

**The Soncino Babylonian Talmud**

**Book II**

**Folios 23b-48a**



**NIDDOH**

**TRANSLATED INTO ENGLISH WITH NOTES**

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# NIDDOH – 23b-48a

## Niddah 23b

We also learnt the same thing:<sup>1</sup> An abortion in the shape of a beast, wild animal or bird [is regarded as a valid birth];<sup>2</sup> so R. Meir. And the Sages ruled: [It is no valid birth]<sup>3</sup> unless it has the features of a human being. But if the abortion was a sandal,<sup>4</sup> a placenta or a fetus with some articulated shape, or if a child issued cut up in pieces, the son born after it is regarded as the firstborn in respect of inheritance but he is no firstborn as far as the priest is concerned.<sup>5</sup> Now if one could imagine that such an abortion is viable, would the son born after it be regarded as the firstborn in regard to inheritance?<sup>6</sup> Said Raba: It may well be maintained that it is viable but the case there<sup>7</sup> is different [from what might have been expected]<sup>8</sup> since Scripture said, The first of his mourning<sup>9</sup> which refers to the one for whom<sup>10</sup> his<sup>11</sup> heart aches, and thus excludes an abortion for which<sup>12</sup> his heart does not ache.<sup>13</sup>

R. Adda b. Ahaba enquired of Abaye: According to R. Meir who ruled that a beast that was in the bowels of a woman is a valid birth, what is the ruling where a human child was in the bowels of a beast?<sup>14</sup> — In what respect does this matter? — In that of permitting it to be eaten.<sup>15</sup> But why can you not solve this question from the following ruling of R. Johanan; for R. Johanan ruled: If one slaughtered a beast and found in it an object of the shape of a dove it<sup>16</sup> is forbidden to be eaten?<sup>17</sup> — What a comparison! In that case<sup>16</sup> there are neither cloven feet nor hoofs, but in this case, granted that there are no cloven feet, there is at least something like a hoof.<sup>18</sup>

**THE SAGES, HOWEVER, RULED: ANYTHING THAT HAS NOT, etc.** R. Jeremiah b. Abba citing Rab stated: All<sup>19</sup> agree that if its body was that of a he-goat and its face that of a human being it is regarded as a human child;<sup>20</sup> if its body was

that of a human being and its face that of a he-goat it is no valid birth.<sup>20</sup> They<sup>19</sup> differ only where it had the face of a human being but was so created that one of its eyes was like that of a beast, since R. Meir holds that it<sup>21</sup> need only have some of the features of a human face<sup>22</sup> while the Sages hold that it<sup>21</sup> must have all the features of a human face. They<sup>23</sup> said to R. Jeremiah b. Abba, Was not the reverse taught: R. Meir said, 'It must have all the features of a human face'<sup>24</sup> while the Sages said, 'It need only have some of the features of a human face'?<sup>24</sup> — He answered them: If this was taught so you may well rely on it.<sup>25</sup>

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

An objection was raised: By the 'shape of the face' of which the Sages spoke<sup>29</sup> was meant the presence of even only one of the features of the face,<sup>30</sup> except the ear.<sup>31</sup> This shows, does it not, that a single feature suffices?<sup>32</sup> — Abaye replied: That<sup>33</sup> was taught only to indicate what constitutes a hindrance,<sup>34</sup> and it<sup>33</sup> is in agreement with him who stated [that the reading]<sup>35</sup> was 'it must have all the features of a human face'. And if you prefer I might say: It<sup>33</sup> is in fact in agreement with him who stated that the reading<sup>35</sup> was it need only have one of the features of a human face' but<sup>36</sup> the meaning<sup>37</sup> of 'one'<sup>38</sup> is one of each.<sup>39</sup>

Raba ruled: If a fetus was created with one eye and one thigh, the woman who gives birth to it<sup>40</sup> is unclean<sup>41</sup> if these were on the side,<sup>42</sup>

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but if they were in the middle<sup>43</sup> she is clean.<sup>44</sup>  
Raba further ruled: If a child's gullet is perforated<sup>45</sup> his mother is unclean,<sup>46</sup> but if his gullet is closed up<sup>47</sup> she is clean.<sup>48</sup>

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

1. That an abortion of a beast or wild animal is not viable.
2. In regard to the birthright. If a son is born after such an abortion, though he is entitled to a double share in his father's estate (as a firstborn son, since the abortion is not viable) he (unlike an actual firstborn son) need not be redeemed from the priest. The words in square brackets are wanting in the Mishnah Bek. 46a and appear in cur. edd. here in parenthesis.
3. Even (cf. prev. n.) as regards the exemption from redemption of the son born after it.
4. Flat, fish-shaped.
5. Bek. 46a. Cf. *supra* n. 2.
6. Of course not. Since, however, he is so regarded in respect of inheritance it is obvious that an abortion of the nature described is not viable.
7. Inheritance.
8. From its viability.
9. Deut. XXI, 17. E.V., The first of his strength.
10. If he dies.
11. The father's.
12. Cf. prev. n. but one.
13. Hence it is that an abortion cannot be treated as 'firstborn' and the privilege is, therefore, passed on to the next child if it is a son.
14. And was discovered after the beast had been slain.
15. Like the beast in which it was found.
16. The dove-like object.
17. Hul. 69a.
18. The two cases cannot consequently be compared, and the fanciful question must remain unsolved.
19. R. Meir and the Sages.
20. The face being the determining factor.
21. To be a valid birth.
22. One human eye, therefore, suffices.
23. So Bomb. ed. and marg. gl. Cur. edd. 'he'.
24. For a justification of the rendering cf. Tosaf.
25. Lit., 'it was taught', sc. while he was certain that what he reported had behind it the weighty authority of Rab, it was quite legitimate for them, since they had a tradition to the contrary, to follow their own tradition.
26. According to the Rabbis (v. *infra*).
27. If the abortion is to be regarded as a valid birth.
28. R. Johanan and Hasa, though with the exception of the forehead, the former speaks in the plural and the latter in the singular.
29. As a determining factor whether an abortion is a valid birth.
30. One eye or the forehead, for instance.
31. Tosef. Nid. IV. Though the ear has the human shape the abortion is no valid birth if the other features are like those of a beast.
32. To determine that a birth is valid. How then could it be said *supra* that all the features must be human?
33. The Baraitha just cited as an objection.
34. Sc. that even the presence of one feature that was not human causes the abortion, according to the Rabbis, to be regarded as an invalid birth.
35. According to the Rabbis.
36. In justification of Hasa's ruling.
37. Lit., 'and what (is the meaning of)'.
38. 'One of the features of the face', in the Baraitha cited.
39. Of the double features; as Hasa in fact stated.
40. Lit., 'its mother'.
41. As one who bore a normal child.
42. Of the face and body respectively. sc. in their normal position.
43. Cf. prev. n. mut. mut.
44. Since such an abortion is no valid birth.
45. When it is born.
46. Because, the child being viable, the birth is valid.
47. So that the child is not viable.
48. Such a birth being invalid.

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To the top of the knee joint.<sup>1</sup> R. Jannai replied: To his lower orifices.<sup>2</sup> R. Johanan citing R. Jose b. Joshua replied: To the position of his navel. The point at issue between R. Zakkai and R. Jannai is whether a trefah<sup>3</sup> animal<sup>4</sup> can survive.<sup>5</sup> The latter holds that a Trefah animal can survive<sup>6</sup> while the former holds that it cannot survive.<sup>7</sup> The point at issue between R. Jannai and R. Johanan<sup>8</sup> is a ruling of R. Eleazar; for R.

