי היכא דקדים ואכלי.

אמר רב בר בר חננ, אמר רב פי יוחנן: אייזהו רוק תפיל – כל שעבר עלוי חצאות ללילה, ובשיהם. למימרא דבשינה תליא מילתא? והתנן: ישן כל הימים – אין זה רוק תפיל, ניעור כל הלילה – היה זה רוק תפיל התחם – במתנתנים.

היכי דמי מותנתנים? אמר רב אשין: אם ולא נס, תיר ולא תיר, דקרו ליה – וענין, ולא ידע לאחדורי סברא, וכו' מדרשו ליה – מדבר.

תנן: השבים ושנה פרקו – אין זה רוק תפיל. ועוד כמה? אמר רב יהודה בר שלילא, אמר רב אשין, אמר רב פי אלעוז: כל שיוצא רוב דברו של שלוש שעות.

"מי גירסין לעיסת גירסין של פול" וכו'. לימא מסיע ליה ליש לkish, ראמaro ריש לך: רוק תפיל צרך שיזא עם כל אחד ואחד? דלמא הבלא דפומא מעלה.

מותנתין דלא ברבי יהודה, דתניא, רבוי יהודה אומר: מי גירסין רותח, ועובר שיקן להוכן מלחת.

if he is particular that he does not want the liquid there, then yes, it renders the garment impure, but if not, then the liquid does not render the garment impure.

**§** The mishna teaches: What is tasteless saliva? A tanna taught in a baraita: What is the definition of tasteless saliva? Any saliva where the person had not tasted anything since the evening. Rav Pappa, who was sitting before Rava, thought to say: This is in accordance with the opinion of the one who said that he did not eat anything all night long. Rava said to him: Is it taught: One who had not tasted anything in the evening, which would indicate that it is referring only to one who did not eat since nightfall? No, the baraita teaches: Where the person had not tasted anything since the evening, which means even if he ate after nightfall, but did not eat for the rest of the night. This serves to exclude a case where he arose early in the morning and ate, as in such a case it is no longer tasteless saliva.

Rabba bar bar Ḥana says that Rabbi Yohanan says: What is tasteless saliva? Any saliva where the person did not eat any food and he passed the middle of the night and he was in a state of sleep.<sup>N</sup> The Gemara asks: Is that to say that the matter depends on whether or not he had sleep? But didn't we learn in a baraita: Even if he slept the entire day, that is not tasteless saliva; but if he was awake the entire night, that is tasteless saliva? This indicates that sleep is not a critical factor in producing tasteless saliva. The Gemara resolves this apparent contradiction by explaining that there, in the latter clause of the baraita, it is referring to a case where he was awake all night and did not sleep properly, but was dozing off and on.

The Gemara asks: What are the circumstances of dozing? Rav Ashi said: It is referring to a situation in which one is asleep and yet not fully asleep, and awake and yet not fully awake. If someone calls him he answers, and he is in a mental state in which he does not know how to provide an answer that requires logical reasoning, but when people remind him about something when he is in that state that has happened previously he remembers it.

A tanna taught in a baraita: If one rose early in the morning and learned aloud his chapter of the Torah, that saliva in his mouth is not tasteless saliva, as speech weakens the strength of the saliva. And how much learning and talk removes the strength of the saliva? Rav Yehuda bar Sheila says that Rav Ashi says that Rabbi Elazar says: Any case where he uttered most of his normal amount of speech that he usually says in three hours.

**§** The mishna teaches: Liquid from split beans is created through the chewing of split beans that divided naturally, not by human hand, which are then applied to the stain. The Gemara suggests: Let us say that this ruling supports the opinion of Reish Lakish, as Reish Lakish said: Tasteless saliva must be mixed with each and every one of the other six substances in order to remove the blood stain. The Gemara answers that this is no proof, as perhaps it is not due to the saliva, but rather the heat of his mouth is what helps the split beans remove the stain.

The Gemara notes that the mishna is not in accordance with the opinion of Rabbi Yehuda. As it is taught in a baraita that Rabbi Yehuda says: The liquid from split beans is effective in removing blood stains only when it is boiling, and before [over] one puts salt into the pot.

מַיִם מְשֻׁבָּעַ דָּהָא "עֹבֵר" לִישְׁנָא  
דָּקְדוּמִי הוּא? אָמֵר רַב נַחֲמָן בֶּרֶךְ:  
יְצָחָק: דָּאַמְרוּ קָרָא וַיַּרְא אֲחִימָצָע דָּרָן  
הַכָּר וַיַּעֲבֹר אֹתְהַכּוּשָׁה". אַבְּיָי אָמֵר  
מְהַכָּא: "וְהָוָא עַבְרֵל פְּנֵיכֶם". וְאַבְּיָהָת  
אִימָא מְהַכָּא: "וַיַּעֲבֹר מִלְּפָנָיכֶם  
וְהַבָּרָאשָׁם".

"בַּיְם גְּגָלִים שְׁחַחְמִיצָו". תְּנָא: כִּמָּה  
חִימְוֹצָוֹן? שְׁלֹשָׁה יָמִים.

אָמֵר רַבִּי יוֹחָנָן: כָּל שִׁיעָרֵי חַכְמִים  
בְּכַתְּמִים, צָרֵיךְ שִׁיעָרׂוֹ לְשִׁיעָרָן. דִּילָל  
אוֹ דִּיקָן? דָּאַיָּשׁ אוֹ דָּאַשָּׁה? מִכּוֹסִים  
אוֹ מִגּוֹלִים? בִּימּוֹת הַחַפָּה אוֹ בִּימּוֹת  
הַגְּשָׁמִים?

"וְצָרֵיךְ לְכַסְכָּס שֶׁלֶשׁ פָּעָמִים". בַּעַד רַבִּי  
ירמְאָה: אַמְטִיִּי וְאַתְּנוֹי - חַד, אוֹ דָלָמָא  
אַמְטִיִּי וְאַתְּנוֹי - תְּרַתְּיָה, מַאי? תִּיקָּן.

"הַעֲבִין שֶׁלָּא בְּסָדוּן". תְּנוּ רַבָּנָן:  
הַקְדִּים שְׁנַיִם לְרַאשׁוֹנִים, תְּנַי חֲדָא:  
שְׁנַיִם - עַלּוּ לוּ, רַאשׁוֹנִים - לֹא עַלּוּ  
לוּ. וְתְּנַיָּא אַיְדָךְ: רַאשׁוֹנִים - עַלּוּ לוּ,  
שְׁנַיִם - לֹא עַלּוּ לוּ.

אָמֵר אַבְּיָי: אַיְדִי וְאַיְדִי - שְׁנַיִם עַלּוּ  
לוּ, וְלֹא רַאשׁוֹנִים. וְמַאי "רַאשׁוֹנִים"?  
רַאשׁוֹנִים לְבָסָדוּן, וְשְׁנַיִם לְהַעֲבָרָה.

The Gemara asks: From where may it be inferred that the word *over* is a formulation of priority? Rav Nahman bar Yitzhak said that the verse states: "And Ahimaaz ran by the way of the plain, and overran [vayya'av] the Cushite" (II Samuel 18:23), i.e., Ahimaaz overtook the Cushite. Abaye said: It is derived from here: "And he passed [avar] before them" (Genesis 33:3). And if you wish, say instead that the proof is from here: "And their king passed [vayya'av] before them and the Lord at their head" (Micah 2:13).

**§** The mishna teaches: The urine that is an effective detergent is specifically urine that fermented. A *tanna taught* in a *baraita*: For how long must it be fermented? For three days.

On the topic of the urine used to remove a blood stain, Rabbi Yoḥanan says: All the measures of the Sages with regard to blood stains require a measure for their measure. There are many types of urine, each of which has different properties, and it is unclear which is to be used. Is it urine of a young person or of an old person? Is it urine of a man or of a woman?<sup>N</sup> Is it urine that has been kept covered or uncovered? Is it urine from the summer or from the rainy season?

**§** The mishna teaches: And one must rub each and every one of the substances three times. Rabbi Yirmeya raises a dilemma with regard to this rubbing: Is the going and coming of the hand over the surface of the rubbed item considered one rubbing, or perhaps the going and coming are considered two actions and two distinct rubbings? What is the correct count? The Gemara states: The dilemma shall stand unresolved.<sup>N</sup>

**§** The mishna further teaches: If one applied them in a manner that is not in their prescribed order, or if one applied all seven substances simultaneously, he has done nothing. The Sages taught two *baraitot* with regard to this matter. If one applied the substances from the second half of the list, i.e., natron, *borit*, Cimolian earth, and potash, before the substances from the first half of the list, i.e., tasteless saliva, liquid from split beans, and urine, it is taught in one *baraita*: The second set count for him, but the first do not count for him.<sup>N</sup> And it is taught in another *baraita*: The first count for him, but the second do not count for him.

Abaye said that there is no dispute between these two *baraitot*: Both this *baraita* and that *baraita* agree that the substances that he applied second count for him, and not the substances that he applied first. And what does the second *baraita* mean when it uses the term: First? It means the first according to the order of the mishna, which were the second in their application.

#### NOTES

Of a young person or of an old person, of a man or of a woman – **לֹא עַלּוּ לוּ**. According to Rabbi Yoḥanan there are four factors that determine the quality of urine: Age, sex, how the urine was stored, and season. Each of these can cause the urine to be strong and more effective at removing the stain, or weak and less effective. For example, the urine of a child is weaker than that of an adult, while covered urine is stronger than uncovered. Similarly, the strength of the urine is greater in the summer than in the winter (Rashi). Rashi does not explain whether urine of a man or urine of a woman is stronger, as he was uncertain about this matter (*Arukha LaNer*).

**The dilemma shall stand unresolved – תִּיקָּן:** Although Rabbi Yirmeya's dilemma was not resolved, the early commentaries write that the reasonable conclusion is that going and coming is considered as one rubbing (Meiri).

**The second count for him but the first do not count for him – שְׁנַיִם עַלּוּ לוּ וְרַאשׁוֹנִים לֹא עַלּוּ:** Since the application of the second set of three substances, i.e., saliva, liquid of split beans, and urine, is effective in that order despite the fact that it was performed after the other four, one need merely continue with the other four, i.e., natron, *borit*, Cimolian earth, and potash, for an effective test of the stain (Rashi).

**HALAKHA**

**כל אשה** Any woman who has a fixed menstrual cycle – **שושלת ווסת**: A woman who has a set pattern of menstrual bleeding, and who experienced bleeding at the expected time, is ritually impure only from that point onward. She is not impure retroactively (Rambam Sefer Kedusha, Hilkhot Issurei Bia 9:4).

And these are the fixed menstrual cycles...three times, etc. – **אללו הַן הוֹסְתּוֹת...שָׁלֵךְ פְּעָמִים וּכְיָ**: A woman can establish a set pattern of menstrual bleeding through certain bodily symptoms. Examples include if she yawns or has flatulence, or sneezes (according to Rambam and Tosafot), or experiences pain in her stomach or in her lower abdomen, or if she shivers, or if her head and limbs feel heavy. With regard to any of these symptoms, if she experiences that symptom immediately before three consecutive menstrual cycles, she has established a set pattern and must be concerned each time she experiences that symptom in the future, and it is prohibited for her to engage in intercourse when she experiences it. A solitary yawn or sneeze or the like is not considered a symptom; it is only if she yawns or sneezes involuntarily several times in a row. There is no set time for any of these symptoms; rather, each time she experiences the symptom she must assume that she will menstruate (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 3:6 and Sefer Kedusha, Hilkhot Issurei Bia 8:2 and Maggid Mishne on 8:1; Shulhan Arukh, Yoreh De'a 189:19).

**LANGUAGE**

**Yawns [mefahet]** – **מְפַהֶּקֶת**: There is a dispute among the commentaries with regard to the meaning of this term. Some maintain that it means yawn, as it does in modern Hebrew (Tosafot). Others explain that it refers to stretching (Rashi; Rosh).

**Shuddering [tzemarmorot]** – **אַקְרָמוֹת**: The root of this word is *tzemer*, which means to heat in Aramaic. The term, which is borrowed by Hebrew, means shivering with fever.

**מתני' כל אשה שיש לה וסת – דיה שעתה. ואלו הַן הוֹסְתּוֹת: מְפַהֶּקֶת, נְבֻעַשֶּׁת, וְחוֹשֶׁת בַּפִּיכְרִיסָה בְּשִׁפְולִי מעִיחָה, וְשׂוֹפָעָת, וכִּמֵּן אַמְרָמוֹרוֹת אֲזָרְיוֹן אַוְתָה, וּבְכִיּוֹצָא בָּהּ. וכל שְׁקָבָעָה לָהּ של שְׁחָדָה פְּעָמִים – הרוי וְוָסֶת.**

**גַם תִּנְנַא חַדָּא זִימָנוֹ: כל אשה שיש לה וסת – דיה שעתה! הַתִּמְ – בוֹסְתּוֹת רַיּוֹמִי, הַכָּא – בוֹסְתּוֹת דְּגַוְּפָא.**

**ברַקְרַטְנִי: אללו הַן הוֹסְתּוֹת – הִיְתָה מְפַהֶּקֶת, נְבֻעַשֶּׁת, וְחוֹשֶׁת בַּפִּיכְרִיסָה, בְּשִׁפְולִי מעִיחָה, וְשׂוֹפָעָת.**

**שׂוֹפָעָת? הָא שְׁפָעָה וְאַלְאָ! אָמֵר עַלְאָ בַּיּוֹה דָּרְבָּ עַלְאִי:**

**MISHNA** For any woman who has a fixed menstrual cycle<sup>H</sup> that is not time dependent, but is dependent on a physical sensation, **her time is sufficient**, i.e., she does not transmit ritual impurity retroactively, for twenty-four hours or until the last time she examined herself (see 2a). And these are the fixed menstrual cycles<sup>N</sup> based on sensation: When a woman menstruates after she yawns [mefahet]<sup>L</sup>, or after she sneezes, or after she senses pain near her stomach or in her lower abdomen, or after she secretes a discharge, or after a type of feverish shuddering [tzemarmorot]<sup>L</sup> overtakes her. And likewise the same applies with regard to any sensation of the like. And in the case of any woman who establishes a pattern for herself by experiencing such a sensation **three times<sup>H</sup>** before the onset of menstruation, **that is a fixed menstrual cycle**.

**GEMARA** The mishna teaches that for any woman who has a fixed menstrual cycle, her time is sufficient. The Gemara objects: We already learned that her time is sufficient on another occasion (2a): For any woman who has a fixed menstrual cycle, and she examined herself at that time and discovered blood, **her time is sufficient**, and it is only from that moment that she transmits ritual impurity. The Gemara answers: There, it is referring to a fixed menstrual cycle of a certain number of days; here, it is referring to a fixed menstrual cycle based on a physical sensation.

As it teaches in the continuation of the mishna: **These are the fixed menstrual cycles based on sensation**: When a woman menstruates after she yawns, or after she sneezes, or after she senses pain near her stomach or in her lower abdomen, or after she secretes a discharge. All of these are physical sensations.

The mishna includes the case where she secretes a discharge as one of the physical sensations. The Gemara understands this as referring to a continuous discharge of blood, and therefore asks: But during menstruation she is continuously discharging blood; how can this be a signal of the onset of menstruation? **Ulla, son of Rav Ilai**, said:

**NOTES**

And these are the fixed menstrual cycles – **אללו הַן הוֹסְתּוֹת**: A cycle based on a physical sensation is considered fixed only after the woman experiences the same sensation before three consecutive menstrual cycles, e.g., if she yawns and experiences bleeding immediately, and this sequence happens three months

in a row. But if she yawns once and experiences bleeding, then in another month sneezes and experiences bleeding, and then in a third month senses pain in her lower abdomen and experiences bleeding, she does not thereby establish a fixed menstrual cycle (Ran; Ramban; Rashba; Meiri; Shulhan Arukh, Yoreh De'a 189:23).

**Perek IX****Daf 63 Amud b**

**בְּשׂוֹפָעָת דַּם טְמֵא מִתּוֹךְ דַּם טְהָוָר.**

The mishna is referring to a case where she discharges ritually impure blood in the midst of discharging ritually pure blood.<sup>N</sup> For example, if she normally first discharges blood that is not red, and it therefore does not render her impure, and then she experiences a discharge of red blood.

**NOTES**

Where she discharges impure blood in the midst of pure blood – **בְּשׂוֹפָעָת דַּם טְמֵא מִתּוֹךְ דַּם טְהָוָר**: In other words, she regularly sees ritually pure blood first, e.g., blood that is not red, after which she emits impure blood. In this manner she fixes a menstrual cycle: Her impure blood comes only after she

discharges ritually pure blood. Therefore, every time she discharges impure blood after discharging ritually pure blood, she does not render pure items that she had touched retroactively impure (Rashi).

“יבכין צברמוות” וכו’. ז’ בון פיויא באהן  
 לאתוי מאי אמר רב בר עילא לאתוי  
 אשה שראשה כבד עליה, ואבריה כבדים  
 צללה, ורותחת, גוזסה.

אמר רב הונא בר חייא אמר טומאל: הרי  
 אמרו לימיים – שניים, לסתות – אחת,  
 לרבה שלא מנו חכמים – שלשה.

למה שלא מנו חכמים – לאתוי מאי?  
 אמר רב יוסוף: לאתוי ראה כבד עליה,  
 ואבריה כבדין עליה, ורותחת, גוזסה.  
 אמר ליה אבוי: מי קא משמע לך?  
 מהניתין היא, דהא פרשה רביה בר עילא!  
 אלא אמר אבוי: לאתוי – אכלת שום  
 וראתה, ואכלת בצלים וראתה, בססה  
 פלפלים וראתה.

אמר רב יוסוף: לא שמייע לך שמעתא.

The mishna teaches: **Or a type of feverish shuddering overtakes her, and likewise the same applies with regard to any sensation of the like.** The Gemara asks: **What is added by this last phrase? Rabba bar Ulla said:** It serves to include a woman whose head is heavy upon her or her limbs are heavy upon her, or she trembles or belches<sup>N</sup> constantly.

Rav Huna bar Hiyya says that Shmuel says: The Sages said, with regard to establishing a set period of days, that two days are sufficient, i.e., if a woman experiences bleeding twice on the same date of the month or after the same interval, she has a fixed menstrual cycle. By contrast, with regard to a fixed menstrual cycle based on a physical sensation, it is sufficient if she experiences bleeding even once. But for those sensations which the Sages did not include in the mishna, she has a fixed cycle only if she experiences bleeding three times accompanied by one of those symptoms.

The Gemara asks: When Shmuel said: **For those which the Sages did not include, what did he intend to add?** Rav Yosef says: This serves to add the case mentioned above, i.e., her head is heavy upon her, or her limbs are heavy upon her, or she trembles or belches constantly. Abaye said to Rav Yosef: What is that addition teaching us? In effect, it is already taught in the mishna, as Rabba bar Ulla explained above that the additional phrase: The same applies with regard to any sensation of the like, serves to include those sensations. Rather, Abaye said: Shmuel's phrase serves to add a case where she ate garlic<sup>B</sup> and saw<sup>N</sup> menstrual blood, or ate onions<sup>B</sup> and saw menstrual blood, or chewed pepper<sup>B</sup> and saw<sup>H</sup> menstrual blood, i.e., these triggers can give rise to a fixed cycle, but only after three occurrences.

**Rav Yosef said:** I did not hear this tradition concerning the opinion of Shmuel, that with regard to days a cycle is fixed if she experiences bleeding twice, whereas for physical sensations a cycle is fixed after one occurrence. Rav Yosef had fallen ill and forgotten his studies and was therefore unable to remember that such a ruling had been issued.

## BACKGROUND

**Garlic – גָלִיל:** Garlic, *Allium sativum* L., is not only used to season food; it is also believed to have health benefits. It has long been known that garlic is an anthelmintic, i.e., it kills intestinal worms. Modern studies have shown its other health benefits. About 20 percent of the dry weight of garlic is protein, and due to this large amount it is satisfying and warms the body.



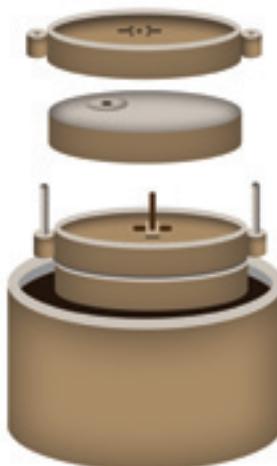
Garlic flower

**Onions – גָזַלְם:** Onions were extremely common and inexpensive, and were prepared in a variety of ways, both raw and cooked. Due to their strong flavor they were used for seasoning food. Garlic shares this property, and is often mentioned alongside onions, e.g., "We remember the fish, which we ate in Egypt for free, the cucumbers, and the melons, and the leeks, and the onions, and the garlic" (Numbers 11:5). Onions contain allyl propyl disulfide ( $C_6H_{12}S_2$ ), which can be dangerous when ingested in large quantities.



Onion flowers

**Chewed pepper – גְסֻקָה פֶלְפִילִים:** In the talmudic period, pepper was primarily used for spicing foods. It would be ground in a special metal spice mill. Pepper that was not ground could also be chewed.



Sketch depicting a Roman-era metal spice mill

## NOTES

**Belches [gosa] – גּוֹסָה:** Some commentaries state that *gosa* means yawning from exhaustion (Rashi). Others explain that it refers to belching after eating, either due to the type of food eaten or the speed of eating (*Tosafot*, citing *Arukha*). Alternatively, it is referring to stretching out the arms due to tiredness (Meiri), or experiencing nausea (Rashba), or sensing a pain in her belly (*Ba'alei HaNefesh*; Meiri). In sum, the early authorities write that all of these explanations are correct. Any physical, involuntary activity

that consistently precedes the emission of blood is a sign that the blood is about to emerge from her body, and she is considered to have a fixed menstrual cycle based on sensation (Rosh).

**She ate garlic and saw – נָכַלְהַ שָׁם וַיַּרְא:** The difference between these sensations and those listed in the mishna is that here she experiences bleeding due to her intentional action of eating, whereas the mishna lists only involuntary actions.

## HALAKHA

**She ate garlic and saw or ate onions and saw or chewed pepper and saw – נָכַלְהַ שָׁם וַיַּרְא וְנָכַלְהַ שָׁם וַיַּרְא:** If a woman ate one of these foods and experienced bleeding, some say that she has established a fixed menstrual cycle of bleeding after eating sharp foods. In addition, some authorities claim that she is similar to a woman who experiences bleeding every time after jumping, and therefore she establishes a cycle only if she does so after a set interval of days. Others maintain that this is similar to a woman who experiences bleeding after experiencing an involuntary sensation, which means that she establishes a cycle even without a set interval of days in between.

In all cases of set cycles that are established based on bodily

sensations, the woman is obligated to separate only at the time of the sensation. For example, if she normally experiences bleeding as she begins experiencing this sensation, she is prohibited to her husband for the duration of the sensation. If she typically experiences bleeding at the end of experiencing the sensation, she is prohibited only at its conclusion. This applies when she experiences bleeding only within the set time of the sensation. If her bleeding extends to after the end of the sensation, she is prohibited to her husband from the time of the sensation until the end of that day or night (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 3:6; *Shulhan Arukh, Yoreh De'a* 189:24, and 189:23 in the comment of Rema).

אמור ליה אבוי: את אמריתה נינהלן, ואהא אמריתה נינהלן: היתה למורה להיות רואה יום חמשה עשר ושיננה ליום עשרים - זה וזה אסורי. שלש פעמים ליום עשרים - הותר יום חמשה עשר, וקhuba לה יום עשרים, שאין אשה קובעת לה ססת - עד שתתקבענה שלש פעמים.

ואמרות לן עללה אמר רב יהודה, אמר שמואל: ודברי רבנן גמליאל בר רב שאמור מושם רבנן שמיעון בן גמליאל, אבל חכמים אומרים: רקתה - אינה צריכה לא לשנות ולא לשלש.

ואמרין לנו: לשנות אמורה לנו, לשלש מיבשיא?  
ואמרות לנו: לשנות - בשתנות, לשלש - בימים.

נימא ז דברי רבנן שמיעון בן גמליאל דא קמישמעו לנו שמואל: דרבנן גמליאל ברבי - קרבו שמיעון בן גמליאל סבירא ליה.

**מתני'** היתה למורה להיות רואה בתחלת השנות, כל הטהרות שעשתה בתוך הוותות טמאות. בסוף השנות - כל הטהרות שעשתה בתוך הוותות טהורות.

רבי יוסי אומר: אף ימים ושעות וסתות. היתה למורה להיות רואה עם הנץ החמה - אינה אסורה אלא עם הנץ החמה. רביה יהודה אומר: כל היום שלה.

His student, Abaye, said to him: You yourself told us this halakha, and it was with regard to this following matter that you told this halakha to us, taught in the mishna below: If a woman was accustomed to see the flow of blood on the fifteenth day and she deviated from the norm to see the flow of blood on the twentieth day, then on both this day, the fifteenth, and that day, the twentieth, it is prohibited for her to engage in intercourse. If she deviated from the norm to see the flow of blood on the twentieth day three times, it becomes permitted for her to engage in intercourse on the fifteenth day, and she has established the twentieth day for herself as the day of her fixed menstrual cycle, as a woman establishes a fixed menstrual cycle only after she establishes it three times.<sup>h</sup>

Abaye continues: And you, Rav Yosef, said to us with regard to this mishna that Rav Yehuda said that Shmuel said: This is the statement of Rabban Gamliel bar Rabbi Yehuda HaNasi, who said it in the name of Rabban Shimon ben Gamliel. But the Rabbis say: If she saw a discharge of blood even once, she has a fixed cycle and does not need to repeat and experience bleeding a second time or to repeat a third time.

And we said to you: Since you said to us that she does not need to repeat a second time, is it necessary for you to mention that she does not need to repeat a third time? And you said to us that when you said that she does not need to repeat a second time, this is referring to a fixed menstrual cycle based on a physical sensation, whereas when you said she does not need to repeat a third time, that is referring to a fixed cycle of days.

The Gemara asks: But why did Shmuel have to explain that the mishna is the statement of Rabban Gamliel bar Rabbi Yehuda HaNasi? Let him say simply that this mishna is the statement of Rabban Shimon ben Gamliel, who always requires repetition three times to establish a presumptive status. The Gemara answers that this is what Shmuel teaches us: That Rabban Gamliel, son of Rabbi Yehuda HaNasi, holds in accordance with the opinion of Rabban Shimon ben Gamliel.

**MISHNA** If a woman was accustomed to see the flow of blood at the beginning of the sensation that accompanies her fixed cycle, even if on one occasion she happened to experience bleeding only at the end of the sensation, all the ritually pure items that she handled within the duration of that sensation that accompanies her fixed cycle are ritually impure. If the woman was accustomed to experience bleeding at the end of the sensation that accompanies her fixed cycle, all the ritually pure items that she handled within the duration of that sensation that accompanies her fixed cycle are pure.

Rabbi Yosei says: Even specific days and specific hours determine a fixed menstrual cycle: If a woman was accustomed to see the flow of blood on a certain day of the month at sunrise, it is prohibited for her to engage in intercourse with her husband only at sunrise; but during the night before and the following day, it is permitted for her to engage in intercourse. Rabbi Yehuda says: Once sunrise passed and she did not menstruate, the entire day is hers and she may engage in intercourse, in accordance with the opinion of Rabbi Yosei; but contrary to the opinion of Rabbi Yosei, intercourse the night before is prohibited.

#### HALAKHA

עד שתתקבענה שלש פעמים – After she establishes it three times – A woman does not establish a fixed cycle until she has experienced bleeding four times, with three equal intervals between them. For example, she experiences bleeding today, and again after twenty days, and again after another twenty days, and again after another twenty days. This is called a cycle of intervals. She must experience bleeding four times in order to have three intervals. Nevertheless, even after she experiences bleeding once after an interval, she must be concerned for that interval again. Another type of cycle is based on the days of the month. If she experiences bleeding on a certain day of the month, she

must be concerned that she might again experience bleeding on the same day of the following month. Once a cycle has been established, she must always be concerned for the next occurrence of that cycle, until for three consecutive times she does not experience bleeding on that day. Even after bleeding once, it is prohibited for her to engage in intercourse with her husband on the same day of the following month. After having her second menstrual period, it is prohibited for her to engage in intercourse with her husband in the third month on the day corresponding to the interval between the first two periods (Rambam Sefer Kedusha, Hilkhot Issurei Bia 8:4; Shulhan Arukh, Yoreh De'a 189:2).

**גמ' תנא,** ביצד אמר רבי יוסי: מים ושות  
וסתות – היתה לモרה להיות וואה מום  
עשרים ליום עשרים, וממש שעות לשיטש  
שעות, הגיע יום עשרים ולא ראתה –  
אסורה לשמש כל שש שעות בראשה –  
דברי רבי יהודה, ורבי יוסי מתרעד שיש  
שות, וחוששת בשש שעות.

עברו שש שעות ולא ראתה – אסורה לשמש  
כל יום בולו – דברי רבי יהודה, ורבי יוסי  
מתיר מן המנחה ולמעלה.

היתה לモרה. והתניא, רבי יהודה אומר:  
כל הלילה שלה!

לא קשיא, הא – דרגילה לראות בתקלה  
ממנה, והא – דרגילה לראות בסוף לילא.

תני חז"א: רבי יהודה אסורה לפני וסתה,  
ומתירה לאחר וסתה. והתניא אידך: אסורה  
לאחר וסתה, ומתירה לפני וסתה.

לא קשיא, הא – דרגילה למחרי בסוף לילא.  
הא – דרגילה למחרי בתקלה יממה.

אמר רבא: הלוּכה כרבי יהודה. וכי אמר  
רבא חכמי? והתניא: והוותם את בני ישראל  
מטוותם, מכאן אמר רבי יirmeya: אזהרה  
לבני ישראל שיפרשו מנשותיהם סמוך לסתן.

**GEMARA** A tanna taught in a *baraita*: In what case did Rabbi Yosei say that specific days and hours determine a fixed menstrual cycle? For example, if a woman was accustomed to see the flow of blood on the twentieth day and again on the twentieth day, and in the sixth hour of the day<sup>N</sup> and again in the sixth hour of the day the next time; if the twentieth day arrives a third time and she does not see a flow of blood, it is prohibited for her to engage in intercourse for the entirety of the first six hours of the day; this is the statement of Rabbi Yehuda. Rabbi Yosei deems it permitted for her to engage in intercourse until the sixth hour of the day, and says that she must be concerned only during the sixth hour.

The *baraita* continues: If the sixth hour passed and she did not see<sup>H</sup> a flow of blood, it is prohibited for her to engage in intercourse for the entirety of the day; this is the statement of Rabbi Yehuda. And Rabbi Yosei deems it permitted for her to engage in intercourse from *minha* time onward, i.e., from the beginning of the seventh hour.

§ The mishna teaches with regard to a woman who was accustomed to see the flow of blood on a certain day of the month at sunrise, that Rabbi Yehuda says: Once sunrise passed and she did not menstruate, the entire day is hers and she may engage in intercourse, but intercourse is prohibited the night before. The Gemara objects: But isn't it taught in a *baraita* that Rabbi Yehuda says: The entire night is hers? This indicates that she may engage in intercourse during the night.

The Gemara explains that it is not difficult. Here, when it is permitted for her to engage in intercourse the entire night, it is referring to a case where she is accustomed to see a flow of blood at the beginning of the day, i.e., immediately after sunrise. And there, in the mishna, which deems it prohibited for her to engage in intercourse all night, it is referring to a case where she is accustomed to see a flow of blood at the end of the night, i.e., just before sunrise.

The Gemara cites further *baraitot* that deal with Rabbi Yehuda's opinion. It is taught in one *baraita*: Rabbi Yehuda deems it prohibited for her to engage in intercourse before the time of her fixed cycle, but deems it permitted for her to do so after the time of her fixed cycle if she did not experience bleeding then. And it is taught in another *baraita*: Rabbi Yehuda deems it prohibited for her to engage in intercourse after the time of her fixed cycle but deems it permitted for her to do so before the time of her fixed cycle.

The Gemara resolves this apparent contradiction: And this is not difficult; here, the *baraita* that rules that it is prohibited for her to engage in intercourse before the time of her fixed cycle is referring to a case where she is accustomed to see a flow of blood at the end of the night. By contrast, there, the *baraita* that states that it is prohibited for her to do so after the time of her fixed cycle is referring to a case where she is accustomed to see a flow of blood at the beginning of the day.

Rava said: The *halakha* is in accordance with the opinion of Rabbi Yehuda. The Gemara asks: And did Rava actually say this? But isn't it taught in a *baraita*: The verse states with regard to a menstruating woman: "You shall separate the children of Israel from their impurity" (Leviticus 15:31). From here, Rabbi Yirmeya said that there is a warning to the children of Israel that they should separate from their wives close to the time of their menstrual cycles.<sup>N</sup>

## NOTES

ומשה ששות וכו': And in the sixth hour of the day, etc. – Some commentaries maintain that Rabbi Yehuda concedes to Rabbi Yosei in a case where a woman establishes a cycle for hours and not for days, i.e., she is not obligated to separate for the entire twelve-hour period, but only for the hour in which she is accustomed to experience bleeding. Rabbi Yehuda and Rabbi Yosei disagree only in a case where she is accustomed to experience bleeding after an interval of both days and hours (*Shulhan Arukh, Yoreh De'a* 1893, citing Ra'avad). The early commentaries disagree with regard to the meaning of the Ra'avad's claim. Some suggest that as she has established her cycle for a certain hour and not for days, she must be concerned every single day at that hour, but she must separate only at that hour, not for the entire day (*Baal HaMaor*). Others write that she must separate at that hour one month later, on the day of the month that she experienced bleeding previously, and she is not obligated to separate the entire day (Meiri; *Havvat Da'at*).

A warning to...Israel that they should separate from their wives close to their menstrual cycles – אזהרה לישראל שיפרשו מנשותיהם סמוך לסתן: The early commentaries struggle to explain how the verse: "You shall separate the children of Israel from their impurity" (Leviticus 15:31), teaches that a couple must separate close to the time of the woman's period, as there is a tradition that the entire concept of set menstrual cycles applies by rabbinic law and therefore it cannot be derived from the Torah. Therefore, some explain that this verse is not a proper source for this *halakha* but is cited as a mere support for the rabbinic law (Ra'avad). Others maintain that although the *halakha* of set periods is by rabbinic law, the requirement of separation applies by Torah law (*Hiddushei Rabbeinu Hayim HaLevi al HaRambam* on Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 4:12).

## HALAKHA

עברו שש שעות ולא – If the sixth hour passed and she did not experience bleeding – If the set time for a woman's menstrual cycle passed and she did not experience bleeding, she is permitted to her husband after that day or night. For example, if she usually experiences bleeding in the sixth hour of the day, she is prohibited from the beginning of the day. After the sixth hour, if she did not experience bleeding,

she is prohibited to her husband until the evening. Similarly, if she typically experiences bleeding in the sixth hour of the night, she is prohibited to her husband for the entire night. This ruling is in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 4:13).

ובכמה? אמר רבא: עונת. מאי לאו - עונת אחרית? לא, אותה עונת.

And how close? Rava says: One twelve-hour period, i.e., either from sunrise to sunset, or from sunset to sunrise. The Gemara explains the difficulty: What, is it not referring to an additional twelve-hour period, i.e., the prohibition applies to the time of her expected period itself, either day or night, as well as the previous twelve hours? This is not in accordance with the opinion of Rabbi Yehuda, who deems it prohibited for her to engage in intercourse only for the twelve hours of the expected time of her period. The Gemara answers: No, it is referring to that same twelve-hour period.<sup>h</sup>

ותרתי לממה לוי? ארכא, ראי אשטעין הא הויה אמינו: הני מילוי – לטהרות, אבל לבעה – לא, קא משמע לנו.

The Gemara asks: And why do I need two statements of Rava, i.e., both that the halakha is in accordance with the opinion of Rabbi Yehuda and that a woman must separate for only one twelve-hour period? The Gemara answers that both are necessary, because if Rava had taught us only this, that the halakha is in accordance with the opinion of Rabbi Yehuda in the mishna, I would say that this statement applies only to the handling of pure items, but with regard to engaging in intercourse with her husband, it does not apply, and with regard to intercourse, the halakha is in accordance with the opinion of Rabbi Yosei. Therefore, Rava teaches us that even with regard to intercourse, the halakha is in accordance with the opinion of Rabbi Yehuda.

ואי מה היא – הויה אמינו: סמוך לסתנה עונת אחרית, קא משמע לנו. אותה עונת.

And by contrast, if Rava had taught us only that statement, that she must wait a twelve-hour period, I would say that she must separate close to the fixed time of her cycle for an additional twelve-hour period, as suggested above. Therefore, Rava teaches us that the halakha is in accordance with the opinion of Rabbi Yehuda, which indicates that she separates for only that single twelve-hour period.

**מתני'** היהת לモודה להיות רואה ים חמישה עשר ושינתה להיות רואה ליום עשרים – זה הויה אסורי. שינתה פעמיים ליום עשרים – זה הויה אסורי.

**MISHNA** If the woman was accustomed to see the flow of blood on the fifteenth day<sup>h</sup> and she deviated from the norm to see the flow of blood on the twentieth day, then on both this day, the fifteenth, and that day, the twentieth, it is prohibited for her to engage in intercourse. If she deviated from the norm twice, then on both this day, the fifteenth, and that day, the twentieth, it is likewise prohibited for her to engage in intercourse.

שינתה שלוש פעמים ליום עשרים – הותר חמישה עשר, וקבעה לה יום עשרים. שאין אשה קבועת לה וסת – עד שתקבעה שלוש פעמים, ואינה מטהרת מן הוצת – עד שתעתק ממנה שלוש פעמים.

If she deviated from the norm to see the flow of blood on the twentieth day three times, it becomes permitted for her to engage in intercourse on the fifteenth, and she has established the twentieth day for herself as the day of her fixed menstrual cycle, as a woman establishes a fixed menstrual cycle only after she establishes it three times. And a woman is purified from the existing fixed menstrual cycle, in the sense that intercourse is permitted on that day, only when she has been displaced from that day three times.

#### HALAKHA

That same twelve-hour period – **אותה עונת**: By rabbinic law, at the expected time of a woman's menstrual cycle, she must not engage in intercourse with her husband (*Shakh*) for that day or night. She is not obligated to avoid other forms of contact with him. If her expected cycle is during the day, she must separate from him for the entire day, even if she does not anticipate the arrival of her period until the end of the day. If she does not experience bleeding, it is permitted for her to engage in intercourse immediately after nightfall. Similarly, even if she expects to experience bleeding early in the morning, she is permitted to her husband the entire night before. If she expects to experience bleeding at night, she must separate from her husband for the entire night, but is permitted during the day before and afterward. This applies whether she has established a set cycle by bleeding three consecutive times or whether she

has experienced bleeding only once (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 8:3; *Shulhan Arukh*, *Yoreh De'a* 184:2).

If the woman was accustomed to see the flow of blood on the fifteenth day – **היתה לモודה להיות רואה ים חמישה עשר**: If a woman was accustomed to experience bleeding on the twentieth day, and she deviated, bleeding on the twenty-third, it is prohibited for her to engage in intercourse with her husband on both the twentieth and the twenty-third days. If she again experiences bleeding on the twenty-third day, both days remain prohibited. If she experiences bleeding on the twenty-third day for a third consecutive time, the twenty-third day becomes her new accustomed time, and the twentieth day is permitted (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 8:4; *Shulhan Arukh*, *Yoreh De'a* 189:14).

## Perek IX

## Daf 64 Amud a

**גַם'** אִתְהוּ רְאָתָה יוֹם חַמֵּשָׁה עֲשֶׂר  
לְחַדְשָׁה וְזֶה יוֹם שְׁשָׁה עֲשֶׂר לְחַדְשָׁה וְזֶה  
יּוֹם שְׁבֻעָה עֲשֶׂר לְחַדְשָׁה וְזֶה רְבָבָן:  
קְבֻעָה לְהָזֶה וְסַתְּרַת לְדִילָוג וְשְׁמוֹאָל אָמָר:  
עַד שְׁתִּתְשַׁלֵּשׁ בְּדִילָוג.

**GEMARA** It was stated: If a woman saw menstrual blood on the **fifteenth of this month**, and on the **sixteenth of the month after that**,<sup>h</sup> and on the **seventeenth of the month after that**, Rav says: **She has thereby determined her menstrual cycle by skipping**,<sup>n</sup> i.e., as a month and a day. And Shmuel says: Her menstrual cycle is not determined until she skips a day **three times**. According to Shmuel, as the cycle is established in this case not by the date itself but by the pattern of one additional day every month, the pattern is established only when this occurs three consecutive times, i.e., when she menstruates on the fourth occasion.

**NOTES**  
Rav says she has thereby determined her menstrual cycle by skipping, etc. – **רב אָמָר קָבֻעָה לְהָזֶה וְסַתְּרַת לְדִילָוג וְכֹי:** Some early commentaries maintain that the dispute between Rav and Shmuel applies only to a cycle of skipping a day each month. But with regard to a cycle on a fixed day of the month they both agree that it is established by seeing blood three times, whereas everyone concurs that a cycle of equal intervals is established by four occurrences (*Tosafot; Tosefot HaRosh; Ra'avad; Rashba*).

נִמְאָה רְבָבָן וְשְׁמוֹאָל בְּפָלוֹגָתָא דְּרָבִי וְרָבָן  
שְׁמַעַן בֶּן גַּמְלַיאֵל קָמִיפָלְגִי דְתְנִינָא.  
נִשְׁתַּת לְרָאשָׁן – וּמְתַ – לְשִׁנִּי – וּמְתַ –  
לְשִׁלְשִׁי – לְאָתְנָשָׁא, דְּרָבִי וְרָבִי. וְרָבָן –  
שְׁמַעַן בֶּן גַּמְלַיאֵל אָוּרָר: לְשִׁלְשִׁי –  
תְּנָשָׁא, לְרָבִיעִי – לְאָתְנָשָׁא.

The Gemara suggests: Shall we say that Rav and Shmuel disagree with regard to the issue that is the subject of the dispute between Rabbi Yehuda HaNasi and Rabban Shimon ben Gamliel? As it is taught in a *baraita*: If a woman was married to her first husband and he died,<sup>h</sup> and was then married to a second one and he too died, she may not marry a third husband; this is the statement of Rabbi Yehuda HaNasi. Rabban Shimon ben Gamliel says: She may marry a third husband, but if he also dies she may not marry a fourth husband. The suggestion is that Rav and Rabbi Yehuda HaNasi hold that after two instances she has established a presumption and a pattern, whereas Shmuel and Rabban Shimon ben Gamliel maintain that the presumption is established only after three occurrences.

לֹא, דְּכוּלֵי עַלְמָא – בְּרָבָן שְׁמַעַן בֶּן  
גַּמְלַיאֵל, וְהַכָּא בְּהָא קָמִיפָלְגִי, רְבָן  
סְבָר – חַמֵּשָׁה עֲשֶׂר מִמְנִינָא, וְשְׁמוֹאָל  
סְבָר – בֵּין דְּלָא בְּדִילָוג חַיִתָה, לְאוֹ  
מִמְנִינָא הוּא.

The Gemara rejects this suggestion: No, everyone agrees that the *halakha* is in accordance with the opinion of Rabban Shimon ben Gamliel, that a presumption is established only after three times, and here they disagree with regard to this matter: Rav holds that when she experienced bleeding on the **fifteenth** of the month, that occasion is also one of the **number**, i.e., it counts as the first of the pattern, which therefore has three elements. And Shmuel holds that since she did not see the first time after skipping, i.e., after having experienced bleeding on the **fourteenth** of the previous month, it is not part of the **number**, which means that she has experienced bleeding only twice in accordance with that pattern.

אֲתִיכְבִּיה: הַיְתָה לְמַוְרָה לְהִזְהִיר וְזֹאת  
יּוֹם חַמֵּשָׁה עֲשֶׂר, וְשִׁינְתָּה לְיּוֹם שְׁשָׁה  
עֲשֶׂר – זֶה וְזֶה אַסּוּרִין. שִׁינְתָּה לְיּוֹם  
שְׁבֻעָה עֲשֶׂר – הַוּתָר שְׁבֻעָה עֲשֶׂר נְאָסָר  
חַמֵּשָׁה עֲשֶׂר וְשְׁבֻעָה עֲשֶׂר.

Shmuel raised an objection to the opinion of Rav from a *baraita*: If a woman was accustomed to see a flow of blood on the **fifteenth** day of the month, and deviated and instead experienced bleeding on the **sixteenth** day of the month, on both this day, the **fifteenth**, and that day, the **sixteenth**, it is prohibited for her to engage in intercourse with her husband. If she then deviated and experienced bleeding on the **seventeenth** day of the following month, the **sixteenth** day becomes permitted, and the **fifteenth** and **seventeenth** days of the following month are prohibited.

A woman saw blood on the **fifteenth** of this month and the **sixteenth** of the month after that, etc. – **רְאָתָה יוֹם חַמֵּשָׁה עֲשֶׂר לְחַדְשָׁה וְזֶה וְכֹי:** If a woman experiences bleeding on the **fifteenth** of Nisan, the **sixteenth** of Iyyar, and the **seventeenth** of Sivan, she has not yet established a set cycle. The cycle is established only if she also experiences bleeding on the **eighteenth** of Tammuz, as the first time she experienced bleeding is not included in the count. If she already had a set cycle beforehand, and then deviated from that cycle three times to experience bleeding a month and a day later, she has established a set cycle, as even the first time she experienced bleeding was a change from her established cycle. This ruling is in accordance with the opinion of Shmuel. Although there is a principle that the *halakha* is in accordance with the opinion of Rav in ritual matters, since the Gemara concludes that the

language of the *baraita* is precise and fits Shmuel's opinion, the *halakha* in this case follows his ruling. Some maintain that even if she experienced bleeding only on the **fifteenth** of Nisan, the **sixteenth** of Iyyar, and the **seventeenth** of Sivan, she thereby establishes a set cycle and must be concerned about the **eighteenth** of Tammuz, the **nineteenth** of Av, and so forth. This ruling is in accordance with the opinion of Rav, as the *halakha* is in accordance with his opinion in ritual matters. The *Shulhan Arukh* adds that one should be stringent (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 8:6; *Shulhan Arukh, Yoreh De'a* 189:5, 7).

If a woman was married to her first husband and he died – **נִשְׁתַּת לְאָשֶׁן וּמְתַ –** If a woman was married, or even betrothed (*Maggid Mishne*), to two husbands, both of whom died, she may not marry a third husband, as she has a presumptive status

that her husbands die. Some commentaries maintain that there is no real danger, and it is only a folk belief. Therefore, if she does marry a third husband, she is not required to divorce him. Even if they are merely betrothed, they may get married. Some rule that they must get divorced, based on the principle that a danger to one's life is treated more stringently than a prohibition, and the presumption that there is a real danger. Yet others contend that the court even forces them to divorce (*Ritva*). The *Rema* writes that this applies only if the husbands died of natural causes; but if one of them was murdered, or died in a plague or from a fall, or the like, such a death is disregarded for the purposes of this *halakha*. Consequently, many authorities are lenient in this matter, and there is no need to protest (*Rambam Sefer Kedusha, Hilkhot Issurei Bia* 21:31; *Shulhan Arukh, Even HaEzer* 9:1, and *Beit Shmuel* there).

שִׁנְתָּה לֵיָם שְׁמֹנוֹה עָשָׂר – הַוְתָּרוֹ כּוֹלֶן, וְאֵין  
אָסֶר אֲלָא מִשְׁמֹנוֹה עָשָׂר וְאַיְלָךְ. קְשִׁיאָ לְרַבָּ!  
אמָר לְךָ רַב: לְמִזְדָּה שָׁנִי.

ודְּקָאָרִי לְהָ, מַאֲקָאָרִי לְהָ? לְמִזְדָּה אַצְטְּרִיכָּא  
- לְהָ. מַהוּ דִּתְמָא: בֵּין דְּלִמְזָה, וְעַקְרָתִיהָ  
בְּתִרִי זִימָנִי עַקְרָה לֵיהֶ - קָא מִשְׁמָעַ לְנָ.

מִתְחִיבִּי: רָאָתָה יוֹם עָשָׂרִים וְאֶחָד בְּחַדְשׁ זוֹ,  
יוֹם עָשָׂרִים וְשָׁנִים בְּחַדְשׁ זוֹ, יוֹם עָשָׂרִים  
וּשְׁלִישִׁית בְּחַדְשׁ זוֹ - קְבֻעָה לָהּ וְסֶת. סִינְגָּה  
יוֹם עָשָׂרִים וְאוֹרְבֻעָה - לֹא קְבֻעָה לָהּ וְסֶת.  
תִּיְבְּתָא דְּשְׁמוֹאָלִי

אמָר לְךָ שְׁמוֹאָל: הַכָּא בְּמַאֲיָעֵקִין - גִּזְוָן  
דְּרוֹגִילָה לְמַחְיִי בַּיּוֹם עָשָׂרִים, וְשִׁנְתָּה לַיּוֹם  
עָשָׂרִים וְאֶחָד. דִּיקָא נְמִי דְּשְׁבָקִין לַיּוֹם עָשָׂרִים,  
וְקָט לַיּוֹם עָשָׂרִים וְאֶחָד - שָׁמָעַ מִינָּה.

If she subsequently deviated and experienced bleeding on the eighteenth day of the following month, all the days are permitted. The fifteenth is permitted because she has now experienced bleeding three times on a different day, while the other days are permitted because she experienced bleeding only once on each day. And it is prohibited for her to engage in intercourse in the following month only from the eighteenth day and onward,<sup>N</sup> i.e., on the nineteenth day, since she has now established a pattern of bleeding after one month and one day. This is difficult for Rav, as he maintains that twice is sufficient to establish a pattern, whereas this *baraita* requires three instances. Rav could have said to you in response: Since she was accustomed to experience bleeding on the fifteenth it is different. In that particular case the fifteenth does not count as the beginning of a new pattern because it was already her regular established time.

The Gemara expresses surprise at Shmuel's question: And he who asked [udeka'arei] it, why did he ask it?<sup>I</sup> The *baraita* clearly stresses the fact that the woman began with an established fixed menstrual cycle that was not part of the pattern. Shmuel could answer: It was necessary for the *baraita* to teach the case where she was accustomed to experience bleeding on a specific day, lest you say that since she was accustomed to experience bleeding on a specific day and displaced that pattern by bleeding on a different day, it should be sufficient that with two times she displaces it. For this reason, the *baraita* teaches us that an established pattern is displaced only after three occasions where she experiences bleeding on a different day. If it is not established, one displacement is enough.

The Gemara raises an objection from a *baraita*: If a woman saw a flow of blood on the twenty-first day of this month, the twenty-second day of that month, i.e., of the next month, and the twenty-third day of that month, i.e., of the third month, she established a fixed pattern of bleeding after one month and one day. If in the third month she instead varied and experienced bleeding on the twenty-fourth day of the month, she has not established a fixed pattern, as this last interval was one month and two days long. This is apparently a conclusive refutation of the opinion of Shmuel, as according to the *baraita* the pattern is established after only two equidistant intervals, whereas Shmuel requires three.