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Eleazar ruled: If the haunch and its hollow were removed the animal is *nebelah*.<sup>9</sup> R. Papa stated: The dispute<sup>10</sup> refers only to cases where the lower part of the body is affected<sup>11</sup> but if the upper part is affected,<sup>12</sup> even if the missing part is ever so small the woman is clean.<sup>13</sup> So also said R. Giddal in the name of R. Johanan: If a woman aborted a fetus whose skull is a shapeless lump she<sup>14</sup> is clean.<sup>13</sup> R. Giddal citing R. Johanan further stated: If a woman aborted a fetus shaped like the ramification of a palmtree<sup>15</sup> she is clean.<sup>13</sup>

It was stated: If a woman aborted a fetus whose face was mashed,<sup>16</sup> R. Johanan ruled: She<sup>14</sup> is unclean; and Resh Lakish ruled: She is clean. R. Johanan raised an objection against Resh Lakish: If a woman aborted a shaped<sup>17</sup> hand or a shaped foot she<sup>14</sup> is subject to the uncleanness of birth<sup>18</sup> and there is no need to consider the possibility<sup>19</sup> that it might have come from a shapeless body.<sup>20</sup> Now if it were so,<sup>21</sup> should it not have been stated, 'The possibility that it might have come from a shapeless body or from a fetus whose face was mashed'?<sup>22</sup>

R. Papi stated:<sup>23</sup> Where its<sup>24</sup> face was mashed no one<sup>25</sup> disputes the ruling that the woman is unclean. They only differ where its face was entirely covered over,<sup>26</sup> and the statement<sup>27</sup> was made in the reverse order: R. Johanan ruled: His mother is clean; and Resh Lakish ruled: His mother is unclean. Should not then<sup>28</sup> Resh Lakish raise an objection against R. Johanan from that [Baraita]?<sup>29</sup> — Because the latter could have answered him: 'A stumped body' and 'a fetus whose face was entirely covered over' are identical terms.<sup>30</sup>

The sons of R. Hiyya once toured the countryside. When they appeared before their father he asked them, 'Has any case been submitted for your consideration?' 'The case of a fetus whose face was entirely covered over', they told him 'has been submitted to us, and we decided that the

woman was unclean'. 'Go back', he said to them, 'and declare as clean that which you have declared unclean. For what did you think?'<sup>31</sup> That you are restricting the law;<sup>32</sup> but this is a restriction that results in a relaxation, for thereby<sup>33</sup> you also allow her<sup>34</sup> the days of cleanness'.<sup>35</sup>

It was stated: If one aborted a creature that had two backs and two spinal columns, Rab ruled: In the case of a woman it is no valid birth<sup>36</sup> and in that of a beast it is forbidden to be eaten;<sup>37</sup> but Samuel ruled: In the case of a woman it is a valid birth<sup>38</sup> and in that of a beast it is permitted to be eaten.<sup>39</sup> On what principle do they<sup>40</sup> differ? — On that of R. Hanin b. Abba; for R. Hanin b. Abba stated, 'The cloven'<sup>41</sup> is a creature that has two backs and two spinal columns'.<sup>42</sup> Rab maintains that such a creature exists nowhere in the world, and that when the All Merciful taught Moses about it<sup>43</sup> he must have taught him about one that was still in her dam's bowels, while Samuel maintains that such a creature does exist in the world so that when the All Merciful taught Moses about it<sup>43</sup> he taught him about the species in general,<sup>44</sup> but one that is still in its dam's bowels is well permitted to be eaten.<sup>45</sup> R. Shimi b. Hiyya pointed out an objection to Rab: R. Hanina b. Antigonus stated, Any [firstling of beasts] that had two backs and two spinal columns is unfit for the Temple service;<sup>46</sup> from which<sup>47</sup> it is obvious, is it not, that it is viable?<sup>48</sup> — 'Is it you, Shimi?' the other<sup>49</sup> replied, 'this'<sup>50</sup> refers to a case where its spinal column was only crooked'.<sup>51</sup>

An objection was raised: Among embryos<sup>52</sup> there are some that are forbidden<sup>53</sup> viz, a four monthly embryo among small cattle, and an eight monthly one among large cattle, and one that is younger<sup>54</sup> is equally forbidden. From this is excluded one that had two backs and two spinal columns. Now what is meant by 'is excluded'? Obviously that it<sup>55</sup> is excluded from the category of embryos<sup>56</sup> in that it is forbidden to be eaten even while still in its dam's body?<sup>57</sup> — Rab<sup>58</sup> explains in

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accordance with his own view, and Samuel<sup>59</sup> explains it in accordance with his view. 'Rab explains in accordance with his own view', thus: A four monthly embryo among small cattle and an eighth monthly one among large cattle, and one that is younger is equally forbidden. This applies only where it saw the light<sup>60</sup> but while it is still in its dam's bowels it is permitted; but from this is excluded one that has two backs and two spinal columns which, even while still in its dam's bowels, is also forbidden.

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

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eat the creature, even after it was born, thus raises an objection against both Rab (who ruled that it was always forbidden) and against Samuel (who permitted it only when it was in its dam's bowels). V. Marginal Gloss. Cur. edd. in parenthesis add 'and this is a difficulty against Rab'.

49. Rab, who was his grandfather.
50. R. Hanina's ruling from which it follows that a double-backed creature is viable.
51. And consequently had the appearance of two backs. Such a creature is viable.
52. Of clean beasts.
53. To be eaten, as *Nebelah*, even after their birth.
54. Lit., 'from it and below'.
55. The beast with the two backs and the two spinal columns.
56. Which are permitted if found in their dam's body.
57. How then could Samuel maintain that even while it is in its dam's body it is permitted?
58. Against whom no objection was raised from the last cited Baraitha but who nevertheless finds a difficulty in its present form in reconciling its first and last clauses. As the first clause deals with those who saw the light the last one (double-backed creatures) also deals obviously with one who saw the light. But its permissibility would be contrary to the ruling of Rab.
59. Who has to explain the objection raised against him (cf. prev. n. but one).
60. Lit., 'went out to the air of the world'.

## Niddah 24b

Samuel also 'explains it in accordance with his view', thus: A four monthly embryo among small cattle, and an eight monthly one among large cattle, and one that is younger is equally forbidden. This, however, applies only to one whose period of pregnancy<sup>1</sup> had not ended, but if the period has ended it is permitted; and from this is excluded one who had two backs and two spinal columns which, even though its period of pregnancy had ended, it is forbidden if it saw the light<sup>2</sup> but permitted when still in its dam's body.<sup>3</sup>

A Tanna recited before Rab: As it might have been assumed that if an abortion was a creature with a shapeless body or with a shapeless head its mother is unclean by reason of its birth, it was explicitly stated in

Scripture, If a woman be delivered, and bear a man-child, etc.<sup>4</sup> And in the eighth day the flesh of his foreskin shall be circumcised, etc.<sup>5</sup> thus implying<sup>6</sup> that only a child that is fit for the covenant of the eight days<sup>7</sup> [causes uncleanness to his mother] but these<sup>8</sup> are excluded, since they are not fit for the covenant of the eight days. 'And', said Rab to him, 'conclude your statement thus:<sup>9</sup> And one who had two backs and two spinal columns'.

R. Jeremiah b. Abba intended to give a practical decision<sup>10</sup> in agreement with the view of Samuel,<sup>11</sup> but R. Huna said to him: 'What have you in your mind? To impose a restriction?<sup>12</sup> But this is a restriction that results in a relaxation, since you must in consequence<sup>13</sup> allow her also a period of clean blood.<sup>14</sup> Act rather in accordance with the view of Rab, since we have an established rule that in ritual matters the law is in agreement with Rab irrespective of whether this leads to a relaxation or a restriction.