The Gemara answers that Shmuel could have said to you: Here, we are dealing with a case where the woman was accustomed to see a flow of blood on the twentieth day of the month, and she deviated and experienced bleeding on the twenty-first day of the month. Consequently, there were in fact a total of three equidistant intervals of one month and one day. The Gemara adds that the language of the *baraita* is also precise,<sup>N</sup> as for what other reason would the *baraita* leave aside the twentieth day of the month and not use that date as the example, and instead take for its example the twenty-first day of the month? Learn from this that she had an established pattern of bleeding on the twentieth of every month before the events described in the *baraita*.

#### LANGUAGE

דְּקָאָרִי לְהָ מַאֲקָאָרִי – This phrase, which appears in many places in the Talmud, is read by some with a silent alef, i.e., *udekari*, meaning: And he who read. Others understand it as *udeka ari*, with *ari* derived from the root

*yod, reish, heh*, meaning teach. The *Arukh* explains that according to the *ge'onim*, the root is *ayin, reish, alef*, which means mixed; in other words: Why did he mix distinct issues and associate them together?

#### NOTES

And it is prohibited in the following month only from the eighteenth day and onward – אין אָסֶר אֲלָא מִשְׁמֹנוֹה עָשָׂר וְאַיְלָךְ. The conclusion, according to the opinion that the average menstrual cycle is thirty days (see 9b), is that she also does not need to be concerned about experiencing bleeding on the thirtieth day, as there are either thirty-one or thirty-two days between the eighteenth day of one month and the nineteenth day of the next.

דִּיקָא נְמִי: The language is also precise – The *tanna* should have begun his series with the twentieth of the month rather than the twenty-first, as this word is shorter, and it is the style of *tanna'im* to be brief wherever possible (Rashi).

"שָׁאַנִּי הָאֲשָׁה קֹבֶעֶת לָהּ וְסַת עַד שְׁתַקְבָּעָנָה" וכו'. אמר רב פפא: לא אמרנו - אלא למקבעה, אבל למייחס לה - בחרדא ימנא חישא.

מאי קא משמע לנו? תניינא: הינה למועד להיות רואה יום חמשה עשר, ושיניתו ליום עשרים – זה וזה אסורי!

אי מהתם – זה וזה אסורי: חני מילוי – היכא דקיימה בתוך ימי נרתת, אבל היכא דלא קיימת בתוך ימי נרתת – אימא לא, קא משמע לנו.

"ואינה מטהורת מון הוסת" וכו'. אמר רב פפא: לא אמרנו, אלא רק בעיטה תלתא יומני – דצרכיב תלתא יומני למעקריה, אבל תורו יומני – בחרדא ימנא משער.

מאי קא משמע לנו? תניינא: אין האשה קובעת לה ווסת עד שתקבענה שלוש פעמים! מהו דתימא: חד – חד, תרי – לתרתי, ותלט – לתלטת, קא משמע לנו.

**§** The mishna teaches: As a woman establishes a fixed menstrual cycle only after she establishes it three times. Rav Pappa says, in explanation: We said that she must experience bleeding three times only with regard to establishing a fixed menstrual cycle, but with regard to being concerned for a pattern, even after one time she must be concerned that this might be the beginning of a fixed pattern.

The Gemara asks: What is Rav Pappa teaching us? We learn this in the mishna: If the woman was accustomed to see the flow of blood on the fifteenth day and she deviated<sup>H</sup> from the norm to see the flow of blood on the twentieth day, on both this day, the fifteenth, and that day, the twentieth, it is prohibited for her to engage in intercourse. This clearly demonstrates that even after bleeding only once on a certain day she must be concerned that this could be the start of a new fixed menstrual cycle.

The Gemara answers: If this halakha was derived only from there, I would say that this statement applies in a case where she experiences bleeding on the twentieth day while she is standing in her days suitable for menstruation,<sup>N</sup> i.e., the days following the eleven days after her last period, when she is most likely to menstruate. But in a case where she is not standing in her days suitable for menstruation, but rather during the eleven days when uterine bleeding would render her a zava, I would say that she does not need to be concerned that she might experience bleeding again at that time. Therefore, Rav Pappa teaches us that even during these eleven days she must be concerned.

**§** The mishna teaches: And a woman is purified from the existing fixed menstrual cycle, in the sense that intercourse is permitted on that day, only when she has been displaced from that day three times. Rav Pappa says, in explanation: We said this only in the case of a set cycle that she established by three times. With regard to such a cycle, we said that a different three times are necessary to displace that cycle. But with regard to a cycle that is established with only two times, it is displaced by one time of bleeding on a different day.

The Gemara asks: What is Rav Pappa teaching us? We learn this in the mishna: A woman establishes a fixed menstrual cycle only after she establishes it three times. The Gemara answers that it was necessary for Rav Pappa to teach his halakha, lest you say that a cycle is displaced by bleeding one time on a different day for a cycle that was set one time, but by bleeding on two different days for a cycle that was established with two times, and likewise by bleeding on three different days for a cycle that was established with three times. Therefore, Rav Pappa teaches us that whether she experiences bleeding once or twice, she displaces it by bleeding once on a different day.

## HALAKHA

If the woman was accustomed to see blood on the fifteenth day and she deviated, etc. – הינה למועד להיות וכו': If a woman was accustomed to experience bleeding on the fifteenth of the month, and she deviated and experienced bleeding on the sixteenth, both days are prohibited. If she deviates the following month and experiences bleeding on the seventeenth, the sixteenth becomes permitted but the fifteenth remains prohibited, and the seventeenth is also prohibited. If she deviates the following month and experiences bleeding on the eighteenth, only the eighteenth is prohibited, while the other days become permitted (Rambam Sefer Kedusha, Hilkhos Issurei Bia 8:7, and see Maggid Mishne and Kesef Mishne there).

## NOTES

**Her days suitable for menstruation – ימי נרתת:** According to Torah law, there are two categories of women who experience uterine bleeding: A menstruating woman and a zava. A menstruating woman becomes ritually impure for seven days. On the night following the seventh, she may immerse in a ritual bath. This is the halakha whether her menstrual flow continues throughout those seven days or if she emitted only a single drop of blood.

A woman who experiences bleeding at a time other than her normal cycle is called a zava. She must wait until she experiences clean days without bleeding; only then can she purify herself by means of immersion. There are two types of zava: A lesser zava, who experiences bleeding for either one or two days, and a greater zava, who experiences bleeding for three days or more. A lesser zava is required only to observe a day for a day, whereas a greater zava must observe seven clean days before immersing in a ritual bath.

The early commentaries differ with regard to the timing of a woman's normal menstrual cycle. According to the Rambam, every woman has a set eighteen-day cycle: Seven days of menstruation and eleven days of zava. A woman begins counting from the first time she menstruates, and this cycle continues until she gives birth. After birth, the cycle starts once again. Rashi and most other commentaries rule that menstruation is considered a normal cycle whenever it occurs, and that a woman is a zava only if she experiences bleeding within the eleven days after the eighth day following the onset of menstruation. If she experiences bleeding at any time after those eleven days, she is considered to have begun the next cycle of menstruation.

The common practice today is to treat all incidences of uterine bleeding as the bleeding of a greater zava, which requires a woman to count seven clean days before immersion.

### HALAKHA

If she was accustomed to see on the twentieth day and she deviated on the thirtieth day, etc. – **הִרְאָתָה לְמֹדֶה יְמִין עֲשָׂרִים וּשְׁינַתָּה לֵיָם שְׁלֹשִׁים וּכְיָם:** With regard to a woman who has a fixed time to menstruate, on the twentieth day after her last period, and she deviates and experiences bleeding on the thirtieth day, she is prohibited to her husband on both the twentieth and the thirtieth. On the twentieth day after the thirtieth she is prohibited due to her first cycle, and if she does not experience bleeding on that day she must be concerned that she will experience bleeding on the thirtieth. If she experiences bleeding a second time on the thirtieth day, both days remain prohibited. If she experiences bleeding three times consecutively on the thirtieth day, she is no longer prohibited on the twentieth day, but only on the thirtieth. If she experiences bleeding only once or twice on the thirtieth, and then returns to experience bleeding on the twentieth, the twentieth day alone is prohibited and the thirtieth is permitted. This halakha is in accordance with the *baraita* (*Shulhan Arukh, Yoreh De'a* 189:14).

**תְּמִיאָ פּוֹתִיהָ דָּרְבּ פָּפָא:** הִרְאָתָה לְמֹדֶה לְהִרְאָתָה רְוָאָה יְמִין עֲשָׂרִים, וּשְׁינַתָּה לֵיָם שְׁלֹשִׁים – זֶה וְזֶה אֲסּוּרִין, הַגְּיֻעַ יְמִין עֲשָׂרִים וּלְאַרְאָתָה – מַוְתָּרָת לְשִׁמְשׁ עַד יְמִין שְׁלֹשִׁים, וְחַזּוֹשָׁת לֵיָם שְׁלֹשִׁים.

**הַגְּיֻעַ יְמִין שְׁלֹשִׁים וּרְאָתָה, הַגְּיֻעַ יְמִין עֲשָׂרִים וּלְאַרְאָתָה, וְהַגְּיֻעַ יְמִין שְׁלֹשִׁים – לְאַרְאָתָה, וְהַגְּיֻעַ יְמִין עֲשָׂרִים וּרְאָתָה – הַוְתָּרָת יְמִין שְׁלֹשִׁים,**

It is taught in a *baraita* in accordance with the opinion of Rav Pappa: If a woman was accustomed to see the flow of blood on the twentieth day after her previous flow, and she deviated from the norm to experience bleeding on the thirtieth day,<sup>14</sup> on both this day, the twentieth, and that day, the thirtieth, it is prohibited for her to engage in intercourse. If the twentieth day arrived, counting from the previous flow, which had occurred on day thirty, and she did not see a flow of blood, it is permitted for her to engage in intercourse until the thirtieth day after the previous flow, and she must be concerned on the thirtieth day.

If the thirtieth day arrived and she saw a flow of blood, and then the twentieth day after that arrived and she did not see a flow of blood, and the thirtieth day from her previous flow arrived and she did not see blood on that day but saw on a later day, and then the twentieth day after her previous flow arrived and she saw a flow of blood, the thirtieth day becomes permitted, as she experienced bleeding after an interval of thirty days only twice. This is in accordance with the opinion of Rav Pappa that a cycle of bleeding that has occurred twice is displaced by a single time of not bleeding on that day.

### Perek IX

#### Daf 64 Amud b

##### LANGUAGE

**Dry vine [durkati] – דָּרְקָטִי:** This term is of unclear origin. Some suggest that it is from the Greek word τρύγητος, *trýgētos*, meaning a vintage or harvest.

##### NOTES

**Truncated generation [dor katua] – דָּרְקָטוּעָ:** Rashi explains that such women can bear children, but they do not typically have very many children. Therefore, the following generation will be less numerous than it might otherwise have been (Rashi). Others maintain that such women are incapable of having children. In Rambam's Commentary on the Mishna it states: There are some women who do not have menstrual blood or hymenal blood. Such women are unable to have children, and this is the meaning of the term *durkati*.

**וְנִאֵסֶר יוֹם עֲשָׂרִים, מִפְנִי שָׁאוּרָה בָּוּמָנוֹ בָּא.**

**מַתָּנִי נְשִׁים בְּבֹתְלִיהָם גַּפְנִים:** יְשַׁׁגְּבָן שִׁינָּה אֲרוֹם, וַיְשַׁׁגְּבָן שִׁינָּה שָׁחוֹר, וַיְשַׁׁגְּבָן שִׁינָּה מְרוּבָה, וַיְשַׁׁגְּבָן שִׁינָּה מְעוּטָה. וּבַיְהִי יוֹהָר אָוּרָה: כֹּל גַּפְנִים יְשַׁׁבְּבָה יְוּנָה, וְשַׁאֲוִין בָּהּ יְיַזְנָה – הַרְיָה זֶה דָּרְקָטִי.

**גַּמְ' תְּנָא:** דָּרְקָטוּעָ. תְּנָי רַבִּי חִיאָא: כִּשְׁמָ שְׁהָשָׁאָר יְפָה לְעִיסָּה – כֹּךְ דָּמִים יְפִין לְאַשָּׁה. תְּנָא מְשׁוּם רַבִּי מְאִיר: כֹּל אַשָּׁה שְׁדָמִיהָ מְרוּבָּה – בְּנִיהָ מְרוּבָּה. הַדָּרָן עַלְקָה אַשָּׁה

And she is prohibited on the twentieth day, because it is the manner of women that their blood flow comes at its usual time.

**MISHNA** Women, with regard to the blood that flows when their hymens are ruptured, are like grapevines: There is a vine that produces wine that is red, and there is a vine that produces wine that is black; and there is a vine that produces wine in abundance, and there is a vine that produces only a meager amount of wine. Rabbi Yehuda says: In every vine, there are grapes fit to produce wine, but any vine in which there are no grapes fit to produce wine, this is a dry vine [*durkati*].<sup>15</sup> Likewise, any woman who experiences bleeding is capable of giving birth, whereas one who does not experience bleeding is like a dry vine, unable to give birth.

**GEMARA** With regard to the term *durkati*, the Gemara explains that this means truncated generation [*dor katua*].<sup>16</sup> As Rabbi Hyya teaches: Just as leaven is good for dough, so too, blood is good for a woman. It was likewise taught in the name of Rabbi Meir: Any woman whose blood is plentiful, her children are plentiful.

## Summary of **Perek IX**

There are various opinions among the Sages with regard to a woman who finds blood in a basin after urinating. Some maintain that she is ritually pure and may handle pure items *ab initio*. Others hold that she is impure, both with regard to her husband and with regard to handling pure items. Yet others distinguish between a woman who urinates while standing and one who urinates while sitting, and between urine that came out in a steady stream and urine that came out in a trickle.

The Sages also disagree with regard to a woman who urinated into a basin where a man had also urinated. Some contend that the woman is pure, as this case involves a compound uncertainty, i.e., whether the blood is from the woman or the man, and even if it is from the woman, whether it is from a wound or her uterus. Others rule that she is impure, as women are more likely to experience a flow of blood than men.

This chapter further discussed the case of a woman who lent her garment to another woman, and subsequently a blood stain was found on the garment. If the borrower was a gentile or a menstruating woman, who would not have her status affected by the blood stain, it may be attributed to her.

If several women sit or lie in the same place and a blood stain is found there, all the women are rendered impure, as the stain is equally likely to have come from any one of them. But there are other relevant factors, such as precisely where the stain was found, and whether the women examined themselves immediately after its discovery.

This chapter explained the procedure for investigating whether a stain is actually blood or merely a red substance. This examination is conducted by applying to the stain a series of cleansing agents that remove blood but do not remove other types of stains.

Another topic of discussion in this chapter was the establishment of a set pattern of menstruation based on a physical sensation, e.g., repeated sneezing, yawning, or shivering. If a woman invariably experiences the symptom immediately before emitting blood, then the symptom is established as the predictor of the onset of her menstrual cycle, and she does not retroactively render impure any items she had handled earlier. Just as a pattern of this nature is established with three repetitions, so too, it is displaced by means of three occurrences. Similarly, a pattern set by time intervals or dates of the month is displaced by three occurrences.



*And if a woman has an issue, and her issue in her flesh is blood, she shall be in her menstruation seven days, and whoever touches her shall be impure until the evening.*

(Leviticus 15:19)

*And if a woman has an issue of her blood for many days, not in the time of her menstruation, or if she has an issue beyond the time of her menstruation; all the days of the issue [zov] of her impurity she shall be as in the days of her menstruation: She is impure.*

(Leviticus 15:25)

*But if she be purified of her ziva, then she shall count to herself seven days, and after that she shall be pure.*

(Leviticus 15:28)

*If a woman gives birth to a male, then she shall be impure for seven days; as in the days of her menstrual flow she shall be impure. And on the eighth day the flesh of his foreskin shall be circumcised. And she shall continue in the blood of purification for thirty-three days; she shall touch no consecrated item nor enter the Sanctuary until the days of her purification are fulfilled. But if she gives birth to a female, then she shall be impure for two weeks, as in her menstruation; and she shall continue in the blood of purification for sixty-six days.*

(Leviticus 12:2–5)

## Introduction to Perek X

The Gemara derives from the verse “And if a woman has an issue, and her issue in her flesh is blood” that a woman becomes ritually impure with the impurity of menstruation only through blood that emerges from her uterus, which is the usual way for a woman to experience menstrual bleeding. There are, however, cases where a woman experiences bleeding that is not menstrual blood, e.g., blood that comes from the hymen as it is torn. The first topic of this chapter is the status of a virgin after intercourse. She will certainly experience bleeding, and might continue to do so for a few days afterward. How can she know whether the blood comes from the hymen or is menstrual blood?

There is another type of impurity for a woman who experiences bleeding: That which renders her a *zava*. A *zava* must count seven clean days and examine herself on each of those days to ensure that there is no blood, and only afterward may she immerse and purify herself. The Gemara analyzes cases where a woman does not conduct herself accordingly. For example, if she examined herself only on the first and seventh days and found that she was pure, what is her status? Can she assume that she did not discharge any blood during the days in between? Or perhaps she is considered to have counted only two clean days. It is also possible that only the last day is included, and she must count a further six days.

The Gemara also derives from the verse “And if a woman has an issue, and her issue in her flesh is blood” that menstrual blood not only renders the woman ritually impure but is itself impure and transmits impurity if it is touched or carried. The Gemara discusses the status of blood that emerges from a woman after her death, with regard to whether or not that blood has the same status as menstrual blood.

A woman after childbirth is impure, in accordance with the verse “She shall touch no consecrated item nor enter the Sanctuary until the days of her purification are fulfilled.” There is a stage where she is considered ritually pure and may engage

in intercourse with her husband, and yet she still has the status of one who has immersed but must wait until nightfall to complete the purification process. This woman has the status of second-degree impurity. The Gemara explores the ramifications of this *halakha*.

**מַתָּנִי** תְּנוֹקַת שֶׁל־א הָגֵעַ וּמִנֶּה לְרֹאֹת,  
נִינְשָׁת, בֵּית שְׁמָאי אָוּמָרִים: נָתַנְךָ לָהּ  
אֲרַבָּע לִיּוֹת, וַיֵּתְהַלֵּל אָוּמָרִים: עַד  
**שְׁתַחַתְּהִיהָ הַמִּפְכָּה.**

הָגֵעַ וּמִנֶּה לְרֹאֹת וּנִינְשָׁת, בֵּית שְׁמָאי  
אָוּמָרִים: נָתַנְךָ לָהּ לִילָה הָרוֹאָשׁוֹן, וַיֵּתְהַלֵּל  
אָוּמָרִים: עַד מַזְצָאִ שְׁבָת, אֲרַבָּע  
לִיּוֹת.

רָאַתָּה וּזְעֻדָּה בֵּית אָבָּה, בֵּית שְׁמָאי  
אָוּמָרִים: נָתַנְךָ לָהּ בְּעִילָת מִצְוָה, וַיֵּתְהַלֵּל  
אָוּמָרִים: כֹּל הַלִּילָה פּוֹלָה.

**גַּמ'** אָמָר רְבָבָנָן בֶּן יַעֲקֹב: וְאַפְּלִי  
רָאַתָּה מִפְּאָרִי – מִזְקָא מְפָלִיעַ בְּסִיפָּא בֵּין  
רָאַתָּה בֵּין בְּשַׁלְאָרָאָתָה, מִכְלָל דָּרִישָׁא –  
לֹא שְׁנָא הַכִּי וְלֹא שְׁנָא הַכִּי.

**MISHNA** In the case of a young girl whose time to see a menstrual flow, i.e., the age of puberty, has not yet arrived,<sup>N</sup> and she married<sup>H</sup> and engaged in intercourse and her hymen was torn, **Beit Shammai say:** The Sages give her four nights after intercourse during which the blood is attributed to the torn hymen and she remains ritually pure. Thereafter, any blood is assumed to be menstrual blood and renders her impure. **And Beit Hillel say:** The blood is attributed to the torn hymen until the wound heals.<sup>NB</sup>

In the case of a young woman whose time to see a menstrual flow has arrived but she has not yet begun to menstruate, and she married<sup>H</sup> and engaged in intercourse and her hymen was torn, **Beit Shammai say:** The Sages give her the first night during which the blood is attributed to the torn hymen. Thereafter, any blood is assumed to be menstrual blood. **And Beit Hillel say:** The blood is attributed to the torn hymen until the conclusion of Shabbat, and she may engage in intercourse with her husband for four nights, as it was customary for a virgin to marry on Wednesday.

In the case of a young woman who saw menstrual blood before marriage while she was still in her father's house,<sup>H</sup> **Beit Shammai say:** The Sages give her<sup>N</sup> permission to engage only in relations that consummate a marriage, which are a mitzva,<sup>N</sup> after which she is ritually impure due to the blood. **And Beit Hillel say:** The husband and wife may engage even in several acts of intercourse, as any blood seen throughout the entire night is attributed to the torn hymen.

**GEMARA** The mishna first addresses the case of a young girl who has not yet reached puberty. **Rav Nahman bar Yitzhak says:** And this halakha applies to her even if she has seen menstrual blood. He explains his reasoning: From where do I derive this? I derive it from the fact that the tanna distinguishes in the latter clause of the mishna between a young girl who has seen menstrual blood and a young girl who has not seen menstrual blood. By inference, in the first clause of the mishna the halakha is no different in this case, where the young girl has experienced menstrual bleeding, and it is no different in that case, where she has not yet experienced menstrual bleeding.

**NOTES**  
A young girl whose time to see has not yet arrived – **תְּנוֹקַת שֶׁלֶא הָגֵעַ וּמִנֶּה לְרֹאֹת:** The Gemara stated (sa) that the halakhically defined time for the onset of menstruation is puberty. Puberty is defined by two factors: When a girl has physical signs of puberty, i.e., two pubic hairs, and when she is old enough, i.e., twelve years old. Some commentaries say that it is sufficient for one of these factors to be present for it to be considered the time for the onset of her menstrual flow (Rashi).

Until the wound heals – **עַד שְׁתַחַתְּהִיהָ הַמִּפְכָּה:** As long as she continues to bleed due to intercourse, the wound has not yet healed (Rashi on Ketubot 6a).

They give her – **נָתַנְךָ לָהּ:** The early commentaries disagree as to the halakha in a case where she did not bleed as a result of the first act of intercourse. Some hold that even though she did not bleed, it is assumed that she is impure after completing the act of intercourse, because there is concern that there was a tiny drop of blood that was not noticed or covered by semen (Ran, citing the ge'onim; Rosh; Rashba; Meiri). Others hold that if she did not notice any blood she is not considered impure (Ra'avad). While the halakhic authorities rule stringently (see Shulhan Arukh, Yoreh De'a 193), the Rema cites the lenient opinion and writes that one can rely on it in a case where they performed only the initial stage of intercourse.

Relations that are a mitzva – **בְּעִילָת מִצְוָה:** This is referring to the first act of intercourse between a husband and his virgin wife. The reason that it is called a mitzva is that the Sages said that a woman's love is directed to the one who breaks her hymen, and through this love, the husband and wife will engage in the mitzva of procreation (Sanhedrin 22b; Tosafot on Ketubot 4a).

#### BACKGROUND

Until the wound heals – **עַד שְׁתַחַתְּהִיהָ הַמִּפְכָּה:** The amount of time it takes for a wound to cease bleeding from the time it first forms a scab depends on several variables and also varies from person to person. Clearly, additional trauma to the wound, or even stretching the affected area, i.e., from additional acts of intercourse, could cause the wound to take longer to heal. For these reasons a specific amount of time is not given for the duration of this process, and the time the wound takes to heal depends on the circumstances of each case.

#### HALAKHA

A young girl whose time to see has not yet arrived and she married, etc. – **תְּנוֹקַת שֶׁלֶא הָגֵעַ וּמִנֶּה לְרֹאֹת נִינְשָׁת וּכְרָאָבָה:** **Hymenal blood** is ritually pure and is not considered to be menstrual blood or *ziva* blood. It does not originate in the uterus but results from the tearing of the hymen. Technically a young girl who marries is permitted to engage in intercourse with her husband until the wound has healed and only after that time, if she subsequently bleeds, is any blood considered to be menstrual blood. This is in accordance with the opinion of Beit Hillel. Nowadays the authorities rule stringently (see *Kesef Mishne*) that one who marries a virgin may engage in intercourse only once, and after completing that act she is considered ritually impure. This applies even if the wife is young and has never menstruated, and it applies even if she examines herself afterward and does not find blood, as perhaps there was a drop of blood that she did not see because it was covered with semen. The Rema writes that some are lenient in a case where the girl had never menstruated before. He adds that the custom is to be lenient if the couple did not complete the act of intercourse and she did not bleed, but if they completed the act of intercourse she is considered impure even if she did not bleed.

Since this blood is considered impure, the wife must perform the examination marking the first step in her transition from ritual

impurity to ritual purity, and she must examine herself for each of the following seven days. She may not begin to count the seven pure days until the fifth day after intercourse. All of the stringencies of a menstruating woman apply to her and her husband with the exception that a husband may lay on his wife's bed if she is not on it, which is not permitted if she has the status of a menstruating woman (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 5:18, 11:8; Shulhan Arukh, *Yoreh De'a* 193:1 and *Even HaEzer* 63:1).

**Whose time to see has arrived and she married, etc. – **רָאַתָּה וּזְעֻדָּה בֵּית אָבָּה:**** If a young woman who has never menstruated marries, she is permitted to her husband for four days and nights even though she bleeds continuously, provided that the wound has not yet healed, in accordance with the opinion of Beit Hillel (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 5:19).

**She saw while still in her father's house – **רָאַתָּה וּזְעֻדָּה בֵּית אָבָּה:**** A woman who begins menstruating before she gets married may engage in intercourse only once with her husband and then is considered ritually impure. The hymenal blood is treated as if it is ritually impure, in accordance with the opinion of Beit Shammai (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 5:19, and see Ra'avad there).

**HALAKHA**

עד שתהיה: **המבה עד כמה וכו:** How does a woman know when her hymenal bleeding has concluded? If she bleeds when she stands but not when she sits down, or if she bleeds when she sits on the ground but not when she sits on cushions or blankets, the wound has not yet healed. If the blood ceases whether she stands or sits, on the ground or on cushions and blankets, the wound has healed. If the blood does not stop at all, and she bleeds even when sitting on cushions and blankets, then it is no longer hymenal blood, but menstrual blood. This is in accordance with the opinion of Rav, as explained by Rav Shmuel bar Rav Yitzhak (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:23).

If she engaged in intercourse during the daytime – **שימשה בימים:** A young woman who marries and has never experienced menstrual bleeding is permitted to engage in intercourse with her husband for four days, both day and night, even though she bleeds during intercourse, provided the wound has not yet healed, in accordance with the opinion of Rav (Rambam Sefer Kedusha, Hilkhos Issurei Bia 5:19).

That it is permitted to engage in intercourse for the first time on Shabbat – **דשי לבעיל לכתהלה בשבת:** It is permitted for a husband to engage in intercourse with his virgin wife on Shabbat. Some say that it is permitted only if the husband intends to perform the act without breaking the hymen. Some rule that since nowadays nobody is an expert in engaging in intercourse without breaking the hymen, it is forbidden to engage in intercourse with a virgin on Shabbat (*Hagahot Asheri*). Most authorities rule that it is permitted even nowadays (*Bah; Derisha; Taz*). The *Mishna Berura* first cites opinions that in a place where the custom is to be stringent, one may not be lenient, then cites the *Taz*, who writes that he heard explicitly that pious and knowledgeable people were lenient in this matter, and there is no basis to be stringent at all (*Shulhan Arukh, Orach Hayim* 280:2 and *Even HaEzer* 63:1).

**NOTES**

All the time that she is *noheret* – **כל ימノּהֶרֶת:** Some explain that this term, which literally means snorts, is referring to friction in the vaginal walls, which cause the emission of blood when they rub together (Meiri). Alternatively, it is referring to the woman crying out in pain due to intercourse.

It is proper that intercourse be at night – **דרךה בלילה:** The Gemara (17a) states that one of the signs that the Jewish people are holy is that they engage in intercourse only at night.

**LANGUAGE**

**נוֹהָרֶת:** There are several opinions with regard to the meaning of this word. Some explain that it means leaking or flowing, possibly related to the word for river, *nahar*. Others explain that it means a sound that one makes due to pain.

**BACKGROUND**

When I said this halakha before Shmuel – **בַּאֲמֹרִיתָה קְמִיה דְשֻׁמוּאֵל:** The Rashbam explains that when Rav founded his academy in Sura, Rav Yehuda was one of his first and foremost disciples. After Rav's death, Rav Yehuda became a preeminent disciple of Shmuel in Neharde'a, and there he would teach statements that he had learned from Rav.

תגיא נמי הבי, בית הילל אומרים: עד שתהיה המבה, בין ראתה בין לא ראתה.

עד שתהיה המבה. עד כמה? אמר רב יהודה אמר רב כל זמן שנוחרת. כי אמרתך קמיה דשמעאל אמר לי: ז' – אין יוציא מיה היא, אלא – כל זמן שהרוק מוציא בתוך הפה מיחמת תשמי.

This explanation of Rav Nahman bar Yitzhak is also taught in a *baraita*: **Beit Hillel say:** With regard to a young girl who has not yet reached puberty, the blood she emits is attributed to the torn hymen until the wound heals, regardless of whether she has seen menstrual blood beforehand or whether she has not yet seen menstrual blood.

¶ The mishna teaches that Beit Hillel say: The blood is attributed to the torn hymen until the wound heals. The Gemara clarifies: Until when<sup>h</sup> can the blood be attributed to the torn hymen? Rav Yehuda says that Rav says: All the time that she is *noheret*.<sup>nl</sup> Rav Yehuda continues: When I subsequently said this halakha before Shmuel,<sup>b</sup> he said to me: This *noheret*, I do not know what it is, nor do I know what Rav means by it. Rather, all the time that the saliva is in her mouth due to sexual intercourse, she may attribute the blood to the torn hymen. Shmuel is using a euphemism, i.e., as long as there is blood in her vagina resulting from sexual intercourse.

חבירה דקאמר רב הילוי זמין? אמר רב שמואל בר רב יצחק לדידי מפרקא ל' כיימה דרב עומדת ורואה, ישבת איננה רואה – בידוע שלא חיתה המבה. על גבי קרע ורואה, על גבי פרום וכסתות איננה רואה – בידוע שלא חיתה המבה. על גבי כולם ורואה, על גבי כלום ואינה רואה – בידוע שתהיה המבה.

האיין זמנה" וכו'. איתמר: **שימשה בימים:** רב אמר: לא הפסידה לילות, ולוי אמר: הפסידה לילות.

The Gemara clarifies: This *noheret* that Rav says; what is it like? What did he mean? Rav Shmuel bar Rav Yitzhak said: It was explained to me by Rav as follows: If the young girl stands up and sees blood, but she sits and does not see blood, it is known that the wound has not yet healed, and the blood is still attributed to the torn hymen. Similarly, if she sits on the ground and sees blood, but she sits on cushions and blankets and does not see blood, it is known that the wound has not yet healed and she may attribute the blood to the torn hymen, as the blood flows due to the strain of sitting on the ground. But if she sometimes sits on all of them, i.e., the ground, cushions, and blankets, and sees blood, and on other occasions she sits on all of them and does not see blood, it is known that the wound has healed, and this blood must now be menstrual blood.

רב אמר: לא הפסידה לילות, עד מוצאי שבת תמן. ולוי אמר: הפסידה לילות? דקנתי? ארבעה ענות. ארבע לילות דקנתי? ארבעה ענות.

וליב, למה ל' למיתנא "ארבע לילות"? אוורה ארעה קא משמען: דרךה דביהה בלילה. וללו, לרני "ארבע לילות", עד מוצאי שבת" למה ל? ד' קא משמען: דשי לבעל לכתהלה בשבת.

¶ The mishna teaches: In the case of a young woman whose time to see a menstrual flow has arrived, Beit Hillel say: The blood is attributed to the torn hymen until the conclusion of Shabbat and she may engage in intercourse with her husband for four nights. It was stated that there is a dispute between *amora'im* with regard to the following case: If she engaged in intercourse with her husband during the daytime,<sup>h</sup> in addition to engaging in intercourse at night, Rav says: She has not lost her nights, and the blood is still attributed to the torn hymen for four nights. Levi says: She has lost her nights, since she has engaged in intercourse twice during the daytime and twice at night, and therefore she has already used up the equivalent of four nights.

The Gemara explains: Rav says that she has not lost her nights, as we learned in the mishna that the blood is attributed to the torn hymen until the conclusion of Shabbat, and it does not limit the number of times she may engage in intercourse during that time. And Levi says: She has lost her nights, as what is the meaning of the term: Four nights, that is taught in the mishna? It means four twelve-hour periods, either days or nights.

The Gemara asks: And according to the opinion of Rav, why do I need the mishna to teach: Four nights? The mishna should have stated four days, which would include both days and nights. Rav would respond that the mishna teaches us proper conduct, as it is proper that intercourse should be performed only at night.<sup>n</sup> The Gemara suggests: And according to the opinion of Levi, let the mishna teach only: Four nights. Why do I need the mishna to specify: Until the conclusion of Shabbat? Levi would answer that this teaches us that it is permitted to engage in intercourse for the first time on Shabbat.<sup>h</sup> Since the custom was for a virgin to marry on Wednesday, which means that one of the four first nights is Shabbat, it is permitted to engage in intercourse on that night, despite the fact that it may cause her to bleed.

**כְּרַשְׁמוֹאָל, וְאָמָר שְׁמוֹאֵל: פָּרָצָה דְּחִיקָה - מִתּוֹךְ לִקְנָס בָּה בְּשַׁבָּת, וְאֶךָ עַל פִּי שְׁמֹשֵׁר אֲרוֹזּוֹת.**

**אַחֲרָיו: בָּעֵל וְלֹא מֵצָא דָם, וְחוֹר וּבָעֵל וּמֵצָא דָם - וּבַי חִנְנָא אָמָר: טְמֵאָה, וּבַי אַסִּי אָמָר: טְהֹרָה.**

**רַבִּי חִנְנָא אָמָר: טְמֵאָה, דָם אִתְּא דְהָה  
דָם בְּתַולִים - מַעֲקִירָה חָווֹ אָתִי. וּבַי אַסִּי  
אָמָר: טְהֹרָה, דְילָמָא אַתְּרָמִי לְיה כְּרַשְׁמוֹאָל.  
דָמָר שְׁמוֹאָל: יְכוֹלָנִי לְבָעוֹל בְּפָמָה בְּעִילּוֹת  
בְּלֹא דָם. וְאַיךְ - שְׁאַנְיָ שְׁמוֹאָל דְּרַבְּגָלִי.**

**אָמָר רַב: בָּגָרָת נוֹתַנְנָה לָה לִילָה הַרְאָשׁוֹן,  
וְהַנִּי מַילִי - שְׁלֹא רְאָתָה, אֶבֶל רְאָתָה - אֵין  
לָה אֶלָּא בְּעִילָת מֵצָה, וְתוּ לֹא.**

**מִתְּרַיבִּי: מַעֲשָׂה וְנִתְּנָה לָה רַבִּי אַרְבָּע לִילּוֹת  
מִתּוֹךְ שְׁנַיִם עַשֶּׂר חֶדְשָׁה. הַכִּי דְמִי? אַלְיִמָּא  
דִּיחַב לָה בּוֹלִיחַו בִּימֵי קָטָנוֹת.**

The Gemara notes that Levi's ruling is in accordance with the opinion of Shmuel, as Shmuel said: It is permitted to enter into a narrow opening in a wall on Shabbat, and this is the halakha even though doing so causes pebbles to fall from the wall. Similarly, although engaging in intercourse might cause a wound and bleeding, it is permitted on Shabbat.

It was stated that the *amora'im* engaged in a dispute: If a husband engaged in intercourse with a virgin and did not find blood, and he went back within the first four nights and again engaged in intercourse with her and this time he found blood,<sup>4</sup> Rabbi Hanina says: The wife is ritually impure, as this is menstruation blood. And Rabbi Asi says: She is ritually pure, as it is blood from the wound resulting from the act of intercourse.

Rabbi Hanina says: She is ritually impure, as if it is so that it is blood from her hymen, i.e., the blood of her virginity, it would have come at the outset, after the first time they engaged in intercourse. And Rabbi Asi said: She is ritually pure, as perhaps it happened for him that he engaged in intercourse like Shmuel described. As Shmuel said: I can engage in intercourse several times without the appearance of blood. In other words, I can engage in intercourse with a virgin while leaving her hymen intact. And the other Sage, Rabbi Hanina, does not allow for that possibility, since he maintains that Shmuel is different, as his strength was great. Shmuel was particularly skilled at this, while others cannot accomplish this.

**§** The mishna teaches the halakha of a young girl. The Gemara discusses the case of a girl who is older than twelve and a half. Rav says: The Sages give a grown woman, who engaged in intercourse on her wedding night, the entire first night,<sup>5</sup> during which she may engage in intercourse with her husband several times. And this statement applies only if she did not see any blood. But if she saw blood, she has only the relations that consummate a marriage, which are a mitzva, and nothing more.<sup>6</sup>

The Gemara raises an objection to Rav's statement from a *baraita*: There was an incident involving a virgin who married, and Rabbi Yehuda HaNasi gave her four nights in which to engage in intercourse within twelve months<sup>7</sup> of her wedding<sup>8</sup> when the blood is considered to be like blood resulting from the torn hymen. The Gemara asks: What are the circumstances of this case? If we say that Rabbi Yehuda HaNasi gave her all of those nights of purity in her days as a minor,

**בָּעֵל וְלֹא מֵצָא דָם וְחוֹר וּבָעֵל וּמֵצָא דָם:** If a husband engaged in intercourse with his virgin wife and she did not bleed, and he again engaged in intercourse with her and she did bleed, the blood is considered to be menstrual blood even if she is a minor, because if it were hymenal blood it would have emerged the first time. This is in accordance with the opinion of Rav Hanina (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 5:19, and see *Maggid Mishne* there).

**בָּגָרָת נוֹתַנְנָה לָה לִילָה הַרְאָשׁוֹן:** A grown woman who has never menstruated is given the entire first night to engage in intercourse with her husband. The authorities add that this is only if she does not bleed as a result

### HALAKHA

If he engaged in intercourse and did not find blood and went back and engaged in intercourse and found blood – **בָּעֵל וְלֹא מֵצָא דָם וְחוֹר וּבָעֵל וּמֵצָא דָם**: If a husband engaged in intercourse with his virgin wife and she did not bleed, and he again engaged in intercourse with her and she did bleed, the blood is considered to be menstrual blood even if she is a minor, because if it were hymenal blood it would have emerged the first time. This is in accordance with the opinion of Rav Hanina (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 5:19, and see *Maggid Mishne* there).

There was an incident and Rabbi Yehuda HaNasi gave her four nights within twelve months – **מִשְׁנָה וְנִתְּנָה לָה רַבִּי אַרְבָּע לִילּוֹת מִתּוֹךְ שְׁנַיִם עַשֶּׂר חֶדְשָׁה**: A young woman who has never menstruated is given four nights during which the blood is considered to be pure, even if they are not consecutive nights. For example, if she engages in intercourse once, she may do so again two or three months later. This is specifically if her wound has not yet healed (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 5:22).

### NOTES

Only the relations that are a mitzva and nothing more – **אֶלָּא בְּעִילָת מֵצָה וְתוּ לֹא**: Some early commentaries explain that it is permitted for the couple to engage in intercourse only once. The husband is not obligated to separate from her until he has completed the act of intercourse, even if she bleeds. Immediately after the act of intercourse, his wife has the status of a menstruating woman (Rif; Ra'avad; Rashba; Rosh).

Others explain that any bleeding due to the first act of intercourse is not considered to be impure. Therefore, even if she bleeds during that act she does not become impure, and is permitted to engage in intercourse with her husband afterward. But if she bleeds subsequently, even if still on the first night, she becomes ritually impure (Ba'al HaMaor).

Four nights within twelve months of her wedding – **אֶבֶע לִילּוֹת מִתּוֹךְ שְׁנַיִם עַשֶּׂר חֶדְשָׁה**: Rashi explains that she engaged in intercourse with her husband on the first night of their marriage and bled. Immediately afterward her husband left on a journey for three months. Upon his return they engaged in intercourse again and the wife bled once more. This occurred two more times.

עד שתחיה המכה פטן.

אלא דיהיב לה قولחו ביום נשות –  
נשות שנים עשר חוץ מי אייכא? והא  
אמור שמואל: אין בין נשות לבנות  
אלא שש שנים בלבד! וכי תימא:  
בזיר מהכי – הוא דילכא, הא טפי –  
איפא, הוא "בלבד" קאמו!

אלא דיהיב לה שטים ביום קטנית  
ושתים ביום נשות – הוא בא מימה  
רב חיננא בר שלמיא מרוב הגיע זמנה  
לראות תחת בעלה מהו?

אמור ליה: כל בעלויות שאתה בועל –  
אין אלא אחת, והשאר משלמין  
לארבעה לילות.

אלא: דיהיב לה אחת ביום קטנית,  
ושתים ביום נשות, ואחת ביום  
בוגרות – אי אמרות בשלמא בוגרת  
בעלה יבין לה טפי, כי היכי דאהני  
קונוט בימי נשות למבחן לה תרוא.  
זהן נמי נשות לבוגרות למבחן לה  
חדא.

אלא אי אמרות בוגרת דשלמא לא  
הבין לה טפי, לא ליתב לה אלא  
בעלות מצוה ותו לא!

in accordance with the ruling of the mishna: The Sages give her four nights, then he should have given her longer, as we learned in the mishna that according to Beit Hillel the blood may be attributed to the torn hymen until the wound heals.

Rather, you will say that he gave her these four nights all during her days as a young woman. Are there twelve months when one has the status of a young woman? But didn't Shmuel say: The difference in time between becoming a young woman and becoming a grown woman is only six months?<sup>h</sup> And if you would say that Shmuel is saying that it is in less than six months that there is no transition from young woman to grown woman status, but there is such a transition in more than six months, as women develop differently, that is not so, as Shmuel said: Only, which indicates that the period is neither less nor more than six months.

Rather, you will suggest that Rabbi Yehuda HaNasi gave her two days during her days as a minor, and he gave her two days during her days as a young woman. This too is difficult, as Rav Hinnana bar Shelmya asked Rav: With regard to a young girl who married before she reached puberty, and then her time to see menstrual blood arrived while she was under the authority of her husband, what is the halakha? Does she have the four nights when the blood is considered to be from her torn hymen?

And Rav said to him: All the acts of intercourse that you engage in while she is still too young are considered as only one<sup>h</sup> act of intercourse, and the remainder, i.e., three more acts of intercourse, complete the total number of four nights. If so, Rabbi Yehuda HaNasi could not have given her two nights as a minor, since at most those acts of intercourse count as one.

Rather, you will suggest that he gave her one night during her days as a minor, and two nights during her days as a young woman, and one night during her days as a grown woman. But this is also difficult: Granted, if you say that we generally give a grown woman more than one night, then one can understand why Rabbi Yehuda HaNasi gave her one night in this case: Just as all the acts of intercourse she engaged in as a minor have the effect to deduct one night for her days as a young woman, similarly all the acts of intercourse she engaged in while a young woman have the effect to deduct one night for her days as a grown woman, leaving her with one.

But if you say that we generally do not give a grown woman more than one night, then in this case Rabbi Yehuda HaNasi should have given her as a grown woman only the one act of relations that consummate a marriage, which are a mitzva, i.e., merely a single act of intercourse, and nothing more, as otherwise the acts of intercourse before she became a grown woman would not have affected her status.

#### HALAKHA

The difference in time between becoming a young woman and becoming a grown woman is only six months – אין בין שנים עשר לבנות אלא שש שנים בלבד: There are only six months between the time when a girl becomes a young woman and the time when she becomes a grown woman, in accordance with the opinion of Shmuel (Rambam Sefer Nashim, Hilkhot Ishut 2:2; Shulhan Arukh, Yoreh De'a 234:1).

All the acts of intercourse that you engage in are considered as only one – כל בעלויות שאתה בועל אין אלא אחת וכי: With regard to a minor girl who marries and becomes a young woman while she is still experiencing hymenal bleeding, all her acts of intercourse while she was a minor are considered as only one night. She may continue to engage in intercourse for another three nights during her time as a young woman to complete the four nights. Even if these three nights were not consecutive but were each spaced two months apart it is permitted, provided that the wound has not healed. This is in accordance with the opinion of Rav, as explained by the Gemara (Rambam Sefer Kedusha, Hilkhot Issurei Bia 5:22).

**לְעוֹלָם דִּיחַב לֵה אֶחָת בִּימֵי קָטְנוֹת וְשָׁלֵשׁ בִּימֵי נְעָרוֹת, מֵי סְבָרָת בְּלִתְלָתָא יְרֻחִי חֲדָא עֲוֹנָה? בְּלִתְלָתָא יְרֻחִי – חֲדָא עֲוֹנָה.**

The Gemara answers: Actually, the correct explanation is that Rabbi Yehuda HaNasi gave her one night during her days as a minor and three nights during her days as a young woman. And as for the fact that she has the status of a young woman for only exactly six months, do you maintain that every three months was counted as one period of the husband's absence, such that she had only two nights in six months? This is not the case. Rather, every two months was counted as one period, and therefore she had three nights during these six months when she could attribute the blood to her torn hymen.

**מִינְיָמִין סְקָסָנָה תָּהָה שְׁקִילָה אֲזִילָה לְאַתְּנִיהָ דְּשָׁמְוֹאָלָה, סְכָבוּ לְמַעַבְדָּא בְּפָוּתִיהָ דָּרָב אֲפִילָה לְאַתְּתָה. אָמָר: לֹא פָלָג רַב בֵּין רַאֲתָה בֵּין לֹא רַאֲתָה.**

**קָדִים שְׁבִיב בְּאוֹרְחָה. קָרְיָ שְׁמוֹאָל עַלְיָה דָּרָב: לֹא יָאָה לְצִדְיק בְּלֹאָן.**

The Gemara relates that the Sage Minyamin Saksana<sup>pp</sup> was coming and walking to the place of Shmuel. He thought that he would perform an action in accordance with the opinion of Rav, in that he would permit a grown woman to attribute blood to her torn hymen for the entire first night, even though she had already seen menstrual blood before she was married. Minyamin mistakenly said to himself: Rav does not distinguish between a woman who has seen menstrual blood and a woman who has not seen menstrual blood.

Before Minyamin reached Shmuel's place, he passed away on the road, and he never completed the journey. Upon hearing this, Shmuel recited this verse about Rav: "No mishap shall befall the righteous" (Proverbs 12:21),<sup>N</sup> i.e., God does not allow prohibited acts to come from the statements of the righteous. In this case, Minyamin ruled incorrectly, based on a misunderstanding of Rav's statement.

**אָמָר רַב חִינְנָא בֶּר שְׁלָמִיא מִשְׁמִיחָה דָּרָב: בֵּין שְׁנַתְקָנוּ שְׁנִוּ שְׁלָאָדָם – נִתְמַעַטָו מַוּוֹנָתָיו, שְׁנָאָמָר: 'גַם אֲנִי גַּתְתִּי לְךָ בֵּין שְׁנִים בְּכָל עָרִיכָם וְחַקָּר לְחַם בְּכָל מִקּוֹמָתֵיכֶם'.**

Since the Gemara cited Rav Hinnana bar Shelamya, it cites another of his statements: Rav Hinnana bar Shelamya said in the name of Rav: Once a person's teeth fall out and he has difficulty eating, his food diminishes<sup>N</sup> accordingly, as it is stated: "And I also have given you cleanliness of teeth in all your cities, and lack of bread in all your places" (Amos 4:6). The term "cleanliness of teeth" is here a euphemism for having no teeth at all, which leads to a lack of bread.

**רַאֲתָה וְעֹדָה. תָּנוּ רַבְנָן, רַאֲתָה וְעֹדָה בֵּיתָ אֲבֵיהָ, בֵּית הַלִּלָּוֹ אָמְרִים: בְּלִתְלָה שְׁלָה, וְנוֹתָנָה לָהּ עֲוֹנָה שְׁלָמָה. וּבְמַה עֲוֹנָה שְׁלָמָה? פִּישְׁרַבְנָן שְׁמַעוֹן בֶּן גַּמְלָאָל: לְלִילָה וְחַצִּי יוֹם.**

¶ The mishna teaches: In the case of a young woman who saw menstrual blood before marriage, while she was still in her father's house, Beit Hillel say: They may engage in several acts of intercourse, as any bleeding throughout the entire night is attributed to the torn hymen. The Sages taught in a baraita: In the case of a young woman who saw menstrual blood while she was still in her father's house, Beit Hillel say: All the night is hers, and the Sages give her one complete period of time during which she may attribute all bleeding to her torn hymen. And how long is a complete period of time in this context? Rabban Shimon ben Gamliel explained that it is one night and half of the next day.

## BACKGROUND

**Saksana** – סָקָסָנָה: He had this title because it is likely that he was originally from Sistan, a region in present day eastern Iran and southern Afghanistan that was an enormous province of the Sassanid Empire. Sistan was the ancient homeland of the Saka people, a Scythian tribe, and it held special significance in Zoroastrianism.

## PERSONALITIES

**Minyamin Saksana** – מִינְיָמִין סְקָסָנָה: This name appears in the Bible (II Chronicles 31:15). The name seems to be a variant of the name Binyamin, with the bet being replaced by another bilabial consonant, the letter mem, a common phenomenon.

This suggestion is supported by a parallel story that appears in the Jerusalem Talmud (*Berakhot* 2:5), where it is Binyamin Ganzakha who attempts to apply Rav's ruling in Shmuel's community. If Minyamin Saksana and Binyamin Ganzakha are one and the same, the discrepancy between their surnames must be explained.

One possibility is that this individual came from the lands of the biblical Cush, whose children include Sabtah and Sabteca (see Genesis 10:7). The Jerusalem Targum to that verse translates the name Sabteca as Zangai; in the Babylonian Talmud those names are translated by Rav Yosef as the inner Sakistan and the outer Sakistan (*Yoma* 10a). Consequently, the description Saksana used by the Babylonian Talmud may be identical with the description Ganzakha used by the Jerusalem Talmud.

## NOTES

Shmuel recited this verse about Rav: No mishap shall befall the righteous – בְּלִתְלָתָא יְרֻחִי דָּרָב לֹא יָאָה לְצִדְיק בְּלֹאָן. The later authorities conclude from here that there is a guarantee that no mishap will result from the ruling of a righteous person (*Da'at Torah*).

Once a person's teeth fall out his food diminishes – בֵּין שְׁנַתְקָנוּ שְׁנִוּ שְׁלָאָדָם נִתְמַעַטָו מַוּוֹנָתָיו. The plain meaning of this statement is that when one reaches old age, which is the usual time when one's teeth fall out, and he has limited capability for chewing, his need for teeth is reduced correspondingly. Rashi states that as one earns less as his physical strength wanes, his ability to acquire food decreases as well.

### HALAKHA

One whose winepresses or olive presses were impure and he wished to prepare his grapes and olives in ritual purity – **הוּא נָטוֹת בַּיִת בְּדוּ טְמָאוֹת וּבְקֶשׁ לְעַשְׂׂוֹן בְּתוֹרָה**: How does one purify the utensils from a winepress that contained grapes that were trampled by a gentile? The vessels themselves do not become impure, but they may contain impure liquids that must be removed. The planks, twigs, and troughs must be immersed in a ritual bath. If the pressing baskets are made of palm leaves or of hemp they need to be dried. If they are made of bast or of reeds they must be left unused for twelve months. If one wants to purify them immediately he must immerse them in boiling water or in water in which olives were cooked, or place them under a drainpipe or spring of running water for twelve hours. The Rambam rules like both the opinion of the first *tanna* and the opinion of Rabbi Yosei and Rabbi Shimon ben Gamliel, citing Rabbi Yosei. He holds that the latter are not disagreeing with the first *tanna* but are referring to immediate purification, and the first *tanna* is referring to purification over a longer period of time. A similar process is also used to make these utensils kosher after coming into contact with non-kosher liquids (Rambam Sefer Tahara, Hilkhot Tumat Okhalin 11:17 and Sefer Kedusha, Hilkhot Ma'akhalot Assurot 11:24 and Kesef Mishne and Lehem Mishne there; Shulhan Arukh, Yoreh De'a 138:6).

וּמֵ בְּעַנְן פּוֹלִי הָאֵי? וּמִינְהֵי הָרִי  
שְׁחוּיו גַּטְטוּ בֵּית בְּדוּ טְמָאוֹת, וּבְקֶשׁ  
לְעַשְׂׂוֹן בְּתוֹרָה, כִּי צְדָה הוּא עֲשָׂה  
לְפִנֵּי וְהַלְלוּבִין וְהַעֲדָשִׁין – מְדִינָן,

The Gemara asks: **But do we require all this time of one night and half of a day for a complete period? And the Gemara raises a contradiction from a baraita:** In the case of one whose winepresses or olive presses<sup>b</sup> were impure and he wished to prepare his grapes and olives in a state of ritual purity,<sup>h</sup> how does he act? He should **rinse the planks<sup>b</sup> used to press the grapes in the winepress, and the palm branches<sup>b</sup> used as brooms, and the troughs,<sup>b</sup>**

### BACKGROUND

**His winepresses or olive presses –** **אֲגַתּוֹ וּבֵית בְּדוּ:** A winepress was typically carved into a rock into which grapes were placed and pressed. The liquid that was pressed from the grapes flowed through a channel to the lower winepress. This is seen in the verse: "For the winepress is full, the vats overflow" (Joel 4:13). Others would press their grapes in a vessel of wood or stone, which was also called a winepress.

The olive press had a wide and heavy beam for pressing the olives and producing oil, and the literal translation of the Hebrew term *bet habad* is: The building of the beam, named after its most essential element.



Olive press, Tel Hatzor, Israel

**Planks –** **פָּנָן:** These are wide boards that are placed on the grapes in the press in order to split them. These boards are not particularly heavy because grapes must be pressed gently to avoid crushing the grape seeds, which can ruin the flavor of the wine.

**Palm branches –** **לְלִבְנָן:** Rashi explains this as palm leaves used to make a broom to gather up grapes that scattered from the pile. Other commentaries say these are two pillars standing on either side of the beam that presses the olives in an olive press (see *Bava Batra* 67b) and their purpose is to stabilize the beam (Rabbeinu Gershom Meor HaGola; Ra'avad), or these are beams that were placed by the pile of grapes or olives to prevent them from falling away during the treading or crushing process (Rabbeinu Tam).

**Troughs –** **שְׂדָשִׁין:** This is referring to the winepress itself, where the grapes are placed. It has this name because it is shaped like a trough (Rashi; Rabbeinu Gershom Meor HaGola). Some explain that it refers to the utensils of the winepress, specifically a large hollow vessel into which the wine is placed and stored until (Rashba). Alternatively, it is referring to a utensil from an olive press, i.e., the large vessel in which the olives are brought for pressing (Rosh). Rabbeinu Tam explains that it is referring to the stones or round utensils that were placed on the boards to increase the weight and press the olives. Others explain that it is referring to the stone of the upper millstone, which does not have any hollow part. The Ramban explains that it refers specifically to the lower millstone, which does have a hollow part.

### Perek X

#### Daf 65 Amud b

### NOTES

**He should clean them –** **מִנְגַּבָּן:** In *Avoda Zara* (74b) there is a dispute between *amora'im* as to how this cleaning was to be done. According to Rav, the press had to be cleaned with water, but according to Rabba bar bar Ḥana it was cleaned with earth. The conclusion is that they both agree that the cleaning must be done with both water and earth, but each was referring to a different type of winepress. If the winepress was wet, it must first be cleaned with earth and afterward rinsed with water. If the winepress was dry it must first be rinsed with water and afterward cleaned with earth.

### LANGUAGE

**Hemp [bitzbutz]** – **בִּצְבּוֹץ:** The *Arukha* explains that this word is a form of the word for linen, *butz*. According to Rashi this material was hemp, which looks similar to linen.

**Bast [shifa]** – **שִׁיפָּה:** This word may be derived from the Greek σιπύη, *sipuē*, meaning meal jar or flour bin.

הַעֲקָלִים שֶׁל נָאָרִים וּשֶׁל בָּצּוּזָן  
מִנְגַּבָּן, שֶׁל שִׁיפָּה וּשֶׁל גַּמְיָה – מִיְשָׁנָן.  
וְכַמָּה מִיְשָׁנָן? שִׁים עַשְׂרֵה חֶדֶשׁ. רַבָּן  
שִׁמְעוֹן בֶּן גַּמְלִיאֵל אָוֹםֶר: מִינְתָּן מִנְתָּן  
לְתָת וּמִבָּד לְפָד.

הַיְנוּ תְּנָא קְמָאִין אִיכָּא בִּיעִיהוּ חַרְפִּי  
אוּפְלִי.

and he should **clean<sup>N</sup>** the **pressing baskets<sup>b</sup>** with ashes and water if they were made of palm leaves or of hemp [*bitzbutz*]<sup>L</sup> or leave **them dormant** if they were made of bast [*shifa*]<sup>L</sup> or of reeds,<sup>B</sup> because these absorb more of the wine. **And how long must one leave them dormant?** He must leave them for **twelve months**. **Rabban Shimon ben Gamliel says:** He can lay them aside from one wine-pressing season to the next wine-pressing season, or from one olive-pressing season to the next olive-pressing season.

The Gemara interrupts its citation to analyze the *baraita*: Rabban Shimon ben Gamliel's statement is the same as that of the first *tanna*, as there are twelve months between one wine-pressing season and the next. The Gemara responds: The difference **between them** is the matter of the **early and late** ripening season for grapes. Rabban Shimon ben Gamliel does not require a precise measure of twelve months, as the difference in time between ripening seasons can be slightly more or less than that.

### BACKGROUND

**Baskets of an olive press –** **עֲקָל בֵּית הַבָּד:** The baskets were designed to keep the olives in one place and to prevent them from separating as they were being pressed by the beam. The oil would then seep through the holes in the basket into a receptacle.

**Reeds –** **גַּמְיָה:** This is referring to reeds that grow near marsh or rivers. In different kinds of reeds, beneath the husk, there is a soft inner part that can be used for a variety of purposes. One such purpose was as a bandage for wounds or fractured bones.

- רבי יוסי אומר: הרוצה לטהר מזיד מגעלן בORTHACHIN, או חולטן במי יתומים. רבנן שמעון בן גמליאל אומר משות רבני יוסי מיטחן תחת האינור שמיימי מקלחין, או במעיין שמיימי וודקין. וכמהו? עונת. כרך שאמרו בין נסך.

בך אמרו בטהורות.

כלפי ליא? בטהורות קיימים אלא: כרך שאמרו בטהורות בך אמרו בין נסך.

וכמה עונת? אמר רב חייא בר אבא. אמר רב יוחנן: או יום או לילה. רב חייא שאונא, ואמרי לה רב חייא בר שאונא אמר רפה בר בר חייא אמר רב יוחנן: חצי יום וחצי לילה.

ואמר רב שמואל בר רב יצחק: ולא פלייג, הא - בתקופת ניסן ותשורי. הא - בתקופת תמוז וטיבת.

הכא נמי, אימא גבי נדה: חצי יום וחצי לילה: ורק לא לילה וחצי יום קאומו. אלא: אי לילה דיניק ותרשי, אי חצי יום וחצי לילה דעתית ותמו.

ואיבעת אימא: שאני בתובה. דמגבי בה טפי עד דחטמי.

The Gemara continues its citation of the *baraita*. Rabbi Yosei says: One who wishes to purify the baskets immediately, without waiting a year, purges them in boiling water or scalds them in olive water. Rabban Shimon ben Gamliel says in the name of Rabbi Yosei: One sets them under a pipe whose water flows constantly or in a spring with rapid waters. And how much time should he leave them there? He should leave them for a period of time. In the same way that the Sages stated this time frame with regard to wine used for a libation in idol worship, so too the Sages stated this time frame with regard to matters of ritual purity.

The Gemara expresses surprise at this last clause: Isn't it the opposite [kelapei layya]? We are dealing with matters of purity in this *baraita*. Rather, the *baraita* means: In the same way that the Sages stated this time frame with regard to matters of ritual purity, so too the Sages stated this time frame in the case of wine used for a libation in idol worship.

The Gemara asks: And how long is the period of time referred to in the *baraita*? Rabbi Hyya bar Abba says that Rabbi Yoḥanan says: Either the day or the night.<sup>10</sup> Rabbi Ḥana She'ona, and some say Rabbi Ḥana bar She'ona, say that Rabba bar bar Ḥana says that Rabbi Yoḥanan says: Half a day and half a night.

And Rav Shmuel bar Rav Yitzḥak said: And the Sages do not disagree. The ruling of this one, who says either a day or a night, is stated with regard to the equinox of the season<sup>8</sup> of Nisan or Tishrei, when the days and night are equal; whereas the ruling of that one, who says half a day and half a night, is stated with regard to the solstice of the season of Tammuz, i.e., summer, or Tevet, i.e., winter, which have the longest day<sup>8</sup> or night respectively, so that half the day and half the night together amount to twelve hours. This *baraita* apparently contradicts the statement of Rabban Shimon ben Gamliel, who says that the woman may attribute the blood to her hymen for a night and half the day.

The Gemara answers: Here too, one can say with regard to a menstruating woman that he meant half a day and half a night. The Gemara raises a difficulty. But Rabban Shimon ben Gamliel said a night and half a day. The Gemara clarifies: Rather, this is what Rabban Shimon ben Gamliel meant: Either a night during Nisan or Tishrei, which is twelve hours, or half a day and half a night during Tevet or Tammuz, which also equals twelve hours.

And if you wish, say instead: With regard to the purity of wine, a period is twelve hours. But in the case of marriage the time frame is different, due to the marriage contract, which is signed before the marriage is consummated, as there are those who delay for a lengthy period until they complete and sign it.<sup>11</sup> Consequently, the Sages extended the period in this case to a night and half a day.

## LANGUAGE

Isn't it the opposite [kelapei layya] – בְּלֹפִי לַיָּא? This expression of puzzlement is generally understood to mean: Directed to where? That is to say: Where are you facing, or more simply: How are you thinking about the given matter? The question indicates that one is looking at the matter backward. Some of the *ge'onim* understood the expression as: Facing the tail [kelapei alya], as if to say: You are facing the direction of the tail, like one who is riding backward on an animal. In any case, the term is understood to indicate that one is saying the opposite of what is logical.

## BACKGROUND

Season – תקופת: This refers to the equinoxes and solstices. There are four such days; see the table below.

Tishrei	September 23	The day and night are equal
Tevet	December 22	The shortest day of the year
Nisan	March 21	The day and night are equal
Tammuz	June 22	The longest day of the year

Longest day – הַיּוֹם הַאַרְגֵּן בַּיוֹתֶר: Since the seasons are fixed according to the solar calendar, they will not always occur on the same date in the lunar calendar. The season of Tammuz sometimes ends in Elul and sometimes continues until Tishrei. When the season of Tammuz would end a long time after Rosh HaShana, the Sages would make it a leap year, and the seasons would move earlier in the Jewish calendar.

## HALAKHA

A period of time...either the day or the night – לענה...או יום או לילה: The utensils from a winepress in which grapes have been trampled by a gentile are considered to contain wine used for libation in idol worship. One who wishes to render them kosher immediately can place them under a pipe of running water, or

in a spring, for twelve hours. Afterward they become permitted. This is in accordance with the opinion of Rabban Shimon ben Gamliel, citing Rabbi Yosei (Rambam Sefer Kedusha, *Hilkhot Ma'akhalot Assurot* 11:24 and *Sefer Tahara*, *Hilkhot Tumat Okhalin* 11:17; *Shulhan Arukh*, *Yoreh De'a* 138:6).

## NOTES

It is different due to the marriage contract, as there are those who delay [magbeil] for a lengthy period until they sign it – שאני בתובה דמגבי בה כתובות דחטמי: An alternative version of the text reads: A marriage contract is different because they examine [maghei] it thoroughly. In other words, it takes a long

time to read the details of a marriage document and to check them carefully. Only afterward is the document signed and given to the wife, and only then is it permitted for her husband to be alone with her. For this reason they are given an extra half a day, as sometimes the document is signed very late at night (Rashi).

## NOTES

The *halakha* is that he engages in relations that are a mitzva and separates – בועל בעילת מצוה – בועל מזוזה: Even though the term: And separates, indicates that he must separate immediately, the early authorities write that he should wait before withdrawing from her, because withdrawing while his penis is erect also gives him pleasure. Rather, he should wait until his penis becomes flaccid and then withdraw (Rosh; Rashba; Ra'avad).

ר' ו שמואל ד אמר תרוייהו הלכה - בועל בעילת מצוה, ופורש.

מתריב ר' חסדא: מעשה וגננת לה רב  
ארבעה לילות מתוך שנים עשר חזרש!

אמר ליה רבא: הדורי אפיקא לפה לאי?  
אותיב ממתקניתין הוא סבר - מעשה רב.

מקל מקום לרב ו שמואל קשייא! איןנו  
דיברו כרבותינו. דתניא. רבותינו חזרו  
ונמננו: בועל בעילת מצוה, ופורש.

אמר עולא: כי הוא פה רב יוחנן וריש  
ליקיש ברינוימת, לא הוא מפקידי מבנה אלא  
בדמסיק תעלא מבוי ברבא, ומיסימי בה  
חכמי: בועל בעילת מצוה, ופורש.

אמר לרב אבא לר' אשיה: אלא מעתה  
בעל נפש לא יגמור ביאתנו? אמר לו: אם  
כן, לבו נזקפו ופורש.

תנו רבנן: וכולן שחי שופעות דם ובאות  
מתוך ארבעה לילות לאחר ארבעה לילות,  
מתוך הלילה לאחר הלילה - כולן צריכות  
לבודק את עצמן.

¶ Although the mishna provides a certain period of time for both a minor and a young woman during which they may attribute any blood to the torn hymen, nevertheless Rav and Shmuel both say that the *halakha* is that the groom engages in relations that consummate a marriage, which are a mitzva, and then he separates<sup>N</sup> from his wife.

Rav Hisda raises an objection from the *baraita*: There was an incident involving a virgin who married, and Rabbi Yehuda HaNasi gave her four nights to engage in intercourse within twelve months of her wedding. This indicates that the husband does not have to separate from his wife immediately after the first act of intercourse is completed.

Rava said to Rav Hisda: Why do I need to search for a refutation from a *baraita*, which is not necessarily known by all? One can raise a difficulty from an explicit statement of the *mishna*, which states that the first blood a woman sees on her wedding night is attributed to her torn hymen. The Gemara explains that Rav Hisda raises his objection from the *baraita*, as he holds that a practical incident ruled upon by a Sage is a preferable source.

The Gemara returns to the objection: In any case, this *baraita* is difficult for Rav and Shmuel. The Gemara answers that they acted in accordance with the opinion attributed to our Sages, as it is taught in a *baraita*: Our Sages returned and were counted again, i.e., they voted and decided, that the groom engages in relations that consummate a marriage, which are a mitzva, and subsequently he separates<sup>H</sup> from his wife.

The Gemara proves that this ruling of Rav and Shmuel, based on the *baraita*, is also the opinion of Rabbi Yohanan and Reish Lakish. Ulla said: When we were learning the topic of a young girl who saw blood on her wedding night with Rabbi Yohanan and Reish Lakish, they brought up from it only the amount of earth that the fox brings up from a plowed field, i.e., they did not establish the *halakha* as stated in the *mishna*. And they concluded the discussion in this manner: The groom engages in relations that consummate a marriage, which are a mitzva, and then he separates from his wife.

Rabbi Abba said to Rav Ashi, in light of this ruling that the groom must separate from his bride after completing the act of intercourse: If that is so, a pious person should not complete his act of intercourse, lest he unintentionally continue longer than is permitted. Rav Ashi said to him in reply: The Sages did not issue such a decree, because if so, his heart will strike him with fear that perhaps his wife will begin to bleed while he is engaged in the act of intercourse, and he will separate from his wife completely and will not consummate the marriage.

¶ The mishna teaches that a young girl is given four nights during which any bleeding is attributed to her torn hymen. The Sages taught in a *baraita*: And with regard to all of them, i.e., all the women who are given four nights, if they were discharging blood continually, from four nights until after those four nights, or in the case of those women who are given only one night, if they discharge blood from that one night until after that night, they may not attribute the blood to the torn hymen. Rather, all of them must examine themselves, in the manner that will be explained.

## HALAKHA

They returned and were counted again, that he engages in relations that are a mitzva and separates – בועל בעילת מצוה – בועל מזוזה: By Torah law one who marries a minor girl is permitted to continue to engage in intercourse with her until the hymenal bleeding has finished, regardless of whether she has ever menstruated before or not. The Sages were stringent (see *Kesef Mishne*) and ruled that one who marries a virgin may engage in the first act of intercourse and must then separate from her immediately. Even if she is so young that she is not old enough to menstruate,

and even if she examined herself and did not find any blood, she is considered impure, because there may have been a tiny drop of blood that she did not notice. The Rema writes that there are some who are lenient if she did not bleed. The custom is to be lenient if they did not complete the act of intercourse and she did not bleed. Nevertheless, a pious person will not engage in intercourse with a minor. This is in accordance with the *baraita* (*Rambam Sefer Kedusha, Hilkhos Issurei Bia* 5:19; *Shulhan Arukh, Yoreh De'a* 193:1 and *Even HaEzer* 63:1).

**ובכלן ובי מאיר מחייב בדברי בית שמאי.**

**ושאר ראיות שבען בית שמאי ובית הילל –**  
**הלוּךְ אחר מראה דמים.**

**שחיה ובי מאיר אומר:** מראה דמים  
משווים זה זה נזה. ביעוד: דם נזה – אדום,  
דם בתולים – אינו אדום. דם נזה – י הוּם,  
דם בתולים – אינו י הוּם. דם נזה – בא  
מן המקוּר, דם בתולים – בא מן האדרין.

**אמר ובי יצחק בר ובי יוסף, אמר ובי יוחנן:**  
וז דברי רבוי מאיר, אבל חכמים אומרים כל  
מראה דמים – אחת הן.

**תנו רבנן:** הרואה דם מוחמת תשומיש  
משמisher פעם ראשונה ושנית ושלישית,  
מכאן ואילך – לא תשמש, עד שתתנגרש.

**And with regard to all of these women, Rabbi Meir is stringent in accordance with the statement of Beit Shammai,** and therefore a minor girl who bleeds for more than four nights must examine herself, despite the fact that Beit Hillel say she remains ritually pure until the wound has healed. Similarly, Rabbi Meir holds that with regard to a young girl who has reached puberty, if she continues to bleed after the first night she must examine herself.

The *baraita* continues: **But with regard to the other cases of seeing blood,** when she does not discharge blood continuously but bleeds again the following day, concerning which there is a dispute between **Beit Shammai and Beit Hillel,** Rabbi Meir holds that one follows the appearance of the blood. In other words, he does not maintain entirely in accordance with the opinion of Beit Shammai. Beit Hillel rule that the woman is ritually pure even if the color of the blood has changed, whereas Beit Shammai hold that she is ritually impure even if the color of the blood has not changed.

**As Rabbi Meir would say:** The appearances of impure and pure blood differ from one another. How so? The blood of a menstruating woman is red, whereas blood that comes from a torn hymen, indicating that she was a virgin, is not red. The blood of a menstruating woman is cloudy; blood that indicates that she was a virgin is not cloudy. Finally, the blood of a menstruating woman comes from the uterus; blood that indicates that she was a virgin comes from the sides<sup>h</sup> of the vaginal wall.

Rabbi Yitzḥak bar Rabbi Yosei says that Rabbi Yohanan says: This is the statement of Rabbi Meir. According to Rabbi Meir, it is possible to examine the color of blood to determine whether it is menstrual blood or hymenal blood. **But the Rabbis say that all appearances of blood are one,** i.e., there is no distinction between the appearance of menstrual blood and blood indicating one's loss of virginity.

**§ The Sages taught in a baraita:** A woman who sees blood due to sexual intercourse<sup>h</sup> may engage in intercourse before the first time this occurs, before the second time this occurs, and before the third time this occurs. From this point forward, i.e., after three consecutive occurrences of bleeding due to intercourse, she may not engage in intercourse until she is divorced from her husband

**HALAKHA**  
דם בתרילים – **בַּא מִן הָצֶדֶן:** Blood resulting from the tearing of the hymen is ritually pure and is not considered to have the same status as menstrual blood or ziva blood, since it does not come from the uterus, in accordance with the opinion of Rabbi Meir (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 5:18).

**One who sees blood due to sexual intercourse –** **בַּרְזֵלָה דָם מִחְמָת תְּשִׁמְישׁ:** If a woman bleeds immediately after intercourse, i.e., within the time it takes her to extend her hand under the pillow or blanket, take an examination cloth, and wipe herself, she may engage in intercourse three times. If she bleeds each time, she is forbidden to engage in intercourse with this husband. All the more so this applies if her husband sees blood on his examination cloth each time (Rema), in which case even if he does not examine himself immediately it is still assumed that the blood came as a result of intercourse (*Shakh*). In such a case, he must divorce her and she may remarry. If she remarries and again bleeds three consecutive times due to intercourse she is forbidden to this second husband as well. He must divorce her and she may remarry. If she remarries and again bleeds three consecutive times due to intercourse she is forbidden to this third husband as well. Once he divorces her, she may not remarry, and she is forbidden to all men until she examines herself, in the manner the Gemara will explain, to determine if the blood is the result of engaging in intercourse. The Rema writes that some say that today nobody is certain of the time frame after the act of intercourse in which the blood is considered to be due to intercourse. Therefore, if she bleeds soon after intercourse three consecutive times she becomes forbidden to her husband.

If she bleeds three times after intercourse, but not consecutively, she does not become forbidden to her husband. If she bleeds three times consecutively it makes no difference whether this occurred immediately after she got married or whether some time later she started bleeding due to intercourse.

All of this applies only if she bleeds immediately after intercourse. If she does not experience bleeding immediately afterward she does not become forbidden to her husband, and she is simply rendered impure like a woman who does not have a fixed time to menstruate (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 4:20–21; *Shulhan Arukh, Yoreh De'a* 187:1).

## Perek X

### Daf 66 Amud a

**ותנשא לאחר.**

and is married to another man. She is permitted to engage in intercourse with her second husband because it is possible that the bleeding was caused by engaging in intercourse with her first husband, and the issue will not reoccur when she engages in intercourse with a different man.

**ニסת לאחר וראתה דם מוחמת תשומיש**  
משמisher פעם ראשונה ושנית ושלישית,  
מכאן ואילך – לא תשמש, עד שתתנגרש  
ותנשא לאחר. **ニסת לאחר וראתה דם**  
מוחמת תשומיש – משמisher פעם ראשונה  
ושנית ושלישית, מכאן ואילך לא תשמש  
עד שתתבזבז עצמה.

If she married another man and again saw blood due to sexual intercourse,<sup>n</sup> she may engage in intercourse before the first time this occurs, before the second time this occurs, and before the third time this occurs. From this point forward she may not engage in intercourse until she is divorced from her second husband and is married to yet another man. If she married another man and again saw blood due to sexual intercourse, she may engage in intercourse the first time this occurs, the second time this occurs, and the third time this occurs. From this point forward there is a presumption that she always bleeds due to engaging in intercourse, and therefore she may not engage in intercourse or marry someone else until she examines herself.

## NOTES

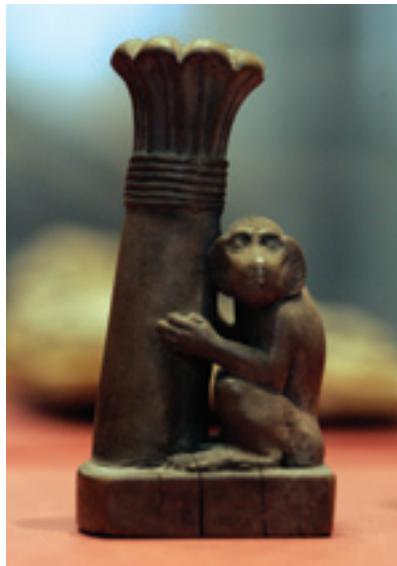
וראתה תשומיש – **בְּמִחְמָת תְּשִׁמְישׁ:** The commentaries disagree as to the length of time in which any blood found is considered to be due to intercourse. Some say that it is the amount of time it takes a woman to climb out of bed (*Tur*). Others challenge this opinion based on Rav Ashi's statement and definition on 14b, which is rejected by the Gemara. Therefore they say that it is the time it takes her to extend her hand under the pillow or blanket to remove an examination cloth and wipe herself. This is in accordance with the opinion of Rav Hisda there (see *Beit Yosef* and *Shulhan Arukh, Yoreh De'a* 187:1).

**NOTES**

She attributes it to her fixed menstrual cycle – תולָה בוטְשָׁת: Rashi explains that she has a fixed cycle of experiencing bleeding as a result of intercourse. For example, she discharges blood due to intercourse only on certain days of the month or at certain intervals. In such cases, she may attribute the blood to that day of the month, or that interval, and it is prohibited for her to engage in intercourse with her husband on that date. At all other times she is permitted to engage in intercourse with her husband.

**BACKGROUND**

Tube inside of which she places a cosmetic brush – שפּוֹרֶת וּבָטְשָׁת מְכֻחָל: The cosmetic brush was used to apply kohl, a dark blue or black color extracted from the sulfide mineral stibnite, SS<sub>3</sub>, sometimes referred to as antimonite. In antiquity, the crystals of the mineral were ground up and used by women for painting their eyelashes, eyebrows, and eyelids, thereby accenting their eyes and giving the impression that their eyes were larger than they actually were. Kohl was also used for healing the eyes. Kohl was normally kept in a thin tube and removed with a cosmetic brush. In this passage, the Gemara is probably not referring to the tube normally used to store the kohl brush, but a piece of metal folded *ad hoc* into a tube open at both ends.



Egyptian kohl tube sculpted as a monkey holding onto a palm tree

**בַּיּוֹצֵד בּוֹזְקָת אֶת עִצְמָה – מִבְיאָה שְׁפּוֹרֶת בְּתוּכָה מְכֻחָל, וּמוֹנֵךְ מוֹנֵךְ עַל רָאשׁוֹ, אֲםָן נִמְצָא דָם עַל רָאשׁ הַמְּקוֹר – בִּידּוֹעַ שְׁמָן הַמְּקוֹר הוּא בָּא, לֹא נִמְצָא דָם עַל רָאשׁוֹ – בִּידּוֹעַ שְׁמָן הַצְּדִין הוּא בָּא.**

**How does she examine herself?**<sup>h</sup> She brings a tube, inside of which she places a cosmetic brush<sup>b</sup> so that it is long enough to reach deeply into her vagina, and an absorbent cloth is placed on the tip of the brush. She inserts the tube with the brush and cloth within herself and then removes it. If blood is found on the top of the absorbent cloth, it is known that the blood comes from the uterus and she is ritually impure. If blood is not found on the top of the cloth, it is known that the blood comes from the sides of the vaginal walls and she is ritually pure, and she may resume engaging in intercourse with her husband.

**אֲםָן יִשְׁלַח מִכְּה בְּאוֹתוֹ מִקּוֹם – תולָה בִּמְפְּתָח, וּאֲם יִשְׁלַח לְהַוְסֵת – תולָה בִּוּסְתָּה.**

**And if she has a wound in that place**, i.e., her vagina, she attributes the blood to her wound, and she is ritually pure, as it is assumed to not be uterine blood. **And if she has a fixed menstrual cycle**,<sup>h</sup> i.e., she does not bleed every time she engages in intercourse with her husband, but only at fixed times, she attributes the blood to her fixed menstrual cycle,<sup>n</sup> and she is permitted to engage in intercourse at other times.

**אֲם הִיא דָם מִבְּתָה מְשׁוֹגָה מִדָּם רְאִיָּתָה אַלְמָה תולָה. וְנָאָמַת אֲשָׁה לְזֹמֶר "מִכְּה יִשְׁלַח בְּמִקְּרוֹ שְׁמַנְנָה דָם יוֹצֵא", דָבָרִי רַבִּי.**

**And if the blood of her wound differed from the blood that she sees**<sup>h</sup> due to sexual intercourse, she may not attribute the blood to her wound. **And a woman is deemed credible to say**: I have a wound in my uterus,<sup>h</sup> from where the blood is emerging. This is the statement of Rabbi Yehuda HaNasi.

**וְבָנָן שְׁמֻעוֹן בֶּן גָּמְלִיאֵל אָוֹמֵר: דָם מִכְּה הַבָּא מִן הַמְּקוֹר – טָמֵא. וּרְבּוֹתֵינוּ הָעִירָה עַל דָם הַמִּכְּה הַבָּא מִן הַמְּקוֹר שֶׁהָאָתָה טָהָר.**

**Rabban Shimon ben Gamliel says**: Blood of a wound that comes from the uterus is ritually impure as a primary category of impurity. Although this blood does not render it prohibited for her to engage in intercourse with her husband, it does render her impure with regard to eating ritually pure food. **But our Sages testified** that they had a tradition with regard to the blood of a wound that comes from the uterus, that it is ritually pure.

**מאי בִּינְיִיחָו? אָמֵר עֹזָלָא: מִקוֹר מִקּוֹמוֹ טָמֵא אַיִּכָּא בִּינְיִיחָו.**

The Gemara asks: What is the difference between the opinion of those Sages and the opinion of Rabban Shimon ben Gamliel? Ulla said: The difference between them is whether the place of a woman's uterus is impure, which means that any blood that passes through there is impure, even if it is blood from a wound. According to Rabban Shimon ben Gamliel, even the blood of a wound becomes impure if it passes through the uterus, whereas those Sages hold that only blood that originates in the uterus is impure.

**HALAKHA**

**How does she examine herself** – **בַּיּוֹצֵד בּוֹזְקָת אֶת עִצְמָה**: How does a woman examine herself to determine whether she experiences bleeding due to intercourse or not? She takes a hollow tube of lead, or any other metal (*Shakh*), with the end folded inside to make it smooth, in accordance with the opinion of Shmuel, and she puts a cosmetic brush inside with an absorbent cloth on the end. She inserts this to the furthest point reached during intercourse, based on her assessment (*Shakh*). If there is blood on the cloth, it is clear that the blood comes from the uterus, and she is impure. If there is no blood on the cloth it is clear that the blood found after intercourse is from the vaginal walls and she is permitted to engage in intercourse with her husband. The Rema writes that even nowadays one may rely on this examination (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 4:22; *Shulhan Arukh*, *Yoreh De'a* 187:2).

**If she has a wound in that place... if she has a fixed menstrual cycle** – **אֲם יִשְׁלַח מִכְּה בְּאוֹתוֹ מִקּוֹם... אֲם יִשְׁלַח מִכְּה בְּהַוְסֵת –**: The principle that a woman who experiences bleeding due to intercourse is forbidden to her husband forever applies only when she cannot attribute the blood to any other source. But if she engaged in intercourse just before the fixed time for her menstruation she may attribute the blood to menstruation. Similarly, if she has a bleeding wound and feels that it is bleeding (*Bah*) she may attribute it to her wound. The Rema writes that if a woman has a fixed time when her menstrual cycle usually begins, and she bleeds at a time when she is not expecting her menstrual cycle, she may attribute the bleeding to the wound even if it is not known that blood comes from this wound. He also writes that in the case of a woman who does not

have a fixed time for her menstrual cycle to begin, and it is uncertain whether this blood is coming from the uterus or the vaginal walls, she may also be lenient due to the compounded uncertainty: The blood may come from the vaginal walls and it may come from the uterus, and even if it comes from the uterus it may come from the wound. At a time when she is expecting the onset of her fixed menstrual cycle, or thirty days after the onset of her previous menstruation, she may not attribute the blood to her wound, because if she does so she will never become impure. If she finds only a blood stain, she may attribute it to her wound in any event (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 4:20; *Shulhan Arukh*, *Yoreh De'a* 187:4–5).

**If the blood of her wound differed from the blood that she sees** – **דָם מִכְּה מְשׁוֹגָה מִדָּם רְאִיָּתָה**: If the blood of her wound is different in appearance from the blood resulting from intercourse, and she sees blood that has the appearance of blood resulting from intercourse, she may not attribute it to her wound (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 4:20; *Shulhan Arukh*, *Yoreh De'a* 187:5).

**I have a wound in my uterus** – **מִכְּה יִשְׁלַח בְּמִקְּרוֹ**: A woman is deemed credible if she says that she has an internal wound in her uterus that is the source of the blood. She is permitted to engage in intercourse with her husband even if blood emerges from her while engaging in intercourse. This is in accordance with the *baraita*. Some authorities do not accept this *halakha*. If there is an additional possible reason to be lenient one can certainly rely upon this *halakha* (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 4:20; *Shulhan Arukh*, *Yoreh De'a* 187:6 and *Pithei Teshuva* there).

**שְׁפֹרָת, אַפְגּוּרִי מְפֻגָּא לְה! אָמָר שְׁמוּאֵל: בְּשְׁפֹרָת שֶׁל אָבָר, וַיֹּחֶן רָצֶף לְתוֹכָה.**

**אמָר לַיה רֵישׁ לְקִישׁ לַרְבִּי יוֹחָנָן: וַיְתַבְּדֹק עָצָמה בְּבִיאָה שְׁלִישִׁית שֶׁל בָּעֵל הָרָאשׁוֹן? אָמָר לַיה: לְפִי שָׁאין כָּל הַאֲזֶבֶעָות שָׂוֹת.**

**אמָר לַיה: וַיְתַבְּדֹק עָצָמה בְּבִיאָה רְאשׁוֹנָה שֶׁל בָּעֵל שְׁלִישִׁית? לְפִי שָׁאין כָּל הַפְּחוֹת שָׂוֹת.**

**הַהִיא דָּאתָא לְקַמְּיהָ דָּבָר, אָמָר לַיה לְאָבִיךְ: יוֹל בְּעַתָּה. אֹול בְּעַתָּה, וְנִפְלֵא מִמְּנָה חַרְתָּ דָם. אָמָר רַבִּי נִתְרָפָא אָתָּה.**

**הַהִיא אָתָּתָא דָּאתָא לְקַמְּיהָ דָּמָר שְׁמוּאֵל, אָמָר לַיה לְרַב דִּימִי בֶּן יוֹסֵף: יוֹל בְּעַתָּה! אֹול בְּעַתָּה, וְלֹא נִפְלֵא מִמְּנָה וְאַמְּרֵי. אָמָר שְׁמוּאֵל: וְ - מַמְלָאָה וְנוֹפְצָת הִיא, וְכָל הַמַּמְלָאָה נָנוֹצָת - אֵין לָהּ תִּקְנָה.**

With regard to the *baraita* that states that the test for a woman who experiences bleeding due to sexual intercourse is to insert a tube, the Gemara asks: But won't a tube scratch her and cause her to bleed regardless? **Shmuel said:** The *baraita* is referring to a tube of lead, and the mouth, i.e., the end that is inserted, is folded inward so that it will not scratch her.

The *baraita* says that if a woman experiences bleeding on three occasions due to intercourse with her husband he must divorce her. **Reish Lakish said to Rabbi Yohanan:** But let her examine herself after the third act of intercourse with her first husband,<sup>h</sup> so that he need not divorce her. **Rabbi Yohanan said to him:** It is preferable for her not to test herself and risk becoming forbidden to all men and instead to be divorced and remarry another, because not all fingers, i.e., penises, are equal. Since it is possible that sexual intercourse with her second husband might not cause her to bleed, she should not risk becoming forbidden to all men by performing the examination.

Reish Lakish further said to Rabbi Yohanan: Why does she examine herself only after the third time she experiences bleeding due to sexual intercourse with her third husband? **But let her examine herself after the first act of intercourse with her third husband.** After the first occurrence this woman already has a presumptive status that all acts of intercourse cause her to bleed. **Rabbi Yohanan answered:** She does not perform the examination then, because not all forces are equal. It is possible that the manner in which the couple has intercourse causes her to bleed, and therefore it is only after three times that she has a presumptive status of bleeding after every act of intercourse.

The Gemara relates: There was a certain woman who experienced bleeding due to sexual intercourse who came before Rabbi Yehuda HaNasi and asked him what she should do. **Rabbi Yehuda HaNasi said to the Sage Abdon,**<sup>p</sup> who was present at the time: Go and suddenly frighten this woman. Abdon went and frightened her, and a mass of congealed blood fell from her<sup>h</sup> vagina. **Rabbi Yehuda HaNasi said:** This woman is now cured. She will no longer experience bleeding due to sexual intercourse, as this mass of blood was the source of the blood.

The Gemara relates a similar incident: There was a certain woman who experienced bleeding due to sexual intercourse who came before Shmuel. **Shmuel said to Rav Dimi bar Yosef:** Go and frighten this woman. Rav Dimi went and frightened her, but nothing fell from her at all. **Shmuel said:** This woman is filled with blood, which falls out of her during intercourse. And any woman who is filled with blood that falls out during intercourse has no cure.

## PERSONALITIES

**Abdon – אָבִדָן:** Also referred to as Avidan, his name is an abbreviated version of the name Abba Yudan. He was a student of Rabbi Yehuda HaNasi, with whom he had a close relationship, and Abdon often served as the one who repeated and disseminated Rabbi Yehuda HaNasi's lectures. Therefore, he was able to transmit many statements in the name of Rabbi Yehuda HaNasi of which other Sages were unaware. Considered to be one of the last *tanna'im*, Avidan was widely recognized as a wise and pious man. A series of tragic events befell him near the end of his life, when he was afflicted with leprosy and his two sons drowned. The Sages saw this as divine punishment for insulting Rabbi Yishmael, the son of Rabbi Yosei, although that too was performed in his zeal to defend his rabbi's honor. Isolated statements are cited in his name in the Talmud and midrash, and the Jerusalem Talmud cites a *halakha* in his name.

## HALAKHA

The third act of intercourse with her first husband – בְּבִיאָה שְׁלִישִׁית שֶׁל בָּעֵל הָרָאשׁוֹן: If a woman wishes to examine herself while still married to her first husband in order to determine whether the blood resulting from intercourse is uterine blood, she may do so, and if the examination indicates that the blood is from the vaginal walls, she remains permitted to him. If she examines herself in the required manner and finds blood from her uterus on the cloth, she is forbidden to everyone. Some say that she is forbidden to the first husband after the third time of experiencing bleeding during intercourse with him even if she examines herself. The Rema writes that one may rely on the first opinion and be lenient. If a woman feels pain during intercourse, all agree that she may rely on the examination and

remain married to her first husband (*Shulhan Arukh*, *Yoreh De'a* 187:3, and *Shakh* there).

He frightened her and a mass of blood fell from her – בְּעַתָּה נִפְלֵא מִמְּנָה חַרְתָּ דָם: If a woman experienced bleeding due to sexual intercourse and then received a sudden fright, causing a clot of blood to come out of her, she is considered to be cured and is permitted to her husband. If she subsequently bleeds as a result of intercourse again, even once, it is clear that she has not been cured. Nowadays this cure is not relied upon, but if she did try this cure, her husband is not required to divorce her until she has engaged in intercourse once more with her husband and bleeds again (*Shulhan Arukh*, *Yoreh De'a* 187:9).

**NOTES**

Jewish women were stringent with themselves – בנות ישראל החמירו על עצמן: The early commentaries write that this was initially a custom that Jewish women accepted upon themselves; it was not based on a decree of the Sages. They wished to be stringent and add sanctity even when they were ritually pure. Once this custom was accepted, it became prohibited to transgress it, and it took on the force of Torah law (Rashba; Rivash). This is comparable to the stringency not to eat the fat adjacent to the sciatic nerve, which is technically permitted. Once the Jewish people chose to be stringent in this regard, this fat became entirely forbidden (see *Hullin* 91a).

הַהִיא דָאֲתָא לְקַפֵּיהַ זָרֶבֶי יוֹחָנָן, דָכְלָא אִימְתָּה דְהָוֹת כְּלָקָא מְשֻׁבְּלָת מְצֻוּה הָוֹת קְחַחְיָא דָמָא. אָמָר לָהּ: שְׁמָא דִימְתָּה עִירָקָן עַלְתָּה בֵּין, לְבִי וְהַבָּעֵל לוֹ עַל גַּבְיֵה הַנְּהָר.

The Gemara relates another incident: There was a certain woman who came before Rabbi Yoḥanan and told him that every time she emerged from immersion in a ritual bath, after completing the mitzva of purifying herself for her husband, she would see blood before she engaged in intercourse with him. Rabbi Yoḥanan said to her: Perhaps the gossip of the women in your city, who are jealous of the love between you and your husband, has reached you, and this evil eye causes you to bleed before you engage in intercourse. Go and immerse in the river and engage in intercourse with your husband on the bank of the river, so that the other women will not see you leaving the ritual bath and gossip about you.

אִיכָּא דָאֲמָר, אָמָר לָהּ: תָּגַל לְחַבּוֹתִיךְ – כִּי הַיִלְלָה עַלְתָּה עַלְקָא – נְתָהָוּ שְׁלָךְ לְהָנָקָא. וְאִיכָּא דָאֲמָר, אָמָר לָהּ: גַּל לְחַבּוֹתִיךְ – כִּי הַיִלְלָה דְלָבָעָו עַלְקָא רְחָמִים. דָתְנָא: "וְתַמְאָ טַמָּא יָקָרָא" – צְדִיקָן לְהַדְרִיעַ צָעָזָע לְרַבִּים, וּרְבִים מְבַקְשִׁים עַלְיָוָן רְחָמִים.

Some say that Rabbi Yoḥanan said to her: Reveal this fact to your friends, so that those women who were against you on this side, and gossiped about you, will be with you on that side, and be kind to you. And some say that Rabbi Yoḥanan said to her: Reveal this fact to your friends, in order that they will pray for mercy for you, as it is taught in a *baraita* discussing the verse: “And the leper in whom the mark is, his clothes shall be ripped and the hair of his head shall grow long and he will put a covering upon his upper lip and will cry: Impure, impure” (Leviticus 13:45). The leper publicizes the fact that he is ritually impure, as he must announce his pain to the masses, and then the masses will pray for mercy on his behalf.

אָמָר רַב יוֹסֵף: הַהִיא עֲוֹרָא בְּפָמְבָדִיתָא – וְאַתָּפֵי.

Rav Yosef said: There was a similar incident in Pumbedita of a woman who experienced bleeding immediately after immersing in a ritual bath, and she followed the advice given by Rabbi Yoḥanan and she was cured.

אָמָר רַב יוֹסֵף, אָמָר רַב יְהוּדָה, אָמָר רַב הַתְּקִין רַבִּי בְשִׁדּוֹת: רְאֵתָה יוֹם אֶחָד – תִּשְׁבַּב שְׁשָׁה וְהַוָּא,

§ Rav Yosef says that Rav Yehuda says that Rav says: Rabbi Yehuda HaNasi decreed that in the fields, i.e., in those distant places where there were no Torah scholars and whose residents were not well versed in the halakhot of menstruating women and did not know how to distinguish between the days of menstruation and the days of *ziva*, if she saw blood on one day, she must sit and count six days and that first day. She must observe six clean days without a discharge despite the possibility that she might have experienced bleeding only in her period of *ziva*, in which case she would be impure for only one day.

שְׁנִים – תִּשְׁבַּב שְׁשָׁה וְהַוָּא, שְׁלִשָּׁה – תִּשְׁבַּב שְׁבָעָה נְקִיִּים.

If she experiences bleeding for two days, she must sit and count six days and both of those first two days, for a total of eight days, in case the first day on which she bled was the last day of *ziva*, while the next day was the first day of her menstruation period. If she experiences bleeding for three days she must sit and count seven clean days, as she might be a greater *zava*, who must count seven clean days.

אָמָר רַבִּי זִירָא: בְּנֹתִים יִשְׂרָאֵל הַחַמִּירוּ עַל עַצְמָם, שְׁאָפִילוּ וּזְאוֹת טְפַת דָם בְּחַרְדֵל – יִשְׁבּוּת עַלְיָה שְׁבָעָה נְקִיִּים.

The Gemara cites a related statement. Rabbi Zeira says: Jewish women were stringent with themselves<sup>NH</sup> to the extent that even if they see a drop of blood the size of a mustard seed, they sit seven clean days for it. By Torah law, a woman who experiences menstrual bleeding waits seven days in total before immersing, regardless of whether she experienced bleeding on those days. If she experiences bleeding during the eleven days when she is not expected to experience menstrual bleeding, she is a lesser *zava* and waits one day without bleeding and then immerses. The Jewish women accepted upon themselves the stringency that if they experience any bleeding whatsoever, they treat it as the blood of a greater *zava*, which obligates one to count seven clean days before immersing (see Leviticus 15:25).

**HALAKHA**

בְּנֹתִים יִשְׂרָאֵל: Jewish women accepted a stringency upon themselves such that if a woman sees even a tiny drop of blood the size of a mustard seed, or smaller (*Shakh*), she counts seven clean days before immersing. This applies even if she sees the blood during

her days of expected menstruation. She counts seven clean days as if she were a greater *zava*. She immerses on the night after the seventh day, and only afterward is she permitted to engage in intercourse with her husband (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 11:4; *Shulhan Arukh*, *Yoreh De'a* 183).

**אֲדֹבָרִיה רְבָא לְבֵב שְׁמוּאֵל וְדָרְשָׁה: קַשְׁתָּה  
שְׁנִי יָמִים וְלִשְׁלִישִׁי הַפִּילָה – תָּשֶׁב שְׁבֻעָה  
נְקִיִּם. קָسְבָּר: אֵין קַשְׁוִי לְגַנְּפָלִים, וְאֵין אָפָּשָׁ  
לְפִתְחַת הַקְּבָר בְּלָא דָם.**

**אָמָר לֵיהּ רְבָבָא לְרְבָא: מַאי אָרוּא, קַשְׁתָּה  
שְׁנִי יָמִים – אֲפִילָה מְשֻׁחוּ בְּעַלְמָא! דָּהָא אָמָר  
לְבֵי זֵירָא: בְּנוֹת יִשְׂרָאֵל הַחֲמִירוּ עַל עַצְמָן,  
שָׁאָפְלוּ וּזְאוֹת טְפַת דָם בְּחִדְלָל – יוֹשְׁבּוּ  
עַלְלה שְׁבֻעָה נְקִיִּים!**

**אָמָר לֵיהּ: אֲמִינָא לְךָ אִיסְרוֹא, וְאַתָּה אָמְרָתָ  
מַנְהָגָה? הַכָּא דְאַחֲמָרו – אַחֲמָרו, הַכָּא  
דָלָא אַחֲמָרו – לָא אַחֲמָרו.**

**תְּבֻעוּהָ, נָתָר, בְּחִמְפִין, לְטַבּוֹל, קְמֻטִים, עַל  
גְּבֵי, נְמַל, סִמְפָן). אָמָר רְבָא: תְּבֻעוּהָ לִיְנְשָׁא  
נִתְפִּיכָה – צְרִיכָה שְׁתַשְׁבֵּת שְׁבֻעָה נְקִיִּים.**

**רְבִנָּא אִיעֱסָק לִיהּ לְבָרִיה בַּרְבָּרִיה בַּרְבָּרִיה  
לִיהּ: סָבָר לֵיהּ מָר לְמִכְתָּב בְּתוֹבָה לְאַרְבָּעָה  
יָמִים? אָמָר לֵיהּ: אֵין. כִּי מְטָא לְאַרְבָּעָה – נָתָר  
עַד אַרְבָּעָה אַחֲרֵינוּא, אִיעֱסָבָב שְׁבֻעָה יוּמִי  
בְּתַר הַהּוּא יוּמָא.**

**Rava authorized<sup>8</sup> Rav Shmuel, and he taught:** If a pregnant woman experienced labor pains for two days, and on the third day she miscarried, she must sit and count seven clean days. The Gemara explains that Rava holds that the principle that blood that emerges while the woman experiences labor pains is not ritually impure does not apply to miscarriages. And Rava further maintains that it is impossible for the womb to open without blood emerging. Therefore, when she miscarried she must have experienced a flow of blood, even if she did not notice it.

**Rav Pappa said to Rava:** For what reason did you teach this halakha specifically with regard to a woman who experiences labor pains for two days? Even if she merely discharges any amount of blood she should be impure, as Rabbi Zeira says: The Jewish women were stringent with themselves to the extent that even if they see a drop of blood of the size of a mustard seed, that woman sits seven clean days for it. Since it is impossible for the womb to open without the emergence of blood, when this woman miscarried there must have been blood, and therefore she must count seven clean days.

**Rava said to Rav Pappa:** I speak to you of a prohibition, i.e., that by Torah law a woman who experiences difficulty in childbirth for two days and on the third miscarries must count seven clean days as a greater zava, and you speak to me of a custom, a mere stringency. The stringency you mention does not apply in this case. Where the Jewish women were stringent, they were stringent, i.e., if they saw a drop of blood the size of a mustard seed. Where they were not stringent, i.e., in a case of blood due to labor, they were not stringent. By contrast, in the case I described the woman is obligated to count seven clean days by Torah law.

The Gemara provides a mnemonic<sup>8</sup> for the following discussions: One who proposed to her; natron; with hot water; to immerse; folds; on top of; a port. Rava says: With regard to one who proposed marriage to a woman and she accepted it,<sup>9</sup> the emotional excitement might have caused her to have a flow of menstrual blood, which would render her ritually impure and prohibit her from engaging in intercourse. Even if she was unaware of any flow, she must consider the possibility that it occurred. Therefore, to purify herself she must wait seven consecutive days that are clean from any flow of menstrual blood and then immerse in a ritual bath. Only after that process may she marry.