Raba said: It has been stated that a woman may bear<sup>15</sup> at nine months<sup>16</sup> and also at seven months.<sup>16</sup> Can [then] large cattle who bear<sup>17</sup> at nine months also bear<sup>17</sup> at seven months or not? — R. Nahman b. Isaac replied, Come and hear: 'One that is younger is equally forbidden'.<sup>18</sup> Does not this also refer to the large cattle?<sup>19</sup> — No, it may only refer to the small cattle.<sup>20</sup> What an argument this is! If you grant that the reference<sup>21</sup> was to the large cattle also, one can well see the necessity for it. For it might have been presumed that since [a seven monthly] is viable in the case of a woman it is also viable in that of cattle, we were informed that it is not viable; but if you maintain that reference was made to small cattle only, this would be obvious, for can a three monthly abortion live?<sup>22</sup> — It<sup>23</sup> was necessary: As it might have been presumed that anyone [born within] less than two months [before the conclusion of the normal conception] can survive,<sup>24</sup> hence we were informed that it<sup>25</sup> was not viable.

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Rab Judah citing Samuel ruled: If an abortion had the likeness of Lilith<sup>26</sup> its mother is unclean by reason of the birth, for it is a child, but it has wings. So it was also taught: R. Jose stated, It once happened at Simoni<sup>27</sup> that a woman aborted the likeness of Lilith, and when the case came up for a decision before the Sages they ruled that it was a child but that it also had wings. If an abortion had the likeness of a serpent, Hanina the son of R. Joshua's brother ruled: Its mother is unclean by reason of the birth. R. Joseph proceeded to report the ruling to R. Gamaliel when the latter sent word [to]<sup>28</sup> R. Joshua, 'Take charge of<sup>29</sup> your nephew and come with him to me'.

As they were going, Hanina's<sup>30</sup> daughter-in-law came out to meet R. Joshua.<sup>31</sup> 'Master', she said to him, 'what is your ruling where an abortion had the likeness of a serpent?' 'Its mother', he replied, 'is clean'. 'But', she retorted, 'was it not in your name that my mother-in-law told me that its mother was unclean?' 'And', he asked her, 'on what ground?' 'Since [she told him] its eye-ball is round like that of a human being'. As a result of her statements R. Joshua recollected his ruling and sent the following message to R. Gamaliel: 'Hanina gave his ruling on my authority'.<sup>32</sup> Abaye observed: From this incident it may be learnt that when a scholar gives a ruling he should also indicate his reason so that when he is ever reminded of it he would recollect it.

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

[IN UNCLEANNES AND CLEANNESS AS] FOR BOTH MALE AND FEMALE.<sup>33</sup>

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

It was taught: Abba Saul stated, I was once a grave-digger<sup>39</sup> when I made a practice of carefully observing the bones of the dead. The bones of one who drinks undiluted wine are burned; those of one who drinks wine excessively diluted are dry;<sup>40</sup> and those of one who drinks wine properly mixed are full of marrow.<sup>41</sup> The bones of a person whose drinking exceeds his eating are burned; those of one whose eating exceeds his drinking are dry,<sup>40</sup> and those of one who eats and drinks in a proper manner are full of marrow.<sup>41</sup>

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

It was taught: Abba Saul stated, I was once a grave-digger<sup>39</sup> and on one occasion there was opened a cave under me and I stood in the eye-ball of a corpse up to my nose. When I

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

1. Lit., 'its months'.
2. Not being viable it is forbidden as *Nebelah*.
3. As part of that beast which was a clean one and ritually slaughtered.
4. She shall be unclean. Lev. XII, 2.
5. Ibid. 3.
6. By the juxtaposition of the texts.
7. The covenant of circumcision.
8. Which are not viable.
9. I.e., insert between 'these' and are excluded'.
10. In the case of an abortion without bleeding of a two-backed fetus.
11. That the woman is unclean by reason of the birth which he regards as valid.
12. By treating the woman as unclean.
13. 'Of your regarding the birth as valid'.
14. From the seventh to the fortieth day for a male, and from the fourteenth to the eightieth day for a female. Should there be a discharge of blood within these periods respectively the woman could not be subjected to menstrual uncleanness.
15. A viable child.
16. After conception.
17. Viable young.
18. *Supra* 24a.
19. Mentioned earlier in the Baraitha (*supra* 24a) immediately after the 'small cattle', and in whose case an 'eight monthly' was spoken of. 'One that is younger' would consequently include a seven monthly abortion also who would thus be 'equally forbidden'.
20. In whose case (cf. prev. n.) only a 'four monthly' abortion was spoken of. The question of a seven monthly abortion cannot, therefore, be solved from this Baraitha.
21. 'One that is younger is equally forbidden'.

22. Of course not; and there would have been no necessity to mention it.
23. The reference to small cattle.
24. Sc. as in the case of man and large cattle one born at seven months after conception (two months before the normal period of nine months) is viable (though one born at eight months is not viable) so also in the case of small cattle (though one born at four months is not viable) one born at three months after conception (also two months before the normal period of five months) is viable.
25. A three monthly abortion.
26. A female demon of the night, reputed to have wings and a human face.
27. Semuneh in Lower Galilee.
28. So MS.M. Cur. edd. omit.
29. Lit., 'lead'.
30. Curr. edd. in parenthesis insert 'R'.
31. So Rashi, Cur. edd. reading 'to meet him' omit 'R. Joshua'.
32. Lit., 'from my mouth'.
33. Cf. Lev. XII, 2-5.
34. In a SAC.
35. Lit., 'nothing'.
36. Being neither water nor blood.
37. Fabulous quantities, of course, which no woman could possibly be suspected of doing. The suggestion that a normal embryo was squashed is, therefore, untenable.
38. From the sac.
39. Lit., 'one who buries the dead'.
40. Aliter: Black; aliter: Transparent.
41. Lit., 'anointed', 'oiled'.
42. Lit., 'and the thigh-bone did not end'.
43. A Biblical giant (cf. Deut. III, 11).

## Niddah 25a

Pushtabna<sup>1</sup> of Pumbeditha reached to<sup>2</sup> half the height of the waiter Adda, while everybody else reached only to the loins of Pushtabna of Pumbeditha.

A question was raised in the presence of Rabbi: What is the ruling where a woman aborted a sac full of flesh? 'I did not hear of such a law', he answered them. 'Thus', announced R. Ishmael son of R. Jose before him, 'said my father: If it was full of blood the woman is unclean as a menstruant, but if it was full of flesh she is unclean as a woman after childbirth'. The other said to him: Had you told us something new in the name of your father we would have listened to you;



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but now, since his first ruling<sup>3</sup> was given in accordance with the view of an individual, viz., in agreement with Symmachus who cited R. Meir,<sup>4</sup> his second ruling also<sup>5</sup> might be one given in accordance with the view of R. Joshua,<sup>6</sup> but the *Halachah* is not in agreement with R. Joshua. For it was taught: If an abortion was a sac with no fashioned limbs, R. Joshua ruled: It<sup>7</sup> is regarded as a valid birth<sup>8</sup> but the Sages ruled, it is no valid birth.<sup>9</sup>

R. Simeon b. Lakish citing R. Oshaia stated: The dispute<sup>10</sup> refers only to a sac that was turbid<sup>11</sup> but if it was clear<sup>12</sup> all agree that it is no valid birth. R. Joshua b. Levi, however, stated: The dispute<sup>10</sup> refers to the case of a clear sac. The question was raised:<sup>13</sup> Do they differ only in the case of a clear sac but in that of a turbid one all agree that it is a valid birth or is it possible that they differ about the one as well as about the other? — This stands undecided.<sup>14</sup> An objection was raised: This exposition was made by R. Joshua b. Hananiah: And the Lord God made for Adam and for his wife garments of skins, and clothed them<sup>15</sup> teaches that the Holy One, blessed be He, makes no skin for man before<sup>16</sup> he is formed. Thus it is clearly proved that a valid birth<sup>17</sup> depends on the skin irrespective of whether the sac was turbid or clear. Now if you grant<sup>18</sup> that the dispute<sup>19</sup> refers to the case of a clear sac there is full justification for his<sup>20</sup> need for a Scriptural text;<sup>21</sup> but if you maintain<sup>22</sup> that the dispute refers only to a turbid sac,<sup>23</sup> what need was there for a Scriptural text seeing that the reason<sup>24</sup> is a matter of logic? Consequently it may be inferred that the dispute refers also to a clear sac.<sup>25</sup> This is conclusive.