The Gemara cites a related incident: Ravina arranged for his son to marry into the family of Rav Hanina, i.e., to marry Rav Hanina's daughter. Rav Hanina said to Ravina: Does the Master hold that it is appropriate to write the marriage contract as stating that the wedding will take place in four days, i.e., on Wednesday? Ravina said: Yes. When the fourth day, i.e., Wednesday arrived, he waited until another fourth day before marrying her, until the following Wednesday, i.e., he delayed seven days after that day when he had planned to marry her.

## BACKGROUND

**Authorized – אֲדֹבָרִיה:** This term is used in several places in the context of the relationship between a leading Torah scholar and the Exilarch or members of his household. The geonim explain that the Sage would authorize the Exilarch to teach matters of halakha and homiletics in public. Rabbeinu Hananel adds that the Sage would assist in the preparation of the basic points of the lecture.

**Mnemonic – סִימָן:** Because the Talmud was studied orally for many generations, mnemonics were a necessary memory aid for a series of statements to remember the order in which they were taught.

## HALAKHA

One who proposed marriage to a woman and she accepted it – תְּבֻעוּהָ לִיְנְשָׁא נִתְפִּיכָה: If a woman accepted an offer of marriage she must wait and count seven clean days regardless of whether she was a minor or an adult at the time. This is in accordance with the opinion of Rava. This applies even if she examined herself at the moment she accepted the offer and found herself to be pure. The concern is that due to her desire to get married there may have been a drop of blood the size of a mustard seed that she did not notice. She begins counting the seven clean days from the day after she accepted the offer of marriage, and she is not obligated

to perform an examination marking the first step in her transition from ritual impurity to ritual purity. She should examine herself during the seven days, ideally every day (Rema). If she examined herself only once during the seven days it is sufficient after the fact. Some say that nowadays she requires an examination marking the first step in her transition from impurity to purity even if she is a virgin, and she also requires an examination every day (Rambam Sefer Kedusha, Hilkhot Issurei Bia 11:9; Shulhan Arukh, Yoreh De'a 192:1, and Shakh and Maharshal there).

**אָמַר לֵיה: מَاイְהָ? אָמַר לֵיה: לֹא סִבְרָה  
לַהּ מַר לְהָא דַּרְבָּא, דָּאָמַר רְבָא: תְּבֻעָה  
לִנְשָׁא וְגַתְפִּיסָּה – עֲזִיכָּה לִיְשָׁב שְׁבָעָה  
– נְקִים. אָמַר לֵיה: אִימְרָה דָּאָמַר רְבָא –  
בְּגַדְולָה דְּקַחְזִיאָה דְּמָא, אֶבֶל בְּקַטְבָּה דְּלָא  
חוֹזְיאָה דְּמָא – מַיְ אָמַר?**

**אָמַר לֵיה: בְּפִירּוֹשׁ אָמַר רְבָא לֹא שְׂנָא  
גַּדְולָה לֹא שְׂנָא קַטָּנה. גַּדְולָה טָעָםָה מַאי?  
מִשּׁוּם דְּמַחְמָדָא, קַטָּנה נָמֵי מַחְמָדָא.**

**אָמַר רְבָא: אָשָׁה**

Rav Hanina said to Ravina: What is this? Why did you delay the wedding by an extra week? Ravina said to Rav Hanina: Doesn't the Master hold in accordance with this statement of Rava, as Rava said: With regard to one who proposed marriage to a woman and she accepted it, she must wait seven consecutive days that are clean from any flow of menstrual blood and then immerse in a ritual bath? Rav Hanina said to Ravina: One can say that Rava said this statement with regard to an adult woman, who has seen menstrual blood. But did Rava actually say this with regard to a minor girl, who has not yet seen menstrual blood?

Ravina said to Rav Hanina: Rava said explicitly that there is no difference whether she is an adult woman and no difference whether she is a minor girl. What is the reason that an adult woman must wait for seven days? She must wait because she desires to marry her husband, and this might cause her to have a flow of blood. A minor girl also desires to marry her husband, which could cause a flow of blood.

**§ Rava says: A woman who is about to immerse herself in a ritual bath for purification**

## Perek X

### Daf 66 Amud b

#### NOTES

**May not wash – לא תְּחַזֵּן:** Although Rava does not specify which part of the body he is referring to, Rashi explains that this is referring specifically to washing her hair. Rashi does not state whether this applies only to the hair of a woman's head or also to hair on other parts of her body. Some claim that Rashi is referring to the entire body, not only the hair (*Tosafot*, citing *Mahzor Rabbeinu Shemariah*), while the Ritva explains that it is referring to any hair on her head or body. Others say that it means only the hair of her head (*Rabbeinu Tam*, cited in *Tosafot* here and in *Bava Kamma* 82a; *Ramban*; *Rashba*). The custom is for women to wash their entire body, and one must keep the prevalent custom (*Ramban*).

Not with cold water but even with hot water heated in the sun – לא בְּצֹוּן אֲבָפְיוֹ בְּרַמְּנֵי תְּהָוָה: Some explain these words to mean that she may wash in water heated in the sun, but she may not wash in cold water (*Bah*, Rashi). Others had a slightly different version of the text that prohibits washing in water that was heated in the sun (*Rabbeinu Hananel*, cited by the Rosh; *Tosefot HaRosh*).

**Because it is cold and causes the hair to harden – מִשּׁוּם דְּקַרְרִירָה, וּמִשּׁוּם מַזְיָּה:** Some commentaries write that a woman should not wash her hair in cold water because it causes the hair to become hard and does not remove the dirt (Rashi). Others claim that cold water causes the hairs to stick to one another and become knotted. These knots are considered an interposition that invalidates the immersion (Rambam *Sefer Tahara, Hilkhot Mikvaot* 2:18; *Tur*). A practical difference between the two opinions depends on if she first washes her hair with hot water and then washes it with cold water. According to the first opinion this would be allowed, because the dirt would be removed by the hot water. According to the second opinion this would not be allowed, because the hairs will remain knotted.

**לֹא תְּחַזֵּן לֹא בְּגַנְתָּרוֹ וְלֹא בְּחֹלָל. בְּגַנְתָּרוֹ –  
מִשּׁוּם דְּמַקְטוּפָה, וּבְחֹלָל – מִשּׁוּם דְּמַסְרִיךָ.**

**וְאָמַר אַמִּירָה מִשְׁמִיהָ דַּרְבָּא: אָשָׁה לֹא  
תְּחַזֵּן אַלְאָ בְּחַמִּין, אֶבֶל לֹא בְּצֹוּן, וְאַפְלוֹ  
בְּחַמִּין חַפְּזָה, צוֹן מַאי טָעָםָה לֹא – מִשּׁוּם  
דְּקַרְרִירָה, וּמִשּׁוּם מַזְיָּה.**

**וְאָמַר רְבָא: לְעוּלָם יִלְמֹד אֶרְךָ בְּתוֹךְ בַּיּוֹתָן  
שְׁתִּהְאָ אָשָׁה מְרִיחָה בֵּית קְמִטָּה בְּפִים.  
מִיהִיבָּה: בֵּית הַקְּמִטִּים וּבֵית הַפְּטָרִים אֵין  
צְרִיכָּן לְבִיאָת מִים!**

may not wash<sup>n</sup> her hair with natron or with sand.<sup>h</sup> The reason she may not wash her hair with natron is because natron pulls out hair, and that hair may remain sitting on her head and serve as an interposition between her and the water of the ritual bath. And similarly, she may not wash her hair with sand, because it sticks to her hair and it also serves as an interposition.

And Ameimar said in the name of Rava: A woman washes her hair only with hot water,<sup>h</sup> but not with cold water. But she may wash her hair even with hot water that was heated in the sun.<sup>n</sup> What is the reason that she may not wash her hair with cold water? Because it is cold and causes the hair to harden,<sup>n</sup> and the dirt will remain in the hair.

And Rava says: A man should always teach in his house that a woman should rinse any place with creases,<sup>h</sup> e.g., her armpits, in water before she immerses in a ritual bath, to ensure that they are clean. The Gemara raises an objection from a baraita: Places with creases and any concealed part of the body do not require immersion in water. In other words, the immersion is valid even if the water does not touch those parts of the body. If so, why must she rinse them before immersing?

#### HALAKHA

**She may not wash with natron or with sand – לא תְּחַזֵּן לֹא בְּגַנְתָּרוֹ וְלֹא בְּחֹלָל: A woman may not wash her hair before immersion with natron, because it damages the hair and causes it to become tangled. Similarly, she may not wash her hair with any other substance that tangles the hair. This is in accordance with the opinion of Rava. The Rema writes that this is the halakha ab initio. But if she did wash her hair with natron or a similar substance and checked that her hair was not tangled or knotted, she may immerse (Rambam *Sefer Tahara, Hilkhot Mikvaot* 2:18; *Shulhan Arukh, Yoreh De'a* 199:2).**

**She washes her hair only with hot water, etc. – לא תְּחַזֵּן אַלְאָ בְּחַמִּין וּכְרַבָּה:** A woman may not wash her hair in cold water before

immersion because it causes her hair to become tangled. She must wash her hair in hot water, even if the water was warmed in the sun, in accordance with the opinion of Rava (Rambam *Sefer Tahara, Hilkhot Mikvaot* 2:18; *Shulhan Arukh, Yoreh De'a* 199:2).

**Place with creases – בֵּית הַקְּמִטִּים:** Women should wash any body parts with creases before immersing. Even though it is not required for the water of the ritual bath to come into contact with the internal parts of her body or those creased parts, it must be possible for the water to reach those parts. Therefore there may not be any interposition there. This is in accordance with the opinion of Rava (Rambam *Sefer Tahara, Hilkhot Mikvaot* 1:10; *Shulhan Arukh, Yoreh De'a* 199:1).

**בָּהִי דְּבִיאַת מִים – לֹא בַּעֲיָן, מֶקְומֵם הָרָאוּי לְבִיאַת מִים – בַּעֲיָן, כְּדָרְבוּ יְזִירָא.** דָּאָמֶר רַبִּי יְזִירָא: כָּל הָרָאוּי לְבִילָּה – אֵין בִּילָּה מַעֲכַבָּת בּוֹ, וְשָׁאַיִן רָאוּי לְבִילָּה – בִּילָּה מַעֲכַבָּת בּוֹ.

**אָמֶר רַבִּין בָּרִ רְבִי אַדָּא, אָמֶר רַבִּי יִצְחָק:**  
בְּשִׁשָּׁה בְּשִׁפְחוֹת שְׁלֵמִי שְׁפָבָלה וְעַלְתָּה,  
גִּנְמַצֵּא לָהּ עַצְם חֹצִין בֵּין שִׁינֵּיה, וְהַצִּירָה  
רַבִּי טְבִילָּה אַחֲרָה.

**אָמֶר רַבָּא: טְבִילָה וְעַלְתָּה וּנְמַצֵּא עַלְיהָ**  
**רַבָּר חֹצִין, אָם סְמוּךְ לְשִׁחְפָּה טְבִילָה –**  
**אִינָה צִירָה לְחוֹזֶף וְלַטְבּוֹל, וְאָם לֹא צִירָה לְחוֹזֶף וְלַטְבּוֹל.**

**אִיכָּא דָאָמְרוּ: אָם בָּאוֹתוֹ יוֹם שְׁחִיפָּה טְבִילָה – אִינָה צִירָה לְחוֹזֶף וְלַטְבּוֹל, וְאָם לֹא – צִירָה לְחוֹזֶף וְלַטְבּוֹל.**

The Gemara answers: Granted that they do not require immersion in water, but we require that they must be a place that is suitable for immersion in water. This is in accordance with the opinion of Rabbi Zeira, as Rabbi Zeira says: For any amount of flour suitable for mingling<sup>h</sup> with oil in a meal offering, mingling is not indispensable for it,<sup>N</sup> i.e., it is valid even if it is not mixed. But for any amount of flour not suitable for mingling, e.g., if the quantity of flour is so great that the ingredients cannot be properly mixed, mingling is indispensable for it, and such a meal offering is invalid. This teaches a halakhic principle: There are certain actions that prevent the fulfillment of a mitzva if they are impossible, even if the actual performance of those actions are not indispensable to the mitzva.

Ravin bar Rav Adda says that Rabbi Yitzḥak says: There was an incident involving a maidservant of Rabbi Yehuda HaNasi<sup>p</sup> who immersed herself, and she ascended from her immersion and a bone was found interposed between her teeth,<sup>h</sup> and Rabbi Yehuda HaNasi required her to perform another immersion. This demonstrates that according to Rabbi Yehuda HaNasi one may not have a foreign object even inside one's mouth.

And Rava says: If a woman immersed in a ritual bath and ascended from the water, and she then found on her hair an item that interposes between her and the water, what is the halakha? If she immersed soon after washing her hair, she does not need to wash her hair and immerse in the ritual bath a second time, as it can be assumed that this item was not there when she immersed, since her hair had been cleaned. But if she did not wash her hair immediately before immersing, she must wash her hair and immerse in the ritual bath a second time.

There are those who state a slightly different version of Rava's statement: If she immersed on the same day that she washed her hair,<sup>h</sup> she does not need to wash her hair and to immerse in a ritual bath a second time. But if she did not wash her hair on the same day that she immersed, she must wash her hair and immerse in the ritual bath a second time.

## PERSONALITIES

**שְׁפָרָה שְׁלֵמִי רַבִּי:** The maidservant of the household of Rabbi Yehuda HaNasi is mentioned here and in several other contexts in the Gemara. She famously used the purest, most ancient form of the Hebrew language, including words with which the Sages themselves were no longer familiar. Apparently she was an exceptional servant who was raised in the family of the Nasi. Her conduct and her witty and wise manner of speech are recounted in the Gemara.

## HALAKHA

**Any amount suitable for mingling – כָּל הָרָאוּי לְבִילָּה:** One may not bring a meal offering that fills a vessel larger than sixty-tenths of an ephah, because the flour and oil cannot be mixed properly. If one vowed to bring more than sixty-tenths of an ephah of flour he must bring sixty-tenths in one vessel and the remainder in a second vessel. Although one can still fulfill his obligation without mixing, it must be possible to mix the offering, in accordance with the opinion of Rabbi Zeira (Rambam Sefer Avoda, Hilkhot Ma'aseh HaKorbanot 17:6).

**A bone was found interposed between her teeth – נִמְצָא לְבִילָּה:** If a woman immerses in a ritual bath and afterward finds an item stuck between her teeth, her immersion is not valid, in accordance with the statement of Rabbi Yehuda HaNasi (Rambam Sefer Tahara, Hilkhot Mikvaot 2:13; Shulhan Arukh, Yoreh De'a 198:24–25).

If she immersed on the same day that she washed her hair, etc. – **אָם בָּאוֹתוֹ יוֹם שְׁחִיפָּה טְבִילָה וּכְרָבָר:** If a woman washed her hair, checked her body, and then immersed in a ritual bath, but as she came out she noticed an interposing item on her body, if she immersed during the same day or night in which she washed her hair she does not require another immersion. If she did not immerse during the same day or night in which she washed her hair she must immerse again. The Rema writes that even if she washed her hair immediately before the immersion, but she washed it during the day and immersed at night, it is considered two periods of time and she must immerse again. He adds that according to the Rambam, if she washed and immersed within the same period of time, she immerses again without washing again (Rambam Sefer Tahara, Hilkhot Mikvaot 2:17, and see Ra'avad and Kesef Mishne there; Shulhan Arukh, Yoreh De'a 199:10, and see Beur HaGra there).

## NOTES

**Any amount suitable for mingling, mingling is not indispensable for it – כָּל הָרָאוּי לְבִילָּה אֵין בִּילָּה מַעֲכַבָּת בּוֹ:** This halakha was stated with regard to one who brings a meal offering comprising more than sixty-tenths of an ephah of flour. The Sages require the flour to be divided into two separate offerings as it is too much to be mixed together in one receptacle. In this context, Rabbi Zeira says that although there is no requirement to actually mix the flour and oil, as an offering that has not been mixed is valid, it must be

fit to be mixed thoroughly. If it is impossible in practice to mix the meal offering, it is not valid. This principle is subsequently applied to other areas of halakha in that there are cases in which part of a mitzva must be potentially feasible despite the fact that this procedure is not indispensable to the rite. The reasoning is that if it is impossible to perform part of the mitzva, it is as though one actively eliminated that aspect of the mitzva.

### NOTES

Washing her hair close to immersion – **למסמך לחיפה טבילה**: Some commentaries hold that according to everyone the immersion should be performed immediately after the washing *ab initio*. The Gemara is referring to a case where an interposing item was found on her after she immersed, and the dispute is about in what circumstances can one assume that the interposing item was not on her body during her immersion (*Tosafot; Tosefot HaRosh*). Others write that this very issue, whether or not the immersion should be performed immediately after the washing *ab initio*, is in dispute here (Rashba; *Eizhu Mekoman*; see Rashi).

Because of a decree against immersing that appears like immersing in bathhouses – **משום גוירות מרחצאות**:

The early commentaries explain that this is based on a mishna (*Mikvaot* 5:2) that prohibits immersing while standing on a bench, due to a decree lest she immerse in a bathhouse. They explain that Rav Kahana is concerned lest a woman come to immerse in drawn water in a bathhouse. He holds that just as the Sages prohibited immersing while standing on a bench, due to the fact that people would sit on benches in the bathhouse, they also prohibited immersion while standing on any other earthenware utensil. Rav Hanan of Neharde'a holds that there is no reason to prohibit immersion while standing on any other earthenware utensil, because there is no chance of confusing it with a bathhouse bench. Therefore the reason that it is prohibited for a woman to immerse while standing on an earthenware utensil is that she may be afraid of falling and will therefore not immerse herself properly (*Tosefot HaRosh*).

**מאי בינייה? איכא בינייה: למסמך לחיפה טבילה, לימייח' ביממה ולטבל בלבוליא.**

The Gemara asks: What is the practical difference between these two versions of Rava's statement? The Gemara answers: The practical difference **between them is with regard to washing her hair close to immersion**.<sup>N</sup> According to the first version of Rava's statement, she must wash her hair immediately before immersing, whereas according to the second version she has more time. Another difference between the two versions is **with regard to washing her hair during the day and immersing at night** immediately afterward. According to the first version of Rava's statement, provided that she washed her hair immediately before immersing, it makes no difference whether or not she washed and immersed on the same day. Conversely, according to the second version she must wash her hair on the same day or night as her immersion.

**אמר רבא: אשה לא תעמוד על גבי כל חרס ותטבול. סבר רב בנהנא למיר: טעמאמאי – משום גוירות מרחצאות, לא על גבי סילתה – שפיר דמי.**

**אמר ליה רבנן מהרדרעא: הtmp טעמאמאי – משום דבעית, סילטה נמי בעיטה.**

**אמר רב שמואל בר רב יצחק: אשה לא תעמוד על גבי כל חרס ותטבול.**

**§ Rava says:** A woman may not stand on top of earthenware utensils that are submerged in the ritual bath and immerse.<sup>H</sup> Rav Kahana thought to say: What is the reason for this? It is because the Sages issued a decree against immersing in this manner, as it appears like immersing in bathhouses,<sup>N</sup> i.e., the purpose of the decree is to prevent women from thinking that it is permitted to immerse in a bathhouse, which contains drawn water and is not valid as a ritual bath. It can be inferred from this reasoning that it is permitted for a woman to stand on top of a plank of wood that is in the ritual bath.

Rav Hanan from Neharde'a said to Rav Kahana that this is not the reason for Rava's statement. Rather, there, in the case of submerged earthenware utensils, what is the reason that she may not immerse? She may not immerse because she will be afraid that she might fall off, and consequently she will not immerse herself properly. By the same logic, she will also be afraid when she is standing on top of a plank of wood, and therefore this is also prohibited.

**Rav Shmuel bar Rav Yitzhak says:** A woman may not immerse herself

### HALAKHA

She may not stand on top of earthenware utensils and immerse – **לא תעמוד על גבי כל חרס ותטבול**: A woman may not stand on earthenware vessels or a plank of wood when she immerses. This is because the Sages were concerned that she may not immerse properly due to a fear of falling off. If

she did immerse while standing on earthenware vessels or a plank of wood, the immersion is valid. This is in accordance with the opinion of Rava, as explained by Rav Hanan of Neharde'a (*Rambam Sefer Tahara, Hilkhot Mikvaot* 1:11; *Shulhan Arukh, Yoreh De'a* 198:31).

### Perek X

#### Daf 67 Amud a

### LANGUAGE

Port [namal] – **נמל**: In some variant readings, this word appears as *lamen*, which is similar to the Greek λιμήν, *limēn*, meaning a port or a place on the shore for boats to anchor, as well as a beach and a border.

**בנמל, אף על גב דהשתא ליבא – אמר רב רזינו נפל.**

in a port [bananal],<sup>J,N</sup> where the boats are drawn up onto shore, as there is a lot of mud there, which can stick to her and interpose between her and the water. Even though now, after the immersion, there is no mud stuck to her feet or body, one can say that perhaps while she walked back after immersing the mud fell off. Since one cannot be certain that there was no mud stuck to her body while she immersed, she may not immerse in a port.

### NOTES

In a port – **בנמל**: There are different versions of the text of the Gemara here and it has various explanations. Some say that it is prohibited to immerse in a port due to the people present there. A woman who immerses in such a place will be concerned that others might see her, which will lead her to immerse hastily and

perhaps incorrectly. They explain that the mats placed by Shmuel's father around the site of immersion served as a partition so that nobody could see his daughters immersing (*Tosafot*, citing *Rabbeinu Hananel*).

**אֲבֹהֶ דְּשָׁמוֹאֵל עַבְדֶּ לִבְנָתָה מִקְוֹאוֹת בְּיוּמִי נִקְנָן, וּמִפְצִי בְּיוּמִי תִּשְׁרֵי.**

The Gemara relates that Shmuel's father<sup>9</sup> prepared ritual baths for his daughters in the days of Nisan, by digging holes and letting them fill with natural rainwater, and he placed mats<sup>8</sup> in the Euphrates River in the days of Tishrei.<sup>10</sup> Since the water was shallow and the riverbed was muddy, he placed mats on the riverbed so that they could immerse without getting dirty.

**אָמָר רַב גִּידְלָן רַב: נִתְעַנָּה תְּבִשֵּׁיל לְבָנָה וְטַבְלָה וְעַלְתָּה – לֹא עַלְתָּה לָהּ טְבִילָה, אָף עַל גַּב דִּיחְשְׁתָּא לְכָא – אִيمָר בְּרוּנִין נִפְלֵל.**

The Gemara cites a similar halakha involving the interposition of an item during immersion. Rav Giddel says that Rav says: If a woman gave a cooked dish to her son, and afterward she immersed<sup>11</sup> in a ritual bath and ascended from the ritual bath, the immersion is ineffective for her. The reason is that even though now, after the immersion, there is no food stuck to her body, one can say that perhaps as she walked back after immersing the food fell off. Since one cannot be certain that there was no food stuck to her body while she immersed, she should not handle food immediately before immersing.

**אָמָר רַמִּי בֶּן אָבָא: הַנִּי רַבְדִּי דְּכוּסִילְתָּא, עַד תְּלַתָּא יוּמִי – לֹא חִיצִי, מַכְאָן אַיִלְךָ חִיצִי.**

Rami bar Abba said: With regard to these bloodletting incisions [ravdei dekhusilta],<sup>12</sup> until three days have passed since the bloodletting, when they have not yet formed a hard scab, they do not interpose and invalidate an immersion. From this point forward they interpose, as the scab is too hard for the water to penetrate.

**אָמָר מָר עֻוקְבָּא: לְפָלוֹן שְׁבָעִין, לֹחֶ – אִינוּ חִוצֵץ, יְבֵש – חִוצֵץ. אִימָתִי נִקְרָא יְבֵש – מִשְׁעָה שְׁמַתְחֵל לִיְקָ.**

Mar Ukva said: With regard to mucus that is in the eye,<sup>13</sup> if it is moist, it does not interpose and invalidate an immersion. But if the mucus is dry and hard it interposes. When is it called dry? It is called dry from the time that it begins to turn yellow.

**אָמָר שְׁמוֹאֵל: בְּחוּל שְׁבָתוֹן הָעֵינָ – אִינוּ חִוצֵץ. וּשְׁעֵל גַּבְיוֹ הָעֵינָ – חִוצֵץ. אֶם הִי עִינָה פּוֹתָה – אֲפִילוּ עַל גַּבְיוֹ הָעֵינָ אִינוּ חִוצֵץ.**

Shmuel says: Eye shadow that is in the eye<sup>14</sup> does not interpose<sup>15</sup> and invalidate an immersion. But eye shadow that is on or around the eye interposes. And if the woman's eyes were constantly blinking, then even eye shadow that is on or around the eye does not interpose, as the constant blinking removes the eye shadow.

Ritual baths...in the days of Nisan and mats in the days of Tishrei – **מִקְוֹאוֹת בְּיוּמִי נִקְנָן וּמִפְצִי בְּיוּמִי תִּשְׁרֵי:** Immersion in running spring water is valid. By contrast, immersion in rainwater is valid only if the water is collected in one place (*Beit Yosef*). If flowing spring water is mixed with a small amount of rainwater it is considered as a spring. But if the rainwater constitutes the majority of a spring or of a river, it does not render pure one who immerses in it while the water is flowing; rather, such water is effective only if gathered in one place. Therefore, if a river is mostly rainwater, one must place reed mats or something similar to form an enclosure to gather the water before immersion.

The Rema writes that one should be stringent and rule in accordance with this opinion. He adds that there are some who permit immersion in rivers all year long, even when much of the water is from rainwater and melted snow, because most water in a river comes from the river's source. He writes that the custom in most places without a ritual bath is to immerse in the river, and one should not object to those who act leniently. Nevertheless, one must be careful not to immerse in a river that is comprised entirely of rainwater and dries up when there is no rain. Even though all the other rivers contribute water to it when it rains, since it dries completely when there is no rain it is prohibited to immerse there unless the water is gathered in one place. A river that does not dry up, even if it spreads over its banks during the rainy season, may be used for immersion. This is in accordance the lenient opinion and based on custom (Rambam *Sefer Tahara*, *Hilkhot Mikvaot* 9:13; *Shulhan Arukh*, *Yoreh De'a* 201:2).

If a woman gave a cooked dish to her son and immersed – **נִתְעַנָּה תְּבִשֵּׁיל לְבָנָה וְטַבְלָה:** If a woman feeds her child and then

## PERSONALITIES

**שְׁמַעוּל אֲבֹהֶ דְּשָׁמוֹאֵל:** Shmuel's father was the *amora* Rabbi Abba bar Abba the Priest, one of the first generation of *amoraim*. In the Babylonian Talmud he is often referred to as the father of his famous son, since the name Abba was very common. In the Jerusalem Talmud he is referred to as Rabbi Ba bar Va.

The Sages of Eretz Yisrael considered him very important, and even after he returned to Babylonia they would send him their halakhic questions. He was especially close to Levi ben Sisi, who came from Eretz Yisrael to Babylonia and was his closest friend. In addition to his great Torah knowledge, Abba bar Abba was wealthy and owned many fields. His became wealthy through trading in silk. In addition to Shmuel he had a son who was a Torah scholar known as Rabbi Pinehas.

## BACKGROUND

**מַטָּס – מִפְצִי:** This is referring to a type of woven reed mat. It seems that whereas a regular mat was woven from whole reeds, this type of mat was made from pieces of reeds. For this reason it was softer than a regular reed mat. It was harder than a leather surface and for this reason leather was the preferred surface for sitting on.

## NOTES

Ritual baths...in the days of Nisan and mats in the days of Tishrei – **מִקְוֹאוֹת בְּיוּמִי נִקְנָן וּמִפְצִי בְּיוּמִי תִּשְׁרֵי:** The Torah mentions two types of purifying waters (see Leviticus 11:36): A spring and a pit, i.e., a ritual bath. There are many halakhic differences between these two, one of which is that the water of a ritual bath must be gathered in a single place, whereas a spring is comprised of flowing water. In Nisan, Shmuel's father was concerned that the river might contain rainwater, which renders one pure only when it is gathered, and therefore he fashioned a ritual bath for his daughters adjacent to the river, to avoid the risk of an invalid immersion in flowing rainwater. In Tishrei it is possible to immerse in the river because there is very little rain during the summer months. For this reason, during that period Shmuel's father prepared mats for his daughters to immerse in the river.

**Eye shadow that is in the eye does not interpose – בְּחוּל שְׁבָתוֹן הָעֵינָ אֲנוּ חִוצֵץ:** Some explain that since eye shadow placed in the eye must be kept moist to prevent damage to the eye, it is not considered an interposition (*Or Zarua*, citing Rashbam).

## LANGUAGE

**Bloodletting incision [rivda dekhusilta] – רִיבְדָּה דְּכַחְסִילְתָּה:** *Rivda* refers to a puncture or an incision. *Khusilta* is the Aramaic term for bloodletting or the wound created in the process of bloodletting.

## HALAKHA

immerses, the immersion is invalid because she may have dirt or grease on her hands. This is in accordance with the opinion of Rav Giddel, citing Rav (Rambam *Sefer Tahara*, *Hilkhot Mikvaot* 2:19; *Shulhan Arukh*, *Yoreh De'a* 199:6).

**These bloodletting incisions, etc. – הַרְבֵּדְיָ דְּכוּסִילְתָּא וּכְרִי:** Dried blood on a wound is an interposition. The pus within it is not an interposition. If the pus oozes out, within the first three days of being wounded it is liquid and is not an interposition, but after that time it is considered to be dry and is an interposition. Therefore, a woman who has many scratches on her body must soak in water until the scabs become soft. This is in accordance with the opinion of Rami bar Abba (Rambam *Sefer Tahara*, *Hilkhot Mikvaot* 2:20; *Shulhan Arukh*, *Yoreh De'a* 198:9).

**Mucus that is in the eye – לְפָלוֹן שְׁבָעִין:** Mucus around the eye is an interposition even if it is soft. The *Beit Yosef* writes, citing the Ra'avad, that in the case of hard mucus in the eye it is only when one immerses in order to handle or eat ritually pure food that it is an interposition, but if she is immersing herself only in order to become permitted to her husband it is not considered an interposition (Rambam *Sefer Tahara*, *Hilkhot Mikvaot* 2:1; *Shulhan Arukh*, *Yoreh De'a* 198:7, and see *Shakh* there).

**Eye shadow that is in the eye – בְּחוּל שְׁבָתוֹן הָעֵינָ:** Eye shadow within the eye does not interpose, but that which is outside the eye does interpose. If a woman constantly opens and closes her eyes, then even the eye shadow outside the eye does not interpose. This is in accordance with the opinion of Shmuel (Rambam *Sefer Tahara*, *Hilkhot Mikvaot* 2:21; *Shulhan Arukh*, *Yoreh De'a* 198:8).

אמור רבי יוחנן: פותחה עיניה ביוור,  
או עצמה עיניה ביוור – לא עלתה  
לה טבילה.

אמור ריש לקיש: האשה לא תטבול  
אליא דרך גודלה. ברותן: היא  
נראתה כעדר ומוסך יתים, אשה  
נראית כאורה וכמנקה את בנה.

אמור רבבה בר רב הונא: נימא אחת  
קשורה – חוץצת.

**Rabbi Yoḥanan says:** If a woman opened her eyes very wide or closed her eyes very tightly<sup>h</sup> while immersing, this immersion is ineffective for her. Such open or closed eyelids prevent the water from reaching the creases around the eyes.

**Reish Lakish says:** A woman may immerse herself in a ritual bath only in the manner that she grows, i.e., she may not force her arms to her sides or close her legs tightly. She is not obligated to spread her limbs widely, but simply stand in her normal manner. As we learned in a mishna (*Nega'im* 2:4): When a man has a leprous mark between his legs and stands before a priest for inspection, he should appear like one who is hoeing, i.e., with his legs slightly apart, and if it is under his arm, he should appear like one who is harvesting olives, with his arms slightly raised. If the mark is not visible when he is standing in that manner, it is not impure. By contrast, a woman with a leprous mark between her legs should appear like one who is weaving, and if the mark is beneath her breast she should appear like a woman who is nursing her son.<sup>h</sup>

**Rabba bar Rav Huna says:** A single hair tied<sup>h</sup> in a knot interposes and invalidates an immersion.

#### HALAKHA

If she opened her eyes very wide or closed her eyes very tightly – פותחה עיניה ביוור או עצמה עיניה ביוור: A woman should not close her eyes too tight while immersing nor open them too wide. If she did so there is a dispute between the authorities as to whether the immersion was valid or not (Rambam *Sefer Tahara, Hilkhos Mikvaot* 2:22; *Shulhan Arukh, Yoreh De'a* 198:39).

And like a woman who is nursing her son – כמנקה את בנה: A woman immersing for purity in a ritual bath should not stand fully upright, nor bend in half, but should stoop forward slightly, as she stands when setting up a loom. The underside of her breasts should be visible as they are when she nurses a baby, and her armpits should be visible as they are when she weaves while standing. She is not obligated to separate her legs too far, nor separate her arms from her body, but keeps them in the manner in which she walks. If she bends over too far or stands

too straight the immersion is nevertheless valid, although there are some who say it is invalid (Rambam *Sefer Tahara, Hilkhos Mikvaot* 1:10; *Shulhan Arukh, Yoreh De'a* 198:35).

A single hair tied – נימא אחת קשורה: A single knotted hair interposes and invalidates an immersion. This is only if the woman is particular that it should not be knotted, but if the woman is not particular the immersion is valid. If the majority of her hair is knotted, each hair by itself, the Rambam writes, citing the *ge'onim*, that the immersion is invalid. The Rambam himself holds that the head is not treated as an independent entity in evaluating whether the interposition covers most of the area that has to be immersed, and the immersion is not valid only if the water is unable to reach the majority of the entire body. The Ra'avad agrees with the opinion of the *ge'onim* (Rambam *Sefer Tahara, Hilkhos Mikvaot* 2:15; *Shulhan Arukh, Yoreh De'a* 198:5, and *Beur HaGra* there).

## Perek X

### Daf 67 Amud b

שלש – אין חוץצות, שניים – איני  
יודע. ורבי יוחנן אמר: אנו אין לנו  
אליא אחת.

Three hairs tied together in a knot do not interpose, as three hairs cannot be tied so tightly that water cannot penetrate them. With regard to two hairs tied together in a knot, I do not know<sup>n</sup> the halakha. And Rabbi Yoḥanan says: We have a tradition that only one<sup>n</sup> hair interposes, but two or more do not prevent the water from reaching the body.

#### NOTES

Two I do not know – שניים איני יודע: There is a dispute between the early authorities as to the status of two hairs tied together. Some write that two hairs do not interpose (Rambam *Sefer Tahara, Hilkhos Mikvaot* 2:15; *Smag*; *Rosh*). According to them there is a dispute in the Gemara between Rabba bar Rav Huna and Rabbi Yoḥanan, and the halakha is in accordance with the opinion of Rabbi Yoḥanan, who says that only one knotted hair interposes. Others write that it is uncertain whether two hairs tied together interpose or not (*Ran*; *Rashba*; *Rabbeinu Yeruham*) because they hold that Rabbi Yoḥanan does not disagree with Rabba bar Rav Huna concerning this, but all agree that the halakha of two knotted hairs is uncertain (*Beit Yosef*).

We have only one – אין לנו אליא אחת: The early authorities write that this is referring to a case where the majority of the hairs on a woman's head are each knotted individually (*Rosh*). The Rambam writes (*Sefer Tahara, Hilkhos Mikvaot* 2:15) that although this is the ruling of the *ge'onim* (see also Ra'avad), he holds that the head is part of the body with regard to defining a majority in immersion, and therefore even if all of the hairs are knotted individually it does not interpose, provided that she is not particular about it. But if she has other substances interposing between her body and the water, her hair combines with them to potentially form a majority, which interposes even if she is not particular about her hair.

אמור רב יצחא, דבר תורה: רובו המקפיד עליו – חוץ, רובו מקפיד עליו – אין חוץ. גורו על רובו שאינו מקפיד – משום רובו המקפיד, גורו על מיומו המקפיד – משום רובו המקפיד.

ולג'ור נמי על מיומו שאינו מקפיד,  
משום מיומו המקפיד! כי נופת גורה,  
אם ייקום ג'gor גורה לגורה?!

אמור רב: נדה בזמנה – אין טובלת  
אללא בלילה, ושלא ביוםנה – טובלת  
בין ביום בין בלילה. רבי יוחנן אמר: בין  
בזמנה בין שלא ביוםנה – אין טובלת  
אללא בלילה, משום סרך בתה.

ואף רב הדר ביה, דאמר רב חייא בר  
אשי, אמר רב: נדה, בין ביוםנה בין שלא  
בזמנה – אין טובלת אללא בלילה,  
משום סרך בתה.

**§ Rabbi Yitzhak says:** By Torah law,<sup>N</sup> if there is an interposition between a person and the water, and it covers the majority of his body, and he is particular<sup>NH</sup> and wants the interposing substance removed, it interposes and invalidates an immersion in a ritual bath. But if it covers the majority of his body but he is not particular<sup>N</sup> about that substance, it does not interpose. But the Sages issued a decree prohibiting substances covering the majority of his body with regard to which he is not particular, due to substances covering the majority of his body about which he is particular. And likewise, they issued a decree against substances covering the minority of his body with regard to which he is particular, due to substances covering the majority of his body about which he is particular.

The Gemara raises a difficulty: But let them also issue a decree prohibiting substances covering the minority of his body with regard to which he is not particular, due to substances covering the minority of his body about which he is particular. The Gemara answers: The Sages did not issue such a decree, as that prohibition is itself a rabbinic decree, and will we arise and issue a decree to prevent the violation of another decree?

**§** The Gemara returns to discuss the issue of the correct time for immersion. Rav says: A menstruating woman who wishes to immerse to complete her purification process at her time, i.e., at the end of seven days, may immerse only at night,<sup>H</sup> i.e., on the night after the seventh day, the night of the eighth day. But a woman who wishes to immerse not at her time, i.e., on the eighth day or afterward, may immerse either during the day or at night. Rabbi Yohanan says: Whether she is immersing at her time or not at her time, she may immerse only at night. This is because her daughter might follow her example when she is old enough, and also immerse in the daytime, but she may do so on the seventh day, when immersion is not valid.

And even Rav retracted his opinion and ruled that a woman who is immersing after menstruation may never do so during the day. As Rabbi Hyya bar Ashi said that Rav said: A menstruating woman who wishes to immerse to complete her purification process, whether at her time or whether not at her time, may immerse only at night, because her daughter might follow her example and immerse during the daytime of the seventh day.

#### NOTES

By Torah law – **דבר תורה**: Rabbi Yitzhak stated his ruling concerning a case where the material that interposes covers only the majority of the body, but a substance that covers the person entirely is considered to interpose by Torah law, even if he is not particular to remove it, as explained in *Yevamot* 78b.

If it covers the majority of his body and he is particular – **רובו מזמין מקפיד עליו**: Rabbi Yitzhak does not explain the meaning of the term majority. Some explain that this refers only to hair, and only with regard to hair is there a distinction between the majority and the minority. But with regard to the body, even a small

interposition that covers only a minority of the body interposes (Rashi). Many early authorities disagree with this opinion and explain that Rabbi Yitzhak holds that the immersion is not valid only if there is an interposition covering the majority of the body (*Tosafot; Tosefot HaRosh*).

**רובו לאינו מקפיד עליו**: Some early authorities explain that since this individual is not particular about the interposing substance, it will not be removed, and therefore it is nullified as part of his body, and for this reason it does not interpose (Rashi on *Sukka* 6b).

#### HALAKHA

If it covers the majority of his body and he is particular – **רובו מזמין מקפיד עליו**: By Torah law if there was a substance covering the majority of a person who was about to immerse, or the majority of a utensil that is being immersed, the immersion is not valid. This applies only if the person is particular about the presence of the substance and would want to remove it, but a substance about which a person is not particular does not invalidate the immersion even if it covers the majority of his body. Similarly, a substance that covers less than the majority of the body, even if the person is particular about it, does not invalidate the immersion.

By rabbinic law any substance about which one is particular invalidates the immersion, even if covers only a small amount of the body or utensil. This is a decree, lest one immerse where there is a substance that covers the majority of the body or utensil. Similarly, any substance that covers the majority of the body or

utensil invalidates the immersion by rabbinic law, even if one is not particular about it, least one immerse where there is a substance about which one is particular. This is in accordance with the opinion of Rabbi Yitzhak (Rambam *Sefer Tahara, Hilkhot Mikvaot* 1:12; *Shulhan Arukh Yoreh De'a* 198:1).

**May immerse only at night** – **אין טובלת אללא בלילך**: A woman may not immerse to render herself pure from impurity due to menstruation on the seventh day, but only on the night afterward. If she does not immerse at the correct time she may also not immerse during the daytime on the eighth or ninth day because her daughter will notice and may eventually immerse on the seventh day. This is in accordance with the opinion of Rabbi Yohanan (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 4:7; *Shulhan Arukh, Yoreh De'a* 197:3).

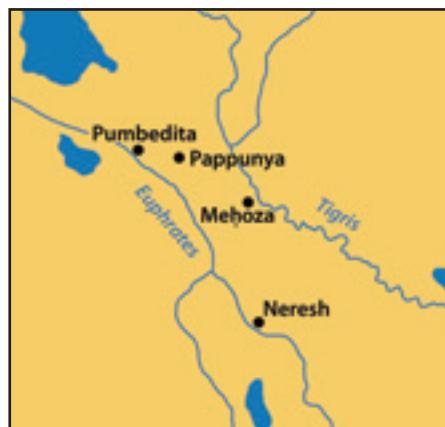
**BACKGROUND**

**Neresh – נֶרֶשׁ:** Neresh was a Babylonian city near the Neresh River, south of Sura. It was an important agricultural and commercial center that was home to a large number of date-palm farmers and producers of alcoholic beverages. Straddling the desert, its inhabitants were considered uncultured. Regardless, it was home to a Jewish community for many generations, producing no small number of Sages. At one point the prominent *amora* Rav Pappa was the head of the academy in Neresh.

**Pappunya – פַּפְוָנִיָּה:** The city of Pappunya was built between Pumbedita and Mehoza, on the banks of the Pappa River, after which it was named. Among the Rabbis of this city were Rav Aha bar Yaakov and Rav Mattana.

**Pumbedita – פּוּמְבָדִיטָה:** Pumbedita, a town on the Euphrates River northwest of Neharde'a, was an important center of the Babylonian Jewish community for many generations. As early as the Second Temple period, Pumbedita was referred to simply as: The Diaspora. After the destruction of Neharde'a, its academy moved to Pumbedita, and Torah study continued there uninterrupted until the end of the geonic period.

**Mehoza – מֵהֹזָה:** Mehoza was a city on the Tigris River located near the Malka River. It was a large commercial city, most of whose inhabitants were Jews. Unlike the case in most other Jewish communities, the Jews in Mehoza generally earned their living from commerce. Many Jews in Mehoza were converts or immigrants from several other countries. After Neharde'a was destroyed in 259 CE, many of the scholars from its academy relocated to Mehoza, which became the Torah center of leading scholars such as Rav Nahman; Rav Sheshet; Rava, who later became head of the academy in Mehoza; Ameimar; and Rav Kahana, who was Rav Ashi's teacher. After Abaye's death in approximately 338 CE, the academy in Pumbedita, then headed by Rava, also moved to Mehoza for a period of time.



Location of Pumbedita, Pappunya, Mehoza, and Neresh

**LANGUAGE**

**Gatekeepers [abula'ei] – אֲבוּלָאֵי:** This word appears to derive from the Greek βούλη, *boule*, meaning a council or group of officials. Some explain that it refers to the city guards who patrolled the walls.

**אָתָקִין וּבָאִידִי בְּנֵרֶשׁ לְמַטְבֵּל בַּיּוֹם  
דָתְמִינִיא, מְשׁוּם אֲרוּיתָא, וּבָאָחָא בָּר  
יַעֲקֹב בְּפַפְוָנִיָּה – מְשׁוּם גַּנְבָּי**

The Gemara cites examples of Sages who permitted immersion on the eighth day due to exceptional circumstances. **Rav Idi decreed in Neresh<sup>b</sup>** that the women may immerse during the daytime on the eighth day<sup>h</sup> due to the lions that roamed the area at night and posed a threat to women who immersed at that time. **Rav Aha bar Yaakov decreed in Pappunya<sup>b</sup>** that the women should immerse during the daytime on the eighth day due to thieves who posed a threat to women who immersed at that night.

**רָב יְהוּדָה בְּפּוּמְבָדִיטָה – מְשׁוּם צְנָה,  
רָבָא בְּמֵהֹזָה – מְשׁוּם אֲבוּלָאֵי.**

Similarly, **Rav Yehuda decreed in Pumbedita<sup>b</sup>** that the women should immerse in the daytime on the eighth day due to the cold of the night. **Rava decreed in Mehoza<sup>b</sup>** that the women should immerse in the daytime on the eighth day due to the gatekeepers [abula'ei],<sup>l</sup> who were untrustworthy and might hurt the women on their way to and from immersion.

**אָמָר לִיה רָב פַּפָּא לְרָבָא וְלְאַבָּי: מִכְבֵּר  
הָאִידִינָה כּוֹלָה סְפָק בְּזֹות שְׂוִינוֹתָו רָבָן  
לְמַטְבֵּלֵינוּהוּ בִּימָמָה דְשִׁבְיעָה?**

**§ Rav Pappa said to Rava and to Abaye: Since nowadays the Sages have given all women who menstruate the status of an uncertain greater zava, may they immerse on the seventh day during the daytime? A greater zava, after counting seven clean days, may immerse on the seventh day. Since all women who menstruate now count seven clean days after the bleeding ceases, more than seven days from the onset of her menstruating have passed by the seventh clean day.**

**מְשׁוּם דָרְבֵי שְׁמֻעוֹן, דָתְמִינִיא: "אַחֲר  
תְּמִדוֹר" – אַחֲר אַתָּה לְכַיּוֹן, שֶׁלֹּא תְהִיא  
טוֹמָא מִפְסָקָת בֵּיןָה. רָבִי שְׁמֻעוֹן  
אָוֹרֶם: "אַחֲר תְּמִדוֹר" – אַחֲר מִעְשָׁה  
תְּמִדוֹר.**

Rava and Abaye replied that they may nevertheless not immerse on the seventh day, due to the statement of Rabbi Shimon. As it is taught in a *baraita*: The verse states: “But if she be purified of her *ziva*, then she shall count to herself seven days, and after that she shall be pure” (Leviticus 15:28). The purification of a *zava* must be after the seven days, i.e., after all of the days, which must be consecutive so that there are no days of impurity separating between the seven clean days. Rabbi Shimon says that the phrase “And after that she shall be pure” teaches that after the action of counting seven clean days she shall be pure. In other words, once she has examined herself at the beginning of the seventh day she may immerse on that day.

**אֲבָל אִמְרוּ חֲכָמִים: אֲסּוּר לִיעַשׂוּת כֵּן  
שְׁמָא תְּבָא לִידֵי סְפָק.**

Rabbi Shimon continues: **But the Sages said: It is prohibited to do so**, i.e., to immerse on the seventh day, lest she come to a case of uncertainty. If she were to engage in intercourse with her husband on that seventh day after immersion, and afterward on the same day she experiences bleeding, it would retroactively nullify her entire seven clean days, which would mean that she engaged in intercourse with her husband while she was impure, rendering them both liable to receive the punishment of *karet*.

**אָמָר רָב הָוָנוֹא: אָשָׁה חֹפֶפֶת בְּאַחֲר  
בְּשַׁבָּת וְטוֹבָלָת בְּשִׁלְשִׁי בְּשַׁבָּת – שְׁבִן  
אָשָׁה חֹפֶפֶת בְּעֶרֶב שַׁבָּת וְטוֹבָלָת  
בְּמִזְצָאי שַׁבָּת.**

**§ Rav Huna says: A woman may wash her hair<sup>n</sup> on the first day of the week, Sunday, and immerse on the third day of the week, i.e., Monday night. The proof of this is that sometimes a woman washes her hair on the eve of Shabbat, but she does not immerse until the conclusion of Shabbat, which is the same interval as from Sunday to Monday night.**

**HALAKHA**

Rav Idi decreed in Neresh that women may immerse on the eighth day – **אָתָקִין וּבָאִידִי בְּנֵרֶשׁ לְמַטְבֵּל בַּיּוֹם דָתְמִינִיא:** Even though the Sages said that a woman may immerse only at night, when there are exigent circumstances she may immerse on the eighth day, in accordance with the decree of Rav Idi.

Examples include if a woman is afraid to immerse at night due to the cold or thieves, or if the city gates are closed at nightfall (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 4:8; *Shulhan Arukh, Yoreh De'a* 197:4).

**NOTES**

**A woman may wash her hair – אָשָׁה חֹפֶפֶת:** The requirement to wash one's hair before immersion is a decree of Ezra. The Gemara (*Bava Kamma* 82a) explains that the verse: “And he shall wash [er] his flesh in water, and he shall be pure” (Leviticus 14:9), teaches that no item may interpose between one's body and the water.

The word *et* serves to include one's hair in this *halakha*. This is referring only to the requirement to examine whether there are knots or dirt; there is no obligation to wash one's hair by Torah law. Ezra decreed that washing hair is a requirement.

**אשה חופפת באחד בשבת וטובלת ברביעי  
בשבת – שכן אשה חופפת בערב שבת  
וטובלת ביום חמישי יום טוב שלמחרות אחר  
השבת.**

**אשה חופפת באחד בשבת וטובלת בחמישי  
בשבת – שכן אשה חופפת בערב שבת  
וטובלת ביום חמישי שני ימים טובים של ראש  
השבה שחול להיות לאחר השבת.**

**ר' חסדא אמר: בלילה – אמרין, "שָׁבֵן"  
לא אמרין, היכא דאפשר – אפשר, היכא  
ללא אפשר – לא אפשר.**

**ר' ימר אמר: אפילו "שָׁבֵן" – נמי אמרין,  
לבר מאשה חופפת באחד בשבת וטובלת  
בחמישי בשבת, דלומזאי שני ימים טובים  
של ראש השנה שלאחר השבת לטא.  
דאפשר וחופפת בלילה וטובלת בלילה.**

**ר' זutra הלכה כרב חסדא, וכדרמת ר' ימר.**

**אייבעיא להו: אשה מהו שתחור בלילה  
וتطבול בלילה? מ"ז וטרא אוסר, ר' חנינה  
מסורה שרי.**

Similarly, a woman may wash her hair on the first day of the week, Sunday, and immerse on the fourth day of the week, Tuesday night. The proof of this is that sometimes a woman washes her hair on the eve of Shabbat, but she does not immerse until the conclusion of the Festival that occurs after Shabbat, which is the same interval as from Sunday to Tuesday night.

Furthermore, a woman may wash her hair on the first day of the week, Sunday, and immerse on the fifth day of the week, Wednesday night. The proof of this is that sometimes a woman washes her hair on the eve of Shabbat, but she does not immerse until the conclusion of two days of Rosh HaShana that occurs after Shabbat,<sup>B</sup> which is the same interval as from Sunday to Wednesday night.

**But Rav Hisda said:** We say that all of these long gaps between a woman washing her hair and immersing are permitted. But we do not say as proof that<sup>H</sup> since a woman washes her hair before Shabbat and immerses only several days later, she may do so during a regular week as well. One cannot learn this halakha from those situations involving Shabbat, as one cannot derive cases where alternatives are possible from those cases where alternatives are not possible. Where it is possible for a woman to wash her hair and immerse immediately, it is possible, and she is not allowed to do so any earlier. But where it is not possible for a woman to wash her hair immediately before immersion, e.g., when she must immerse after the conclusion of Shabbat or a festival, it is impossible, and for this reason she is permitted to wash her hair in advance.

**And Rav Yeimar said:** We even say the proof that since a woman washes her hair before Shabbat and immerses only several days later, she may do so during a regular week as well. Rav Yeimar agrees with Rav Huna in all cases apart from that of a woman who washes her hair on the first day of the week, Sunday, and immerses on the fifth day of the week, Wednesday night. He maintains that Rav Huna's proof from the conclusion of two days of Rosh HaShana that is after Shabbat is not a sufficient proof, as even in such a case a woman may not wait so long. Rather, it is possible for her to wash her hair at night after the conclusion of Rosh HaShana and immerse on that same night, so that she should not have such a long gap between washing her hair and immersing.

**Mareimar taught:** The halakha is in accordance with the opinion of Rav Hisda, that a woman should not wash her hair many days before immersing except when there is no other possibility. And the halakha is also in accordance with the manner in which Rav Yeimar explains that if Rosh HaShana occurs after Shabbat a woman should wash her hair on the night of her immersion.

**§ A dilemma was raised before the Sages: What is the halakha with regard to whether a woman may wash her hair at night and immerse on that same night? Mar Zutra deems it prohibited for her to do so. Since she will be in a hurry to immerse and return to her husband, there is a concern that she will not wash and examine her hair thoroughly. And Rav Hinnana from Sura deems it permitted for a woman to wash her hair on the night of her immersion.**

## BACKGROUND

Two days of Rosh HaShana that occurs after Shabbat – שני ימים טובים של ראש השנה של: Such a scenario does not occur nowadays since Rosh HaShana cannot occur on a Sunday according to the fixed Hebrew calendar. When Rav Huna, who lived in the third century CE, presented this statement, such a situation could have occurred.

For an extended period in antiquity the Hebrew calendar was established by the court based on the testimony of people who witnessed the appearance of the new moon. Various persecutions under Roman rule in the years following the destruction of the Second Temple made it more and more difficult to establish months using this system and to ensure that all Jewish communities in Eretz Yisrael and the Diaspora were celebrating the holidays on the same day. Since the fourth century CE the Jewish calendar has operated on a fixed astronomical system in which, with few exceptions, months of twenty-nine days alternate with those of thirty days. Among the halakhot upon which the fixed calendar was based is the principle that Rosh HaShana can never occur on a Sunday, Wednesday, or Friday. This was established in order to ensure that Yom Kippur never occurs immediately before or after Shabbat and that Hoshana Rabba never comes out on Shabbat.

## HALAKHA

We do not say that – שכן לא אמרין: If the night of immersion occurs at the conclusion of a Shabbat that is also a festival, the woman must wash her hair before Shabbat. Similarly, if a two-day festival occurs on Thursday and Friday and her time of immersion is at the onset of Shabbat, she must wash her hair on Wednesday and keep her hair tied so that it will not become dirty. When she immerses she must check her entire body and hair carefully for any item that interposes. This is in accordance with the opinion of Rav Hisda, who rules stringently (Rambam Sefer Tahara, Hilkhot Mikvaot 2:16, and Kesef Mishne there; Shulhan Arukh, Yoreh De'a 199:6, and Beur HaGra there).

**PERSONALITIES**

Rav Nahman bar Yitzhak – **רב נחמן בר יצחק:** Rav Nahman bar Yitzhak belonged to the fourth generation of Babylonian *amora'im*. He studied under Rav Nahman and Rav Hisda. He learned with Rava and after Rava's death became the head of the academy in Pumbedita, a position he held from 352–357 CE. He was well known for his piety in observance of mitzvot, as well as for his refined character traits. His respect for others manifested itself in his kind manner and gentle speech. Furthermore, he advocated for dedication to intense Torah study.

אמָר לֵיה וּבְאֶדְעָה לְרַב חִנְנָא מִסּוֹרָא:  
 לאָהִי הוּא עֲבָדָא בְּדִבְרָתוֹ דְּאָבָא  
 מִרִּישׁ גָּלוּתָא דְּאִיקּוֹט, אָוֹלְרַב נְחָמָן  
 בָּר יִצְחָק לְפִוּסָה. וְאַמְרָה לֵיה: מַאי  
 אִיתָה דְשְׁתָתָא?

Rav Adda said to Rav Hinnana from Sura: Was there not an incident like this involving the wife of Abba Mari, the Exilarch, who quarreled with her husband, and as a result she did not want to immerse in a ritual bath to become permitted to him; and Rav Nahman bar Yitzhak<sup>p</sup> went to appease her and to persuade her to immerse, and she said to him: What is there that can be done now? There is no reason for me to hurry and immerse now.

**Perek X****Daf 68 Amud a****NOTES**

Are you lacking kettles – **דוֹדִי חִסְרָת:** The early commentaries disagree as to the purpose of these kettles. Some say that they were used to heat water for washing hair (*Arukh*). Others explain that hot water would be added into the cold water of the ritual bath so that the women could immerse in warm water (Rosh, citing *Rabbeinu Hananel*). According to this explanation, the Gemara here states explicitly that it is permitted to add hot water to a ritual bath. This *halakha* is a matter of dispute (*Ra'avya*; *Riva*; *Sefer HaAgudda*).

**BACKGROUND**

His letter – **אַגְּרָתָה:** Due to the great distances between Jewish communities, not only between Eretz Yisrael and Babylonia but also between other communities in distant lands, and due to the dangers of journeying from one to another, there was great dependence on letters sent from one community to another. Sages of Eretz Yisrael sent many letters to the Sages of Babylonia. These were sent for many reasons, either to warn or notify the people about their observance of certain mitzvot, or to notify them of the New Month. This dependence on letters lasted for many centuries. Ravin was one of those who wrote many letters.

תְּסִיףְיִ אִיתָה לְמַחר. וַיַּדַּע מַיְאָמָרָה  
 לְהָ. אָמָר: דוֹדִי חִסְרָת, טְשְׁטְקִי חִסְרָת,  
 עַבְדִּי חִסְרָת?

דוֹתְשׁ רְכָבָא: אֲשֶׁר חֹזֶפֶת בְּשֻׁבְעַת  
 טְוּבָלָת בְּמִזְאָאִ שְׁבָת. אָמָר לֵיה וּבָ  
 פְּפָא לְרַבָּא: וְהִיא שְׁלָחָרְבִּין בְּאַגְּרָתָה,  
 אֲשֶׁר לֹא תַחַזֵּף בְּשֻׁבְעַת שְׁבָת וְתַעֲבֹל  
 בְּמִזְאָאִ שְׁבָת.

וְתַמָּה עַל עַצְמָךְ הַיאָךְ חֹזֶפֶת בְּיוֹם  
 טְוּבָלָת בְּלִילָה – הָא בְּעִינָן "תְּכִרְבָּה"  
 לְחַזְפָּה טְבִילָה, וְלִיכָּא!

Rather, it is sufficient if you come back again tomorrow and speak with me then about this matter. And Rav Nahman bar Yitzhak knew what she was saying to him. She was alluding to the fact that she had not washed her hair while it was still daylight, and therefore she could not immerse that evening. Rav Nahman bar Yitzhak said to her: Are you lacking kettles [*dudei*<sup>NL</sup>] to heat water to wash your hair? Are you lacking buckets [*taschtelei*<sup>L</sup>] to bring the water to wash your hair? Are you lacking servants, who can help you prepare to wash your hair? It can be inferred from this story that Rav Nahman bar Yitzhak holds that it is permitted for a woman to wash her hair and immerse on the same night.

§ Rava taught: A woman may wash her hair on the eve of Shabbat and immerse at the conclusion of Shabbat. Rav Pappa said to Rava: But didn't Ravin send the following *halakha* in his letter:<sup>B</sup> A woman may not wash her hair on the eve of Shabbat and immerse at the conclusion of Shabbat? Instead, she should wash her hair after the conclusion of Shabbat immediately before she immerses.

And furthermore, you should be astounded with yourself: How did the Sages deem it permitted for a woman on a weekday to wash her hair during the day and immerse at night? Don't we require that her immersion must be immediately after washing her hair? And if she washes her hair during the day, this requirement will not be fulfilled. The Sages reluctantly permitted a woman to wash her hair during the day, and they permitted this only due to the concern that she might not wash her hair properly if she would wait until night. Consequently, with regard to an immersion on the conclusion of Shabbat, she should avoid washing her hair a day or more in advance.

**LANGUAGE**

Kettle [*dud*] – **דוֹדִי:** This word refers to large cauldrons that were placed on the fire to heat water. They were used primarily for cooking. The word is used in the verse: "And they roasted the Paschal offering with fire according to the law; and they cooked the sanctified offerings in pots, and in cauldrons [*uvadevadim*], and in pans, and carried them quickly to all the children of the people" (II Chronicles 35:13). Onkelos translates the verse: "When we sat by the fleshpots" (Exodus 16:3), as: By the pots [*dudei*] of meat.

The word is also used to refer to a large vessel that is used for storing produce, like a large basket, as in the verse: "And behold two baskets [*dudelei*] of figs" (Jeremiah 24:1).

Buckets [*taschtelei*] – **טְשְׁטְקִי:** From the Latin word *testa*, which means earthenware. It refers to a pot or a deep bowl.

Earthenware pot from the talmudic era



הדר אוקי רבא אמרו עליה וזרש: דברם  
שאמורתי לפיכים טעות הן בז'י, ובם כך אמרו  
משמיה דרבי יוחנן אשה לא תחוץ בערב שבת  
ותטבול במווצאי שבת, והמנה על עצמן היין  
חוופת ביום וטובלת בלילה – ה' הא בעין  
סמן לחפיפה טבילה ולכאה!

והלכטא: אשה חוופת ביום וטובלת בלילה.  
והלרבנן: אשה לא תחוץ אלא בלילה. (אלא)  
קשה הלכתא אהילכתא!

לא קשייא, ה' הא – דאפשר, ה' הא – דלא אפשר.

**מתני'** נדה שברקה עצמה ביום שביעי שחרית  
ומצאה טהורה, ובין השיטות לא הפרישה,  
ולאחר ימים בדקה ומוצא טמאה – הרי היא  
בחיקת טהורה.

בדקה עצמה ביום שביעי שחרית ומוצא  
טמאה, ובין השיטות לא הפרישה, ולאחר מכן  
ברקה ומוצא טהורה – הרי זו בחיקת טמאה.

ומטמאה מעט לעת ומפרקידה לפקידה. ואם  
יש לה סחת – דיה שעתה.

As a result of Rav Pappa's comments, Rava then appointed an interpreter<sup>8</sup> before him to publicize his retraction, and he taught: **The statement I said to you was a mistake of mine. But in fact this is what the Sages said in the name of Rabbi Yohanan: A woman may not wash her hair on the eve of Shabbat and immerse after the conclusion of Shabbat. And furthermore you should be astounded with yourself. How can a woman wash her hair during the day and immerse at night? Don't we require: Her immersion must be immediately after washing her hair? And if she washes her hair on the eve of Shabbat, this principle will not be fulfilled.**

The Gemara concludes: **And the halakha is that a woman may wash her hair during the day and immerse at night.<sup>9</sup> And the halakha is that a woman may wash her hair only at night.** The Gemara comments: This is difficult, as one halakha contradicts the other halakha.

The Gemara answers: It is not difficult. This ruling that she may wash her hair during the day is referring to a case where it is possible, e.g., when she immerses on a weeknight and can wash her hair shortly beforehand during the daytime. That ruling that she is permitted to wash her hair only at night is referring to a case where it is not possible,<sup>10</sup> e.g., when her time for immersion is after the conclusion of Shabbat. Since she may not wash her hair on the eve of Shabbat for an immersion after the conclusion of Shabbat, she must wash her hair at night, after Shabbat has ended, immediately before she immerses.

**MISHNA** In the case of a menstruating woman who examined herself on the seventh day of menstruation in the morning and found that she is ritually pure and eligible to immerse in a ritual bath that evening, but during twilight of the seventh day she did not perform an examination that marks the transition between the days when she has a flow of blood and the days when she no longer has a flow of blood but immersed despite not having performed the examination, and after several days she examined herself and found that she is ritually impure, the presumptive status of that woman is one of ritual purity from the time of her immersion until her examination, and all ritually pure items that she handled in the interim remain pure.

If she examined herself on the seventh day of menstruation in the morning and found that she is ritually impure, i.e., her menstrual flow continued, and during twilight of the seventh day she did not perform an examination to confirm the transition from ritual impurity to ritual purity but immersed nonetheless, and after several days she examined herself and found that she is ritually pure, the presumptive status of that woman is one of ritual impurity from the time of her immersion until her examination, and all ritually pure items that she handled in the interim are impure. Since she found blood during her last examination in her days of menstruation, the concern is that the flow of blood continued during the days that followed, and therefore her immersion on the eve of the eighth day was ineffective.

In a case where there was no blood found during the examination on the seventh morning and she did not examine herself during twilight, and several days later she discovered blood, where the mishna says that a woman's presumptive status is one of ritual purity, that is the halakha only for the days following immersion. But she transmits ritual impurity to the ritually pure items that she handled before the examination in which she found blood for a twenty-four-hour period and from examination to examination, in accordance with the halakha of a woman who experiences bleeding (see 2a). And if she has a fixed menstrual cycle, on the day that she examined herself and found blood, her time is sufficient, i.e., it is assumed that the bleeding began then, and she does not transmit impurity retroactively.

## BACKGROUND

**Interpreter – אמורא:** The word interpreter [amora] has the same meaning as the word disseminator [meturgeman] used in the Mishna. This interpreter of the Sages' statements was often a scholar himself, sometimes even an important Sage, whose role was to translate the exposition from Hebrew to Aramaic and to project it so that it could be heard by everyone. Sometimes there was more than one disseminator if the speech needed to be projected to a large group. Often, the disseminator would not only translate but also explain the exposition, as the Sage would state the most basic ideas and the disseminator would expand and develop them. For this reason, the Sages of the talmudic period describe themselves as *amord'im*, as they saw their role as being similar to that of these interpreters for the Sages of the Mishna.

## HALAKHA

A woman may wash her hair during the day and immerse at night – **אשה חוופת ביום וטובלת בלילה:** A woman must wash her hair immediately before immersion *ab initio*. The best practice is for her to begin washing her hair while it is still daytime, continue washing until it is dark, and then immerse. The best practice is to also comb her hair immediately before immersing, even though she has already washed her hair. The Rema writes that in exigent circumstances, when she must wash her hair during the day, or when she is unable to wash her hair during the day and must do so at night, it is permitted for her to do so. This is provided that she is not rushing to get home to her husband and she takes care to wash her hair properly (Rambam *Sefer Tahara, Hilkhot Mikvaot* 2:16, and *Kesef Mishne* there; *Shulhan Arukh, Yoreh De'a* 199:3–4 and *Beur HaGra* there).

## NOTES

This is where it is possible, that is where it is not possible – **ה' הא דאפשר ה' הא לא אפשר:** The Gemara does not specify which is the possible case and which is the case where it is not possible. It also does not explain which halakha applies in each case. Some commentaries maintain that the case referred to as possible is one where a woman is able to wash her hair during the day. This applies on weekdays, before she immerses at night. The case referred to as not possible is one where a woman must immerse at the conclusion of Shabbat and she is therefore unable to wash her hair during the day, as it is Shabbat. In such a case, since it is impossible she must wash her hair at night (Rashi).

Others contend that the case referred to as possible is one where a woman is able to wash her hair at night, as in the usual case of immersion, whether during the week or at the conclusion of Shabbat. The case referred to as not possible is one when a Festival occurs immediately after Shabbat and she is unable to wash her hair that night or during the day. In this case she must wash her hair before Shabbat (*She'ilot* of Rav Ahai; Rambam; Rashbam).

### HALAKHA

**אֲפִילוּ –** Even on the second day of her menstruation, etc. – **בְּשַׁנִּים לְנָרְתָה וּכְ**: With regard to a menstruating woman who examined herself during her days of menstruation and found that the flow of blood had stopped, even if it stopped on the second of her seven days, and she did not examine herself again until after her days of menstruation concluded; and when she examined herself she found that she was impure, there is no assumption that she saw blood during the intermediate days such that she would be a zava. Rather, she has a presumptive status of purity during those days (Rambam Sefer Kedusha, Hilkhot Issurei Bia 6:20).

A menstruating woman who examined herself on the seventh day in the morning – **נָרְתָה שְׁבֹדֶקֶת עַצְמָה בַּיּוֹם** – **בְּהַשְׁבֵּיעִי שְׁחָרִית**: If a menstruating woman examined herself on the morning of the seventh day and found that she was impure, and during twilight she did not perform the examination to confirm her transition from impurity to purity but several days later she examined herself and found that she was ritually pure, she is considered to be an uncertain zava. If she finds herself to be impure she is a definite zava. Since she was impure at the outset and when she examined herself, she has a presumptive status that the flow of blood did not cease. This is in accordance with the opinion of Rav. Rav disagrees with Levi only when she examines herself and finds herself to be impure, but if she finds herself to be pure Rav concedes to Levi that she is not a definite zava but an uncertain zava (Rambam Sefer Kedusha, Hilkhot Issurei Bia 6:20).

**וּבְיְהוּדָה אָוֶם:** **כֹּל שָׁלָא הַפְּרִישָׁה בְּשַׁהְרָה מִן הַמְנַחָה וְלִמְעָלָה – הָרִי**  
**וּבְחוֹזְקַת טְמָאָה. וְחַכְמִים אָוֶם:**  
**אֲפִילוּ בְּשַׁנִּים לְנָרְתָה בְּרָקָה וּמְצָאתָה,**  
**טְהוֹרָה, וּבֵין הַשְׁמָשׁוֹת לְאַתְּפִירִישָׁה –**  
**וְלִאָחָר יְמִין בְּרָקָה וּמְצָאתָה טְמָאָה –**  
**הָרִי זוּ בְּחוֹזְקַת טְהוֹרָה.**

**גַּם' אִיְתָמָר, רְבָבָא מִרְמָרָה:** **זְבַח וְדָאֵי, וְלוּ**  
**אָמָר: זְבַח סְפִיקָה.**

**אֲהָזִיא? אַיְלִמָּא אַרְיִישָׁא – "הָרִי זוּ**  
**בְּחוֹזְקַת טְהוֹרָה" קָתְנִי.**

**אֲלֹא אֲסִיפָה. בְּשַׁלְמָא סְפִיקָה זְבַח –**  
**אֲמָרוּקָן, אֲלֹא זְבַח וְדָאֵי נִמְמִי? הָרִי בְּרָקָה**  
**וּמְצָאתָה טְהוֹרָה!**

**אֲלֹא כִּי אִיְתָמָר דָּרְבָּו וְלוּ – שְׁמֻעְתָּא**  
**בְּאֲפִי נְפָשָׁה אִיְתָמָר:** **נָרְתָה שְׁבֹדֶקֶת**  
**עַצְמָה בַּיּוֹם הַשְׁבֵּיעִי שְׁחָרִית וּמְצָאתָה**  
**טְמָאָה, וּבֵין הַשְׁמָשׁוֹת לְאַתְּפִירִישָׁה,**  
**וְלִאָחָר יְמִין בְּרָקָה וּמְצָאתָה טְמָאָה,**  
**רְבָבָא מִרְמָר – זְבַח וְדָאֵי, וְלוּ אָמָר – זְבַח**  
**סְפִיקָה.**

**רְבָבָא מִרְמָר:** **זְבַח וְדָאֵי, בֵּין דְּמַעַקְרָא**  
**נִמְצָאתָ טְמָאָה, וְעַכְשִׁיו נִמְצָאתָ**  
**טְמָאָה – טְמָאָה וְדָאֵי. וְלוּ אָמָר: סְפִיקָה**  
**זְבַח, אִיְמָר, פְּסִיקָה בֵּין וּבֵין.**

**And Rabbi Yehuda says:** With regard to any woman who did not perform the examination marking her transition from ritual impurity to ritual purity on the seventh day from *minha* time onward,<sup>N</sup> even if she performed an examination and found no blood that morning, the presumptive status of that woman is one of ritual impurity. And the Rabbis say: Even if on the second day of her menstruation<sup>H</sup> she performed the examination and found that she is ritually pure, and she did not perform the examination marking her transition from ritual impurity to ritual purity on the seventh day during twilight, and after several days she examined herself and found that she is ritually impure, the presumptive status of that woman is one of ritual purity from the time of her immersion until her examination.

**GEMARA** The Gemara cites a dispute between *amora'im* with regard to a case where a woman did not perform an examination indicating her transition from ritual impurity to ritual purity, and three days passed in which it is possible that she received the status of a zava, and then she found that she was ritually impure. It was stated that **Rav says:** This woman is a definite greater zava. And **Levi says:** She is an uncertain greater zava.

The Gemara asks: To which clause of the mishna does this dispute apply? If we say that Rav and Levi are referring to the first clause, i.e., a woman who examined herself on the morning of the seventh day and found herself to be ritually pure, but she did not examine herself at twilight, and several days later she examined herself and found herself to be impure, this cannot be correct, as the mishna teaches: The presumptive status of that woman is one of ritual purity. She is not a zava at all.

Rather, say that they are referring to the latter clause of the mishna, when she examined herself on the morning of the seventh day and found herself to be ritually impure. If so, granted Levi's opinion is reasonable, as we say that this woman is an uncertain greater zava. But how can one explain Rav's opinion that she is even a definite greater zava? After all, she examined herself and found that she is ritually pure. If so, how can she be a definite zava?

Rather, when the dispute of Rav and Levi was stated, it was stated as a distinct *halakha* unrelated to the mishna, as follows: With regard to a menstruating woman who examined herself on the seventh day in the morning<sup>H</sup> and found that she was ritually impure, and at twilight of the seventh day she did not perform an examination to confirm her transition from ritual impurity to ritual purity, and after several days she examined herself and found that she is ritually impure, Rav says: This woman is a definite greater zava. And Levi says: She is an uncertain greater zava.

The Gemara explains their opinions. **Rav says:** This woman is a definite greater zava, since from the outset she found herself to be ritually impure, and now she found herself to also be ritually impure. Consequently, she is definitely impure. And **Levi says:** This woman is an uncertain greater zava, as one can say that perhaps she stopped experiencing bleeding in between the morning of her seventh day of menstruation when she first found herself to be impure and several days later, on the second occasion that she found herself to be impure.

### NOTES

From *minha* time onward – **מִן הַמְנַחָה וְלִמְעָלָה**: The early commentaries disagree with regard to the exact definition of this time. Some say that it is referring to twilight (Rashi; Rabbi Betzalel Ronsburg), and the phrase: From *minha* time onward,

means the conclusion of the time for reciting the *minha* prayer. Others hold that this is referring to the time known as *minha ketana*, which begins approximately two and a half hours before sunset.

Perek X

Daf 68 Amud b

ובן תנא לוי במתניתא: אחר הימים, בין ברקה ומצאה טהורה, בין ברקה ומצאה טמאה – הרי זו ספק זהה.

**And Levi taught similarly in a baraita:**<sup>9</sup> If a woman examined herself on the seventh day of menstruation and found herself to be impure, and she did not perform the examination to confirm her transition from ritual impurity to ritual purity, and after several days she examined herself, whether she examined herself and found herself to be ritually pure or whether she examined herself and found herself to be ritually impure, she is an uncertain greater zava.

זטטמאה מעת לעת. לימה תהוי תיובתה רabbai! ראמר רבא: לומר שאין האשה זטטמאה מעת לעת בזוז ימי זבחה!

**¶** The mishna teaches: **But she transmits ritual impurity** to the ritually pure items that she handled before the examination in which she found blood for a twenty-four-hour period. The Gemara suggests: Let us say that it is a conclusive refutation of the opinion of Rava, as Rava said, with regard to the statement in the mishna on 38b that a woman has a presumptive status of ritual purity during the eleven days of potential ziva: This serves to say that a woman does not transmit ritual impurity for a twenty-four-hour period before experiencing bleeding during her days of ziva.

ולאו אותבינה לרבא חרוא זימנא! הכי קאומירין: לימה תהוי תיובתה דרבא נמי בזא!

The Gemara asks: But didn't the Gemara already cite a conclusive refutation of the opinion of Rava one time, on 39a? The Gemara explains that **this is what we are saying: Let us say that there is a conclusive refutation of the opinion of Rava from this mishna as well.**

אמר לך רבא: כי קתני "זטטמא מעת לעת – אויש פרקי קאי, א"ר ראתה וועודה בית אביה".

The Gemara responds that Rava could have said to you that when the mishna teaches: She transmits ritual impurity for a twenty-four-hour period, it is referring to the beginning of our chapter. Specifically, it is speaking of the mishna on 64b, which discusses the case of a young woman who saw menstrual blood before marriage while she was still in her father's house. According to Beit Hillel she may engage in intercourse only the first night, during which the blood is considered the blood from the torn hymen rather than the blood of menstruation. This mishna is teaching that from that point onward, when she experiences bleeding she renders items impure retroactively for a twenty-four-hour period, like other women.

סלקא דעתך אמרינו – בין דמפסקי להזמים טהורין – בתחלה נetta דמיא, ולא זטטמא מעת לעת, קא משמע לנו.

The Gemara explains that this ruling is necessary, as it might enter your mind to say that since her cycle of menstruation and ziva is interrupted by days when any blood she discharges is considered to be ritually pure, she now reverts back as though it is considered like the beginning of her days of menstruation, and she does not transmit ritual impurity retroactively for a twenty-four-hour period. Therefore, this mishna teaches us that she does transmit impurity retroactively.

אם יש לה וסת. נימה תהוי תיובתה דרב הונא בר חייא אמר שמואל, ראמר רב הונא בר חייא אמר שמואל: לומר שאין האשה קובעת לה וסת בימי זבחה.

**¶** The mishna teaches: And if she has a fixed menstrual cycle on the day that she examined herself and found blood, her time is sufficient and she does not transmit impurity retroactively. The Gemara asks: Shall we say that this is a conclusive refutation of the opinion of Rav Huna bar Hiyya, with regard to the ruling he says that Shmuel says? As Rav Huna bar Hiyya says that Shmuel says, with regard to the mishna on 38b that teaches that a woman has a presumptive status of ritual purity during the eleven days of potential ziva: This serves to say that a woman does not establish a fixed menstrual cycle during her days of ziva.

#### PERSONALITIES

Levi taught similarly in a baraita – **בן תנא לוי במתניתא:** This is referring to Levi ben Sisi, one of the Sages in Eretz Yisrael in the transitional generation between the *tanna'im* and the *amora'im*. He was the preeminent disciple of Rabbi Yehuda HaNasi, the redactor of the Mishna. Levi also collected and compiled *baraitot*. When a *baraita* from this collection is cited by the Gemara it is introduced with the words: Levi taught in a *baraita*.

אמור לך רב הונא בר חייא: כי אמרין  
 אין אשה קובעת לה וסת בימי זבחתה -  
 דלא בעיא תלתא זמני למיינר. דאמרין  
 דביה מסולקין, ובין דביה מסולקין -  
 דיה שעתה.

רב יהודה אומר. תניא, אמרו לו לרבי  
 יהודה: אלמלי זיה מוגחות בעיניה כל  
 בין השמשות - יפה אתה אומר,

עבדיו - אמר עם סלוק זיה ראתה, מה  
 לי הפרישה בטהרה בשבשיה מן המנחה  
 ולמעלה - מה לי הפרישה בטהרה  
 בראשו.

### בראשו - מי ייכא למאן דאמר?

אי, והתניא, אמר רב: שאלתי את רב  
 יוסף ורב שמעון בשתי מHALAKAH בדרכם,  
 נדה שבדרך עצמה يوم שביעי שזרית  
 ומצעה טהורה, ובין השמשות לא  
 הפרישה, ולאחר הימים ברקה ומצעה  
 טמאה, מהו?

אמרו לו: הרי זו בחזקת טהורה. ששין,  
 חמישין, רביעין, שלישי, שני, מי? אמרו  
 לו: לא שנא.

The Gemara answers that Rav Huna bar Hiyya could have said to you: When we say that a woman does not establish a fixed menstrual cycle during her days of *ziva*, we meant this only as a leniency, that she does not require three times to uproot<sup>4</sup> any such cycle. Rather, she uproots it after one time when she does not experience bleeding in accordance with that cycle. As we say that her menstrual blood is removed during her days of *ziva*, and she is unlikely to discharge menstrual blood during that time. And since her blood is removed, if she established a fixed menstrual cycle it is sufficient for her to be deemed impure from the hour that she saw the menstrual flow. There is no decree of retroactive impurity on items that she previously touched due to the concern that the blood flow might have started earlier.

**§** The mishna teaches that Rabbi Yehuda says: With regard to any woman who did not perform the examination indicating her transition from ritual impurity to ritual purity on the seventh day from *minha* time onward, even if she performed an examination and found no blood that morning, the presumptive status of that woman is one of ritual impurity. It is taught in a *baraita* that the Rabbis said to Rabbi Yehuda: If the halakha had been that a woman who will immerse must keep her hands placed in her eyes, a euphemism for her vagina, for the entire twilight period, what you say is fine. It would be reasonable to assume that since she did not examine herself at the end of the day she has a presumptive status of ritual impurity.

But now that you say that it is insufficient to examine herself in the morning, what is your reasoning? Evidently, you say that when she removed her hand from examining herself perhaps she saw blood and is impure. If so, what difference is it to me if she performed the examination indicating her transition from ritual impurity to ritual purity on the seventh day from *minha* time onward, and what difference is it to me if she performed the examination indicating her transition from ritual impurity to ritual purity on the first day of her counting?

The Gemara asks: Why do the Rabbis mention an examination on the first day of her counting? Is there one who said<sup>4</sup> that if a woman examines herself only on the first day that is sufficient?

The Gemara answers: Yes, there is such an opinion, as it is taught in a *baraita* that Rabbi Yehuda HaNasi says: I asked Rabbi Yosei and Rabbi Shimon the following question when they were walking on the road: With regard to a menstruating woman who examined herself on the seventh day in the morning and found herself to be ritually pure, but at twilight she did not perform the examination indicating her transition from ritual impurity to ritual purity, and after several days she examined herself and found herself to be ritually impure, what is the halakha?

Rabbi Yosei and Rabbi Shimon said to him: She has a presumptive status of ritual purity up until the moment that she discovered that she was impure. Rabbi Yehuda HaNasi asked them additional questions: If she examined herself on the sixth day, or the fifth day, or the fourth day, or the third day, or even the second day, what is the halakha? Rabbi Yosei and Rabbi Shimon said to him: The halakha is no different. In all of these cases she has a presumptive status of ritual purity until she discovers that she is impure.

### HALAKHA

That she does not require three times to uproot – **דלא בעיא**: If a woman establishes a fixed menstrual cycle during her days of *ziva* it is uprooted after one time of her not experiencing menstrual bleeding at that time, because she has a presumptive status of not experiencing bleeding during her *ziva* days. This is in accordance with the Gemara's explanation of Rav Huna bar Hiyya's statement (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 8:9).

Is there one who said – **מי ייכא למאן דאמר**: In the case of a menstruating woman who examined herself on the first day of her days of menstruation, even though she finds herself ritually pure she is considered to be ritually impure, because for the entire first day she has a presumptive status that her uterus is open and discharging blood. This is in accordance with the Rambam's explanation of the Gemara (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 6:20, and see *Maggid Mishne* there).

**בראשון לא שאלתי, וטעיתי שלא  
שאלהתי. אותו בלילה לאו בזקמת טומאה  
קויים? ובין דפסק – פסק, ראשון נמי.  
בין דפסק – פסק.**

**ומעיקרא מאי סבר? הזайл והוחוק מעין  
פתוח.**

**מתני' הוב והזבה שבוקי עצמן ביום  
ראשון ומצעאו טהור, ביום השביעי  
ומצעאו טהור, ושאר ימים שבינתיים לאי  
בדק, ובין אלישר אומר: הרוי הן בזקמת  
טהרה. רביה יהושע אומר: אין להם אלא  
יום ראשון ויום שביעי בלבד. רביעיקiba  
 אומר: אין להם אלא יום שביעי בלבד.**

**גמ' תנייא, אמר לו רב אלישר לרבי  
יוזשע: לדרכך אתה מונה בסירוגין,  
ותתנורה אמרה "אחר תטהר" – אחר  
אחר לבילן, שלא תהא טומאה מפסקת  
בינהן!**

Rabbi Yehuda HaNasi comments: I did not ask about a woman who examined herself on the first day, and I erred in that I did not ask them. If I would have asked them they would have told me that even if she examined herself only on the first day, she still has a presumptive status of ritual purity. Rabbi Yehuda HaNasi explains his reasoning: Is that to say that on all of these other days she was not standing with a presumptive status of ritual impurity? And nevertheless, once she performed the examination and her blood is found to have stopped, it is considered to have stopped, and she now has the presumptive status of a woman whose bleeding has stopped. If so, on the first day too, once she performed the examination and her blood is found to have stopped, it is considered to have stopped, and she now has a presumptive status of a woman whose bleeding has stopped.

The Gemara asks: And initially, what did Rabbi Yehuda HaNasi hold? Why didn't he ask them about a woman who examined herself only on the first day? The Gemara answers that he held that since she has a presumptive status that her spring, i.e., her uterus, is open, as she had just begun experiencing bleeding, an examination conducted on that day is ineffective. In any event, this *baraita* teaches that there is an opinion that even if a woman examined herself only on the first day, she has a presumptive status of ritual purity.

**MISHNA** With regard to a *zav*<sup>8</sup> and a *zava*,<sup>8</sup> who are required to count and examine themselves on each of seven clean days before purification in a ritual bath, who examined themselves on the first day and found themselves ritually pure, i.e., with no blood, and they examined themselves on the seventh day and found themselves ritually pure, and on the rest of the intervening days they did not examine themselves, Rabbi Eliezer says: The presumptive status of the *zav* and the *zava* is one of ritual purity. Rabbi Yehoshua says: In that case, the *zav* and the *zava* have counted only the first day and the seventh day, two of the seven clean days, and they must count another five days to complete the tally. Rabbi Akiva says: The *zav* and the *zava* have counted only the seventh day,<sup>9</sup> and they must count another six days to complete the tally.

**GEMARA** It is taught in a *baraita* that Rabbi Eliezer said to Rabbi Yehoshua: According to your statement, that the first day is included in her count of seven, you are counting at intervals, i.e., with days in-between that do not count, and the Torah states: "But if she be purified of her *ziva*, then she shall count to herself seven days, and after that she shall be pure" (Leviticus 15:28). This teaches that the purification of a *zava* must be after the seven days, i.e., after all of the days, which must be consecutive so that there are no days of impurity separating between the seven clean days.

**Zav – זב:** The *halakhot* relating to the stringent ritual impurity caused by this condition appear in Leviticus, chapter 15, and in tractate *Zavim*. The *zav* becomes ritually impure as a result of discharging a white, pus-like substance. A man who experiences this discharge on one occasion becomes ritually impure for one day, similar to a man who experiences a seminal emission. If one experiences a second discharge on the same day or the following day, or if the initial discharge is prolonged, he contracts the more severe ritual impurity of a *zav*, which lasts seven days. One who experiences a third discharge on that day or the next day is obligated to bring an offering as part of his purification process. Not only does he become ritually impure, he also imparts ritual impurity through contact with vessels or people, by being moved by them, by moving them, and by lying or sitting on them. He also imparts impurity to items under a very heavy stone by sitting on the stone, although the stone itself does not thereby become impure. The fluids of a *zav*, i.e., his saliva, urine, and semen, impart ritual impurity, and the surfaces on which he sits or lies become primary sources of ritual impurity and can themselves impart ritual impurity to other articles.

#### BACKGROUND

**Zava – זבה:** A *zava* is a woman who experiences a flow of menstrual-type blood during a time of the month when she is not due to experience menstrual bleeding. The first discharge makes her ritually impure, but until the third discharge she is a lesser *zava* and she observes a clean day for a day she experiences a discharge. After experiencing bleeding on the third day, the woman is considered a greater *zava*. A *zava* imparts ritual impurity in the same way as a *zav*, through contact with vessels or people, by being moved by them, by moving them, and by lying or sitting on them. In addition, a man who engages in sexual intercourse with her becomes a primary source of ritual impurity and imparts ritual impurity to others. A greater *zava* is purified through immersion in a ritual bath following seven clean days without bleeding. The immersion of a *zava* may take place during the day on the last day of her purification or any time thereafter. A greater *zava* is also obligated to bring an offering as part of her purification process.

#### NOTES

Rabbi Akiva says, they have counted only the seventh day – רבי עקיבא אומר אין לך אלא יום שביע בלבד – Since it is possible that they experienced a discharge on any of the intermediate days, which would overturn the counting of the previous days, they count the seventh day as their first day (Rashi).

אָמַר לְרַבִּי יְהוֹשֻׁעַ וְאַתָּה, אֵיתָה מִזְהָה  
בַּבְּשָׂרָךְ קָרִי, וּבְנִיר שְׁחִילָךְ סְכָכֹת  
וּפְרֹעֹות, שְׁמֹונָה בְּסִירּוֹגִין? וְהַתּוֹרָה אָמְרָה  
זֶה יְמִינֵיכֶם הַרְאָשָׁנִים יִפְלֹו.

וּרְبִי אַלְיעָרָן; בְּשָׁלְמָא הַתָּם – "לְטָמָא  
בְּהָ" אָמְרָו רַחֲמָנָא – שָׁאַיָּה סָתָרָת אַלְאָ  
יּוֹמָה, וְאֵי מִשּׁוּם אִיחָלוֹפִי – בְּבַבְּעֵל קָרִי  
לֹא מִתְּחַלֵּף.

נִיר שְׁחִילָךְ עַל גַּבְיַי סְכָכֹת וּפְרֹעֹות נִמְיָן  
מִקְאֹרְבָּנִיתָא אַחֲלָל מַעֲלָיאָ בְּשָׁעָן, וּרְבָּן הַוָּא  
דְּגָרוֹ – וּרְבָּן בְּדָאוּרִיתָא לֹא מִתְּחַלֵּף.

אַבְלָל הַכָּא, אֵי חִישֵּׁין דָלְמָא חֹזֵא בְּסֶפֶקָן,  
אֲתִי לְאִיחָלוֹפִי בָּדָאי.

תַּנִּינִי, רַבִּי יוֹסֵי וּרַבִּי שְׁמֻעוֹן אַמְרָיו: נָרָא  
דָבְרַי רַבִּי אַלְיעָרָן מִדְבָּרִי וּרַבִּי יְהוֹשֻׁעַ, וְדָבְרַי  
רַבִּי עֲקִיבָא מִדְבָּרִי פּוֹלָן, אַבְלָל הַלְּכָה כְּרָבִי  
אַלְיעָרָן.

אִיבְעִיא לְהָוָה: הַזָּב וְהַזָּבָה שְׁבָדְקוּ עָצְמָן  
יּוֹם רָאשׁוֹן יּוֹם שְׁמִינִי וּמִצְאָוֹתָהוּ, וְשָׁאָר  
הַיּוֹמִים לֹא בָּדָקָן.

Rabbi Yehoshua says: And you too, do you not concede with regard to a *zav* who experienced a seminal emission during his count of seven clean days, and with regard to a nazirite who walked under overhanging boughs and protrusions that have items whose status of impurity is uncertain beneath them, that they count at intervals, as both are impure for one day before resuming their counting? And yet the Torah states with regard to a nazirite who definitely contracted ritual impurity from a corpse: "But the former days shall be void, because his consecration was defiled" (Numbers 6:12). This indicates that even in cases where the Torah says that one must count consecutively, it is permitted to count with intervals in between countings.

And how would Rabbi Eliezer respond to Rabbi Yehoshua's claim? He would say: Granted, there in the cases of the *zav* and the nazirite, the Merciful One states: "This is the law of him that has an issue, and of him from whom an emission of semen goes out, so that he is thereby impure" (Leviticus 15:32). This teaches that when a *zav* experiences a seminal emission it overturns the counting of only that one day. And if one would claim that the Sages should issue a decree due to the concern that one might confuse the halakha of one who had an emission of *ziva* during the seven clean days with a *zav* who had a seminal emission during the seven clean days, that is not a concern. The reason is that an emission of a *ziva* will not be confused with the case of one who experienced a seminal emission.

Similarly, Rabbi Eliezer would say that in the case of a nazirite who walked under overhanging boughs and protrusions that have items whose status of impurity is uncertain beneath them, there is also no need to overturn all the previous days of counting, as by Torah law we require a full-fledged tent over a corpse, and it was the Sages who decreed that one who walks under overhanging boughs and protrusions is ritually impure. And a halakha that applies by rabbinic law will not be confused with a halakha that is mandated by Torah law.

But here, in the case of a *zava* who counts only the first and seventh day, if we are concerned that as she did not count the five intermediate days perhaps she saw blood during those days, and since what occurred on those days is uncertain, only the first day counts for her, then one might come to confuse this situation with a case where she is certain that she saw blood during the intermediate days. One might mistakenly think that even if she definitely experiences bleeding during the intermediate days she can still count the first day as one of her seven clean days before immersing.

It is taught in a *baraita* that Rabbi Yosei and Rabbi Shimon say: The statement of Rabbi Eliezer appears more correct than the statement of Rabbi Yehoshua, and the statement of Rabbi Akiva appears more correct than the statement of all of them. But nevertheless, the halakha is in accordance with the opinion of Rabbi Eliezer.<sup>h</sup>

§ A dilemma was raised before the Sages: With regard to a *zav* and a *zava* who examined themselves on the first day of their seven clean days and found themselves to be pure, and they examined themselves again on the eighth day and found themselves to be pure, but they did not examine themselves on the remainder of the days,

#### HALAKHA

But the halakha is in accordance with the opinion of Rabbi Eliezer – **אַבְלָל הַלְּכָה כְּרָבִי אַלְיעָרָן**: If a *zava* only examined herself once during her seven clean days, whether on the first day or seventh day or any of the other days, since she finds herself to be ritually pure before the seventh day, she has fulfilled her obligation.

This is in accordance with the opinion of Rav cited later in the Gemara. The same applies to a *zav*. Others hold that she must examine herself on both the first and seventh days, and one may not be lenient (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 6:22, and *Haggahot Maimoniyot* there; *Shulhan Arukh, Yoreh De'a* 196:4).

Perek X  
Daf 69 Amud a

**רֹבִי אַלְיעָזֶר מַהוּ? תְּחִלְתֵּן וְסֻפּוֹן בְּעֵינֶךָ – תְּחִלְתֵּן אַיִּצָּא. סֻפּוֹן לִכְבָּא. אָוּ דִּילְמָא – תְּחִלְתֵּן אָךְ עַל גַּב שָׁאַין סֻפּוֹן?**

**אָמָר רַב: הִיא הִיא, תְּחִלְתֵּן אָךְ עַל פִּי שָׁאַין סֻפּוֹן. וּרְבִי חֲנִינָא אָמָר: תְּחִלְתֵּן וְסֻפּוֹן בְּעֵינֶךָ – תְּחִלְתֵּן אַיִּצָּא, סֻפּוֹן לִכְבָּא.**

**מִתְיַכְּבִּי: וְשׁוֹן בָּבָּוּבָּה שְׁבִדְקָו עַצְמָן יוֹם רָאשׁוֹן וַיּוֹם שְׁמִינִי וְמִצְאָו טָהָר – שָׁאַין לְהָם אַלְאָ שְׁמִינִי בְּלִבְדֵּךְ. מַאן "שָׁוֹן"? לֹאָוֶן אַלְיעָזֶר וּרְבִי יְהוֹשֻׁעַ?**

**לֹא, רַבִּי יְהוֹשֻׁעַ וּרְבִי עֲקִיבָּא.**

**אָמָר רַב שְׁשַׁתָּה, אָמָר רַב יְרִמְיָה בֶּן אָבָּא. אָמָר רַב: נָהָרָה שְׁהַפְּרִישָׁה בְּטָהָרָה בְּשִׁלְשִׁי שְׁלָה – סּוֹפְרָתוֹ לִמְנִין שְׁבָעָה נְקִים.**

**נָהָרָה, סְפִירָה לְמַה לָהּ? אַלְאָ אַיִּמָּא: זְבַח שְׁהַפְּרִישָׁה בְּטָהָרָה בְּשִׁלְשִׁי שְׁלָה – סּוֹפְרָתוֹ לִמְנִין שְׁבָעָה נְקִים.**

according to the opinion of **Rabbi Eliezer**, that if they examined themselves on the first and seventh days they are considered to be pure during the intermediate days as well, **what is the halakha?**<sup>n</sup> Do we require the first and last days of the seven, and if so, here there is an examination on the first day, and yet there is no examination on the last day, but only on the eighth day? Or perhaps Rabbi Eliezer requires an examination only on the **first** of the days, and this is sufficient even though there is no examination on the last of the seven days.

**Rav said:** This case of examining on the first and eighth days is the same as that of examining on the first and seventh days, i.e., Rabbi Eliezer requires an examination only on the **first** of the days, and this examination is sufficient even though there is no examination on the **last** of the days. **And Rabbi Hanina said:** We require an examination on the **first and last** days of the seven, and here there is an examination on the **first** day but there is no examination on the **last** day. Consequently, Rabbi Eliezer would not permit a *zav* or a *zava* to count any of the days in this case.

The Gemara raises an objection to the opinion of Rav from a *baraita*: And the Sages agree with regard to a *zav* and a *zava* who examined themselves on the first day and on the eighth day and found themselves to be ritually pure, that they have only the eighth day as part of their count. The Gemara asks: Who are the Sages who agree to this? Are they not Rabbi Eliezer and Rabbi Yehoshua? These two Sages, who disagree in a case where the *zav* and *zava* examined themselves on the first and seventh days, are evidently the ones who agree in the case of a woman who performed an examination on the first and the eighth days. This seems to contradict Rav's opinion.

The Gemara rejects this suggestion: No, the Sages referred to here are **Rabbi Yehoshua** and **Rabbi Akiva**. Both of them agree that in this case the first day is not included in the count. Conversely, Rabbi Eliezer would say that the first seven days are included in the count and the eighth day is unnecessary, as there is a presumptive status of ritual purity from her examination on the first day.

§ The Gemara cites another discussion with regard to which days are included in the count of seven clean days. **Rav Sheshet** says that **Rav Yirmeya bar Abba** says that **Rav says**: A menstruating woman who performed the examination marking the first step in her transition from ritual impurity to ritual purity on her third day counts that day as part of the number of seven clean days.

The Gemara asks: Why does a menstruating woman require any kind of counting? If this is during her days when she is expected to menstruate she may immerse after the conclusion of seven days, whether or not those days were clean. Rather, say that Rav meant as follows: A *zava* who performed the examination marking the first step in her transition from ritual impurity to ritual purity on her third day<sup>h</sup> counts that day as part of the number of seven clean days.

**NOTES**

According to the opinion of Rabbi Eliezer what is the *halakha* – **רֹבִי אַלְיעָזֶר מַהוּ**? The question with regard to an examination on the first and eighth days applies only according to the opinion of Rabbi Eliezer. According to the opinion of Rabbi Yehoshua, although she may count days that are not consecutive, they must be days that can combine with each other. An examination on the eighth day cannot combine with the examination on the first day, as it is too distant. It is therefore clear that in his opinion the woman has verified there is no blood only for the eighth day in such a case. Similarly, according to the opinion of Rabbi Akiva, who is concerned that she might experience bleeding between the examination on the first day and the examination on the seventh day, the same applies if she examines herself on the eighth day. Therefore he too agrees that she verified there is no blood only for the eighth day in this case (Rashi).

**HALAKHA**

A *zava* who performed her transition to ritual purity on her third day – **בָּהּ שְׁהַרְשָׁה בְּטָהָרָה בְּשִׁלְשִׁי שְׁלָה** – If a woman performs an examination on the third day of her *ziva* and finds that the bleeding has ceased, and she did not examine herself on the first of her seven days but on the seventh day she examined herself and found

herself to be pure, she has a presumptive status of not having experienced bleeding for the entire time. This is in accordance with the statement of Rav Yirmeya bar Abba, citing Rav (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 6:22; *Shulhan Arukh*, *Yoreh De'a* 196:4).

אמור ליה רב ששת לר' ירמיה בר אבא:  
רב בכחותא אנקה לשמעתיה, דאמרי יום  
שפוסקת בו טופרתו למינן שבעה!

כى קאמור רב, לר' משלישי. בר משלישי,  
פשיטא! לא צויכא, פגון דלא ברקה עד  
שביעי,

ואשמושען דחטם - תחולתן אף על פי שאין  
סופן, והכא קא משמעין - סופן אף על  
פי שאין תחולתן.

ד מהו דתימא: תחולתן אף על פי שאין  
סופן הווא דאמריין, דאוממיינהו אתקייחו  
אבל סופן אף על פי שאין תחולתן - לא,  
קא משמעין.

איini, וזה כי אתה רבין אמר: מהיב רב  
יוסי ברבי חנינא "טוועה".

Rav Sheshet said to Rav Yirmeya bar Abba: Did Rav say his *halakha* in accordance with the opinion of the Samaritans, who say that the day on which a *zava* ceases to experience the emission of *ziva* counts toward the number of seven clean days, and she does not need to count seven complete days?

Rav Yirmeya bar Abba replied: When Rav says his *halakha*, he meant apart from the third day. Rav Sheshet challenged: If Rav meant apart from the third day, that is obvious; there is no need for him to issue such a statement at all. Rav Yirmeya bar Abba replied: No, the statement that she begins counting immediately after the third day is necessary for a case where once she saw that she was clean after the third day of her *ziva* emissions she did not examine herself again until the seventh day.

And Rav is teaching us two *halakhot*. There, in the previous discussion with regard to the opinion of Rabbi Eliezer, Rav stated that an examination at the beginning is sufficient, even though there is no examination at the end of the seven days. And here he teaches us that an examination at the end of the seven days is sufficient, even though there is no examination at the beginning of the seven days, but only on the day when she ceased experiencing bleeding.

Rav Yirmeya adds that it is necessary to teach both *halakhot*, lest you say that we say that an examination at the beginning is sufficient even though there is no examination at the end of the seven days, as we establish the clean days in accordance with their presumptive status. But one might have thought that Rav would not permit her to consider all the days to have been clean in a case of an examination at the end of the seven days even though there is no examination at the beginning of the seven days, where no presumptive status was established. Therefore, this second statement of Rav teaches us that even if she only examined herself at the end of the seven clean days it is sufficient.