R. Nahman citing Rabbah b. Abbuha also<sup>26</sup> stated: They<sup>27</sup> differ only in regard to a turbid sac but as regards a clear one all agree that it is no valid birth. Raba raised an objection against R. Nahman: But they ruled: The token of a valid birth<sup>28</sup> in small cattle is a discharge from the womb,<sup>29</sup> in large cattle

the placenta,<sup>30</sup> and in a woman the sac or placenta',<sup>31</sup> but, it follows, the abortion of a sac in cattle provides no exemption.<sup>32</sup> Now, if you grant that they<sup>27</sup> differ in the case of a clear sac, one can well see the reason why only a woman whose case Scripture specifically included,<sup>33</sup> was granted exemption in respect of a sac<sup>31</sup> while cattle whose case Scripture did not include no exemption was granted in respect of a sac, but if you maintain that the dispute concerns only a turbid sac consider! [The question of the validity of the birth being dependent] on a logical reason<sup>34</sup> what difference in this respect could there be between a woman and cattle?<sup>35</sup> —

You think that R. Joshua was quite certain [of the nature of the sac],<sup>36</sup> but the fact is that R. Joshua was rather doubtful on the matter and, therefore, he followed a restrictive course in both cases.<sup>37</sup> [Only the question of the firstborn son] of<sup>38</sup> a woman, which is a mere monetary matter,<sup>39</sup> [did he rule that the abortion of a sac constitutes a valid birth,<sup>40</sup> because] in a case of doubt in monetary matters a lenient course<sup>41</sup> is followed.<sup>42</sup> On the question of the firstling of cattle, however, which involves a ritual prohibition of shearing<sup>43</sup> and of work<sup>44</sup> [he ruled the abortion of a sac to be an invalid birth,<sup>45</sup> because] in case of doubt in a ritual prohibition a restrictive course must be followed; and so also [on the question of the uncleanness] of a woman [the abortion of a sac is deemed to be a valid birth,<sup>46</sup> because] in a case of doubtful uncleanness<sup>47</sup> a restrictive course must be followed. But was he<sup>48</sup> in doubt?<sup>49</sup> Did he not, in fact, quote a Scriptural text?<sup>50</sup> — The ruling is only Rabbinical<sup>51</sup> and the Scriptural text is a mere prop.<sup>52</sup>

Said R. Hanina b. Shelemya to Rab: We have<sup>53</sup> the statements of<sup>54</sup> Rabbi,<sup>55</sup> of<sup>54</sup> R. Ishmael son of R. Jose,<sup>56</sup> of R. Oshaia<sup>57</sup> and of R. Joshua b. Levi,<sup>58</sup> with whose view does the Master agree? — I maintain, the other replied, that in neither case<sup>59</sup> need she take

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into consideration the possibility of a valid birth. Samuel, however, ruled: In either case<sup>60</sup> must she consider the possibility of a valid birth.<sup>61</sup> Samuel in this ruling follows his previously expressed view. For R. Dimi when he came<sup>62</sup> stated: Never at Nehardea<sup>63</sup> did they declare [one who aborted] a sac<sup>64</sup> to be clean<sup>65</sup> except in the case of a certain sac that was submitted to Samuel on which a hair that lay on one side could be seen through the other side when he said: If it were in fact an embryo it would not have been so transparent.

**BUT IF ITS LIMBS WERE FASHIONED,** etc. Our Rabbis taught: What is meant by a sac the limbs of which are fashioned? Abba Saul explained: A fetus which in its primary stage resembles a locust,<sup>66</sup> and its two eyes are like two drippings<sup>67</sup> of a fly. R. Hiyya taught: They are far removed from one another. Its two nostrils are like two drippings of a fly. R. Hiyya taught: They are near one to another. Its mouth is as narrow as a stretched hair,<sup>68</sup> its membrum<sup>69</sup> is of the size of a lentil<sup>70</sup> and in the case of a female [the organ] has the appearance of the longitudinal [slit]<sup>71</sup> of a barley grain; but it has no shaped hands or feet.<sup>72</sup> Of such a fetus there is this description in the post-Pentateuchal Scriptures:<sup>73</sup> Hast thou not poured me out as milk, and curdled me like cheese? Thou hast clothed me with skin and flesh and knit me together with bones and sinews. Thou hast granted me life and favor, and Thy providence hath preserved my spirit.<sup>74</sup> It<sup>75</sup> must not be examined in water because water is hard<sup>76</sup>

1. Or (with Aruk) Pashtikna. Cur. edd., Parshtabina. One of the tallest men.
2. Lit., 'stood to him'.
3. A sac filled with blood.
4. *Supra* 21b.
5. On a sac filled with flesh.
6. Also an individual.
7. Even if it was filled with flesh only.
8. And the woman is unclean by reason of childbirth.
9. Cf. prev. two notes. Since the Sages who are the majority differ from R. Joshua the

*Halachah* cannot be in agreement with his view.

10. Between R. Joshua and the Sages.
11. In which case it may well be assumed that the fetus in it had been crushed.
12. Filled with clear water.
13. On R. Joshua b. Levi's statement.
14. Teku.
15. Gen. III, 21.
16. Lit., 'but if so', 'unless'.
17. Lit., 'thing'.
18. As R. Joshua b. Levi submitted.
19. Between R. Joshua and the Sages.
20. R. Joshua's.
21. Since by showing that skin alone proves the existence of an embryo he can support his view against that of the Sages.
22. As Resh Lakish does.
23. The reason for his view being not the presence of skin but the possibility that the embryo had been crushed.
24. For being regarded as a valid birth.
25. An objection thus remains against Resh Lakish.
26. Like R. Oshaia.
27. R. Joshua and the Rabbis.
28. In respect of exempting the one born after it from the obligations of 'firstling' or 'first-born son'.
29. After a conception.
30. The young born after such a birth is not regarded as a firstling.
31. Bek. 19a. A son born after such an abortion is no 'first-born son'.
32. Of the next born young from the restrictions of a firstling.
33. As deduced *supra* by R. Joshua b. Hananiah.
34. And not on a Scriptural text which specially refers to the human species.
35. If the fetus may be assumed to have been crushed in the one case why may it not be so assumed in the other?
36. That its abortion constitutes a valid birth.
37. In that of a firstling of cattle and in that of a woman's uncleanness (as will be explained presently).
38. Lit., 'at'.
39. A first-born son must be redeemed by the payment of five *shekels* to the priest.
40. And the son born subsequently is no firstborn, and no redemption money on his behalf need be paid to the priest.
41. In favor of the possessor of the money.
42. The priest, therefore, cannot claim the redemption money (cf. prev. n. but one).
43. Its wool.
44. With the animal. It is forbidden to do any work with a firstling or to shear its wool (cf. Deut. XV, 19).