The Gemara raises a difficulty with regard to Rav Yirmeya's explanation. Is that so? But when Ravin came from Eretz Yisrael he said: Rabbi Yosei, son of Rabbi Hanina, raised an objection to the opinion of Rabbi Yehoshua ben Levi, that a woman who is uncertain whether or not she miscarried an actual fetus must bring an offering (see 29a). The reason is that the majority of pregnant women carry actual fetuses. Rabbi Yosef objected to this from the case of a woman who was forgetful,<sup>n</sup> i.e., a woman who left town when she was pregnant, and later returned no longer pregnant. It is unknown whether she miscarried an actual fetus, and if it was a fetus, whether it was male or female. The conclusion there was that she does not have any days when blood she discharges is considered ritually pure, which is the *halakha* following a birth, as her miscarriage might not have been a fetus at all. Apparently, here one does not follow the principle that the majority of pregnant women carry actual fetuses.

#### NOTES

A woman who was forgetful – טועה: The main discussion of a woman who is forgetful is on 29b. A *baraita* there teaches: A woman left home for an extended period of time while she was full, i.e., pregnant, and came back when she was empty, as she miscarried the fetus, but it is unknown exactly when and what she miscarried; she spent three weeks in our presence during which she was pure, i.e., she did not experience any bleeding, and for the following ten weeks she alternated between one impure week, in which she experienced bleeding every day, and one pure week, in which she did not experience bleeding at all. In such a

case, the woman may engage in intercourse with her husband at the end of the fifth week following her return, on the eve of the thirty-fifth day, after which she is again prohibited from engaging in intercourse with him.

There is a dispute between *tanna'im* as to how many times she must immerse. Beit Shammai hold that she must immerse ninety-five times, whereas Beit Hillel hold that she needs to immerse thirty-five times, and Rabbi Yosei bar Yehuda holds that she must immerse only once.

ולא ידענא מאי פטינהה. דקימא לך  
שבוע קפוא דעתיה לך – בלילותא  
מטבליין לה, ביממה לא מטבליין לה.

Ravin continues: **And I do not know what his objection is**, as the reason that she does not have any days when blood she discharges is considered ritually pure is not only due to the uncertainty as to whether or not she miscarried a fetus, but because it is also unknown when that miscarriage occurred, i.e., even if she miscarried a fetus, perhaps the days when blood she discharges is considered ritually pure had already been completed. **As we maintain that the first week that she comes before us**, when the court is uncertain with regard to her impurity, **we tell her to immerse every night** of that week, in the manner of a woman purifying herself after menstruation or childbirth, but **we do not tell her to immerse during the daytime**, as she has not counted seven clean days (see 29b).

ואי סלקא דעתך לא בעין ספרוי  
לפנינו – ביממה נמי מטבליינה, דילמא  
יולדת ונכבר בזוב היא, ועבדה לה ספרויין  
אלא לאו שבע מיניה – בעין ספרוי  
בפנינו!

The Gemara explains how this discussion apparently contradicts Rav Yirmeya's explanation. **And if it enters your mind that we do not require all seven clean days to be counted before us**, i.e., if an examination on the seventh day is sufficient, let us tell her to **immerse also during the daytime**, as perhaps she gave birth to a male baby during her days of *ziva*, and already performed her seven days of **counting** before she came before the court. The Gemara concludes: **Rather, must one not conclude from this statement of Ravin that we require that her seven clean days be counted before us**, which is why the court does not instruct her to immerse during the daytime.

ולא מי אוקימנא ברבי עקיבא דאמר  
בעין ספרויין לפנינו?!

The Gemara rejects this contention. **But didn't we interpret that the baraita is in accordance with the opinion of Rabbi Akiva**, who said that **we require her seven clean days to be counted before us?** By contrast, Rav's statement was in accordance with the opinion of Rabbi Eliezer, who holds that the days do not need to be counted before us.

ומנא תימרא דלבונן לא בעין ספרוי  
לפנינו – דתמן: טעונה שאמורה יום אחד  
טמא ראיית – מטבליין אותה תשע  
טבילות.

**§** The Gemara stated earlier that according to the opinion of the Rabbis, the seven clean days do not need to be counted before us. The Gemara analyzes their opinion: **And from where do you say that according to the opinion of the Rabbis we do not require that the seven days be counted before us?** This is as we learned in a baraita: With regard to a woman who was *forgetful* and does not know whether she is now in her days of menstruation or days of *ziva*, **who said: I saw blood on one day of impurity**,<sup>N</sup> the court instructs her to **immerse nine immersions**.

שבע לנדה והורי לוייה. בין העשימות  
טמא ראיית – מטבליין אותה אחת  
עשירה טבילות.

The baraita clarifies: Since there is no way of knowing whether she is a woman purifying herself after menstruation or after *ziva*, she must immerse **seven immersions** on the following seven nights, **for purification from menstruation**, as each of these days might be the last of the seven days of menstruation. **And** she must also immerse during **two days** as purification from *ziva*, i.e., on the day that she arrives, in case she experienced bleeding the day before, and on the following day, as perhaps she experienced bleeding on the day of her arrival. But if this woman says: **I saw blood at twilight** that renders me **impure**, the court instructs her to **immerse eleven immersions**.

אחד עשרה מאי עבידתייה? אמר רב  
ירמיה מודפי: בגין שבאת לפנינו בין  
העשימות,

The Gemara asks: These **eleven days, what is their purpose?** If she would normally require nine immersions, why does she require an extra two immersions if she experienced bleeding at twilight? **Rav Yirmaya of Difti said:** The baraita is referring specifically to a case **where she came before us at twilight** and says that she also experienced bleeding at twilight, but it is not clear whether she experienced bleeding on a previous day at twilight, or today at twilight.

#### NOTES

A woman who was forgetful who said, I saw blood on one day of impurity – **טועה שאמורה יום אחד טמא ראיית**: Some explain that this refers to a woman who is certain that she performed an examination marking the beginning of her transition from ritual impurity to ritual purity after she stopped experiencing bleeding.

If she does not know whether she has performed this examination she may not immerse at all (Ramban; Ran). Others write that even if she is uncertain about this it does not prevent her from immersing because this examination is a stringency, and immersing at the first possible time is its own mitzva (*Tosefot HaRosh*).

**BACKGROUND**

**Galahi – גָּלָהִי**: Rashi explains that this was the custom in a place named Galahi. The later commentaries explain that the word Galahi is either another name for the city of Sodom (*Arukh LaNer*), or it refers to a specific neighborhood within Sodom (*Arukh*). In *Sanhedrin* (10ga-b) there are many stories about the wickedness of the people of Sodom, and the story of the orphan slaughtering the oxen is included among them (*Yavetz*).

**LANGUAGE**

**Widow [armelata] – נָוֶמְלָתָא:** This Aramaic word is phonetically related to, and has the same meaning as, the Hebrew word for widow, *almana*.

וַתֹּהֲיוּ תְּמִינֵי לְנִדָּה וְתַלְתֵּן לְזִבְחָה.

"לֹא רָאִיתِ בְּלִיעָרָךְ" – מִטְבְּלִין אֹתוֹתָה חַמֵּשׁ עֲשָׂרָה טֻבְילּוֹת. אָמָר רָבָא: הָא דִינָא – דָלָא דִינָא, דַיְנִי בְגַלְחָה, רָאִיתִ לְיהָ תּוֹרָא – לְיַיְשֵׁן חַד יוֹמָא, דָלִית לְיהָ תּוֹרָא – לְיַיְשֵׁן יוֹמָי.

אַתְּרוּמֵי לְהוּ יָתְמָא בֶּן אַרְמְלָתָא, יְהָבִי לְיהָ תּוֹרָא, אַלְוָן בְּסִינָהוּ. אָמָר לְהוּ: רָאִיתִ לְיהָ תּוֹרָא – לְשָׁקוֹל חַד מִשְׁבָּא, דָלִית לְיהָ תּוֹרָא – לְשָׁקוֹל תְּרִי מִשְׁבָּא. אָמָר לְהוּ: מַאֲיָה הָאֵי דְקָאָמָרָתָה? אָמָר לְהוּ: סָוף דִינָא בְּתִחְלַת דִינָא. בְּתִחְלַת דִינָא לְאוֹ מַאן דָלִית לְיהָ תּוֹרָא? סָוף דִינָא נַמֵּי – מַאן דָלִית לְיהָ תּוֹרָא?

הָכָא נַמֵּי, וְמַה הִיכָּא דְאָמָרָה "רָאִיתִי" – סָנוּ לְהָ אֵי בְּתַשְׁעָ טֻבְילּוֹת אֵי בְּאַחֲת עֲשָׂרָה טֻבְילּוֹת, הִיכָּא דְקָאָמָרָה אֲיָה "לֹא רָאִיתִי" בְּעֵיאָה חַמֵּשׁ עֲשָׂרָה טֻבְילּוֹת?

אַלְאָ אִימָא הַכִּי: "רָאִיתִי וְאַיִן יוֹדֵעַ בְּפָמוֹ רָאִיתִי, אֵי בְּפָמוֹ נְדָה וְרָאִיתִי אוֹ בְּפָמוֹ וְיִבְחָה רָאִיתִי" – מִטְבְּלִין אֹתוֹתָה חַמֵּשׁ עֲשָׂרָה טֻבְילּוֹת. אַתָּא קָמָן בְּיַמָּה – יְהִבְנֵן לְהָ שָׁב לְדָרָה.

Rav Yirmeya explains: Therefore, she requires **eight** immersions to purify herself **from menstruation**, seven in case each of the following nights is the night after the seventh day of menstruation, and the eighth in case she experienced bleeding during twilight of the day she arrived, and this occurred in a time which was actually part of the next day, such that she needs to immerse also on the eighth night from her arrival, **and three** additional immersions during the day to purify herself **from ziva**. She must immerse during the day three times: She must immerse immediately, because if she experienced bleeding on the previous day during twilight it may have still been day, and right now, at twilight, it might still be day; she must immerse on the next day, because if she experienced bleeding on the previous day during twilight it may have already been night; and she must immerse during the day following the next day, because perhaps she experienced bleeding this twilight after it was night.

If this woman who is forgetful with regard to her cycle of menstruation and *ziva* says: I have not seen any blood at all, the court instructs her to immerse fifteen immersions. Rava said, in reference to this final *halakha* in the *baraita*: This *halakha* is not a logical *halakha*. Rather, it is like the *halakha* that they judge in a place named *Galahi*.<sup>b</sup> In that place they follow the behavior of Sodom, and say that with regard to one who has one ox,<sup>n</sup> he must shepherd the local flocks **one day**, and one who does not have an ox must shepherd the local flocks **for two days**. It is not logical that a woman who has not experienced a flow of blood must immerse more times than one who has experienced a flow of blood.

Apropos the mention of Galahi, the Gemara relates an incident that occurred in that place. There was an orphan in that town, the son of a widow [*armelata*],<sup>l</sup> who had no oxen of his own. The people of that town gave him their oxen to shepherd. This orphan went and slaughtered all of the oxen. He said to the townspeople: Whoever has an ox should take one skin, while one who does not have an ox should take two skins. The people of Galahi said to the orphan: What is this that you are saying, i.e., what is the reason? He said to them: The end of the law is like the beginning of the law: Isn't the beginning of the law that one who has no ox is preferred, and must shepherd the oxen for two days? So too, with regard to the end of the law, one who has no ox is preferred and should receive two hides.

The Gemara returns to discuss Rava's comment with regard to the ruling of the *baraita*: Here too one can claim: And if in a case where she says: I saw blood, it is sufficient for her to immerse either nine immersions or eleven immersions, so too, in a case where she says: I did not see any flow of blood at all, is it logical that she requires fifteen immersions?

Rather, say that this is what the *baraita* means: If a woman says: I saw a flow of blood but I do not know how many days I saw blood, and likewise I do not know whether I saw the flow during the days of menstruation or if I saw the flow during the days of *ziva*, in such a case, the court instructs her to immerse fifteen immersions. The reason for these immersions is as follows: If she comes before us during the daytime, we give her seven immersions, beginning from that night, to remove the impurity of menstruation. Any of those seven nights might be the night after the last of her days of menstruation.

**NOTES**

**One who has one ox, etc. – דָאִיתִ לְיהָ תּוֹרָא וּכְרָא:** The early commentaries explain why this ruling is illogical. It requires very little extra work for one who owns an ox that he must look after to look after oxen belonging to others at the same time (see *Bava Metzia* 69a). Conversely, one who has no oxen and therefore would not

normally be tending to an animal at all should not be required to do so, as that would prevent him from performing another task. Certainly, there is no reason for him to have to watch the oxen for two days (*Yad Ramah*).

Perek X

Daf 69 Amud b

- וְתִמְנֵי לַזְבָּה, אַתָּא קְפֹן בְּלִילָותָא  
וַיַּבְינֵן לְהַתְמִינֵי לַזְבָּה וְשָׁב לַזְבָּה.

And she requires eight immersions during the day to purify her from her *ziva*, as it is possible that she experienced bleeding for three consecutive days, rendering her a greater *zava*, and one of those was on this day that she came before the court, and it is also possible that the day she arrived she did not experience bleeding, and she was a *zava* during her last clean day and had to immerse that day. If she comes before us at night, we give her eight immersions to purify herself from her menstruation, including one on the night that she comes before the court, and seven immersions during the day to purify herself from her *ziva*.

זְבָה – תִּמְנֵי בְּעֵיאָא! אֶלָּא, אִידִי וְאִידִי שָׁב  
לַזְבָּה וְתִמְנֵי לַזְבָּה.

The Gemara raises a difficulty: With regard to her *ziva*, she still requires eight immersions. Since it is possible that she experienced bleeding for the third day on the day before coming to the court, she might be a greater *zava*, who starts her clean days only the day after she arrived. In addition, any of the first seven days may be the last clean day, on which she has to immerse herself. The Gemara answers: Rather, in both this case and that case she requires seven immersions to purify herself from the impurity of menstruation, and eight immersions to purify herself from the impurity of *ziva*.

בְּלִילָותָא, תִּמְנֵי לַזְבָּה בְּשָׁעָה!

The Gemara raises a further difficulty: If the woman comes at night to the court, she requires eight immersions to purify herself from her impurity of menstruation. Why does the *baraita* require her to immerse a total of only fifteen times when there are cases where she must immerse sixteen times?

זְבָה דִּפְסִיקָא לִיה, דְּלָא שְׁנָא כִּי אֲתָא  
קְפֹן בִּימָמָא, לֹא שְׁנָא כִּי אֲתָא קְפֹן  
בְּלִילָיא – חַשְׁיבֵל לְהָ. נָהָר דְּלָא פִּסְיקָא  
לִיה, דְּכִי אֲתָא קְפֹן בְּלִילָותָא – בְּעֵיא תִּמְנֵי,  
בִּימָמָא – לֹא קָבַע תִּמְנֵי, לֹא קָחַשׁ בְּלָה.

The Gemara answers: With regard to purifying herself from the impurity of *ziva*, which can be taught in a distinct manner, as there is no difference whether she comes before us during the day and there is no difference whether she comes before us at night, the *baraita* counts the fixed amount of eight immersions. By contrast, with regard to purifying herself from menstruation, which the *tanna* cannot teach in a distinct manner, as when she comes before us at night she requires eight immersions but if she comes before us during the day she does not require eight immersions, the *tanna* did not count both options, but mentioned only seven immersions, which is the minimum number required.

וְאֵי סְלָקָא דְּעַתָּךְ סְפּוּרִין לְפִנֵּינוּ בְּעֵין – כֹּל  
זְבָה טֻבְילּוֹת לְמַה לִ? תְּסִפּוּר שָׁב וְהַדָּר  
וְטֻבְילָוּ! אֶלָּא לֹא שָׁב עַמְּנָה – רְבָנָה הָיא.  
דְּאָמְרוּ לֹא בְּעֵין סְפּוּרִין לְפִנֵּינוּ.

The Gemara returns to the initial purpose of this discussion, which was to indicate that the Rabbis do not require all seven days of counting before the court. And if it enters your mind that we require seven days of counting before us, why do I need all of these immersions? She should count seven clean days and only afterward immerse. Rather, must one not conclude from this that the *baraita* is in accordance with the opinion of the Rabbis, who disagree with Rabbi Akiva and who say that we do not require seven days of counting before us?

אָמָר לֵיה רְבָבָא בְּרִיהָ רְבָבָי יַסְף לְרָב  
אֲשִׁי: לֹא תְּרוֹצֵי קְמַתְרָצֵן לְהָ? תְּרוֹצֵ  
וְאִימָא הָכִי – "סְפּוּרִי וְאֵי יַדְעַת בְּמַה  
סְפּוּרִי, אָם בִּמְיַמִּינָה נָהָר סְפּוּרִי וְאָם בִּמְיַמִּינָה  
זְבָה סְפּוּרִי" – מְטֻבְילִין אָוֹתָה חַמְשָׁ  
שָׁרָה טֻבְילּוֹת.

Rav Aha, son of Rav Yosef, said to Rav Ashi, in rejection of this proof: But didn't you resolve a difficulty in the *baraita*? Since you admit that the *baraita* in any event requires revision, resolve this difficulty too, and say this: If a woman comes and says: I counted<sup>n</sup> clean days but I do not know how many days I counted,<sup>n</sup> and I do not know whether I counted during the days of menstruation or whether I counted during the days of *ziva*, the court instructs her to immerse fifteen immersions. If so, there is no proof that the Rabbis hold that the counting does not need to be before the court.

## NOTES

I counted – סְפּוּרִי: The term: I counted, refers to a specific act performed by the woman. Therefore some explain that when she says: I counted, she means: I examined myself (Rashi). There is no requirement for her to actually count aloud. Others explain that proper practice is for a woman to count verbally each of her days (*Shela*, cited by *Minhat Hinnukh*).

But I do not know how many I counted – בְּמַה סְפּוּרִי: She does not know if she examined herself during some of her clean days or on all of them (Rashi).

### HALAKHA

A zav and a zava and a menstruating woman and a woman after childbirth and a leper, who died – **הַבָּבְתָּהָבָה וְהַנְּעָבָה וְהַיְלָתָה וְהַמְצֹרָעָשֶׁמֶת**: If a zav, a zava, a menstruating woman, a woman after childbirth, or a leper, die, they transmit ritual impurity through lying or sitting after their death just as they did while alive. Until when does the body transmit this impurity? Until the flesh has decayed. This impurity is by rabbinic law, due to the possibility that one of these people first fainted and appeared dead, though still alive. Any surface which one of these sat or lay on after death becomes a primary source of ritual impurity by rabbinic law. This is in accordance with Rav's explanation of the mishna (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 6:4).

**A gentile who died – נָgoi שְׁמָתָה:** The corpse of a gentile does not transmit impurity through lying or sitting because when he was alive his impurity was by rabbinic law, in accordance with Rabbi Yehuda HaNasi's explanation of the mishna (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 6:4).

**סְפִרְתִּי וְאִינֵּי יוֹדֵעַ בְּמֹה סְפִרְתִּי –**  
**דוֹד יֻמָּא מִיְהָא אֵי אָפָּשׁ דְּלֹא סְפִרְתִּי,**  
**חֲסִרָה לְהַטְבִּילָה!**

**אֲלֹא אִימָא: "אִינֵּי יוֹדֵעַ אֶם סְפִרְתִּי**  
**אֶם לֹא סְפִרְתִּי."**

**מַתְנִי** הַבָּבְתָּהָבָה וְהַנְּעָבָה וְהַיְלָתָה וְהַמְצֹרָעָשֶׁמֶת – מִטְמָאִין בְּמִשְׁאָה עַד שִׁימּוֹן הַבָּשָׂר גּוֹי שְׁמָתָה – טָהוֹר מִטְמָא.

**בֵּית שְׁמָאי אָוּמְרִים: כָּל הַנְּשִׁים מַתָּהָבָה וּבֵית הַלִּיל אָוּמְרִים: אֵין נָגָה אֲלֹא שְׁמָתָה נָגָה.**

**גּוֹמֶן** מָאִי "בְּמִשְׁאָה"? אַלְיָמָא בְּמִשְׁאָה מִמְשָׁ – אַטוֹ כָּל מַתָּמִי לֹא מִטְמָא בְּמִשְׁאָה!

**אֲלֹא: מָאִי "בְּמִשְׁאָה"? בָּאָבָן מִסְמָא,**

**דְּכִתִּיב: "וְהַתִּית אֶבֶן חֶרֶב וְשָׁמַת עַל פָּم גָּבְאָ."**

The Gemara raises a difficulty with regard to this interpretation of the *baraita*: If it is referring to a case where the woman said: I counted clean days but I do not know how many days I counted, it is impossible that she did not count at least one clean day. If so, she should not be required to immerse on the eighth day, in which case she is lacking one immersion, as the *baraita* rules that she must immerse fifteen times.

The Gemara answers: Rather, say that she claims: I do not know if I counted any clean days or I did not count any clean days. Likewise, she does not know whether she saw the blood during her days of menstruation or during her days of *ziva*. Therefore, she must immerse fifteen times, as it is possible that she has not yet counted at all.

**MISHNA** The corpses of a *zav*, and a *zava*, and a menstruating woman, and a woman after childbirth, and a leper, who died,<sup>h</sup> transmit ritual impurity by carrying their corpses, until the flesh decays. With regard to the corpse of a gentile who died,<sup>h</sup> although when alive he transmits impurity like a *zav*, once he dies he is ritually pure and is prevented from transmitting impurity.

**Beit Shammai say:** The status of all women when they die is as though they were menstruating women at the time of death. Therefore, the garments that they were wearing before they died are impure and require immersion. **And Beit Hillel say:** Only a woman who died with the impurity of a menstruating woman has the status of a menstruating woman after death.

**GEMARA** The mishna teaches that the corpse of one of these impure people transmits ritual impurity by carrying. The Gemara asks: What does the mishna mean by the term: By carrying? If we say that it literally means by carrying, that is difficult: Is that to say that every other corpse does not impart ritual impurity by carrying? Since every corpse imparts impurity through carrying, why does the mishna need to specify this *halakha* in these specific cases?

Rather, what does the mishna mean when it states: By carrying [*bemassa*]?<sup>n</sup> It means imparting impurity through a very heavy stone [*even mesama*].<sup>n</sup> There is a unique *halakha* with regard to the ritual impurity of a *zav* and a menstruating woman. If they sit on an item, even one that cannot become ritually impure, and beneath that item there is a vessel, although the weight of the *zav* or the menstruating woman has no physical effect on the vessel, it becomes ritually impure.

The Gemara notes that the word *mesama* is based on a verse, as it is written: "And a stone was brought and placed [*vesumat*] upon the mouth of the den; and the king sealed it with his own signet and with the signet of his lords, that nothing might be changed concerning Daniel" (Daniel 6:18). Accordingly, the mishna is teaching that although a corpse does not normally impart ritual impurity to vessels under a heavy stone, these specific types of corpses do transmit impurity in this manner.

### NOTES

What does the mishna mean when it states: By carrying – **מָאִי** **בְּמִשְׁאָה**: The wording of the Gemara teaches that the impurity of a heavy stone is due to ritual impurity imparted by carrying, i.e., a *zav* who sits on a heavy stone transmits impurity to any pure items underneath the stone as if he carried them.

Through a very heavy stone [*even mesama*] – **בָּאָבָן מִסְמָא**: There are different explanations of this matter. The book of Daniel describes how the king placed a rock at the entrance to the lion's

den after throwing Daniel inside: "And a stone was brought and placed [*vesumat*] upon the mouth of the den; and the king sealed it with his own signet and with the signet of his lords, that nothing might be changed concerning Daniel" (Daniel 6:18). This indicates that the stone was very heavy and bigger than a single person could move. This stone is meant to remain in one place, which is why it is called *even mesama*, which is related to the word *hasama*, meaning placed.

**מַיִם טֻמְמָא? אָמָר רַב: גּוֹרָה שְׁמָא יְתַעַלְפָה.**

**תֶּנֶן, מַשּׂוּם וְבֵן אֲלִישָׁר אָמָרָה: עַד שִׁיבְקָעַ בְּיַסְן.**

"גּוֹי שְׁמָת" [כו']. תֶּנֶן, אָמָר רַב: מִפְנֵי מִתְּהִלָּה אָמָרָוּ גּוֹי שְׁמָת טָהוֹר מַלְטָמָא בְּמִשְׁא - לְפִי שָׁאי טוּמָתוֹ מִתְּחִים מִזְבְּחִי תּוֹרָה, אֲלָא מִרְבָּנִי סּוּפְרִים.

תֶּנֶן וּרְבָּנָן: שְׁנַיְם עַשְׂרֵה דָּבָרִים שָׁאַלְוּ אָנָשִׁי אַלְפְּכָנְדְּרִיא אֶת רַבִּי יְהוֹשֻׁעַ בֶּן חִינְנָא: שֶׁלְשָׁה דָּבָרִי חִכְמָה, שֶׁלְשָׁה דָּבָרִי הַגְּדָרָה, שֶׁלְשָׁה דָּבָרִי בְּרוּתָה, שֶׁלְשָׁה דָּבָרִי דָּרָךְ אָוֹז.

שֶׁלְשָׁה דָּבָרִי חִכְמָה: הַזְבָּחָה וְהַנְּזָבָחָה וְהַנְּזָבָחָה וְהַיּוֹלֶת וְהַמְּצֻרָעָ שְׁמָתוֹן, עַד מִתְּמָפְנָאִין בְּמִשְׁא? אָמָר לְהָנָן: עַד שִׁימּוֹק הַבָּשָׂר.

**בַּת מִשְׁוֹלְחָת, מַה הִיא לְכָהָן?**

מַיִם אָמְרִים קָלׁ וְחוֹמָר: וְהַ אֲלִמָּנָה לְכָהָן גָּדוֹל, שָׁאיָן אִיסְרָה שְׁוֹה בְּכָל - בְּנָה פְּגָום, זֶה שְׁאִיסְרָה שְׁוֹה בְּכָל - אַיִן דָּין שְׁבָנָה פְּגָום? אוֹ דִילְמָא: מַה לְאֲלִמָּנָה לְכָהָן גָּדוֹל - שְׁהָיָה עַצְמָה מִתְחַלְתָּה?

**אָמָר לְהָנָן:**

The Gemara asks: **What is the reason that the Sages decreed that these specific types of corpses impart ritual impurity through a heavy stone?** **Rav said:** It is a decree due to the possibility that perhaps one of these people might faint while sitting on the heavy stone, and it might be mistakenly thought they are dead and do not impart impurity to the vessels beneath.

A *tanna* taught in a *baraita* that the Sages said in the name of **Rabbi Eliezer**: All of these types of corpses listed in the mishna impart ritual impurity through a heavy stone until the belly of the corpse bursts. The Sages imposed their decree only in cases where the corpse resembles a person who has fainted. Once the corpse is clearly no longer alive, it no longer imparts ritual impurity through a heavy stone.

**§** The mishna teaches: With regard to the corpse of a gentile who died, although when alive he transmits impurity like a *zav*, once he dies he is ritually pure and is prevented from transmitting impurity. It is taught in a *baraita* that **Rabbi Yehuda HaNasi** said: For what reason did the Sages say that the corpse of a gentile who died is ritually pure and is prevented from transmitting impurity by carrying? Because his impurity that he transmits even when alive is not by Torah law, but by rabbinic law. The Sages decreed that every living gentile imparts ritual impurity in the manner of a *zav*; they did not extend their decree to include the corpse of a gentile in the manner of the corpse of a *zav*.

**§** The Sages taught: The wise people of Alexandria asked twelve matters of **Rabbi Yehoshua ben Hinnana**.<sup>p</sup> Three of them were matters of wisdom,<sup>n</sup> three were matters of *aggada*, three were matters of ignorance, and three were matters of behavior.

The Gemara lists the questions. **Three were matters of wisdom:** The first question was with regard to a *zav* and a *zava* and a menstruating woman and a woman after childbirth and the leper, who died: Until when do they transmit ritual impurity by carrying? **Rabbi Yehoshua said to them:** Until the flesh decays. This is the *halakha* taught in the mishna.

The second question referred to the daughter of a wife who had been sent away by her husband, i.e., divorced, who then married another, but after her divorce from her second husband or his death she returned and remarried her first husband, to whom she is forbidden (see Deuteronomy 24:1–4), and a daughter was born from this marriage. **What is her**, i.e., the daughter's, status with regard to marrying a priest?<sup>h</sup>

Do we say an *a fortiori* inference: And if in the case of a widow married to a High Priest, whose prohibition does not apply to all, i.e., it is prohibited for her only to marry a High Priest (see Leviticus 21:13–15), and yet the lineage of her son is flawed, as he is disqualified from the priesthood, then in the case of this daughter of a remarried divorcée, whose prohibition applies equally to all men, is it not right that her son should be of flawed lineage? Or perhaps this comparison can be refuted: **What is notable about a widow married to a High Priest?** It is notable in that she herself is disqualified from the priesthood, i.e., if a High Priest engages in intercourse with her she is disqualified from partaking of *teruma*, whereas a remarried divorcée is not disqualified from partaking of *teruma*.

**Rabbi Yehoshua said to them:**

The daughter of a wife who had been sent away, what is her status with regard to a priest – **בַּת מִשְׁוֹלְחָת מַה הִיא לְכָהָן?** If a man remarries his divorced wife after she had been married to another

in the interim, the offspring is of unflawed lineage, in accordance with Rabbi Yehoshua ben Hinnana's reply to the wise people of Alexandria (Rambam Sefer Kedusha, *Hilkhot Issurei Bia* 15:2).

## PERSONALITIES

**רַבִּי יְהוֹשֻׁעַ בֶּן חִינְנָא:** Rabbi Yehoshua ben Hinnana, sometimes referred to as Rabbi Yehoshua ben Hananya or often simply as Rabbi Yehoshua, was one of the greatest Sages in the generation following the destruction of the Temple. He served as an important leader of the people during this time of transition. Rabbi Yehoshua was well known by both Jews and gentiles not only for his brilliance in Torah knowledge, but also for his knowledge of science and the natural world, from astronomy to zoology. Many stories are told of his encounters with the Roman emperor, apparently Hadrian, as well as with the sages of other nations. Stories are told of his encounters with the sages of Athens and of Alexandria, which were two world centers of knowledge at that time.

## NOTES

**שֶׁלְשָׁה דָּבָרִי חִכְמָה:** Three matters of wisdom – Some explain that the term matters of wisdom means matters of *halakha* (Rashi).

Perek X  
Daf 70 Amud a

## BACKGROUND

**Offering of a leper – קָרְבֵּן מַצּוֹרָעַ:** The halakhot of *tzara'at*, traditionally rendered as leprosy but not necessarily identified medically with that illness, are recorded in the Torah in Leviticus (see chapters 13–14). They are detailed in tractate *Nega'im*, which deals exclusively with the different types of leprosy. The halakhot of the purification of a leper after he has been healed from his affliction are also stated in the Torah (see Leviticus 14:1–32). Part of the procedure is performed outside the Temple, e.g., shaving his hair. The leper brings to the Temple a lamb for a guilt offering and a *log* of oil, which are waved by the priest. After the sacrifice of the guilt offering, the priest applies some of the animal's blood to the earlobe of the leper, his right thumb, and his right big toe. Next, the priest takes some of the oil in his hand and sprinkles it seven times. Some of the remaining oil is placed on the leper's earlobe, thumb, and big toe. Finally, some of the leftover oil is placed on the leper's head. When all this has been done, the leper sacrifices a lamb, or a bird if he is poor, as a sin offering, and a second lamb, or bird if he is poor, as a burnt offering.

## HALAKHA

Two lepers, their offerings became intermingled, etc. – **שְׁנֵי מַצּוֹרָעִים שְׁגַתְעֲבוּ קָרְבָּנוֹתֵיהֶם זוּ בָּהָה, וְקָרְבָּנָו שֶׁל אַחֲרֵד מֵהָן, וּמָתָא אַחֲרֵד מֵהָן, הַשְׁנִי מֵהָא עַלְיוֹ?**: If the offerings of two lepers became intermingled and one of the sin offerings is slaughtered and its blood sprinkled, and then one of the lepers dies, what should the remaining leper do? He may not offer the second sin offering, since the first one may have been his and one may not bring two sin offerings for one sin. He may also not bring another animal in its place, because one does not bring a sin offering in a case of uncertainty. He may not bring a bird offering instead because a wealthy person may not bring the offering of a poor person. He must give all his possessions to another, so that he becomes poor, and then he may bring a bird as his sin offering, but it may not be eaten (Rambam *Sefer Korbanot, Hilkhot Mehusei Kappara* 5:10, and *Kesef Mishne* and *Lehem Mishne* there).

**Who brought an offering of a destitute person and he became wealthy or an offering of a wealthy person and he became destitute – שְׁבֵבִיא קָרְבֵּן עַנִּי וְהַעֲשֵׂר אוֹ עֲשֵׂר עַנִּי:** If a leper brings the offering of a poor person and then becomes wealthy, or vice versa, his status is defined based on his situation at the time his guilt offering was sacrificed. If he was wealthy at that time he must bring the other offerings of a wealthy person, and if he was poor at that time he brings the offerings of a poor person. This is in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Korbanot, Hilkhot Mehusei Kappara* 5:9).

הִיא תֹּועֵבָה, וְאֵין בַּמִּקְדָּשׁ תֹּועֵבָה.

With regard to one who remarries his divorced wife, the Torah states: "Her former husband, who sent her away, may not take her again to be his wife, after she is defiled, for that is an abomination before the Lord; and you shall not cause the land to sin, which the Lord your God gives you for an inheritance" (Deuteronomy 24:4). By inference, **she, the divorced wife, is an abomination, but her children are not abominations**. In other words, if he transgressed the prohibition and remarried this woman, the daughters from that marriage are not disqualified from marrying priests.

שְׁנֵי מַצּוֹרָעִים שְׁגַתְעֲבוּ קָרְבָּנוֹתֵיהֶם זוּ בָּהָה, וְקָרְבָּנָו שֶׁל אַחֲרֵד מֵהָן, וּמָתָא אַחֲרֵד מֵהָן, הַשְׁנִי מֵהָא עַלְיוֹ?

אָמָר לְהָן: כוֹתֵב נְכָסִי לְאַחֲרִים – וְחַדֵּי עַנִּי, וּמִבְּדִיא חַטָּאת הַעוֹזָה הַבָּא עַל דְּסֶפֶק.

וְהַאֲיכָא אָשָׁם! אָמָר שְׁמוּאֵל: בְּשָׁקוּב אָשָׁם.

אָמָר וּבְשֶׁשֶׁת: גְּבָרָא וּבָהָר שְׁמוּאֵל לִימָא בֵּי הָאִמְילָתָא. בְּמַאֲן, אֵי בְּרוּיָה זֶה אָמָר אָשָׁם קְבֻעָה – וְכִינֵּן מִיְתֵי חַטָּאת לְהָאָשָׁם בְּעַשְׂרוֹת, לֹא מֵצִי.

דָּתָנֵן: מַצּוֹרָע שְׁבֵבִיא קָרְבֵן עַנִּי וְהַעֲשֵׂר, אוֹ עֲשֵׂר וְהַעֲנִי – הַפְּלַחֲלָה אַחֲרֵי חַטָּאת, דְּבָרִי רַבִּי שְׁמֻעוֹן.

The third question was as follows: **Two wealthy people who were lepers came to purify themselves and each brought a sin offering, a guilt offering, and a burnt offering. Their offerings<sup>B</sup> became intermingled<sup>H</sup> with each other, and the offering of one of them was sacrificed, and subsequently one of them died. What shall be with the second individual, i.e., how can he complete his purification process?** If the other one had not died, they could both bring the remaining offering with the stipulation that it should be sacrificed on behalf of whoever is the owner. But now that one is dead, the other person may not bring the remaining animal, as one may not sacrifice a sin offering for one who is dead. He may also not bring another animal instead, as the animal that was already sacrificed might have been his, and one may not bring a second sin offering.

**Rabbi Yehoshua said to them:** The solution is for him to write a contract giving all his possessions to others, whom he trusts to return them as a gift later, and he is then considered to be **destitute**. And as a poor leper, he **brings a bird sin offering**, which can be **brought even in a case of uncertainty**.

The Gemara challenges: **But there is the guilt offering that a leper must bring, and this must be an animal not a bird, and may not be brought in a case of uncertainty. How can this leper bring his guilt offering?** **Shmuel says:** Rabbi Yehoshua was referring specifically to a case where his guilt offering had already been sacrificed, before the animals became intermingled.

**Rav Sheshet said:** Is it possible that a great man like Shmuel would say a statement like this? In accordance with whose opinion does this solution apply? If it is in accordance with the opinion of **Rabbi Yehuda**, who says that if the leper was wealthy when he sacrificed his **guilt offering** he has thereby **fixed** his manner of atonement, and must bring animals as his other two offerings, it is difficult: And once he fixed his guilt offering as an animal while he was wealthy, he may not bring a bird sin offering when he is destitute.

As we learned in a mishna (*Nega'im* 14:11): With regard to a leper who brought an offering<sup>N</sup> of a destitute person and thereafter he became wealthy, or if he brought an offering of a wealthy person and thereafter he became destitute,<sup>H</sup> everything follows after the **sin offering**; this is the statement of **Rabbi Shimon**. If he was wealthy when he brought the sin offering, he brings the burnt offering of the wealthy; if he was destitute at that time, he brings the burnt offering of the destitute.

## NOTES

**A leper who brought an offering – מַצּוֹרָע שְׁבֵבִיא קָרְבֵן:** Once a leper is healed, he must bring two birds as the first stage of his purification process. Afterward it is permitted for him to shave and enter the Israelite camp. Seven days later he brings three sheep, one as a guilt offering, one as a burnt offering, and

one as a sin offering, as well as a meal offering and a *log* of oil. If the leper is poor he brings a sheep as his guilt offering and two doves or pigeons as his burnt offering and sin offering. The animals are sacrificed in the following order: Guilt offering, sin offering, then burnt offering.

וּרְבִי יְהוָה אֹמֶרֶת: הַכֵּל הַזָּלֶךְ אַחֲרֵךְ  
אַשְׁם. רְבִי אֱלִיעֶזֶר בֶּן יַעֲקֹב אֹמֶרֶת: הַכֵּל  
הַזָּלֶךְ אַחֲרֵךְ אַפְוֹרִים.

- וְאַבְרָהָם שְׁמֻעוֹן דָּאַמֵּר חֲטֹאת קָבֻעה  
אַף עַל גַּב דָּלָא קָרְבָּא אַשְׁם, נִיתְּנִי אַחֲרֵךְ.  
דָּהָא שְׁמֻעוֹן לֵיה֒ לְזִבְחָה שְׁמֻעוֹן דָּאַמֵּר  
לִיְתִּי וְלִתְּנִי.

דָּתְנִיא, אָמַר רְבִי שְׁמֻעוֹן: לְמִחְרָת מִבֵּיא  
אַשְׁמוֹ וְלֹאֲוֹנוּ עָמוֹ, וּמְעַמְּדוֹ בְּשִׂיר נְקָנוֹ,  
וּמְתַנֵּה עַלְיוֹ וְאֹמֶר "אִם מִצְרָעָה הוּא –  
הַרְיָא אַשְׁמוֹ וְלֹאֲוֹנוּ עָמוֹ. וְאִם לֹא – אַשְׁם  
זֶה הַאֲשָׁלֵם נְדָבָה".

**And Rabbi Yehuda says:** Everything, i.e., the sin offering and the burnt offering, follows after his status at the time that his **guilt offering was brought.** **Rabbi Eliezer ben Yaakov says:** Everything follows after the offering of the birds,<sup>N</sup> brought seven days earlier, at the start of his purification process.

Rav Sheshet continues: **And if Rabbi Yehoshua's statement is in accordance with the opinion of Rabbi Shimon, who said that the sin offering fixed the status of the remaining offerings, it is difficult:** Why did Shmuel state that the case is where his guilt offering had already been sacrificed? Even if the guilt offering had not been sacrificed before the animals became intermingled, let him bring another animal as his guilt offering, and stipulate that if the guilt offering that was already slaughtered was his, this animal should be a peace offering. **As we have heard that Rabbi Shimon said:** Let him bring another animal and stipulate with regard to it.

**As it is taught** in a *baraita* that **Rabbi Shimon says**, with regard to a leper of uncertain status who must bring a guilt offering and a *log* of oil for his purification: **The following day**, on the eighth day of his purification, he brings his guilt offering and his *log* of oil with it,<sup>N</sup> and the priest stands him at the Gate of Nicanor,<sup>B</sup> and the leper stipulates with regard to the offering and says: If this person, i.e., I, was a leper, this is his guilt offering and this is his *log* of oil with it. And if not, this animal that I brought for a guilt offering shall be a voluntary peace offering, as the two offerings are sacrificed in the same manner.

וְאַתָּה אַשְׁם טָעוֹן

**And that guilt offering of uncertain status requires**

#### NOTES

Everything follows after the sin offering...after his guilt offering...after the birds – **הַכֵּל הַזָּלֶךְ אַחֲרֵךְ חֲטֹאת...אַחֲרֵךְ עֲמָדָה...** **אַחֲרֵךְ אַשְׁם...**: The Gemara (*Arakhin* 17b) explains their dispute. They all derive from the verse: "This is the law of one who has the mark of leprosy, whose means do not suffice for his purification" (*Leviticus* 14:32). Rabbi Shimon holds that his status as a wealthy or poor individual is contingent upon the offering that atones and purifies him from sin, i.e., the sin offering.

**לְמִחְרָת מִבֵּיא אַשְׁמוֹ וְלֹאֲוֹנוּ עָמוֹ:** The Gemara does not explain the context of Rabbi Shimon's statement. Rashi explains that it refers to one who is a leper of uncertain status, who must bring a guilt offering and a *log* of oil on the eighth day for his purification. Therefore the term: The next day, refers to the day following the seventh day of his purification.

## Perek X

### Daf 70 Amud b

שְׁחִיטָתוֹ בְּצִפּוֹן, וְטַעֲוֹן מִתְּנִתָּה בְּהֻונּוֹת,  
וְסִמְמִיחָה, וְכְכִיכִים, וְתִנְפָּה, וְחוֹזָה וְשֹׁוק,  
וּנְאַכְלָל לְזִקְרֵי כְּהֻונָה לְיֹום וְלִילָה.

that its slaughter must be performed in the north<sup>N</sup> of the Temple courtyard, as in the case of a guilt offering, and it requires placement of the blood on the right thumb and right big toe<sup>N</sup> and right earlobe of the leper, as described in *Leviticus* 14:14, and it requires placing hands on the head of the animal, and the accompanying wine libations and waving of the breast and thigh, like a peace offering. And it is eaten by males of the priesthood for one day and the following night, like a guilt offering, rather than for two days, like a peace offering.

#### NOTES

**Its slaughter is in the north – שְׁחִיטָתוֹ בְּצִפּוֹן:** The requirement that offerings of the most sacred order be slaughtered in the north of the Temple courtyard is specified with regard to the burnt offering: "And he shall slaughter it on the side of the altar northward before the Lord; and Aaron's sons, the priests, shall sprinkle its blood against the altar round about" (*Leviticus* 1:11). This principle is also applied to all other offerings of the most sacred order.



Northern part of the Temple courtyard

#### BACKGROUND

**Gate of Nicanor – שַׁעַר נִקְנָור:** The Gate of Nicanor, which was situated by the main entrance to the Temple courtyard, was used when it was necessary for someone to be as close as possible to the courtyard without actually entering it.



Gate of Nicanor

**And requires placement on the thumb and big toe – טַעֲוֹן מִתְּנִתָּה:** Part of the purification process of a leper on his eighth day is that after he has shaved his hair and immersed on the previous day, a priest places the blood of his guilt offering on his right thumb, big toe, and earlobe. The priest also places some of the oil on these three places.

## NOTES

Because he thereby brings sacrificial animals to... disqualification – שְׁמַבֵּא קָדְשִׁים לְבַת הַפְּסָול: In bringing this offering he reduces the permitted time for eating the offering. A peace offering may be eaten for two days and a night, whereas due to uncertainty he may eat this offering only for a single day and a night, and any meat that is left over to the second day has to be burned (Rashi).

**שְׁלַשָּׁה דָבָרִים בְּחוֹת:** There is a dispute with regard to the meaning of the term *burot*. Some write that it means ignorance (Rashi). Others contend that it is referring to matters related to creation (Maharsha). Yet others claim that it means matters of the dead, who lie in the ground, and that the term should be written as *pits* (*Hokhmat Betzalel*).

וְלֹא הוֹדוּ חֲכִמִּים לַרְבִּי שְׁמֻעוֹן, מִפְנֵי  
שְׁמַבֵּא קָדְשִׁים לְבַת הַפְּסָול!

שְׁמוֹאֵל סָבָר לְהַרְבֵּי שְׁמַעְוֹן בְּחֶדָּא,  
וּפְלִיגָּא עַלְיהָ בְּחֶדָּא.

שְׁלַשָּׁה דָבָרִי אַגָּדָה: בְּתוּב אַחֲרֵי אָוֹםֵר  
כִּי לֹא אָחַפֵּץ בְּמוֹת הַמֵּת, וּכְתוּב  
אַחֲרֵי אָוֹםֵר כִּי תְּפִיצֵּה לְהַמִּתָּם!  
בָּאָנוּ - בְּעוֹשֵׂין תְּשׁוֹבָה, בָּאָנוּ - בְּשָׁאיָן  
עוֹשֵׂין תְּשׁוֹבָה.

בְּתוּב אַחֲרֵי אָוֹםֵר כִּי...לֹא יְשָׁא פְּנִים  
וְלֹא יְקַח שְׁחוֹד, וּכְתוּב אַחֲרֵי אָוֹםֵר  
יְשָׁא ה' פְּנֵיו אַלְכָן! בָּאָנוּ - קֹדֶם גּוֹר  
דֵּין, בָּאָנוּ - לְאַחֲרֵי גּוֹר דֵּין.

בְּתוּב אַחֲרֵי אָוֹםֵר כִּי בְּתַרְהָ בָּצְיָוָן,  
וְכְתוּב אַחֲרֵי אָוֹםֵר כִּי עַל אֲפִי וְעַל  
חַמְתִּי הַיְתָה הַעֲרָר הַזֹּאת לְמִן גַּיּוֹם  
אֲשֶׁר בָּנוּ אֶזְרָחָה עַד הַיּוֹם הַזֶּה! בָּאָנוּ  
קוֹדֶם שְׁנָשָׂא שְׁלָמָה אֶת בַּת פְּרוּעָה,  
בָּאָנוּ - לְאַחֲרֵי שְׁנָשָׂא שְׁלָמָה אֶת בַּת  
פְּרוּעָה.

שְׁלַשָּׁה דָבָרִי בְּחוֹת: אֲשָׁתוֹ שֶׁל לוֹט  
מַהוּ שְׁתַטְפָּא? אָמָר לְהָם: מִתְמַמָּא.  
וְאַיִן נְצִיב מִלְחָמָה מִתְמַמָּא.

בֶּן שׁוֹנְמִית מַהוּ שְׁתַטְפָּא? אָמָר לְהָן:  
מִתְמַמָּא, וְאַיִן חַי מִתְמַמָּא.

מַתְהִים לְעַתִּיד לְבָא, צְרִיכֵין הַזֹּאת  
שְׁלִישִׁי וּשְׁבִיעִי, אוֹ אֵין צְרִיכִין? אָמָר  
לְהָן: לְבַשְׁחִיחָיו, נְחַכֵּם לְהָן. אִיכָּא  
דָּאָמָר: לְבַשְׁכָבָא מִשְׁהָ רְבִינָנוּ עָמָךְ.

But the Rabbis did not concede to Rabbi Shimon, because they hold that he thereby brings sacrificial animals to a situation where the time that they may be eaten is restricted, thereby increasing the likelihood of disqualification,<sup>N</sup> as it might be a peace offering, which may be eaten for two days and one night.

The Gemara answers that Shmuel holds in accordance with the opinion of Rabbi Shimon with regard to one halakha, i.e., that it is not the guilt offering that fixes whether the leper must bring the offerings of a wealthy person or a destitute person, but he disagrees with him with regard to one other halakha, as he does not permit such a stipulation in the case of a guilt offering.

The Gemara details the three matters of *aggada* that the sages of Alexandria asked Rabbi Yehoshua. One verse states: “For I have no pleasure in the death of him that dies, says the Lord God; but turn yourselves, and live” (Ezekiel 18:32). And one verse states, with regard to the sons of Eli the High Priest, who did not pay attention to the reproof of their father: “If one man sins against another, God shall judge him; but if a man sins against the Lord, who shall pray for him? But they did not listen to the voice of their father, because the Lord desired to kill them” (1 Samuel 2:25). Rabbi Yehoshua replied to them: Here, the verse in Ezekiel is referring to a case where the sinners repent, whereas there, the verse in Samuel is speaking of a case where the sinners do not repent.

The sages of Alexandria also asked the following: One verse states: “For the Lord your God, He is God of gods, and Lord of lords, the great God, the mighty, and the awful, Who shows no favor nor takes graft” (Deuteronomy 10:17), and one verse states: “The Lord shall show favor to you and give you peace” (Numbers 6:26). How can this contradiction be resolved? Rabbi Yehoshua replied to them: Here, the verse in Numbers is dealing with the time before one’s sentence is issued, when God shows favor and forgives; there, the verse in Deuteronomy is referring to after the sentence has been issued, when He no longer forgives.

The sages of Alexandria further asked: One verse states: “For the Lord has chosen Zion; He has desired it for His dwelling place” (Psalms 132:13), and one verse states: “For this city has been to Me a provocation of My anger and of My fury from the day that they built it until this day, so that I should remove it from before My face” (Jeremiah 32:31). Rabbi Yehoshua replied to them: Here, the verse in Psalms is referring to the time before Solomon married Pharaoh’s daughter (see 1 Kings 3:1), whereas there, the verse in Jeremiah is speaking of the time after Solomon married Pharaoh’s daughter.

The Gemara lists the three matters of ignorance<sup>N</sup> that the sages of Alexandria asked Rabbi Yehoshua. What is the halakha with regard to the wife of Lot, who was turned into a pillar of salt as she fled from the city of Sodom (Genesis 19:26), in terms of whether she transmits ritual impurity as a corpse? Rabbi Yehoshua said to them: A corpse transmits ritual impurity, but a pillar of salt, even if it was formerly a person, does not impart ritual impurity.

The sages of Alexandria also asked Rabbi Yehoshua: What is the halakha with regard to the son of the Shunammite woman, who died and was brought to life by Elisha (II Kings 4:33–36), in terms of whether he transmits ritual impurity as a corpse? Rabbi Yehoshua said to them: A corpse transmits ritual impurity, but a living person does not transmit ritual impurity, even if he had been dead temporarily.

The sages of Alexandria also asked Rabbi Yehoshua: With regard to the dead who will be resurrected in the future, will they require sprinkling with ashes of the red heifer on the third and seventh days, like one who is purified after coming into contact with a corpse, or will they not require that sprinkling? Rabbi Yehoshua said to them: When they come to life, we will be clever for them and clarify the halakha. There are those who say that Rabbi Yehoshua said to them: When Moses our teacher comes with them, he will tell us the correct halakha.

**שִׁלְשָׁה דְּבָרַי רַךְ אֶרֶץ:** מָה יִשְׁהָ אָדָם  
וַיֹּחֶסֶם? אָמַר לֵהֵן: יוֹרֵה בִּישְׁבָּה, וַיָּמַעַט  
בְּסַחֲרוֹתָה. אָמַר: הַרְבָּה עָשָׂוּ כֵּן, וְלֹא הָזַעַל  
לָהֶם! אָלָא: יִבְקַשׁוּ רְחָמִים מִפָּנֵי שְׁהַחֲכָמָה  
שְׁלֹל, שָׁגָאָמָר "בַּיְ" יִתְּחַכֵּם מִפְּנֵי דָּעַת  
וְתִּבְונָה".

The sages of Alexandria also asked Rabbi Yehoshua three matters of behavior: What should a person do to become wise? Rabbi Yehoshua said to them: He should increase his time spent sitting in the study house and minimize his dealings in merchandise. The sages of Alexandria said to Rabbi Yehoshua: Many people have done so, and it did not help them to acquire wisdom. Rabbi Yehoshua responded: Rather, they should pray for mercy to receive wisdom from the One to Whom wisdom belongs, as it is stated: “For the Lord gives wisdom; out of His mouth comes knowledge and discernment” (Proverbs 2:6).

**מַנִּי רַבִּי חִיאָא:** מִשְׁלָל לִמְלָךְ בָּשָׂר וְדָם  
שְׁעַשָּׁה סֻעָּדָה לְעַבְדָּיו, וַיְמַשְׁגַּר לְאוֹהֶבְיוּ  
מִמֶּה שְׁלַפְנִי.

With regard to the subject of wisdom, Rabbi Hiyya teaches a parable of a flesh-and-blood king who prepared a feast for his servants. The servants eat the food placed before them, but in addition he sends some of the food that is before him to those he loves. Similarly, God sends some of His wisdom to those He loves, as the verse states: “For the Lord gives wisdom.”

**מַאי קָא מִשְׁמָעַ לֵן?** דַּהֲא בְּלָא הָא, לֹא  
סְגִיא.

The Gemara asks: Since the path to wisdom is through prayer, what is Rabbi Yehoshua teaching us when he says that one should increase his time spent sitting and studying? The Gemara answers that Rabbi Yehoshua is teaching that this, prayer, without that, sitting and learning, does not suffice.

**מַה יִשְׁהָ אָדָם וַיַּתְעַשֵּׂר?** אָמַר לֵהֵן: יוֹרֵה  
בְּסַחֲרוֹתָה, וַיָּשָׂא וַיַּתְּחַנֵּן בְּאַמּוֹנָה. אָמַר לוֹ:  
הַרְבָּה עָשָׂוּ כֵּן וְלֹא הָזַעַל אָלָא: יִבְקַשׁ  
רְחָמִים מִפָּנֵי שְׁהַעֲשָׂר שְׁלֹל. שָׁגָאָמָר “לַיְלָה  
הַכָּסֶר וְלִי הַזָּבָב”.

The sages of Alexandria asked: What should a person do to become wealthy? Rabbi Yehoshua said to them: He should increase his time involved in merchandise and conduct his business faithfully. The sages of Alexandria said to Rabbi Yehoshua: Many people have done so, and it did not help them become rich. Rabbi Yehoshua replied: Rather, they should pray for mercy to receive wisdom from the One to Whom wealth belongs, as it is stated: “Mine is the silver, and Mine the gold, says the Lord of hosts” (Haggai 2:8).

**מַאי קָא מִשְׁמָעַ לֵן?** דַּהֲא בְּלָא הָא, לֹא  
סְגִיא.

The Gemara asks: Since the path to wealth is through prayer, what is Rabbi Yehoshua teaching us when he says that one should increase his time spent involved in merchandise and conduct his business faithfully? Once again, the Gemara answers: Rabbi Yehoshua is teaching that this, prayer, without that, being involved in honest business, does not suffice.

**מַה יִשְׁהָ אָדָם וַיִּהְיוֹ לְבָנִים וּכְרִים?** אָמַר  
לָהֶם: יִשְׁא אַשְׁה הַחֲנוֹנָתָ לָוּ.

The sages of Alexandria further asked: What should a person do to have male children? Rabbi Yehoshua said to them: He should marry a woman who is fit for him

## Perek X

### Daf 71 Amud a

**וַיִּקְדַּשׁ עָצָמוֹ בְּשַׁעַת תְּשִׁבְמִישׁ.**

and sanctify himself by acting modestly at the time of sexual intercourse.<sup>N</sup>

**אָמַר:** הַרְבָּה עָשָׂוּ כֵּן, וְלֹא הָזַעַל אָלָא:  
**בְּקַשׁ רְחָמִים מִפָּנֵי שְׁהַבְּנִים שְׁלֹל,** שָׁגָאָמָר:  
**הַנִּיהְנִיהְ נְחַלְתָּה הַבָּנִים שְׁכַר פָּרִי הַבְּטָן.**

The sages of Alexandria said to Rabbi Yehoshua: Many people have done so, and it did not help them. Rabbi Yehoshua said: Rather, they should pray to receive sons from the One to Whom sons belong, as it is stated: “Behold, children are a heritage of the Lord; the fruit of the womb is a reward” (Psalms 127:3).

**מַאי קָא מִשְׁמָעַ לֵן?** דַּהֲא בְּלָא הָא, לֹא  
סְגִיא.

The Gemara again asks: Since the path to sons is through prayer, what is Rabbi Yehoshua teaching us when he said that one should marry an appropriate woman and conduct himself with modesty during intercourse? The Gemara answers: Rabbi Yehoshua is teaching that this, prayer, without that, marrying an appropriate woman and being modest, does not suffice.

## NOTES

And sanctify himself by acting modestly at the time of sexual intercourse – **וַיִּקְדַּשׁ עָצָמוֹ בְּשַׁעַת תְּשִׁבְמִישׁ**.

**שְׁמַנְיָשׁ:** Even though the Gemara here does not specify how he sanctifies himself during intercourse, Rashi explains that it refers to engaging in modest conduct during that act.

**BACKGROUND**

**Quarter-log of blood – רבעית דם:** A quarter-log serves as the basis for measures of liquid volume. It is approximately 80–150 ml, according to the varying opinions of the halakhic authorities. It is halakhically considered to be the minimum amount of blood required to sustain a person. There are various opinions as to how the Sages arrived at this measurement. One holds that they estimated the amount of blood in a newborn baby, or the minimum amount a newborn needs to survive.

It is interesting to note that this amount is approximately the quantity of blood pumped by the heart with every heartbeat.

**HALAKHA**

A woman who died and a quarter-log of blood emerged from her body – **האשה שסבנה ויצאה דם מבנה וריבשת דם:** If a woman dies and blood emerges from her body, it transmits impurity as a blood spot, since any uterine blood is impure. Even if the blood emerged after her death and she was not a menstruating woman, since it emerged from an impure source it transmits impurity. If there is a quarter-log of blood it also transmits impurity in a tent. This is in accordance with the opinion of the first *tanna* of the mishna and Rabbi Ze'irai's explanation (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 4:15).

מַאי "שָׁכֵר פָּרִי הַבְּطָן"? אָמָר רַבִּי חֶמְאָה בָּרְבִּי חֲנִינָא: בָּשָׂר שְׁפֵשָׂה הַיְלָדָן עַצְמָן בְּבְטָן כָּדוֹשָׁה שְׁתָרוּעַ אֲשֶׁתוֹ תְּחִילָה – נָתַן לוֹ הַקָּדוֹשׁ בָּרוּךְ הוּא שָׁכֵר פָּרִי הַבְּטָן.

With regard to the verse from Psalms, the Gemara asks: What is the meaning of the phrase: “The fruit of the womb is a reward” (Psalms 127:3)? What act is rewarded here? Rabbi Hama, son of Rabbi Hanina, says: In reward for men withholding their semen in their belly in order to allow their wives to emit seed first, the Holy One, Blessed be He, gives him the reward of the fruit of the womb, i.e., sons.

"בֵּית שְׁמָאי אָמְרִים" [וכו']. מִאֵ טֻמְמִיהוּ דְּבִתְתַּחַלְתָּה אֲיִינָא מִשּׁוּם דְּרִכְתִּיב "וַתִּתְחַלֵּל הַמְלָפָה", וְאָמָר רַב: מִלְּפָד שְׁרָסָה נָדָה, הַכָּא נָמֵי – אָגֵב בִּיעֲתֹותָה דְּמַלְאָכָא דְּמוֹתָה חִיָּא. וְהַאֲנָן תָּנוּ: שְׁחָרָה מִסְלָקָת אֶת הַדָּמִים! – זֹא לֹא קְשִׁיא, פְּחָרָא – צְמִית, בִּיעֲתֹותָה מְרֻפְּפִיא.

§ The mishna teaches that **Beit Shammai say:** The status of all women when they die is as though they were menstruating women. The Gemara asks: **What is the reason for the opinion of Beit Shammai?** If we say that their opinion is due to that which is written: “Then the queen was exceedingly distressed [vatithallhal]” (Esther 4:4), this is difficult. The Gemara first explains the derivation. And Rav said: This teaches that she began to menstruate out of fear, as the cavities [halalim] of her body opened. Here too, when a woman is about to die, due to the fear of the Angel of Death she sees blood. This is difficult, as didn't we learn in a mishna (39a) that trepidation eliminates the flow of menstrual blood? The Gemara answers: This is not difficult. Anxiety generated by extended worry contracts the muscles and prevents the blood from flowing, but sudden fear relaxes the muscles and causes the blood to flow.

אֲלָא, הָא דָתַנוּ, בֵּית שְׁמָאי אָמְרִים: כִּי הָאָנָשִׁים מִתְּמִימָן בֵּין, וּבֵית הַלְּלָא אָמְרִים: אֵין בְּאֲלָא בֵּין שְׁמָתָה בְּבָ.

But if the reason Beit Shammai hold that all women who die have the status of menstruating women is due to fear, then what about that which we learned in a *baraita*: **Beit Shammai say:** The status of all men when they die is as though they were *zavim*; and **Beit Hillel say:** Only a man who died with the impurity of a *zav* has the status of a *zav*. If the reason that Beit Shammai maintain that all women who die have the status of menstruating women is due to fear of the Angel of Death, presumably they also should consider all men who die to have the status of a *zav* for the same reason.

אֲקָרֵי בָּאָן "מִבְּשָׁרוֹ" – וְלֹא מִחְמָת אָוְסָנוּ!

But this is difficult, as I will apply here the principle stated with regard to a *zav*: “An issue out of his flesh” (Leviticus 15:2) renders a man impure, but not an issue due to circumstances beyond his control. If a man has a discharge of *ziva* due to an illness or some accident, he does not become impure. Consequently, if he has a discharge due to fear after seeing the Angel of Death, he would not become ritually impure.

אֲלָא, טֻמְמָא דְּבִתְתַּחַלְתָּה אֲיִינָא: בְּרוֹאשׁוֹנָה הַיְלָדָן מְטֻבְּלָיו כְּלִים עַל גְּבַי בְּנֵי מִתְּנִין, וְהַיְלָדָן נְדוֹת חִיּוֹת מִתְּבִּישׁוֹת. הַתְּקִינוּ שִׁיחָו מְטֻבְּלָיו עַל גְּבַי כָּל הָאָנָשִׁים, מִפְנֵי כְּבוֹדָן שֶׁל נְדוֹת חִיּוֹת.

Rather, the reason for the opinion of Beit Shammai is as it is taught in a *baraita*: At first they would ritually immerse all the utensils that had been used by women who died while menstruating, which had thereby contracted ritual impurity even if the utensils did not touch the women after their death. And as a result, the living menstruating women were embarrassed, as they saw that the status of a menstruating woman is so severe that it remains even after death. The Sages therefore instituted that one must immerse the utensils which had been used by all dying women, due to the honor of living menstruating women.

בְּרוֹאשׁוֹנָה הַיְלָדָן מְטֻבְּלָיו עַל גְּבַי בְּנֵי מִתְּנִין, וְהַיְלָדָן גְּבַי כָּל הָאָנָשִׁים, מִפְנֵי כְּבוֹדָן שֶׁל בְּנֵי חִיִּים.

Similarly, at first they would immerse all the utensils that had been used by *zavin*, men suffering from gonorrhea, who died, as the utensils had thereby contracted ritual impurity even if the utensils did not touch the men after their death. And as a result, the living *zavin* were embarrassed. Therefore, the Sages instituted that one must immerse the utensils that had been used by all dying men, due to the honor of the living *zavin*.

מִתְּנִי הָאָשָׁה שְׁמָתָה וַיַּצְאָה מִמְּנָה וּבִיעַת דָם – מִעֲמָמָה מִשּׁוּם כְּתָם, וּמִעֲמָמָה בְּאַהֲלָה.

**MISHNA** With regard to a woman who died, and after her death a quarter-log of blood<sup>B</sup> emerged from her body,<sup>H</sup> although the blood emerged after death, it transmits ritual impurity by touching and carrying, due to the impurity of the spot of blood of a menstruating woman. This impurity as blood of menstruation applies to any amount of blood she emits, despite the halakha that generally, the blood of a corpse transmits impurity only if it is at least a quarter-log in volume. And as it is a quarter-log of blood, it transmits impurity in a tent, as it is the blood of a corpse.

רֹבִי יְהוּדָה אָמַר: אֵין הַמְטֻמָּא  
מִשׁוּם כְּחַם, מִפְנֵי שֶׁנָּעַקְרָבָה מִשְׁמְתָה.  
וּמוֹזָה רֹבִי יְהוּדָה בַּיּוֹשֵׁבָה עַל מַשְׁבֵּר  
- מִשְׁתָּה, וְזַיְצָה מִמְּנָה רֹבִי יְהוּדָה דֶּם -  
שְׁחִיא מַטְמָאָה מִשׁוּם כְּחַם. אָמַר רֹבִי  
יּוֹסֵי: לְפִיכְךָ אֵין הַמְטֻמָּא בְּאָזְלָה.

**גַּם** מִכְלָל דַתָּנָא קְפָא סָבָר: אֲף עַל  
גַּב דַנְעָקָר דָם מִשְׁמְתָה - מַטְמָאָה  
מִשׁוּם כְּתָם?

אָמַר רֹבִי זְעִירִי: מִקּוֹדֵם מִקוֹּמוֹ טְמֵא  
אַיִּכָּא בְּנִיְהָה.

מִכְלָל דַתָּנָא קְפָא סָבָר בְּאָזְלָל נִמְיָה  
מַטְמָאָה? אָמַר רֹבִי יְהוּדָה: דָם תְּבוּסָה  
אַיִּכָּא בְּנִיְהָה.

דַתָּנָא, אֵיזֶהוּ דָם תְּבוּסָה? פִּירְשׁ רֹבִי  
אֱלֹעָר בָּרוּבִי יְהוּדָה: הוּא שִׁיצָא מִמְּנָה  
דָם בֵּין בָּחָרִי בֵּין בָּמוֹתוֹ, סְפָק בָּחָרִי  
יְצָא סְפָק בָּמוֹתוֹ יְצָא, סְפָק בָּחָרִי  
בָּמוֹתוֹ - זֶה דָם תְּבוּסָה.

Rabbi Yehuda says: That quarter-log of blood does not transmit impurity due to the impurity of the spot of blood of a menstruating woman, because that blood was displaced after she died. And Rabbi Yehuda concedes in the case of a woman who is sitting in childbirth on the travailing chair [mashber]<sup>l</sup> and she died, and a quarter-log of blood emerged from her body, that this blood transmits ritual impurity due to the impurity of the spot of blood of a menstruating woman. In that case, the blood was displaced while she was still alive. Rabbi Yosei said: For that reason, that quarter-log of blood does not transmit impurity in a tent, as it did not come from a corpse.

**GEMARA** The mishna teaches that according to Rabbi Yehuda a quarter-log of blood that emerges from a woman after death does not transmit impurity due to the impurity of a spot of blood of a menstruating woman, despite the fact that it came from the uterus. The Gemara raises a difficulty: By inference one might think that the first tanna holds that even though the blood was displaced after she died, it renders one ritually impure due to the impurity of a blood spot. This is not reasonable, as a dead woman cannot attain the status of a menstruating woman.

**Rabbi Ze'iri said:** Even the first tanna agrees that blood from the uterus which leaves the body after death does not impart impurity as a spot. Rather, the difference between the opinions of the first tanna and Rabbi Yehuda is whether the place of a woman's source, i.e., her uterus, is impure, and therefore any blood that passes through there is impure, even if it left her body after death. The first tanna maintains that even blood that appears after her death transmits impurity like the blood of menstruation, as it passed through the uterus when she was still alive, whereas Rabbi Yehuda holds that this blood does not transmit impurity as blood of menstruation, despite the fact that it passed through her uterus.

**§** The mishna teaches: And Rabbi Yehuda concedes in the case of a woman who was sitting in childbirth when she died, that the quarter-log of blood which emerged from her body transmits the ritual impurity of the spot of the blood of a menstruating woman. And Rabbi Yosei said: For that reason, that quarter-log of blood does not transmit impurity in a tent.

The Gemara asks: By inference, one might conclude that the first tanna, i.e., Rabbi Yehuda, holds that the blood which emerges from a woman who died during childbirth also transmits impurity in a tent. This cannot be correct, as the blood left her while she was still alive. **Rav Yehuda said:** The difference between Rabbi Yehuda and Rabbi Yosei is with regard to blood of submission discharged from a body at the time of death, which contains a mixture of blood that leaves a person when he is still alive and blood that emerges after his death. Rabbi Yehuda holds that the blood which emerges from a woman who dies during childbirth is blood of submission, which transmits impurity in a tent by rabbinic law. Rabbi Yosei maintains that it is clear that this blood emerged from her body before she died, and therefore it is not blood of submission.

As it is taught in a baraita: What is blood of submission,<sup>n</sup> which imparts ritual impurity (see 62b)? Rabbi Elazar, son of Rabbi Yehuda, explained: The case is one of a person who was killed, from whom a quarter-log of blood emerged, a flow which began while he was alive and continued after his death, and it is uncertain whether a full quarter-log emerged while he was alive<sup>h</sup> and therefore does not transmit ritual impurity, and it is uncertain whether it emerged out after his death, in which case it imparts ritual impurity by Torah law, and it is uncertain whether the quarter-log emerged partly while he was alive and partly after his death.<sup>h</sup> That is blood of submission.

### LANGUAGE

**Travailing chair [mashber]** – **מַשְׁבֵּר:** This is a term for the place where a woman sits when giving birth. There is a similar word in Aramaic, *metava*. The term appears in the verse: "And they said to him: Consequently says Hezekiah: This day is a day of trouble, and of rebuke, and of scorn; for the children are come to the birth [mashber], and there is not strength to bring forth" (II Kings 19:3). Some explain that it is called this because that is where the pain of childbirth breaks [meshaber] a woman.

### NOTES

**The blood of submission [tevusa]** – **תְּבֻסָה:** This is referring to the blood which leaves a human body just before and just after his death. Some commentaries explain that the term *tevusa* is based on the verse: "And saw you wallowing [mitboset] in your blood" (Ezekiel 16:6). The Sages decreed that this blood is ritually impure as a primary source of impurity, and therefore it renders items impure through contact or carrying or by a tent, i.e., by being under the same roof.

### HALAKHA

Uncertain whether a quarter-log emerged while he was alive – **סְפָק בָּחָרִי יְצָא:** In the case of a corpse that was on a bed and a quarter-log of blood emerged from it, and it is uncertain whether some of the blood emerged while the person was alive or all of it emerged after his death, the halakha is like other cases of uncertain impurity. Any person or item that touches this blood in a private domain is rendered ritually impure, but a person or item that touches the blood in a public domain is pure. This is in accordance with the opinion of the Rabbis (Rambam *Sefer Tahara, Hilkhos Tumat Met* 2:14).

Uncertain whether partly while he was alive and partly after his death – **סְפָק בָּחָרִי וּבָמוֹתוֹ:** In the case of blood which emerged from a person before his death that is mixed with blood that emerged after his death, where the total amount of blood is at least a quarter-log, but it is not known how much blood emerged while he was alive and how much after his death, this blood is called: Blood of submission. This blood transmits ritual impurity through carrying or touching, and in a tent. The impurity is by rabbinic law. This is in accordance with the opinion of the Rabbis (Rambam *Sefer Tahara, Hilkhos Tumat Met* 2:13).

**NOTES**

**And has still not stopped – עָדִין לֹא פָסַק:** The meaning of this phrase is unclear. Some commentaries explain that the Sages decree that since the blood is still coming out, a quarter-log may emerge after death. But if the blood stopped flowing, and less than a quarter-log emerged after death, the Sages did not decree impurity (*Tosafot*, citing *Rabbeinu Yitzhak* of Dampierre).

**HALAKHA**

**And his blood was dripping into a hole – וְרַם:** In the case of blood that emerges from a person while he is alive, where it runs down into a hole, and blood continues to drip into that hole after his death, all of the blood is ritually pure, because each drip is nullified by the blood that emerged during his lifetime (*Rambam Sefer Tahara, Hilkhos Tumat Met* 2:14).

וחכמים אומרים: ברשות היחיד – ספק טמא.  
בבשות הרבים – ספק טהור.

אליא איעזרו דם תבוסה – הרוג שיצא הימנו  
רבישית דם בחיו ובמוות, עידין לא פסק,  
ספק רבו בחיו ומיעוט במוות. ספק מייעוטו  
בחיו ורבו במותו – זהו דם תבוסה.

רבי יהודה אומר: הרוג שיצא ממונו רבישית  
דם, והיה מוטל במטה ורמו מטפניר לוגמא –  
טמא, מפני שהטפה של מיתה מעורבת בו.  
וחכמים מטהרין, מפני

**And the Rabbis say that this is not blood of submission, but a case of uncertain ritual impurity by Torah law, as it might all have emerged after death. Therefore, one applies the principle that in a private domain a case of uncertainty is considered to be ritually impure, whereas in a public domain a case of uncertainty is considered to be ritually pure.**

**Rather, what is blood of submission?** The case is one of a person who has been killed from whom a quarter-log of blood emerged while he was alive and continued emerging after his death and has still not stopped<sup>N</sup> coming out. It is clear that a full quarter-log did not emerge after his death, but it is uncertain whether the majority emerged while he was alive and the minority after his death, and equally uncertain whether the minority emerged while he was alive and the majority after his death. That is blood of submission.

**Rabbi Yehuda says:** In the case of one who has been killed from whom a quarter-log of blood emerged, and he was lying in a bed and his blood was dripping into a hole<sup>H</sup> in the ground, the blood in the ground is ritually impure, because the drop of death is mixed with it. And the Rabbis deem it ritually pure, because

**Perek X****Daf 71 Amud b****BACKGROUND**

**Crucified – צלוב:** Execution by crucifixion was one of the typical Roman forms of capital punishment. This torturous form of execution was routinely used to punish slaves, captives, and rebels. The act of crucifixion, nailing the prisoner's hands and feet to a wooden cross, was not enough to kill the crucified person. Ultimately, the prisoner would die from blood loss and dehydration; therefore, there were cases where people were removed from the cross and managed to recuperate. Until his death, the blood of the prisoner would drip continually onto the ground beneath him, and would continue to drip even after his death.

ראשון ראשון נפסק. שיפור קאמורי ליה רבן  
לבוי יהודה! רבי יהודה לטעמה, ואמר אין  
דם מביטל דם.

רבי שמעון אומר: אלוב על העץ, שדרמו שותה  
לארץ, ונמצאו תחתיו רבישית דם – טמא. רבי  
יהודה מטהר, שאני אומר טפה של מיתה  
עומדת לו על גב העץ.

רבי יהודה nimma aiho lenefsheiha: שאני אומר  
טפה של מיתה עומדת על גב המיטה שאני  
במטה דמיחללה.

each first drop and every other first drop is separated from the other drops of blood, i.e., it did not flow in a steady stream. Since the blood initially emerged while he was alive and is pure, every drop of blood which emerged after his death is nullified when it falls into that blood, and therefore the entire puddle of blood is ritually pure. The Gemara asks: **The Rabbis are saying well to Rabbi Yehuda;** how does he respond to their claim? The Gemara answers that **Rabbi Yehuda conforms to his line of reasoning, as he said: Blood does not nullify blood.**<sup>N</sup>

**Rabbi Shimon says:** In the case of one who is crucified<sup>B</sup> on wood, whose blood does not drip but runs down the wood to the earth, and a quarter-log of blood is found underneath him, the blood is ritually impure. **Rabbi Yehuda deems the blood ritually pure.** He explains his reasoning: **As I say that the quarter-log of blood found underneath the body came out while he was still alive, and the drop of blood that came out after his death remains on the wood.**

The Gemara raises a difficulty with regard to the opinion of Rabbi Yehuda. **And Rabbi Yehuda, let him say to himself with regard to one who was killed on a bed and his blood is dripping into a hole in the ground: As I say that all the blood found underneath the body emerged while he was still alive and the drop of blood that came out after his death remains on the bed.** Why does Rabbi Yehuda deem the blood ritually impure in such a case? The Gemara answers: **The case of the bed is different, as the blood seeps through the bed onto the floor, whereas in the case of one who is crucified some of the blood may remain on the tree.**

**NOTES**

**Blood does not nullify blood – אין דם מביטל דם –** There is a dispute between *tannaim* (*Zevahim* 77b) with regard to the blood of an offering which becomes mixed with water. The Rabbis hold that as long as it has the appearance of blood, the mixture may be presented on the altar, even if there is more water than blood. Similarly, if the blood of an offering becomes mixed with wine or the blood of a non-consecrated animal, the wine or blood is viewed as if it were water, and if blood mixed with that amount of water would

have the appearance of blood it may be presented on the altar. By contrast, Rabbi Yehuda holds that one type of item is not nullified by something of the same type. Therefore, blood is not nullified when it is mixed with other blood. Consequently, if even one drop of blood of a consecrated animal becomes mixed with blood of a non-consecrated animal, the blood of the consecrated animal is not nullified and the mixture may be presented on the altar.

**מתני'** בראשונה היה אומרים:  
היו שbeta על דם טהו – הייתה מורה  
מים לפקח.

חוורו לומר: הרי היא במנג טמא מות  
לקדושים – בוברי בית הילל, בית שמאי  
אומרים: אף בטמא מות.

**גמן** מורה – אין, נוגעת – לא, אלמא:  
חולין שנעשו על טהרות הקדש – בקדש  
דמו.

**MISHNA** Initially the Sages would say, with regard to a woman who gave birth and observed the seven or fourteen days of impurity for a male or female child, respectively, and then immersed in a ritual bath and **who is observing the period of the blood of purity**,<sup>NH</sup> that she would pour water from a vessel in her hands to rinse the **Paschal offering**.<sup>N</sup> Although it is permitted for such a woman to engage in intercourse with her husband, her halakhic status is like that of one who immersed that day and the sun has not yet set. She therefore assumes second-degree ritual impurity and confers third-degree ritual impurity upon *teruma* with which she comes into contact. Consequently, she may touch the vessel, as second-degree ritual impurity does not render a vessel impure. She may not touch the water, as it is designated for rinsing the Paschal offering and therefore it is treated with the sanctity of sacrificial food, which is rendered impure by second-degree ritual impurity.

The Sages then said: Her status is like that of one who came into **contact with one impure** with impurity imparted by a **corpse**, i.e., one with first-degree ritual impurity, who renders **consecrated items** impure. But with regard to all non-sacred items, even non-sacred items treated with the sanctity of sacrificial food, such as the water used to rinse the Paschal offering, she has second-degree ritual impurity. Consequently, it is permitted for her to touch not only the vessel, but the water inside it as well, **in accordance with the statement of Beit Hillel**. **Beit Shammai say:** The status of the woman is **even like** that of one who is **impure** due to contact with a **corpse**, who is a primary source of ritual impurity and renders even a non-sacred vessel impure.

**GEMARA** The mishna teaches: A woman who gave birth, observed the days of impurity, immersed in a ritual bath, and who is now observing the period of the blood of purity **would pour** water from a vessel in her hands to rinse the Paschal offering. The Gemara infers: Pouring from a vessel, yes, this is permitted, but she may **not touch** the water itself. **Apparently, non-sacred produce**, e.g., even liquid such as the water for rinsing the Paschal offering, **that was prepared according to the level of ritual purity required for sacrificial food**,<sup>NH</sup> i.e., with the same stringencies as required for sacrificial food, **is considered like sacrificial food**.

But now say the latter clause of the mishna: The Sages then said: Her status is like that of one who came into **contact with one impure** with impurity imparted by a **corpse**, i.e., one with first-degree ritual impurity, who renders **consecrated items** impure. This indicates that **with regard to consecrated items**, yes, she renders them impure, but **with regard to non-sacred items**, e.g., the water used to rinse the Paschal offering, she does **not render them impure**. **Apparently, non-sacred produce that was prepared according to the level of ritual purity required for sacrificial food is not considered like sacrificial food**.

One who is observing the period of the blood of purity, etc. – **היו שbeta על דם טהו וכו'**: A woman who has immersed seven days after giving birth to a son or fourteen days after giving birth to a daughter is considered to have first-degree ritual impurity with regard to sacred items and food. She becomes pure with regard to sacred items and food only once she has completed her days of purity (*Kesef Mishne*; see *Ra'avad*). The Rambam adds that since she is impure with regard to sacred items and food she requires another immersion at the conclusion of her days of purity, and only afterward may she touch them. This is in accordance with the ruling of the mishna (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 5:4).

#### HALAKHA

Non-sacred produce that was prepared according to the level of ritual purity for sacrificial food – **חולין שנעשו על טהרות הקדש**: Non-sacred food that was prepared as if it had the purity of sacrificial food, which then comes into contact with third-degree impurity remains pure, like other non-sacred food. This is in accordance with the opinion of the first *tanna* of the *baraita*. The *Ra'avad* writes that this is a minority opinion of Rav Nahman, but that the discussion in the *Gemara* and the unattributed *baraita* (see *Hagiga* 20a) hold that non-sacred food that was prepared as if it had the sanctity of sacrificial food has the same status as sacrificial food (Rambam *Sefer Tahara, Hilkhos She'ar Avot HaTumot* 12:16, and see *Kesef Mishne* there).

#### NOTES

One who is observing the period of the blood of purity – **היו שbeta על דם טהו**: If a woman gives birth to a boy, she is impure for seven days; if she gives birth to a girl she is impure for fourteen days. After that she immerses, and then any blood she discharges during the following thirty-three days after giving birth to a son, or sixty-six days after a daughter, is ritually pure. In other words, she is permitted by Torah law to engage in intercourse with her husband during that time, even if she experiences bleeding. With regard to touching items, she has the status of one who immersed that day and is waiting for nightfall for the purification process to be completed. Accordingly, she is considered to have second-degree impurity, and she may not partake of *teruma* during these days of purity. The *Gemara* refers to her as one who has immersed and is waiting for the end of a long day, as the verse states: "And she shall continue in the blood of purification thirty-three days; she shall touch no sacred item, nor enter the Sanctuary, until the days of her purification be completed" (Leviticus 12:4).

She would pour water to rinse the Paschal offering – **הדרה מעשה מים לפקח**: There are several opinions as to why she would be pouring water for a Paschal offering. Rashi writes that she fills the vessel which will be used to rinse the meat of the offering before it is roasted. She does not pour the water directly onto the offering, which is not yet present.

Non-sacred produce that was prepared according to the level of ritual purity for sacrificial food – **חולין שנעשו על טהרות הקדש**: Some people had the custom of eating their non-consecrated food while maintaining the level of ritual purity required for sacred food, in order that their family members should not come to consume sacred food accidentally in a state of ritual impurity.

**HALAKHA**

**Partakes of second tithe – אוכלות במנ羞ר:** During her days of purity a woman who has given birth is considered like one who has immersed during the day but is waiting for nightfall with regard to *teruma* and tithes. Therefore she may partake of tithes, but disqualifies *teruma*, in accordance with the ruling of the mishna (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 5:4).

A drop from her saliva or from the blood of purity fell onto a loaf of *teruma* – נֶפֶל טְרוּמָה וַיַּנִּפְתַּח שֶׁל כְּבָר שֶׁל טְרוּמָה: If saliva or blood falls from a woman after childbirth during her days of purity onto a loaf of *teruma* bread, the bread remains ritually pure. This is in accordance with the mishna (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 5:4).

**Immersion at the conclusion – טבילה באחרונה:** A woman does not require another immersion at the end of her days of purity before she may partake of *teruma*, in accordance with the opinion of Beit Hillel (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 5:4).

**He immersed and ascended, he may partake of second tithe – טבל ועלה ואכל במנ羞ר:** One who was ritually impure and immersed in a ritual bath may partake of second tithe even before nightfall, in accordance with the mishna in tractate *Nega'im* 14:3 (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 3:4).

**And she separates part of her dough as *halla* – קוקצה לה:** A woman who is impure due to menstruation may separate *halla* outside of Eretz Yisrael, since it is prohibited for her only to eat it, but not to touch it (Rambam *Sefer Zera'im, Hilkhot Terumot* 12:1).

מִתְהִלָּתָן מֵני – אֲבָא שָׂאוֹל הָיא,  
דָּתָנִיא, אֲבָא שָׂאוֹל אָוּמָר: טַבּוֹל יוֹם  
תְּחִילָה לְקָדָשׁ, לְטִימָה שְׁנִים, וְלִפְסָול  
אַחֲרָה.

The Gemara explains: Whose opinion is expressed in the latter clause of the mishna? It is the opinion of Abba Shaul, as it is taught in a *baraita* that Abba Shaul says: With regard to one who was ritually impure who immersed that day and is waiting for nightfall for the purification process to be completed, he has the status of one who is impure with first-degree impurity with regard to sacrificial food,<sup>n</sup> in that he renders two items of sacrificial food impure, and disqualifies one additional item. In other words, the first item of sacrificial food that he touches assumes the status of second-degree impurity. A second item that comes into contact with the first item assumes third-degree impurity. A third item that comes into contact with the second assumes fourth-degree impurity and is therefore disqualified from being eaten, but it does not impart impurity to other items.

מִתְהִלָּתָן וּמוֹדִים שְׁהִיא אָוּכָלָת  
בְּמַנְשָׁרָה, וְקֹצֶה לְהָחֳלָה, וּמַקְפַּת  
וְקוֹרָא לְהָשָׁם.

וְאַם נֶפֶל מִרוּקָה וּמִדְם טְהָרָה עַל כְּבָר  
שֶׁל טְרוּמָה – שַׁהֲוָא טָהָר.

בֵּית שְׁמָאי אָוּמָרים: אַרְיכָה טבִילָה  
בְּאַחֲרָונָה, וּבֵית הַלּוּ אָוּמָרים: אִינָה  
אַרְיכָה טבִילָה בְּאַחֲרָונָה.

גַּם דָּאָמָר מֶר: טְבֵל וּעַלָּה – אָוּכָל  
בְּמַנְשָׁרָה.

וְקֹצֶה לְהָחֳלָה. חֹלִין הַטְּבוּלִין  
לְחֳלָה – לֹא כְּחֳלָה דָּמוֹ.

**MISHNA** And Beit Shammai concede to Beit Hillel that a woman observing the days of purity partakes of second-tithe<sup>H</sup> produce, as it is permitted for one who immersed that day to eat second-tithe produce. **And she separates part of her dough as *halla*, and she draws the vessel with the part of the dough that she separated near the rest of the dough, and she designates it with the name of *halla*.**

And Beit Shammai further concede to Beit Hillel that if a drop from her saliva or from the blood of purity fell onto a loaf of *teruma*,<sup>H</sup> the loaf is ritually pure, as any liquid discharged from the body of one who immersed that day is ritually pure.

There is another dispute between the *tanna'im* with regard to a woman who completed her days of purity. **Beit Shammai say:** Her immersion at the end of the days of impurity does not render it permitted for her to enter the Temple or to partake of *teruma*; rather, **she requires immersion even at the conclusion of the days of purity.** **And Beit Hillel say:** She does not require immersion at the conclusion<sup>HN</sup> of the days of purity to render it permitted for her to partake of *teruma*, as the immersion at the end of the days of impurity is sufficient.

**GEMARA** The mishna teaches that Beit Shammai concede to Beit Hillel that the woman observing the days of purity partakes of second-tithe produce. The Gemara explains that the reason is as the Master said: When the period of ritual impurity of a *zav* or leper has been completed, and he immersed during the day and ascended from the ritual bath, he may partake of second tithe<sup>H</sup> immediately.

The mishna teaches: And she separates part of her dough as *halla*.<sup>H</sup> The Gemara explains that non-consecrated food that is untithed produce with regard to *halla*, as it has not had *halla* separated from it, e.g., this dough from which a piece has been set aside for the future separation of *halla*, is not considered like *halla*, and therefore is not rendered impure by the contact of a woman observing the days of purity.

**NOTES**

One who immersed that day is impure with first-degree impurity with regard to sacrificial food – טבִיל יוֹם תְּחִילָה לְקָדָשׁ: By Torah law one who was ritually impure and immersed that day and is waiting for nightfall does not transmit impurity to sacred food, but he does disqualify it. By rabbinic law he also renders it impure to the degree that it renders other sacred food ritually impure.

She does not require immersion at the conclusion – אִינָה אַרְיכָה טבִילָה בְּאַחֲרָונָה: The early commentaries write that even according to the opinion of Beit Hillel she must immerse before she may partake of sacred food, and she may partake of offerings of lesser sanctity only after she has brought the atonement offerings and immersed. The reason she must immerse at the end is that it has been a long time since her initial immersion and she will have taken her mind off sanctified food, and *teruma* as well, according to the opinion of Beit Shammai (Rashi).

"**וּמְקֻפָּת**". דֹאֲמֵר מֶרֶב: מְצֻחָה לִתְרוּם מִן הַמִּזְקָנָה.

"**זְקוּרָא לְהָ שֵׁם**". סְלִקָּא דַעֲתָךְ אַמְּנִיא נְגּוּר  
דְּלִמְנָא אָתִי לְמִנְגָּעַ בָּה מִאֲבָרָא - קָא מְשַׁמְעַ  
לְנָ

"**וְאִם נִפְלֵל מְרוּקָה**". דַתְנֵן: מְשַׁקָּה טְבּוֹל יּוֹם  
(בְּמִשְׁקָנִין הַיּוֹצְאִין מִמְּנוּ) בְּמִשְׁקָנִין הַגּוֹעַבְבָּהּ.  
וְאַלְוָאלוּ אִין מִטְמָאִין, חַוֵּץ מְשַׁקָּה הַזָּב -  
שֶׁהָוָא אֶבֶן הַטּוֹמָאָה.

"**בֵּית שְׁמָאי**". מַאי בִּינְיָהוּ? אָמֵר רַב קֶטִינָא:  
טְבּוֹל יּוֹם אָרוֹן אִיכָּא בִּינְיָה.

**מתני'** הרואה יומ אחד עשר, וטבלה לערב  
וממשמה

**בית שְׁמָאי** אומר: מִטְמָאִין נִשְׁכָּב וּמוֹשָׁב,  
וח'י'ין בְּקָרְבוֹן.

The mishna also teaches that she **draws** the vessel with the part of the dough that she separated **near** the rest of the dough. The Gemara explains that this is as the Master said: It is a **mitzva to separate teruma** from produce that is situated **nearby**<sup>NH</sup> the produce it comes to exempt, *ab initio*.

The mishna states: **And she designates it with the name of halla**. The Gemara explains that it is necessary for the *tanna* to teach this *halakha*, as it might enter your mind to say: **Let us decree lest she comes to touch the halla from the outside.**<sup>N</sup> Therefore, the mishna **teaches us** that there is no such decree.

The mishna teaches: **And Beit Shammai concede to Beit Hillel that if a drop from her saliva or from the blood of purity fell onto a loaf of teruma**, that the loaf is ritually pure, as any liquid discharged from the body of one who immersed that day is ritually pure. The Gemara explains that the reason is as we learned in a mishna (*Tevul Yom* 2:1): **The halakha with regard to liquids that emerge from one who immersed himself that day from his state of ritual impurity is like that of liquids that he touches.**<sup>H</sup> And both **these and those**, the liquids that emanated from him and the liquids that he touched, **do not transmit ritual impurity**. This is the *halakha* except for liquids that come from a *zav*, who is a primary source of ritual impurity.

The mishna teaches that **Beit Shammai** say: Her immersion at the end of the days of impurity does not render her permitted; rather, she requires immersion even at the end of the days of purity. And **Beit Hillel** say: The immersion at the end of the days of impurity is sufficient. The Gemara asks: **What is the difference between them**, i.e., what is the basis of their dispute? **Rav Ketina said:** The difference **between them** is with regard to the status of **one who immersed that day**, i.e., at the end of his time of impurity, and **a long time has passed since the immersion**. **Beit Shammai** hold that as a long time has passed, i.e., thirty-three days after the birth of a boy or sixty-six days after the birth of a girl, she may not rely on that immersion. **Beit Hillel** maintain that she may still rely on that initial immersion.

**MISHNA** There is a dispute with regard to a woman who sees blood on the **eleventh day**, which is the final day of the period fit for the flow of a *zava*. It is permitted for her to engage in intercourse with her husband after observing one clean day corresponding to the one day that she saw blood, but in this case, she failed to observe one clean day. Rather, she **immersed** in a ritual bath that **evening**, the eve of the twelfth day, and then **engaged in intercourse**<sup>H</sup> with her husband.

**Beit Shammai** say: Since she did not observe that corresponding clean day, she retains the status of a *zava*. Therefore both she, the *zava*, and her husband, who engaged in intercourse with a *zava*, **transmit impurity** to items designated for **lying or sitting**, to the extent that these transmit impurity to food and drink that came in contact with them, and in her case, to people as well. **And each of them is liable** to bring a sin offering for participating in intercourse involving a *zava*.

It is a mitzva to separate *teruma* from produce that is nearby – **מְצֻחָה לִתְרוּם מִן הַמִּזְקָנָה**: One may separate *teruma* only from produce that is gathered in one place. For example, if one has fifty *se'a* of produce in one location and fifty *se'a* in another location, he may not separate two *se'a* from one location for the entire one hundred *se'a*. If one did separate *teruma* from another location, the separation is valid. This is in accordance with the mishna (*Halla* 1:9). This is provided that the separated *teruma* is protected. But if one has wine or oil barrels that are breaking or leaking, he may not say: These are *teruma* on behalf of the produce in my home. If he does so it has no effect. This is in accordance with a *baraita* cited in *Bava Kamma* 115b (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 3:17).

Like that of liquids that he touches – **בְּמִשְׁקָנִין הַגּוֹעַבְבָּהּ**: Liquids that emerge from one who immersed himself that day and is waiting for nightfall have the status of liquids that he himself touched. For instance, if the liquids touched non-sacred liquid, the non-sacred liquid is considered ritually pure. If they touched a liquid of *teruma*, it assumes third-degree impurity. If they touched a liquid that was consecrated, the liquid assumes fourth-degree impurity (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 10:4).

She immersed that evening and then engaged in intercourse – **בְּבָלָה לְנָעַב וּמִשְׁפְּשָׁה**: If a woman experiences bleeding on the eleventh day of *ziva* and immerses that night, she transmits ritual impurity to items designated for lying or sitting even though she cannot become a greater *zava* (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 6:17).

## NOTES

It is a mitzva to separate *teruma* from produce that is nearby – **מְצֻחָה לִתְרוּם מִן הַמִּזְקָנָה**: *Teruma* must be separated from produce that is all in one place. One may not set aside *teruma* on behalf of produce that is elsewhere. This is a decree in case the produce that is meant to be *teruma* was actually lost at the time when it was designated as such, which would mean that *teruma* was not separated at all. Others maintain that it is a Torah edict, not based on logical reasoning, that one may not separate *teruma* or tithes from produce that is not nearby (*Tosefot HaRosh*).

**From the outside** – **מִאֲבָרָא**: According to most manuscript versions of the Talmud, this term belongs with the previous sentence, not here. The Gemara should read as follows: And she designates it with the name of *halla* from the outside. In other words, she designates it without placing her hand inside the container of the dough.

## HALAKHA

**NOTES**

**And Beit Hillel say – בֵּית הַלְּל אָוֹרִים:** This discussion is cited on 54a, and the *amora'im* disagree as to its meaning. Rav Sheshet holds that it is forbidden to be a glutton, whereas Rav Ashi holds that it is inappropriate behavior but does not transgress any prohibition.

**That husband is a glutton – הַרְיָה גָּרָגָן:** Although according to Beit Hillel there is no sin, as she observed some time of the day, nevertheless Rav Ashi understands that it is behavior that can lead to transgression: If a husband is accustomed to engage in intercourse with his wife on the twelfth day of her days of *ziva*, he might also come to engage in intercourse with her in the midst of the eleven days, on the day after she experienced bleeding (Rashi).

They agree with regard to one who sees blood in the midst of her eleven days of *ziva* – **שִׁוִּין בָּרוּאָה אֶחָד עַשֶּׂר יוֹם**: Since the *baraita* began by saying that Beit Hillel and Beit Shammai agree that an immersion at night for *ziva* is not a valid immersion, why does the *baraita* later repeat that Beit Hillel agree with Beit Shammai in such a case that the *zava* and her husband are impure and must bring an offering? Rashi explains that the *baraita* starts by mentioning a general *halakha* with regard to a *zava* who immersed, and then proceeds to explain the circumstances of this specific case.

**בֵּית הַלְּל אָוֹרִים: פָּטוּרִים מִן הַקָּרְבָּן.**

**טְבִלָּה בַּיּוֹם שֶׁל אֲחָרְיו וְשִׁמְשָׁה אֶת בֵּיתָה, וְאַחֲרֵיכָה – בֵּית שְׁמָאי אָוֹרִים: מְטֻמָּאִין מִשְׁכָּב וּמוֹשָׁב, וְפָטוּרִים מִן הַקָּרְבָּן.**

**And Beit Hillel say:** Although they transmit impurity to items designated for lying or sitting, **they are exempt from bringing the sin offering**. Since the twelfth day is unfit for the flow of a *zava*, and even if she were to experience bleeding on the eleventh, twelfth, and thirteenth days she would not become a greater *zava*, one who experiences bleeding on the eleventh does not need to observe a corresponding clean day.

If the woman **immersed on the day following the eleventh day and she engaged in intercourse with the man of her house**, i.e., her husband, on that twelfth day **and then saw blood**, **Beit Shammai say: They transmit impurity** to items designated for lying or sitting by rabbinic law, as the Sages issued a decree of impurity in the case when the second day is the twelfth day, due to a case when the second day is within the eleven days fit for the flow of a *zava*. **And they are exempt from bringing the sin offering**, as she observed part of the twelfth day, and the bleeding she experienced after engaging in intercourse, which occurred during her period of menstruation, is not fit to be appended to the discharge of the *zava* on the eleventh day.

**בֵּית הַלְּל אָוֹרִים: הַרְיָה גָּרָגָן. וּמוֹדִים בְּרוּאָה בְּתוֹךְ אֶחָד עַשֶּׂר יוֹם, וְטְבִלָּה לְעֵבָר וְשִׁמְשָׁה – שְׁמַטְמָאִין מִשְׁכָּב וּמוֹשָׁב. וְחַיְבָן בְּקָרְבָּן.**

**And Beit Hillel say:**<sup>N</sup> **That husband is a glutton**,<sup>N</sup> as he could not wait for the conclusion of the twelfth day before engaging in intercourse. Nevertheless, the Sages did not issue a decree of impurity. **And Beit Hillel concede to Beit Shammai in a case where the woman sees blood in the midst of the eleven-day period, and she immersed in the evening and engaged in intercourse** with her husband without observing a corresponding clean day, **that they transmit impurity to items designated for lying or sitting**. And each of them is liable to bring a sin offering for participating in intercourse involving a *zava*.

**טְבִלָּה בַּיּוֹם שֶׁל אֲחָרְיו וְשִׁמְשָׁה – הַרְיָה גָּרָגָן. וּמְרֻבָּת רָעוֹה, וּמְגַעַן וּבְעִילָּת תְּלוּיָּה.**

If she saw blood in the midst of the eleven days and observed part of a corresponding clean day and **immersed on the day following the day that she saw blood and engaged in intercourse**<sup>H</sup> with her husband, **that is wayward conduct**, as the possibility exists that she will experience bleeding after intercourse that will be appended to the bleeding of the previous day, rendering her a *zava* and disqualifying the immersion. **And the status of ritually impure items with which they came into contact and the status of their intercourse is contingent upon whether she experiences bleeding on the day of her immersion**, in which case the ritually pure items become impure and they are liable to bring a sin offering, or whether she does not experience bleeding that day, in which case the ritually pure items remain pure and the woman and man are exempt from bringing a sin offering.

**גּוֹמֶן רְבָנָן: וּשְׁוֹין בְּטוּבָלָת לִילָה לְבָה – שְׁאַינְהָ טְבִילָה. וּשְׁוֹין בְּרוּאָה בְּתוֹךְ אֶחָד עַשֶּׂר יוֹם, וְטְבִלָּה לְעֵבָר וְשִׁמְשָׁה – שְׁמַטְמָאָה מִשְׁכָּב וּמוֹשָׁב. וְחַיְבָן בְּקָרְבָּן.**

**GEMARA** The Sages taught in a *baraita*: And Beit Shammai and Beit Hillel agree with regard to a woman who **immersed at night to purify herself after having been a lesser *zava***,<sup>H</sup> that it is not a valid immersion. And Beit Shammai and Beit Hillel also agree with regard to a woman who sees blood in the midst of her eleven days of *ziva*,<sup>N</sup> rendering her a lesser *zava* who must wait one clean day and immerse the day after, but she **immersed in the first evening without waiting one clean day and engaged in intercourse with her husband, that she transmits impurity to items designated for lying or sitting that came in contact with the couple, and she and her husband are liable to bring a sin offering**.

**HALAKHA**

Immersed on the day following the day she saw blood and engaged in intercourse – **נוּכְלָה בַּיּוֹם שֶׁל אֲחָרְיו וְשִׁמְשָׁה**: A lesser *zava* who immersed on the day she was observing a clean day is conditionally pure. If she completes the day without experiencing any bleeding, anything she touched remains pure, as does her husband if she engaged in intercourse with him. Nevertheless, her behavior is improper, since had she experienced further bleeding they would be ritually impure (Rambam Sefer *Kedusha*, *Hilkhot Issurei Bia* 6:13).

Immersed at night to purify herself after having been a lesser *zava* – **נוּכְלָת לִילָה לְבָה**: A greater or lesser *zava* who immerses herself on the night of the day she is observing as a clean day is considered like one who has not immersed at all, and she transmits ritual impurity to items designated for lying or sitting (Rambam Sefer *Kedusha*, *Hilkhot Issurei Bia* 6:12).

לא נחלקו אלא ביום אחד עשר יומם שבב  
שפמאי אומרים: מטמאין משבב ומושב,  
וחייבין בקרובן; ובית הילל – פוטרין מקרובן.

אמרו לנו בית שמא依 לבית הילל: מאי טמא  
יום אחד עשר מיום תזק אחד עשר? אם  
שייה לו לטומאה, לא ישוה לו בקרובן?