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45. Thus imposing the restrictions of a firstling on the next born young.
46. Which imposes uncleanness upon the woman.
47. Also a ritual matter.
48. R. Joshua.
49. Whether the abortion of a sac is a valid birth.
50. Gen. III, 21, *supra*, in support of his view, which proves that his ruling is Pentateuchal and definite.
51. Based, on account of the doubt, on the principle quoted *supra*.
52. In support of the Rabbinical ruling.
53. *Supra*.
54. Lit., 'that'.
55. Who said (*supra*) 'I did not hear of such a law'.
56. Who said, 'If it was full of flesh she is unclean'.
57. Who said, 'The dispute refers only to a sac that was turbid'.
58. Who said, 'The dispute refers to the case of a clear sac'.
59. Neither in that of a turbid sac nor in that of a clear one.
60. Cf. prev. n. mut. mut.
61. Sc. she must remain unclean for the prescribed period of childbirth uncleanness, but is not entitled to the privilege of the subsequent period of clean days.
62. From Palestine to Babylon.
63. The principal town under Samuel's jurisdiction.
64. Even if there was no bleeding with the abortion.
65. I.e., to be exempt from the period of uncleanness prescribed for a woman after childbirth.
66. Reading (with R. Han. and R. Tam) *kerashom* (cf. Aruk.) Cur. edd. 'from its head'.
67. Cf. Jast. 'Eyes' (Rashi).
68. Lit., 'stretched as a hair thread'.
69. When sex is distinguishable.
70. The case spoken of in our Mishnah (q.v.) is one of doubtful sex.
71. Cf. the reading of 'En Jacob and *infra* 25b.
72. Sc. fingers and toes are not yet articulated.
73. Lit., 'acceptance', 'tradition'.
74. Job X, 10-12.
75. A fetus in the conditions described.
76. Lit., 'strong'.

## Niddah 25b

and disturbs its shape. It must rather be examined in oil because oil is mild and makes it clear. Furthermore, it must be examined in sunlight only. How is it to be examined?

'How is it to be examined' [you ask]! Of course as has just been described. — Rather, wherewith is it to be examined in order to ascertain whether it was male or female? — Abba Saul b. Nashor, as others say, Abba Saul b. Ramash replied: One brings a splinter with a smooth top and moves it [in an upward direction] in that place.<sup>1</sup> If it is caught it will be known that the fetus is a male,<sup>2</sup> and if not it will be known to be a female. R. Nahman citing Rabbah b. Abbuha stated: This<sup>3</sup> was learnt only of a movement in an upward direction,<sup>2</sup> but if sideways [it is no reliable test, since] it may be assumed [that the obstruction] was caused by the sides of the womb. R. Adda b. Ahaba stated: A Tanna taught, If the fetus was a female the organ has the appearance of the [longitudinal] slit of a barley grain.<sup>4</sup> R. Nahman demurred: Is it not possible that it<sup>5</sup> is merely the depression between<sup>6</sup> the testes? — Abaye replied: Since the testes themselves are indistinguishable, would the depression between them be distinguishable?<sup>7</sup>

R. Amram stated: A Tanna taught, 'Its<sup>8</sup> two thighs are like two silk threads', and in connection with this R. Amram explained: Like those of the woof;<sup>9</sup> 'and its two arms are like two threads of silk', in connection with which R. Amram explained: Like those of the warp.<sup>9</sup>

Samuel said to Rab Judah: Shinena,<sup>10</sup> give no practical decision [on the validity of a birth] unless the embryo has hair [on its head]. But could Samuel have said such a thing, seeing that he ruled, 'In either case must she consider the possibility of a valid birth'? —

R. Ammi b. Samuel replied: This was explained to me by the Master Samuel: She must indeed take into consideration the possibility of a valid birth;<sup>11</sup> but she is not allowed the privilege of the clean days<sup>12</sup> unless the embryo had hair [on its head]. This then implies that Samuel was doubtful on the point.<sup>13</sup> But is it not a fact that when a certain sac was submitted to the Master

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Samuel he said, 'This is forty-one days old', but on calculating the time since the woman had gone to perform her ritual immersion<sup>14</sup> until that day and finding that there were no more than forty days he declared, 'This man<sup>15</sup> must have had marital intercourse during her menstrual period' and having been arrested<sup>16</sup> he confessed?<sup>17</sup> — Samuel was different from other people because his knowledge was exceptional.<sup>18</sup>

**IF SHE ABORTED A SANDAL**, etc. Our Rabbis taught: A sandal is like a sea-fish [of the same name].<sup>19</sup> At first it is a normal fetus but later it is crushed. R. Simeon b. Gamaliel said: A sandal resembles the tongue of a big ox. In the name of our Masters it was testified: A sandal<sup>20</sup> must have the facial features.<sup>21</sup> Rab Judah citing Samuel stated: The *Halachah* is that a sandal<sup>20</sup> must have the facial features. R. Adda citing R. Joseph who had it from R. Isaac ruled: A sandal<sup>20</sup> must have the facial features even if only at the back, this being a case similar to that of a man who slapped his fellow and caused his face to turn backwards.

In the days of R. Jannai it was desired to declare [the mother of] a sandal that had no facial features as clean.<sup>22</sup> Said R. Jannai to them: You would declare [the mother of newly born] children<sup>23</sup> as clean!<sup>24</sup> — But was it not taught, 'In the name of our Masters it was testified: A sandal<sup>25</sup> must have the facial features'?<sup>26</sup> — R. Bibi b. Abaye citing R. Johanan replied: It was on the evidence of R. Nehunya<sup>27</sup> that this ruling<sup>28</sup> was learnt.<sup>29</sup> R. Ze'ira observed: R. Bibi was lucky [to be the first] with his reported traditions, for both I and he were sitting in the presence of R. Johanan when he discoursed upon this tradition, but he<sup>30</sup> forestalled me and, reporting it first, gained the advantage.

Why was a sandal<sup>31</sup> at all mentioned, seeing that there can be no birth of a sandal without that of an embryo with it?<sup>32</sup> — If a female child were to be born with it this would be so indeed,<sup>33</sup> but here we are dealing with one

with which a male was born.<sup>34</sup> As it might have been presumed that, since R. Isaac b. Ammi stated, 'If the woman is first to emit the semen she bears a male child and if the male is first to do it she bears a female child', the one<sup>35</sup> is a male as well as the other is a male,<sup>36</sup> hence we were informed [that no such assumption is made, for] it might equally be assumed that both emitted their semen simultaneously so that one might be a male while the other<sup>35</sup> is a female.<sup>37</sup> Another explanation:<sup>38</sup> [Sandal<sup>39</sup> was mentioned] in order that if a woman bore a female child before sunset and a sandal after sunset<sup>40</sup> she must count the beginning of her period of menstruation in accordance with the first birth and in accordance with the second birth.<sup>41</sup>

As regards the sandal that we learnt

1. Euphemism.
2. The obstruction being attributed to the membrum.
3. The splinter test.
4. Cf. the reading *supra* 25a, ad fin. The latter reading adds 'slit' which is wanting in the original of the former.
5. The presumed female organ.
6. Lit., 'thread of'.
7. Obviously not.
8. Referring to the fetus in its early stages.
9. The threads of the woof are thicker than those of the warp.
10. Keen witted (rt. [H] 'to sharpen'); long-toothed ([H], 'tooth'): or man of iron.
11. Sc. to remain unclean for fourteen days.
12. After the conclusion of the unclean ones.
13. The stages in the development of a fetus.
14. Following the conclusion of her menstrual period.
15. The husband of the woman.
16. Lit., 'he bound him'.
17. An incident which shows Samuel's remarkable and accurate knowledge of the nature of a fetus.
18. Lit., 'because his strength is great'. Other people, however, whose physiological knowledge is not so great must adopt a cautious course and take into consideration the possibility suggested.
19. Cf. Rashi.
20. If it is to be deemed a valid birth.
21. Tosef. Nid. IV.

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22. Regarding it as no valid birth.
23. A sandal being regarded as a valid birth.
24. Contrary to Pentateuchal law.
25. If it is to be deemed a valid birth.
26. Tosef. Nid. IV.
27. An individual authority.
28. Lit., 'teaching', the ruling that a sandal that is to be deemed a valid birth must have the facial features.
29. Hence (cf. prev. n. but one) it may well be disregarded.
30. R. Bebai.
31. The law that it causes a woman's uncleanness (cf. our Mishnah).
32. So that the woman would be unclean even in the absence of a sandal.
33. There would have been no necessity at all to mention the sandal (cf. prev. n. but one), since it could add no uncleanness, whatever its sex: If it is a female it would subject the woman to the very same uncleanness as the female that was born with it, and if it is a male, the period of uncleanness it causes is a lesser one than that of the female.
34. So that if the sandal were a female the period of the woman's uncleanness would extend over a longer period.
35. The sandal.
36. In consequence of which the woman's uncleanness would be that of a male birth only.
37. Hence the law of the sandal which imposes the restrictions of a female birth (fourteen unclean days instead of seven) as well as those of a male birth (thirty-three days of cleanness instead of sixty-six).
38. Which justifies the necessity for the law of sandal even where a female was born.
39. The law that it causes a woman's uncleanness (cf. our Mishnah).
40. The day concluding at sunset, when another day begins, and the sandal being thus born a day later than the female child.
41. I.e., the restrictions of both are imposed upon her: As the sandal might be a male the eighty-first day from the female birth (if there was a discharge) is regarded as the first day of menstruation though that day is still the eightieth from the sandal's birth which in the case of a female is one (the last) of the clean days. The seventh day after the eightieth again is not regarded as the termination of the seven days of menstruation (which began on the eightieth day) since it is possible that the sandal was a female whose eightieth day coincided with the eighty-first of the female child and in accordance with which the woman's seven days of menstruation began a day later (the eighty-second day after the first

birth) and consequently terminated a day later.

## Niddah 26a

in the laws of the firstborn,<sup>1</sup> what practical law<sup>2</sup> is thereby taught?<sup>3</sup> — That the son who follows it<sup>4</sup> is regarded as a firstborn son in respect of inheritance<sup>5</sup> but not [in regard to his redemption] from the priest.<sup>6</sup> What practical law is taught by that of the sandal of which we learnt in the case of those who incur the penalty of *kareth*?<sup>7</sup> — That if the embryo<sup>8</sup> is born from her side,<sup>9</sup> and the sandal from her womb she<sup>10</sup> must bring a sacrifice on account of the sandal. But according to R. Simeon who ruled that 'a fetus born from the side constitutes a valid birth',<sup>11</sup> what can be said?<sup>12</sup> — R. Jeremiah replied: That if a woman bears the child while she is an idolatress and the sandal after she has been converted [to Judaism] she<sup>13</sup> must bring a sacrifice on account of the sandal.

The following was said by the Rabbis before R. Papa: But are all these answers<sup>14</sup> tenable? Was it not in fact taught, 'When they<sup>15</sup> issue they do so only while clinging to one another'?<sup>16</sup> — R. Papa replied: From this<sup>17</sup> it may be inferred that the embryo clings to the sandal at the middle of the latter<sup>18</sup> which lies across the head of the former.<sup>19</sup> Consequently, as regards the law of the firstborn, [the reference is to a case], for instance, where the embryo<sup>20</sup> issued with its head first<sup>21</sup> so that the sandal<sup>22</sup> issued first.<sup>23</sup> As regards the law concerning those punishable by *Kareth* it is a case where they<sup>24</sup> issued with their feet first so that the embryo was born first.<sup>25</sup> R. Huna b. Tahlifa citing Raba explained: It may even be said that they<sup>26</sup> cling together side by side, but reverse the previous statement.<sup>27</sup> As regards the law of the firstborn [the reference is to a case] where they<sup>26</sup> issued with their feet first; so that the embryo, being animated hangs on and does not easily come out; while the sandal, not being animated, glides and comes

## NIDDOH – 23b-48a

speedily out. As regards the law concerning those subject to the penalty of *Kareth* [the reference is to a case] where they issued with their heads first, so that the embryo, being animated is deemed to have consummated its birth as soon as its head came out; while the sandal [being inanimated cannot be deemed to have been born] until its greater part came out.

**MISHNAH.** IF A PLACENTA IS WITHIN A HOUSE, THE HOUSE IS UNCLEAN;<sup>28</sup> NOT BECAUSE A PLACENTA IS A CHILD BUT BECAUSE GENERALLY THERE CAN BE NO PLACENTA WITHOUT A CHILD. R. SIMEON SAID, THE CHILD MIGHT HAVE BEEN MASHED<sup>29</sup> BEFORE IT CAME FORTH.<sup>30</sup>

**GEMARA.** Our Rabbis taught: The placenta in its first stage resembles a thread of the woof and in its final stage it resembles a lupine. It is hollow like a trumpet; and no placenta is smaller than a handbreadth. R. Simeon b. Gamaliel stated: The placenta resembles the craw of a hen<sup>31</sup> out of which the small bowels issue.<sup>32</sup>

R. Oshaia, the youngest of the fellowship,<sup>33</sup> taught:<sup>34</sup> Five things have a prescribed minimum of a handbreadth, and they are the following. A placenta, a *Shofar*, a spine, a *Sukkah* wall and a bundle of hyssop. As to the placenta there is the ruling just mentioned.<sup>35</sup> 'Shofar'?<sup>36</sup> For it was taught: What must be the size of a *shofar*?<sup>37</sup> R. Simeon b. Gamaliel explained: It must be of such a size as can be held in one's hand and be seen at either end, viz.,<sup>38</sup> a handbreadth.<sup>39</sup> What is meant by 'spine'? The ruling which R. Parnak laid down in the name of R. Johanan: The spine of the Lulab must be long enough to project a handbreadth above the myrtle.<sup>40</sup> 'The *Sukkah*'<sup>41</sup> wall'? As it was taught: Two walls<sup>42</sup> must be proper ones but the third is valid even if it is only one handbreadth wide. 'Hyssop'? As R. Hiyya taught: The bundle of hyssop<sup>43</sup> must be a handbreadth long.

R. Hanina b. Papa stated: Shila of the village of Tamartha discoursed on three Baraithas and two reported traditions dealing with the prescribed size of a handbreadth. 'Two'<sup>44</sup> [you say]; is it not only one?<sup>45</sup> — Abaye replied, read:<sup>46</sup> R. Hiyya stated,<sup>47</sup> 'The bundle of hyssop must be a handbreadth long'. But are there no others?<sup>48</sup> Is there not in fact [the law that an enclosed space of] one handbreadth square and one handbreadth in height, forming a cube<sup>49</sup> conveys uncleanness<sup>50</sup> and constitutes a screen<sup>51</sup> against uncleanness?<sup>52</sup> — We spoke of the size of 'a handbreadth'; we did not speak of 'a handbreadth square'. But is there not the law concerning a stone that projected one handbreadth from an oven<sup>53</sup> or three fingerbreadths from a double stove<sup>54</sup> in which case it serves as a connecting link?<sup>55</sup> We spoke only of cases where the size of less than a handbreadth is invalid, but here the law would apply all the more to such a case where the size is of less than a handbreadth and it is a handle of the oven. But is there not

1. Bek. 46a.
2. In respect of the child born after it.
3. Sc. since the birth of a sandal is always accompanied by the birth of an embryo how could the former's presence any more than its absence affect the birthright of a subsequently born son whose status would in any case be determined by that of the embryo.
4. Sc. the embryo accompanying it if it was a male and was born after it.
5. He is entitled to a double portion in his deceased father's estate (cf. Deut. XXI, 17).
6. Cf. Num. XVIII, 15-16.
7. *Supra* 7b in respect of the duty of bringing a sacrifice. Cf. *supra* n. 6 mut. mut.
8. That accompanied the sandal.
9. Extracted by means of the Caesarean cut.
10. Though on account of the embryo, since it was not born from the normal place, she incurs no sacrifice of childbirth.
11. *Infra* 40a; so that a sacrifice is incurred in any case.
12. In reply to the objection: 'What practical law is taught by that of the sandal?'
13. Who incurs no obligation of a sacrifice on account of the child, since she was still an idolatress when it was born.