אמרו לנו בית הילל לבית שמא依: לא אם  
אמרת בתוך אחד עשר יום – שבין יום  
שלאחריו מצטרף עמו לוייבָה, תאמרו ביום  
אחד עשר – שאין יום שלאחריו שמצטרף  
עמו לוייבָה!

אמרו להם בית שמא依: השוו מודתיכם, אם  
שייה לו לטומאה – ישוה לו בקרובן; ואם לא  
שייה לו בקרובן – לא ישוה לו לטומאה.

אמרו להם בית הילל: אם הביאנו הוי לדי  
טומאה – להחמיר, לא נביאו הוי קרבן –  
להקל.

יעוד, מדבריכם אתם נושכין, שאתם  
אומרים, טבילה يوم שלאחריו ומשנה, ואחר  
כך ראתה – מטמא משבב ומושב, פטורה  
מן הקרבן אף אתם השוו מהותיכם – אם  
שייה לו לטומאה – ישוה לו בקרובן.

ואם לא ישוה לו בקרובן – לא ישוה לו  
לטומאה אלא – להחמיר ולא להקל, הכא  
נמי – להחמיר ולא להקל.

אמור רב הונא: משבבה ומושבה שפשיין –  
בית שמא依 מטמאין, אף על פי שעלה, אף  
על פי שלא ראתה. מי טעמא? בין דאי לו  
חויא – מטמאה, השטה נמי מטמא.

They disagree only in the case of a woman who sees blood on the eleventh day of her days of *ziva*, and immersed that evening, and engaged in intercourse with her husband. As Beit Shammai say: They transmit impurity to items designated for lying or sitting and are liable to bring a sin offering, and Beit Hillel deem them exempt from bringing a sin offering.

The *baraita* continues: Beit Shammai said to Beit Hillel: What the difference between the eleventh day itself and another day in the midst of the eleven days of *ziva*? If you equate the eleventh day to the other days with regard to ritual impurity, will you not equate it with regard to liability to bring an offering?

Beit Hillel said to Beit Shammai: No, if you say that she is liable to bring an offering if she experiences bleeding in the midst of the eleven days, that is because the following day combines with it as a day of *ziva*. Will you say the same with regard to the eleventh day, when the following day does not combine with it as a day of *ziva*?

Beit Shammai said to Beit Hillel: Apply your method equally. If you equate the two cases, bleeding on the eleventh day and bleeding on one of the other days of *ziva*, with regard to ritual impurity, equate them also with regard to liability to bring an offering. And if you do not equate them with regard to liability to bring an offering, do not equate them with regard to ritual impurity either.

Beit Hillel said to Beit Shammai: Even if we have brought a woman who experiences bleeding on the eleventh day and the man who engages in intercourse with her to ritual impurity, due to a decree to be stringent, so that people should not confuse one who experiences bleeding on the eleventh day with one who experiences bleeding during the other days with regard to ritual impurity, we will not bring them to the liability of bringing an offering, to be lenient. It would be a leniency to permit them to bring an unnecessary and therefore a non-sacred animal into the Temple courtyard.

And furthermore, from your own statement you are refuted, as you say that if she immersed on the following day and engaged in intercourse, and afterward she saw blood, she transmits impurity to items designated for lying or sitting, but she is exempt from bringing the offering. You too should apply your method equally. If you equate a *zava* who immersed on the twelfth day with one who immersed on the night after the eleventh day with regard to ritual impurity, equate these cases also with regard to liability to bring an offering.

And if you do not equate them with regard to liability to bring an offering, do not equate them with regard to ritual impurity either. Beit Hillel continued: Rather, you agree with us that the two are equated to be stringent, but not to be lenient. We say that here too, the two should be equated to be stringent but not to be lenient.

**§ Rav Huna says**, in further clarification of Beit Shammai's opinion: If a woman experiences bleeding during the eleven days of *ziva* and must observe one clean day, but did not wait until the conclusion of that second day before immersing, with regard to her items designated for lying or sitting, on the second day, Beit Shammai render them impure by rabbinic law. This is the *halakha* even though she has immersed in a ritual bath and even though she did not see any blood after her immersion. What is the reason? Since if she would see blood she would render these surfaces ritually impure by Torah law, now too she renders them ritually impure by rabbinic law.

**HALAKHA**

And she engaged in intercourse with the man of her house and then saw blood – **וְשָׁמַמְתָּה אֶת בֵּיתֶךָ וְאֶחָר כֵּן –**  
**רָאִיתָה:** A woman who immerses herself on the twelfth day after sunrise is forbidden to her husband until the evening, and she has the status of a lesser zava. If they transgressed and engaged in intercourse, they are both exempt from punishment. Even if she sees a drop of blood on the twelfth day after they have engaged in intercourse, it is blood of menstruation and does not combine with the blood she saw on the previous day (Rambam Sefer Kedusha, Hilkhot Issurei Bia 6:18 and Maggid Mishne there; Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 5:8, and Ra'avad and Kesef Mishne there).

**If a man sees one sighting of ziva – הרואה ראייה אחת של זוב:** A man who sees one sighting of ziva has the same halakhic status as one who sees a seminal emission, in accordance with the opinion of Beit Hillel (Rambam Sefer Korbanot, Hilkhot Mehusrei Kappara 2:6).

אמור رب יוסף: מאי קא משמעו? **תניניא:**  
**טבלה יום של אחריו וشمמה את ביתה,**  
**ואחר כֵּן רָאִתָּה. בֵּית שְׁמָאי אָמַרִים:**  
**מִטְמָאתָה מִשְׁכְּבֹת וּמוֹשְׁבֹת וּפְטוּרָה מִן**  
**זָקְרָבָן!**

**Rav Yosef said:** What is Rav Huna teaching us? We already learn in the mishna: If the woman immersed on the day following the eleventh day and she engaged in intercourse with the man of her house on that twelfth day and then saw blood,<sup>14</sup> **Beit Shammai say:** They transmit impurity to items designated for lying or sitting by rabbinic law. And they are exempt from bringing the sin offering. Her impurity applies by rabbinic law, lest this case be confused with one where she experiences bleeding during the eleven days when she would be impure by Torah law. By inference, if she experienced bleeding on one of her eleven days and immersed on the following day, she would likewise render items designated for lying or sitting ritually impure by rabbinic law.

**אמור רב בְּקהָנא: רָאִתָּה שְׁנִי.**

אמור رب יוסף: **וכִּי רָאִתָּה מַאי חַיִּין? רָאִיתָה**  
**דְּנַדָּה הִיא!**

אמור ליה אבוי לר' יוסף: **רב בְּהָנָא הֲכִ**  
**קָא קְשִׁיאָ לְיָה, בְּשָׁלְמָא הִיכָּא דָרָאִתָּה –**  
**גּוֹיִם רָאִיתָה דְּנַדָּה אֲטוֹ רָאִיתָה דִּבְרָה –**  
**אֲלָא הִיכָּא דְּלָא רָאִתָּה – מַאי נְגֻרָה?**

**ועוד: תנינא, הרואה ראייה אחת של זוב –**  
**בֵּית שְׁמָאי אָמַרִים: בְּשׁוֹמְרָה יוֹם בְּנֵגָד –**  
**יּוֹם, ובית הָלֵל אָמַרִים: בְּבָעֵלְקָרִי.**

**Rav Kahana said:** Rav Huna is teaching that Beit Shammai render her ritually impure even if she does not experience bleeding. Based on the mishna alone, one might have thought that the case where she saw blood is different, and it is only in this situation that Beit Shammai render her impure by rabbinic law.

**Rav Yosef said**, in refutation of Rav Kahana's claim: And if she saw blood on the twelfth day, what of it? A discharge of blood on the twelfth day is a sighting of a menstruating woman, which does not render her a zava by Torah law. Therefore, it is comparable to a case where she experienced bleeding on one day during her eleven days of ziva and immersed on the following day, and she does not experience bleeding on that following day at all.

**Abaye said to Rav Yosef:** This is what is difficult for Rav Kahana: Granted, in a case where she saw blood on the twelfth day, it stands to reason that we decree impurity with regard to a sighting of a menstruating woman due to a sighting of a zava. But in a case where she did not see any blood at all, for what reason should the Sages decree impurity upon her?

Abaye continues: And furthermore, we learned in a mishna (Zavim 1:1): If a man sees one sighting of ziva (see 35b),<sup>14</sup> **Beit Shammai say:** His status on the following day is like that of a woman who observes a clean day for a day she experiences a discharge. In other words, he must immerse and observe that day in purity, and if he touches tithes their status is suspended, since if he sees another discharge on that day, they are retroactively impure. **And Beit Hillel say:** His status is like that of a man who experiences a seminal emission, who is purified by his immersion, and therefore any tithes this man touches on the second day remain pure even if he later experiences a second discharge.

**Perek X****Daf 72 Amud b****NOTES**

**בֵּית שְׁמָאי** say it is contingent, etc. – **בְּנֵגָד:** Rashi explains that this is referring to a ritually pure individual who moves the first drop of ziva seen by a zav, and afterward that person touched ritually pure items. The status of those items is contingent on whether or not the zav sees a second discharge. If he does, he becomes a full-fledged zav retroactively, and both the person who moved the first drop and the items he touched become ritually impure.

**וְתַנִינָא הַמְסִיט אֶת הָרָאִיה – בֵּית שְׁמָאי**  
**אָמַרִים: תּוֹלֵין, וּבֵית הָלֵל מְשֻׁרְרִין.**

**And it is taught in a baraita:** If one moves the discharge seen by a zav on the first day, **Beit Shammai say:** Due to the uncertainty, his status of ritual purity is **contingent**<sup>14</sup> upon whether he sees another emission. If the zav sees a discharge a second time he will retroactively have been a full-fledged zav and his discharge renders one who moves it impure. But if he does not see another discharge he will remain like one who experienced a seminal emission, which means that his discharge does not render one who moves it impure. **And Beit Hillel deem him pure.** The discharge has the status of a seminal emission and does not transmit impurity to one who moves it.

**משכבות ומושבות שבין ראייה ראשונה לראייה שנייה – בית שמאי תולין, ובית הילל מתרוני.**

**קחני רישא:** הרואה ראייה אחת של זוב – בית שמאי אומרים: כשותחת יומם נגדי יום. אלמא: שומרת يوم נגדי יום, ל'ית שמאי תולין!

**לא תימא** "שומרת يوم נגדי يوم", אלא **אילما** "כboveל שומרת يوم נגדי يوم".

**מאי שנא אליו דלא מטמא משכב ומושב, ומאי שנא אליה דמטמיא ליה?**

**איהו דלא שכיח ביה דמים – לא גור ביה רבנן, איהי דשכיח בה דמים – גור בה רבנן.**

**מאי שנא משכב ומושב דמטמיא ליה, מאי שנא בועל דלא מטמיא ליה?**

**משכב ומושב דשכיח – מטמיא ליה, בועל דלא שכיח – לא מטמיא.**

**תמן: שבלה يوم של آخرיו וشمשה – הרי זו תרבות רעה,**

**מגען ובעילתן תלויין. מאין לאו, דברי הבעל היא?**

The *baraita* continues: With regard to items designated for lying or sitting and their status **between the first sighting and the second sighting**,<sup>4</sup> **Beit Shammai** say: Due to the uncertainty their status of ritual purity is **contingent** upon whether he sees another emission, and **Beit Hillel** deem them **pure**.

Abaye explains Rav Kahana's difficulty with Rav Huna's opinion: It is taught in the first clause of the *baraita* that if a man **sees one sighting of ziva**, **Beit Shammai** say: His status is like that of a woman who observes a clean day for a day<sup>5</sup> she experiences a discharge. Apparently, according to the opinion of **Beit Shammai** the ritual purity status of a woman who observes a clean day for a day she experiences a discharge is **contingent** upon whether she experiences an emission of blood. This is difficult for Rav Huna, who explains that **Beit Shammai** hold that a woman who observes a clean day for each day of discharge is definitely impure, by rabbinic law.

The Gemara answers that Rav Huna would explain: **Do not say** that his status is like that of a woman who observes a clean day for a day. Rather, say that he is like one who engages in intercourse with a woman who observes a clean day for a day after she has immersed. Rav Huna agrees that items designated for lying or sitting that this man sits or lies on is ritually impure only if she experiences bleeding before the end of the day.

The Gemara asks: **What is different** with regard to **him**, a man who engages in intercourse with a woman who is observing a clean day for a day, **that he does not transmit impurity** to items designated for lying or sitting, and **what is different** with regard to **her**, that woman herself, **that she does transmit impurity** to items designated for lying or sitting?

The Gemara explains: With regard to **him**, as he does not frequently see **blood**, the Sages did not issue a decree rendering him impure to such an extent, if the woman has not seen blood on the second day. Whereas with regard to **her**, as she does frequently see **blood**, the Sages did issue a decree rendering her definitely impure to this degree.

The Gemara further inquires: And since a decree was applied to her, as she commonly sees blood, **what is different** with regard to items designated for lying or sitting, **that she transmits impurity to them**, and **what is different** with regard to the one who engages in intercourse with her, **that she does not render him impure**?

The Gemara answers: With regard to items designated for lying or sitting, **she renders them ritually impure** because she frequently sits or lies on them, whereas with regard to one who engages in intercourse with her, which is not nearly as frequent, she does not render him ritually impure.

The Gemara raises another difficulty with regard to Rav Huna's opinion. We learned in the mishna: If she saw blood on the eleventh day and observed part of a corresponding clean day and **immersed on the day following** the day that she saw blood and **engaged in intercourse** with her husband, **that is wayward conduct**, as the possibility exists that she will experience bleeding after intercourse that will be appended to the bleeding of the previous day, rendering her a **zava** and disqualifying the immersion.

The mishna adds: And the status of ritually impure items with which they came into contact and the status of their intercourse is **contingent** upon whether she experiences bleeding on the day of her immersion. The Gemara explains the difficulty. **What is it not** correct to say that all, i.e., **Beit Shammai** and **Beit Hillel**, agree with this clause of the mishna? If so, **Beit Shammai** concur that this woman renders items impure only due to uncertainty. This is not in accordance with the statement of Rav Huna.

### HALAKHA

Lying or sitting between the first sighting and the second sighting – **בית שמאי וראייה ראשונה לא ראייה שנייה**: Any item designated for lying or sitting that a man sits or lies on after one discharge of ziva remains pure, because he does not become a **zav** until he has experienced two discharges of ziva. This is in accordance with the opinion of **Beit Hillel** (*Rambam Sefer Tahara, Hilkhot Metamei Mishkav U'Moshav* 1:12).

### NOTES

Like a woman who observes a clean day for a day – **בשומרת ים נגדי ים**: The halakhot governing a female **zava** are dissimilar to those of a male **zav**. Her impurity is not dependent on the number of discharges, but on the days in which she experiences them. Even if she experiences bleeding many times on a single day, all of them are considered as one. Furthermore, a woman is a **zava** only if she experiences a blood flow not at the time of her menstrual period, as it is stated: "Not in the time of her menstruation" (*Leviticus 15:25*). The period of **ziva** is the eleven days after her seven-day menstrual period. If she experiences bleeding on only one day during this time she has the status of a lesser **zava**. By Torah law, she is obligated to wait one day without any discharge of blood, i.e., she observes a day for a day, in order to become ritually pure. If she experiences bleeding on two consecutive days she must observe the third day, and immerses, and is pure that evening. If she experiences bleeding on three consecutive days she becomes a greater **zava**. She must therefore count seven clean days and may immerse only on the seventh day. Finally, she must bring an offering on the eighth day, after which it is permitted for her to eat consecrated foods.

**NOTES**

Rabbi Yehuda said to Beit Hillel – אמר לך רבי יהודה לבית הילל: Some commentaries have a version that reads: Beit Shammai said to Beit Hillel (Gra).

I would not listen to you – אני שומע לך: Some explain that the phrase: I would not listen to you, means that I do not accept that this halakha is derived from verses, but rather it is a halakha transmitted to Moses at Sinai. Rabbi Elazar ben Azarya and Rabbi Akiva agree with regard to the actual halakha, and disagree only as to its source (Rashi).

**HALAKHA**

The tenth is like the ninth – עשרי כתשיעי: If a woman experiences bleeding on the tenth of her days of ziva she immerses on the eleventh day and observes that as a clean day. If she experiences bleeding after her immersion any food that she touched becomes impure retroactively, as does her husband if they engaged in intercourse. This is the halakha even though she cannot become a greater zava in this time. This is in accordance with the opinion of Rabbi Yoḥanan (Rambam Sefer Tahara, Hilkhot Metamei Mishkav UMoshav 5:8).

Eleven days...between one period of menstruation and the next period of menstruation – אחד עשר ימים שבין נריה לנטה: Any blood that a woman discharges not during her days of menstruation is blood of ziva. There is a halakha transmitted to Moses from Sinai that there are eleven days between the days of menstruation (Rambam Sefer Kedusha, Hilkhot Issurei Bia 6:3).

לא, בית הילל היה. ורבנן, אמר לך רבי יהודה לבית הילל? אמר לך רבי יהודה לבית הילל: וכי לו אמת קורין "תירבות רעה"? ותולא לא נתקבון זה אליא לבועל את הנדרה! נדרה סלקא דעתך?

אליא איימת לבעול את הזבה. זבה סלקא דעתך? אליא איימת לבעול שומרת ים בגדי ים.

אייתמר: עשרי – רב יוחנן אמר: עשרי כתשיעי, מה תשייע – בשי שימור, אף עשרי – בשי שימור.

ריש לקיש אמר: עשרי באחד עשר, מה אחד עשר – לא בשי שימור, אף עשרי – לא בשי שימור.

אייבא דמפני לה אהא, אמר לו רב אלעזר בן שוריה לרבי עקיבא: אפיקו אתה מבה "בשמן" [בשמן] כל היום כלו – אין שומע לך! אליא חי לוג שמן לתזורה, וביביעתין אין לנער, ואחד עשר יום שבין נריה לנטה – הילכה למושה מסיני.

מאי "הילכה"? רב יוחנן אמר: הילכה אחד עשר. ריש לקיש אמר: הילכות אחד עשר.

The Gemara answers: No, this clause of the mishna is only in accordance with the opinion of Beit Hillel. As it is taught in a baraita that Rabbi Yehuda said to Beit Hillel:<sup>14</sup> Do you call this type of behavior wayward conduct? But he intended only to engage in intercourse with a menstruating woman. The Gemara questions the meaning of Rabbi Yehuda's statement. Can it enter your mind that he intended to engage in intercourse with a menstruating woman? The mishna and baraita are not referring to a man who engages in intercourse with a menstruating woman.

Rather, say that Rabbi Yehuda meant that this man intended only to engage in intercourse with a zava. The Gemara rejects this formulation as well: Can it enter your mind that Rabbi Yehuda said he intended to engage in intercourse with a zava? The mishna and baraita are not referring to a man who engages in intercourse with a zava either. Rather, say that Rabbi Yehuda meant that this man intended to engage in intercourse with a woman who observes a clean day for a day she experiences a discharge. This baraita indicates that the latter clause of the mishna is only according to the opinion of Beit Hillel, as Rabbi Yehuda directed his comments specifically to them.

**§** The Gemara cites another discussion concerning a woman who experiences bleeding toward the end of her eleven days of ziva. It was stated with regard to a woman who experiences bleeding on the tenth day of her eleven days of ziva, that Rav Yoḥanan says: The tenth day is considered like the ninth,<sup>15</sup> i.e., just as the ninth day requires the observance of a day clean from discharges on the following day, so too does the tenth day require observance of a day in case she experiences bleeding on the eleventh day.

**Reish Lakish says:** The tenth day is considered like the eleventh day, as in such a case it is impossible for her to experience bleeding for the three consecutive days within the eleven days of ziva. Just as the eleventh day does not require the observance of a day clean from discharges, so too the tenth day does not require the observance of a day clean from discharges, since even if she experiences bleeding on both the eleventh and the twelfth days, the last of the three consecutive days was already the start of her days of menstruation, and therefore she does not become a greater zava.

There are those who teach the dispute between Rabbi Yoḥanan and Reish Lakish with regard to this case: Rabbi Elazar ben Azarya<sup>16</sup> said to Rabbi Akiva: Even if you were to amplify and derive halakhot from the repeated terms "in oil," "in oil," stated with regard to the thanks offering (see Leviticus 7:12) for the entire day, I would not listen to you<sup>17</sup> and accept your claim. Rather, the halakha that one-half of a log is the requisite amount of oil for the thanks offering, and the halakha that one-quarter of a log is the amount of wine for a nazirite, and the halakha that a woman who experiences an emission of blood during the eleven days that are between one period of menstruation and the next period of menstruation<sup>18</sup> is a zava, each of these is a halakha transmitted to Moses from Sinai. None of the halakhot are derived from verses.

The Gemara asks: What is the halakha mentioned here with regard to the eleven days between one period of menstruation and the next? **Rabbi Yoḥanan says:** It is referring to the halakha that distinguishes the first ten days from the eleventh day. **Reish Lakish says:** It is referring to two halakhot that distinguish the first ten days from the eleventh.

**PERSONALITIES**

Rabbi Elazar ben Azarya – רב אלעזר בן שוריה: One of the most significant *tanna'im* in the generation following the destruction of the Temple, Rabbi Elazar ben Azarya descended from a family blessed with great wisdom, distinguished lineage, and wealth. His father, Azarya, was also a Torah scholar and an extremely wealthy man. Azarya supported his brother Shimon, one of the Sages, who is therefore referred to as Shimon, brother of Azarya.

Rabbi Elazar ben Azarya was from a family of priests descended from Ezra the Scribe, and there are traditions that draw parallels between them. The Gemara describes how his knowledge, wealth, and family lineage led to his being chosen by the Sages to replace Rabban Gamliel as *Nasi* when the latter was removed from his position of leadership after repeatedly and publicly humiliating Rabbi Yehoshua (see Berakhot 27b).

רַבִּי יוֹחָנָן אָמַר: הַלְכָה אֶחָד עָשָׂר, אֶחָד עַשְׁرַ הַוָּא דְלָא בַשׁ שִׁימָרוּ - ذָא לְאַחֲרֵיכֶם עַבְדֵיד שִׁימָרוּ. וּוּרְשֵׁלְקִיְישׁ אָמַר: הַלְכָות אֶחָד עַשְׂרֵה, לֹא אֶחָד עַשְׂרֵה בַעַי שִׁימָרוּ, וֹלְאַ שִׁימָמוּ לְעַשְׂרֵי הַוָּי.

הַנִּי הַלְכָות נִנְהָז? הַנִּי קָרְאָנִי נִנְהָז דְתְנִיא:

בְּכָל הַרוֹאָה שִׁלְשָׁה יָמִים בְּתִיחַלְתָּן רָדָה רְצִיפִים תְּהִא זְבַח.

וּמָה אַנְיִ מִקְיִים "אֲשֶׁר בַּיּוֹתְרָה זְבַח דָם יִזְבַּח זְבַח" - בָּרוֹאָה יָמִים אֶחָד (אֶבֶל הַרוֹאָה שִׁלְשָׁה יָמִים בְּתִיחַלְתָּן רָדָה) תְּלִמּוֹד לוֹמֹר:

The Gemara elaborates: **Rabbi Yoḥanan** says that this is referring to the *halakha* which distinguishes the first ten days from the eleventh. It is the eleventh that does not require the observance of a day clean from discharges, but for the other ten days she must perform observance. And **Reish Lakish** says: It is referring to two *halakhot* that distinguish the first ten days from the eleventh. The eleventh day does not require observance, and it does not serve as a day of observance for the tenth day, i.e., the tenth day also does not require observance. The tenth day does not require observing since day eleven is excluded from being a day of observation for the previous day.

The Gemara raises a difficulty with regard to Rabbi Elazar ben Azarya's claim that the eleven days of *ziva* is a *halakha* transmitted to Moses from Sinai. Are these *halakhot* transmitted to Moses from Sinai? Not so; rather, these are derived from verses. As it is taught in a *baraita*: One might have thought that one who sees blood for three consecutive days<sup>NH</sup> at the beginning of the days of menstruation will be a *zava* and is required to count seven clean days and to bring an offering afterward (see Leviticus 15:28–30).

And if so, how do I realize the meaning of the verse: "And if a woman has a flow, and her flow on her flesh be blood, she shall be in her impurity seven days; and whoever touches her shall be impure until the evening" (Leviticus 15:19)? This is referring to one who sees blood on only one day. But perhaps one who sees blood for three days at the beginning of her days of menstruation should become a *zava*? The verse states:

**NOTES**  
One who sees for three consecutive days – **הַרוֹאָה שִׁלְשָׁה יָמִים...רְצִיפִים**: The early commentaries write that a woman becomes a greater *zava* and has to count seven clean days only if she experiences bleeding on three consecutive days during her days of *ziva*. This is also the ruling of the Rambam (*Sefer Kedusha, Hilkhos Issurei Bia* 6:7).

**HALAKHA**  
One who sees for three consecutive days – **הַרוֹאָה שִׁלְשָׁה יָמִים...רְצִיפִים**: If a woman experiences bleeding on the tenth, eleventh, and twelfth days of her days of *ziva*, she does not become a greater *zava* but goes from being a lesser *zava* to having the status of a menstruating woman, since the twelfth day is the first of her days of menstruation. This is in accordance with the *baraita* (Rambam *Sefer Kedusha, Hilkhos Issurei Bia* 6:16).

Perek X  
Daf 73 Amud a

בְּלֹא עַת נְדֻתָה" (עַל נְדֻתָה) סְמוּךְ לְנְדֻתָה.

"And if a woman has a discharge of her *ziva* blood for many days **not in the time of her menstruation**, or if she has a discharge beyond the time of her menstruation, all the days of the issue of her *ziva* she shall be as in the days of her menstruation: She is impure" (Leviticus 15:25). This verse teaches that a woman becomes a *zava* only if she experiences bleeding close to her days of menstruation, i.e., on the day following her days of menstruation, but not during her days of menstruation.

וְאַיִן לִי אֶלְאָ סְמוּךְ לְנְדֻתָה, מַוְפֵלָג לְנְדֻתָה. יָמִים אֶחָד מִמְנָן? תְּלִמּוֹד לוֹמֹר "אוֹ יִתְבֹּא."

The *baraita* continues: And I have derived only that she is a *zava* in a case where she experiences bleeding close to her time of menstruation. From where do I derive that if she experiences bleeding one day separated from her days of menstruation she is also a *zava*? The verse states: "Or if she has a discharge beyond the time of her menstruation" (Leviticus 15:25).

אַיִן לִי אֶלְאָ יָמִים אֶחָד, מַפְנוּ לְרַבָּות מַוְפֵלָג שְׁנִים, שְׁלִשִּׁה, אַרְבָּעָה, חַמְשָׁה, שָׁשָׁה, וְשִׁבְעָה, שְׁמֻנָה, תְּשִׁעָה, עַשְׂרָה, מִנְיָן?

The *baraita* further states: I have derived only that she is a *zava* in a case where she experiences bleeding one day away from her time of menstruation. From where is it derived to include a case when she experiences bleeding two, three, four, five, six, seven, eight, nine, or ten days separated from her days of menstruation that she is also a *zava*? From where is this derived?

אָמַרְתָּ: מַה מְצִינָה בְּרִבִּיעִי – שְׁרָאוֹי לְסִפְרָה וּרְאוֹי לְזִבְחָה, אָף אַנְיִ אַבְיאָה הַעֲשֵׂרִי – שְׁרָאוֹי לְסִפְרָה וּרְאוֹי לְזִבְחָה.

You say as follows: Just as we find with regard to a woman who experiences bleeding on the fourth day of her days of *ziva*, that it is fit for counting, i.e., if she experiences bleeding for the first time on that day she must count one clean day for the one day that she experienced bleeding, and it is fit for *ziva*, i.e., if it is the last of three consecutive days of sightings that she becomes a greater *zava*, so too I will bring and include the tenth day, as it is fit for counting if she experiences bleeding for the first time on that day, and fit for *ziva* if she experiences bleeding for the third consecutive day on the tenth day.

ומפני לרבות אחד עשר? תלמוד לומר  
ב' לא עת נדרתה. יכול שאני מורה אף  
שנים עשר? אמרות: לאו.

ומה ראתית לרבות אחד עשר ולהוציא  
שנים עשר? מורה אני אחד עשר – שראוי  
לכפירות "או כי טוב". ומוציא אני שנים  
עשרה – שאין ראוי לכפירת "או כי טוב".

ואין לי אלא שלשה ימים, שני ימים מפני?  
תלמוד לומר "ימין". יום אחד מפני? תלמוד  
לומר "כל ימי".

טמאה – מלבד שטמאה את בועלה,  
בנדת. היא – היא מטמא את בועלה,  
ואין החזב מטמא מה שהוא בועל.

והלא דין הוא: ומה היא שאינה מטמא  
בראיות ביבים – מטמאה את בועלה,  
הוא שטמא בראיות ביבים – אין דין  
שטמא מה שהוא בועל? תלמוד לומר  
היא – היא מטמא את בועל, ואין  
ה חזב מטמא מה שהוא בועל.

ומפני שהוא עיטה משכב ומושב? תלמוד  
לומר "במשכב נדרת".

The *baraita* continues: And from where is it derived to include a case where she experiences bleeding on the eleventh day after her days of menstruation? The verse states: “Not in the time of her menstruation” (Leviticus 15:25). One might have thought that I include even the twelfth day after her period of menstruation. You must say: No, as that is no longer within her days of *ziva*.

The *baraita* further states: And what did you see to include the eleventh day and to exclude the twelfth day? I include the eleventh day as it is fit for counting the seven clean days that follow sightings on three consecutive days which ended on the fourth day, as derived from the verse: “Or if she has a discharge beyond the time of her menstruation” (Leviticus 15:25), as explained; and I exclude the twelfth day as it is not fit for counting the seven clean days after the fourth day, a requirement derived from the same verse: “Or if she has a discharge beyond the time of her menstruation.”

The *baraita* continues: And I have derived only that a woman is impure as a *zava* if she experiences bleeding for three consecutive days. From where do I derive that she is impure if she experiences bleeding for two consecutive days? The continuation of the verse states: “All the days of the issue of her *ziva* she shall be as in the days of her menstruation: She is impure” (Leviticus 15:25). The plural “days” indicates two days. From where is it derived that she is impure if she experiences bleeding on only one day? The verse states: “All the days of the issue of her *ziva* she shall be as in the days of her menstruation: She is impure.”

The *baraita* further explains that the word “impure” in that verse teaches that a *zava* renders one who engages in intercourse with her impure, just like a menstruating woman<sup>H</sup> does. The term: “She is impure,” indicates that she, a *zava*, renders a man who engages in intercourse with her impure, but a *zav* does not render a woman whom he engages in intercourse with ritually impure.<sup>H</sup>

One might have thought that one who engages in intercourse with a *zav* has the same status as one who engages in intercourse with a *zava*. Could this not be derived through an *a fortiori* inference? And if a *zava*, who does not become impure through three sightings like she becomes impure if she experiences bleeding for three consecutive days, and yet she renders a man who engages in intercourse with her impure, then with regard to a *zav*, who becomes impure through three sightings even on a single day like he becomes impure by seeing a discharge for three consecutive days, isn’t it logical that he should render a women whom he engages in intercourse with ritually impure? Therefore, the verse states: “She shall be impure.” This teaches that a *zava* renders a man who engages in intercourse with her impure, but a *zav* does not render a woman whom he engages in intercourse with ritually impure.

And from where is it derived that a *zava* transmits impurity to items designated for lying or sitting? The verse states: “Every bed which she lies on all the days of her discharge shall be for her like the bed of her menstruation; and everything that she sits on shall be impure, as the impurity of her menstruation” (Leviticus 15:26).

#### HALAKHA

She renders one who engages in intercourse with her impure like a menstruating woman – בנדת בוניה: One who engages in intercourse with a menstruating woman has the status of the woman herself with regard to ritual impurity, and becomes a primary category of ritual impurity. Therefore he renders vessels impure through contact; renders any person impure through carrying, touching, or moving; and renders items impure through lying or riding on them like a menstruating woman. This

is in accordance with the *baraita* (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 3:1).

But a *zav* does not render a woman whom he engages in intercourse with ritually impure – אין החזב מטמא מה שהוא בועל: A woman who engages in intercourse with a *zav* has the ritual impurity status of one who touched a *zav* (Rambam Sefer Tahara, Hilkhos Metamei Mishkav UMoshav 3:3).

וְאֵין לִי אֶלְאָ שַׁלְשָׁה יָמִים, שְׁנַי יָמִים מִפְנִין?  
תַּלְמֹוד לֹמֵר "יְמִי". יוֹם אֶחָד מִפְנִין? תַּלְמֹוד  
לֹמֵר "כָּל יְמִי".

וְמִמֵּן שְׁסֻפָּרָת אֶחָד לְאֶחָד? תַּלְמֹוד לֹמֵר  
"יְהִיה לָהּ". יָכוֹל תַּסְפּוֹר שְׁבָעָה לְשָׁנִים, וְדוֹן  
- הָא: וְמִה הוּא שְׁנִי סְופֶר אֶחָד לְאֶחָד -  
סְופֶר שְׁבָעָה לְשָׁנִים, הַיְאָ שְׁסֻפָּרָת אֶחָד  
לְאֶחָד - אֵינוֹ דָּינֵן שְׁתַסְפּוֹר שְׁבָעָה לְשָׁנִים? תַּלְמֹוד  
לֹמֵר לֹמֵר "יְהִיה לָהּ" - אֲנִי שְׁסֻפָּרָת  
אֶלְאָ יוֹמָה.

אֶלְמָא קָרְאִי נִנְהָו! לֹבִי עֲקִיבָּא - קָרְאִי,  
לֹבִי אֶלְעָזָר בֶּן עֲזָרִיה - הַלְכָתָא.

אָמָר לֵיהּ וּבְשְׁמַעְיָה לֹבִי אֲבָא: אִימָא.  
בְּמִמְּמָא - תְּהִי זֶבֶה, בְּלִילָא - תְּהִי נְדָהָ!  
אָמָר לֵיהּ: עַלְךָ אָמָר קָרְאָא "עַל נְדָתָה"  
סְמוּךְ לְנְדָתָה, סְמוּךְ לְנְדָתָה אִמְתָּהָ!  
בְּלִילָא, וְקָרְאִי לָהּ "בָּהָ".

תַּנָּא דַּבְּרֵי אֱלִיאָה: כֹּל הַשׁוֹנֶה הַלְכָות בְּכָל  
יָמִים - מִבְּטָח לוֹ שֶׁהוּא בְּנֵי הָעוֹלָם הָבָא,  
שְׁנָאָמָר "הַלְכָות עַלְמָם לוּ" - אֶל תַּקְרִי  
"הַלְכָות" אֶלְאָ "הַלְכָות".

הַדּוֹן עַל תִּינְקוֹת  
וּסְלִיקָה לָהּ מִסְכַּת נְדָה

**And I have derived only that she transmits impurity to items designated for lying or sitting if she experiences bleeding for three consecutive days and is a greater zava. From where do I derive that she transmits impurity to items designated for lying or sitting if she experiences bleeding for two consecutive days and is only a lesser zava? The verse states "days." And from where do I derive that she transmits impurity to items designated for lying or sitting even if she experiences bleeding on only one day?**<sup>14</sup> **The verse states: "All the days of her discharge."**

The *baraita* continues: **And from where is it derived that she counts one clean day for experiencing bleeding on one day? The verse states: "All the days of her discharge shall be for her."** One might have thought that she **must count seven** clean days for experiencing bleeding on **two consecutive days**. **And this is a logical inference:** Just as a *zav*, who **does not count** one clean day if he sees a discharge **on one day**, nevertheless **must count seven** clean days if he sees a discharge **on two days**, then with regard to a *zava*, who **counts one** clean day if she experiences bleeding **on one day**, isn't it logical that she should **count seven** clean days if she experiences bleeding **on two consecutive days**? **The verse states:** "All the days of her discharge shall be for her," which teaches that **she counts only her one day**<sup>14</sup> even if she experiences bleeding for two consecutive days.

The Gemara explains the difficulty from this *baraita*: **Evidently, the halakhot of the eleven days of ziva are derived from verses and are not a halakha transmitted to Moses from Sinai. The Gemara answers: According to the opinion of Rabbi Akiva these halakhot are derived from verses. According to the opinion of Rabbi Elazar ben Azarya they are a halakha transmitted to Moses from Sinai.**

With regard to the verse discussing the days of *ziva*, Rav Shemaya said to Rabbi Abba: But one can say that if she experiences bleeding during the daytime she shall be a *zava*, but if she experiences bleeding at night she shall be a menstruating woman, as the verse specifies "days." Rabbi Abba said to him: **With regard to your claim, the verse states: "Beyond the time of her menstruation"** (Leviticus 15:25), which teaches that she becomes a *zava* if she experiences bleeding close to her days of menstruation. **When is the time close to her days of menstruation? At night.** And with regard to an emission during this time the verse calls her a *zava*.

The Gemara concludes the tractate with a general statement with regard to Torah study. The school of Elijah taught:<sup>15</sup> Anyone who studies *halakhot* every day is guaranteed that he is destined for the World-to-Come, as it is stated: "His ways [halikhot] are eternal" (Habakkuk 3:6).<sup>16</sup> Do not read the verse as *halikhot*; rather, read it as *halakhot*.<sup>17</sup> The verse indicates that the study of *halakhot* brings one to eternal life in the future world.

**BACKGROUND**  
The school of Elijah taught – תנָא דַבְרֵי אֱלִיאָה – In many places in the Talmud and the midrash, Elijah the prophet appears to people, especially to Sages, and resolves their dilemmas. As it is stated in the Prophets (II Kings 2:11), Elijah did not die, and he continues to serve as an emissary of God. The verse describes how a letter arrived for King Jehoram from Elijah the prophet many years after Elijah's time on earth (II Chronicles 21:12).

The midrash named *Tanna deVeい Elijahu* or *Seder Eliyahu* comprises two parts: *Seder Eliyahu Rabba*, which has thirty-one chapters, and *Seder Eliyahu Zuta*, which has fifteen chapters, though there are some editions which have a different numbering system.

The entire work is written in Hebrew and contains biblical commentary, events of Jewish history, and first-person stories of Elijah the prophet. Some of these stories begin with the phrase: Father Elijah said.

The Talmud often quotes *Tanna deVeい Elijahu*, and the final paragraph of the Gemara is from *Seder Eliyahu Zuta*, chapter 2. Some hold that *Tanna deVeい Elijahu* and the school of Elijah are not references to Elijah the prophet; rather, they are named for one of the *tanna'im* who lived during the Second Temple period (*Be'er Sheva*).

**HALAKHA**

**From where do I derive one day – יוֹם אֶחָד מִפְנִין:** If a woman experiences bleeding for only one or two days during her days of *ziva* she is a lesser *zava*. She must observe one clean day corresponding to one of the days that she experienced bleeding, and during that time she has the same status as a greater *zava* (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 6:7–8).

**She counts only her one day – אֲנִי שְׁסֻפָּרָת אֶלְאָ יוֹמָה:** A lesser *zava* must count only one clean day. This is in accordance with the *baraita* (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 6:8–10).

**NOTES**

**His ways are eternal – הַלְכָות עַולְמָם לוּ:** In the Jerusalem Talmud (*Megilla* 1:5), this verse is cited to derive the principle that the *halakhot* will not be nullified in the future time to come. It says in this verse that the *halakhot* are eternal. The later authorities add that the word "His" [לוּ] has the numerical value of 36, which alludes to the 36 tractates of the Babylonian Talmud. This is an additional reason why this statement is cited here, at the completion of the Babylonian Talmud (*Hatam Sofer*).

**Rather as halakhot – אֶלְאָ הַלְכָות:** The word *halakhot* completes the tractate and the entire Babylonian Talmud. Rashi writes that this term includes the study of Mishna, *baraitot*, and *halakhot* transmitted to Moses at Sinai.



## Summary of Perek X

The Sages distinguish between the hymenal blood of a girl who is a minor, less than twelve years old, and that of a young woman, who is over twelve. They also distinguish with regard to the blood of a young woman, between the ages of twelve and twelve and a half, who has previously menstruated, and one who has not yet menstruated. There are disputes relating to the ritual purity and impurity of each of these women.

Concerning a minor, some Sages hold that any blood that emerges during the first four nights of her marriage is attributed to the torn hymen, and she remains ritually pure. Others hold that the blood is considered to be pure as long as the wound has not healed. There is an opinion that blood that emerges only when she is standing but not when she is sitting, or only when she sits on a coarse item but not when she sits on a soft one, is considered to be from the hymen.

With regard to a young girl who has never previously menstruated, some rule that only blood that emerges during the first night is considered pure, whereas any blood that emerges after that time is menstrual blood and is impure. Others maintain that any blood that emerges during the first four nights is ritually pure.

According to some Sages, it is permitted for a young girl who has previously menstruated to engage in intercourse only once, after which she is impure until she completes her purification process. Others hold that any blood she discharges for the entire first night is considered pure blood.

The *halakhot* stated in the mishna with regard to pure blood seen by a virgin are in accordance with the basic *halakha*. In practice, anyone who marries a virgin may engage in intercourse with her only once, after which she becomes impure and forbidden to him until she has waited a certain amount of time and immersed in a ritual bath. According to some early commentaries this is the conclusion of the Gemara as stated by Rav and Shmuel, and Rabbi Yohanan and Reish Lakish. According to other early commentaries it is a custom that became universally accepted during the time of the *ge'onim*.

A greater *zava* must count seven clean days and examine herself on each of those days. There is a dispute with regard to her status if she examined herself only on the first and seventh days. Some contend that as she examined herself at the beginning and the end of the period, she may consider herself to have remained clean during the intermediate days. Others maintain that the two days that she examined herself are counted, but she must count another five clean days. Yet others hold that only the examination on the last day counts, and therefore she must count another six clean days. There is an additional dispute concerning the *halakha* if a woman checked herself only on the first or seventh day.

With regard to the status of blood that emerges from a woman after her death, there are different opinions. Everybody agrees that the blood is treated as blood which flowed from a corpse and as such imparts the impurity of a dead person only if there is a quarter-*log*. With regard to the question of whether the blood imparts impurity in any amount, there are different opinions. Some rule that the blood is impure, as although it emerged only after her death, it originated in the uterus, and any blood that originates in the uterus is impure even if it is not menstrual blood. Others claim that blood from the uterus which is not menstrual blood is pure, and therefore the blood only has the impurity of any other blood that flowed from a woman after her death.

This chapter also discussed the status of a woman after childbirth, during her days of pure blood, with regard to consecrated items and *teruma*.

# Common Acronyms

Since the publication of the first volume of the *Koren Talmud Bavli* we have employed some transliterated acronyms, such as Rambam, to give the translation a more authentic flavor. These acronyms are used throughout this volume where they are well known and where the acronym helps readers easily identify the author in question. The following chart provides the full name of each author or work alongside its common acronym.

Acronym	Full Name
HaAri	Rabbi Yitzhak Luria
Ba'al HaMaor	Rabbi Zeraḥya HaLevi
Baḥ	<i>Bayit ḥadash</i>
Beur HaGra	Commentary of Rabbi Eliyahu of Vilna on the <i>Shulḥan Arukh</i>
Derashot Mahari Mintz	Homilies of Rabbi Yehuda Mintz
Derashot Ra'ananāḥ	Homilies of Rabbi Eliyahu ben Ḥayyim
Geranat	Rabbi Naftali Trop
Gilyon Maharsha	Marginalia of Rabbi Shlomo Eiger
Gra	Rabbi Eliyahu of Vilna, the Vilna Gaon
Graḥ	Rabbi Ḥayyim Soloveitchik
Grib	Rabbi Yehuda Bakhrakh
Griz	Rabbi Yitzḥak Ze'ev Soloveitchik
Haggahot HaGra	Comments of Rabbi Eliyahu of Vilna on the Talmud
Haggahot Mahersha	Comments of Rabbi Shmuel Eliezer Eidels
Hassagot HaRa'avad	Comments of Rabbi Avraham ben David on the Rambam's <i>Mishne Torah</i>
Ḥida	Rabbi Ḥayyim David Azulai
Ḥiddushei Aggadot LaMaharal	Ḥiddushei Aggadot by Rabbi Yehuda Loew of Prague
Ḥiddushei Aggadot LaRashba	Ḥiddushei Aggadot by Rabbi Shlomo ben Adderet
Ḥiddushei HaGeranat	Ḥiddushei Rabbi Naftali Trop
Ḥiddushei HaGriz	Ḥiddushei Rabbi Yitzḥak Ze'ev Soloveitchik
Ḥiddushei HaRim	Ḥiddushei Rabbi Yitzḥak Meir of Gur
Ḥiddushei Ri Ḥaver	Ḥiddushei Rabbi Yitzḥak Isaac Ḥaver
Kitzur Piskei HaRosh	Abridged Halakhic Rulings of Rabbeinu Asher ben Rabbi Yeḥiel
Mabit	Rabbi Moshe ben Yosef di Trani

Acronym	Full Name
Maharal	Rabbi Yehuda Loew of Prague
Maharam Alashkar	Rabbi Moshe Alashkar
Maharam Brisk	Rabbi Mordekhai Brisk
Maharam Ḥalawa	Rabbi Moshe Ḥalawa
Maharam Lublin	Rabbi Meir of Lublin
Maharam Mintz	Rabbi Moshe Mintz
Maharam of Rothenburg	Rabbi Meir of Rothenburg
Maharam Padua	Rabbi Meir of Padua
Maharam Schick	Rabbi Moshe Schick
Maharam Schiff	Rabbi Meir Schiff
Maharatz Ḥayyut	Rabbi Tzvi Hirsch Chajes
Mahari Abu hav	Rabbi Yitzḥak Abu hav
Mahari Bassan	Rabbi Yehiel Bassan
Mahari Beirav	Rabbi Ya'akov Beirav
Mahari ben Lev	Rabbi Yosef ben Lev
Mahari ben Malkitzedek	Rabbi Yitzḥak ben Malkitzedek
Mahari Berona	Rabbi Yisrael Berona
Mahari Kurkus	Rabbi Yosef Kurkus
Mahari Mintz	Rabbi Yehuda Mintz
Mahari Weil	Rabbi Ya'akov Weil
Mahariḥ	Rabbi Yehezkiyah ben Ya'akov of Magdeburg
Maharik	Rabbi Yosef Colon
Maharikash	Rabbi Ya'akov Castro
Maharil	Rabbi Ya'akov HaLevi Molin
Maharit	Rabbi Yosef di Trani
Maharit Algazi	Rabbi Yom Tov Algazi
Maharsha	Rabbi Shmuel Eliezer Edels
Maharshal	Rabbi Shlomo Luria
Malbim	Rabbi Meir Leibush ben Yehiel Michel Wisser
Netziv	Rabbi Naftali Tzvi Yehuda Berlin
Nimmukei HaGrib	Comments of Rabbi Yehuda Bakhrakh on the Maharsha
Piskei HaRid	Halakhic Rulings of Rabbi Yeshaya di Trani the Elder
Piskei Riaz	Halakhic Rulings of Rabbi Yeshaya di Trani the Younger
Ra'ah	Rabbi Aharon HaLevi
Ra'anah	Rabbi Eliyahu ben Ḥayyim
Ra'avad	Rabbi Avraham ben David
Ra'avan	Rabbi Eliezer ben Natan
Ra'avya	Rabbi Eliezer ben Yoel HaLevi
Rabbi Avraham ben HaRambam	Rabbi Avraham, son of the Rambam

Acronym	Full Name
Rabbi Shlomo ben Rashbatz	Rabbi Shlomo, son of Rabbi Shimon ben Tzemah Duran
Radak	Rabbi David Kimḥi
Radbaz	Rabbi David ben Zimra
Ralbag	Rabbi Levi ben Gershon
Ramah	Rabbi Meir HaLevi
Rambam	Rabbi Moshe ben Maimon
Ramban	Rabbi Moshe ben Nahman
Ran	Rabbeinu Nissim ben Reuven of Gerona
Rashash	Rabbi Shmuel Strashun
Rashba	Rabbi Shlomo ben Adderet
Rashbam	Rabbi Shmuel ben Meir
Rashbatz	Rabbi Shimon ben Tzemah Duran
Rashi	Rabbi Shlomo Yitzḥaki
Re'ém Horowitz	Rabbi Elazar Moshe Horowitz
Rema	Rabbi Moshe Isserles
Ri HaLavan	Rabbeinu Yitzḥak ben Ya'akov of Prague
Ri Haver	Rabbi Yitzḥak Isaac Ḥaver
Ri Migash	Rabbi Yosef Migash
Riaf	Rabbi Yoshiya Pinto
Riaz	Rabbi Yeshaya di Trani the Younger
Rid	Rabbi Yeshaya di Trani the Elder
Ridvaz	Rabbi Ya'akov David ben Ze'ev Wilovsky
Rif	Rabbi Yitzḥak Alfasi
Rim	Rabbi Yitzḥak Meir of Gur
Ritva	Rabbi Yom Tov ben Avraham Asevilli (of Seville)
Riva	Rabbeinu Yitzḥak ben Asher
Rivam	Rabbi Yitzḥak ben Meir
Rivan	Rabbi Yehuda bar Natan
Rivash	Rabbi Yitzḥak ben Sheshet
Rosh	Rabbeinu Asher ben Rabbi Yehiel
Shakh	<i>Siftei Kohen</i> by Rabbi Shabtai Cohen Rappaport
Shas	The Six Orders of the Mishna
She'elat Ya'avetz	Responsa of Rabbi Ya'akov Emden
Shela	<i>Shenei Luhot HaBerit</i> by Rabbi Yeshaya HaLevi Horowitz
Siddur Rashi	Siddur compiled by Rashi's students
Sma	<i>Sefer Meirat Einayim</i> by Rabbi Yehoshua Falk
Smag	<i>Sefer Mitzvot Gadol</i> by Rabbi Moshe of Coucy
Smak	<i>Sefer Mitzvot Katan</i> by Rabbi Yitzḥak ben Yosef of Corbeil
Talmid HaRa'ah	A student of Rabbi Aharon HaLevi

Acronym	Full Name
<i>Talmid HaRashba</i>	A student of Rabbi Shlomo ben Adderet
<i>Tashbetz</i>	Responsa of Rabbi Shimon ben Tzemah Duran
<i>Taz</i>	<i>Turei Zahav</i> by Rabbi David HaLevi
<i>Tosefot HaRosh</i>	<i>Tosefot</i> of Rabbeinu Asher ben Rabbi Yehiel
<i>Tosefot Ri HaLavan</i>	<i>Tosefot</i> of Rabbeinu Yitzḥak ben Ya'akov of Prague
<i>Tosefot Rid</i>	<i>Tosefot</i> of Rabbi Yeshaya di Trani the Elder
<i>Tur</i>	<i>Sefer HaTurim</i> by Rabbi Ya'akov ben Asher
<i>Tzlaḥ</i>	<i>Tziyun LeNefesh Ḥayya</i> by Rabbi Yehezkel Landau
Ya'avetz	Rabbi Ya'akov Emden

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