# NIDDOH – 23b-48a

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

## Niddah 26b

the law of ovens of the size of one handbreadth?<sup>1</sup> For we learnt:<sup>2</sup> — An oven [if it is to be susceptible to uncleanness must] *ab initio*<sup>3</sup> be no less than four handbreadths high, and what remains of it<sup>4</sup> must<sup>5</sup> be no less than four handbreadths high; so R. Meir. But the Sages ruled: This applies only to a big oven but if it is a small one [it is susceptible to uncleanness] *ab initio*, after its manufacture is completed, whatever its size, and what is left of it [remains unclean] if it was the greater part of it.<sup>6</sup> And [to the question] what is meant by 'whatever its size', R. Jannai replied: One handbreadth, since ovens of the height of one handbreadth are made!<sup>7</sup> —

## NIDDOH – 23b-48a

He<sup>8</sup> did not speak of laws about which a divergence of view exists.<sup>2</sup> Now that you have arrived at this argument that law<sup>10</sup> [it may be explained]<sup>11</sup> is also one in dispute, for in the final clause it was stated: R. Judah said, They spoke of the length of a handbreadth only between the oven and the wall.<sup>12</sup> But is there not also a border of a handbreadth?<sup>13</sup> — He does not deal with sizes that are prescribed in Scripture. But is there not the ark-cover that was one handbreadth thick?<sup>14</sup> — He<sup>8</sup> does not discuss holy things. But is there not [the following law]: It suffices for a cross-beam<sup>15</sup> to be one handbreadth wide?<sup>16</sup> — He<sup>17</sup> does not discuss Rabbinical laws.<sup>18</sup> [He was concerned only] with such as are prescribed in Scripture and in connection with which no sizes<sup>19</sup> have been specified.

R. Isaac b. Samuel b. Martha once sat at his studies before R. Kahana and in the course of the session he observed: Rab Judah citing Rab laid down that throughout the first three days<sup>20</sup> the placenta<sup>21</sup> is attributed to the child,<sup>22</sup> but henceforth the possibility of the birth of a second child<sup>23</sup> must be considered.<sup>24</sup> Said the other to him: But could Rab have said such a thing? Did not Rab in fact state, 'One child is not detained at all after the other [had been born]'?<sup>25</sup> The first remained silent. Said the other to him: Is it not possible that one statement<sup>26</sup> referred to an abortion, while the other<sup>27</sup> referred to a child that was viable? — You, the first<sup>28</sup> answered, have indeed stated Rab's actual rulings, for Rab has explicitly made the following statement: If a woman aborted an embryo and after that she aborted a placenta, if this occurred within three days<sup>29</sup> the placenta is attributed to the embryo, but if it occurred at any subsequent time the possibility of the abortion of a second embryo must be taken into consideration. If, however, she gave birth to a normal child and subsequently aborted a placenta, even if that occurred between that moment and ten days later,<sup>30</sup> the possibility of the abortion of a second child<sup>31</sup> need not be considered at all.

Samuel and the disciples of Rab and Rab Judah<sup>32</sup> were once sitting at their studies when R. Joseph the son of R. Menashya of Dewil passed along in great haste. 'There comes towards us', he exclaimed, 'a man whom we can throw down with a piece of straw<sup>33</sup> and he would allow himself to be thrown down and pushed out'.<sup>34</sup> In the meanwhile he approached them. What, said Samuel to him, did Rab rule in regard to a placenta? — Thus, the other replied, said Rab: The placenta may be attributed only to a child that is viable.<sup>35</sup> Samuel then put the question to all the disciples of Rab and they told him the same thing. Thereupon he turned round and looked at Rab Judah with displeasure.<sup>36</sup>

R. Jose b. Saul enquired of Rabbi: What is the law where there was an abortion in the shape of a raven and [this was followed by] a placenta?<sup>37</sup> — The other replied: We can attribute a placenta only to an embryo in whose species<sup>38</sup> the placenta is [one of their organs].<sup>39</sup> What is the law where the placenta is tied to it?<sup>40</sup> — You, the other replied, have asked a question about that which does not exist. He raised an objection against him: If a woman aborted something in the shape of a beast, a wild animal or a bird, and a placenta with them, whenever the placenta is attached to it there is no need to take into consideration the possibility of the existence of a second embryo, but if no placenta is attached to it the possibility of the existence of a second embryo<sup>41</sup> must be considered, and one<sup>42</sup> must [impose on the woman] on account of them<sup>43</sup>

1. Used as toys (cf. Rashi and Gold.)
2. Cf. MS.M. Cur. ed., 'for it was taught'.
3. When its manufacture is completed.
4. Sc. of a big oven that contracted uncleanness and was then broken.
5. If its uncleanness is to be retained.
6. Kel. V, 1. For a fuller explanation cf. Hul. 124a.
7. Now why was not this law included among the five enumerated by R. Oshaia *supra*?
8. R. Oshaia.



# NIDDOH – 23b-48a

9. The size of the handbreadth in this case being disputed by R. Meir.
10. About the stone that projected from an oven cited *supra* from Kel. V, 2.
11. As a reason why it was not mentioned by R. Oshaia.
12. Near which the oven is placed. Where a stone is of greater length it prevents the oven from being brought up to the wall and is removed in consequence. Only in such a case is the size restricted to a handbreadth. Where, however, the stone projects on another side, since it would not be removed, it is regarded as a handle.
13. Ex. XXV, 25.
14. Cf. Ex. XXV, 17, as explained in Suk. 4b.
15. Placed above the entrance to a blind alley in connection with the permissibility of the movement of objects on the Sabbath.
16. 'Er. 13b.
17. R. Oshaia.
18. Ali the Sabbath laws in connection with an alley are merely Rabbinical.
19. Lit., 'their sizes'.
20. After the birth of a child.
21. That issued after the childbirth.
22. That was born. The days of the woman's uncleanness and cleanness are consequently reckoned from the day of the child's birth and not from the latter day on which the placenta issued.
23. Who was crushed within the placenta and who might have been a female.
24. And the restrictions of a female birth (fourteen unclean days instead of seven, for instance,) are imposed.
25. How then could he have ruled that after three days had passed the placenta might still be attributed to a second child?
26. According to which a second child might be born three or more days after the birth of the first one.
27. 'One child is not detained at all after the other'.
28. Who, thanks to R. Kahana's suggestion, recollected Rab's actual words and as a result was grateful and complimentary (cf. R. Gershon, contra Rashi).
29. After the abortion of the embryo.
30. Lit., 'from here and onwards'.
31. That may have been crushed in the placenta.
32. Who was a former disciple of Rab and joined Samuel's academy for some time after Rab's death.
33. Lit., 'straw of the wheat'. Metaphor: The man could be upset by the simplest of arguments. Aliter: On whom we may throw wheat-chaff, i.e., embarrass with petty questions (Jast.).
34. Cf. prev. n. He would not be able to open his mouth in defense of his views.
35. As suggested *supra* by R. Kahana and confirmed by R. Isaac.
36. 'He considered it a discourtesy on the part of Rab Judah (cf. *supra* n. 3) not to have informed him earlier of such an important ruling of Rab.
37. Is the placenta, it is asked, attributed to the raven-shaped embryo or is it attributed to a human embryo that may have been crushed in it?
38. Man and beast.
39. Birds are, therefore, excluded.
40. The raven-shaped object.
41. That may have been crushed within the placenta.
42. Lit., 'behold I'.
43. The two embryos.

## Niddah 27a

the restrictions of the two births;<sup>1</sup> for it is assumed<sup>2</sup> that the fetus of the placenta may have been crushed<sup>3</sup> and that the placenta of the foetus<sup>4</sup> was also crushed.<sup>5</sup> This is indeed a refutation.

Rabbah b. Shila citing R. Mattena who had it from Samuel stated: It once happened that a placenta was attributed to an embryo as late as<sup>6</sup> ten days [after the latter's birth].<sup>7</sup> [The law, however, that it] is to be attributed [to the existing embryo] applies only<sup>8</sup> where the expulsion of the placenta followed the birth of the embryo.<sup>9</sup> Rabbah b. Bar Hana citing R. Johanan stated: It once happened that a placenta was attributed to an embryo as late as<sup>10</sup> twenty-three days [after the birth of the latter]. 'You once told us', said R. Joseph to him, 'as late as twenty-four days'.

R. Aha son of 'Awira citing R. Johanan<sup>11</sup> stated: It once happened that the birth of an embryo was delayed for thirty-three days after that of its predecessor. 'You', said R. Joseph to him, 'have in fact told us thirty-four days.' [Such an incident may be explained] satisfactorily according to him who holds that a woman who bears at nine months does not necessarily complete the full number,<sup>12</sup> since in such circumstances it is

## NIDDOH – 23b-48a

possible that the features of one embryo were completed at the end<sup>13</sup> of seven months<sup>14</sup> and those of the other at the beginning<sup>13</sup> of the ninth month,<sup>15</sup> but according to him who maintains that a woman who bears at nine months does complete the full number,<sup>12</sup> what can be said [in explanation of the incident]?<sup>16</sup> — Reverse the statements:<sup>17</sup> Thirty-three days in the case of the placenta<sup>18</sup> and twenty-three days in that of the embryo.<sup>19</sup>

R. Abin b. R. Adda citing R. Menahem of Kefar She'arim or, as some say, Beth She'arim, stated: It once happened that a child was born three months later than its predecessor and lo, both sit before us in the schoolhouse. And who are they? — Judah and Hezekiah the sons of R. Hiyya. But did not a Master say that a woman in conception cannot conceive again?<sup>20</sup> — Abaye replied: It was the same drop but it was divided in two sections; the features of one of these were completed at the beginning of the seventh month and those of the other were completed at the end of the ninth month.

**IF A PLACENTA IS WITHIN A HOUSE, THE HOUSE IS UNCLEAR.** Our Rabbis taught: If a placenta is in a house, the house is unclean; not because a placenta is a child but because generally there can be no placenta with which there is no child; so R. Meir. R. Jose, R. Judah and R. Simeon regard [the house] as clean. 'Do you not agree', they said to R. Meir, 'that if it had been carried out in a bowl into an outer room it would be clean?' 'Indeed', he replied. 'But why?'<sup>21</sup> 'Because it<sup>22</sup> is no longer in existence'. 'As', they retorted, 'it is not in existence in the outer room so is it not in existence in the inner room'.<sup>23</sup> 'What was mashed once', he replied, 'is not like that which was mashed twice.'<sup>24</sup>

R. Papa once sat behind R. Bubi in the presence of R. Hamnuna and in the course of the session he observed: What is R. Simeon's reason?<sup>25</sup> He is of the opinion that any uncleanness with which anything of a

different kind of uncleanness has been mixed is neutralized. Said R. Papa to them: 'Is this also the reason of R. Judah and R. Jose?'<sup>26</sup> They laughed at him. 'Is not this obvious', they said, 'why should there be any difference?'<sup>27</sup> — 'Even such a question',<sup>28</sup> said R. Papa, 'a man should submit to his Master<sup>29</sup> and not be content with silence;<sup>30</sup> for it is said, If thou hast done foolishly<sup>31</sup> thou art<sup>32</sup> lifting up thyself;<sup>33</sup> but<sup>34</sup> if thou hast planned devices,<sup>35</sup> lay thy hand upon thy mouth.'<sup>36</sup>

R. Simeon<sup>37</sup> follows the view he expressed elsewhere. For it was taught: If some earth fell into a ladleful of corpse-mould [the latter remains] unclean, but R. Simeon holds it to be clean. What is R. Simeon's reason? — Raba<sup>38</sup> replied: 'I met the Rabbis of the schoolhouse while they were sitting at their studies and explaining that<sup>39</sup> it is impossible that [somewhere in the mixture] two particles of earth to one of the corpse-mould should not represent the larger portion, so that<sup>40</sup> something is missing',<sup>41</sup> and I said to them, 'On the contrary! It is impossible that [somewhere in the mixture] two particles of the corpse-mould should not represent a part greater than

1. If, for instance, the embryo aborted was a male, the placenta is presumed to contain the crushed embryo of a female, and the woman must, therefore, count fourteen unclean days (as for a female) and not only seven (as prescribed for a male). According to the Rabbis (who do not regard a bird or a beast as a valid birth) the restriction imposed would be to regard 'neither birth as valid and to deprive the woman in consequence of the advantage of the clean days prescribed for a woman after a childbirth.
2. Lit., 'for I say'.
3. So that the placenta belonged to that fetus and not to the one in existence.
4. That is in existence.
5. And lost. Hul. 77a. It is thus shown that a placenta is sometimes attached to the fetus. How then could Rabbi maintain (*supra* 26b ad fin.) that such a thing 'does not exist'?
6. Lit., 'until'.
7. Despite the long interval between the birth of the embryo and the expulsion of the placenta

# NIDDOH – 23b-48a

- no assumption was made that the placenta of the embryo in existence was lost and that the placenta in existence belonged to a second embryo that was crushed.
8. Lit., 'and they only said'.
  9. If, however, it preceded it the possibility must be taken into consideration that it belonged to another embryo that had been crushed; and consequently the restrictions applying to the two embryos must be imposed.
  10. Lit., 'until'.
  11. So BaH. Cur. edd., 'R. Isaac'.
  12. Of the nine months. Limekuta'in (from a rt. meaning 'to lop off').
  13. Within a day or two.
  14. In consequence of which it is viable.
  15. The eighth month consisting of twenty-nine or thirty days together with the odd days of the seventh and the ninth months (cf. prev. n. but one) making up the interval of thirty-three days.
  16. Apparently nothing whatever. If the first was born in the seventh month (even if on the last day) and the second in the ninth month the interval would not be one of thirty-three days but one of no less than two months. If they were both born in the seventh month the interval would inevitably be less than thirty-three days (since a Hebrew month never contains more than thirty days). If again, one was born in the seventh and the other in the eighth month the latter could not be viable, whereas the incident which speaks of a Welad ('child') and not of Nefel ('abortion') seems to refer to two viable children.
  17. Of R. Johanan.
  18. The first incident described *supra*.
  19. The second of the incidents *supra*. This is quite possible where both embryos were born in the seventh month, since all agree that a child may be viable even if the full number of seven months was not completed.
  20. Lit., 'a woman does not conceive and conceive again'. How then was it possible for a child to be born three months after its predecessor.
  21. Should then the first house be unclean.
  22. Having been mashed in the water.
  23. Since it was mashed in the placenta.
  24. 'There is no comparison between one presumption that the embryo was mashed and two such suppositions (that the placenta of one embryo and the embryo of another placenta were mashed)'. Jast.
  25. Sc. granted that the embryo was mashed, does not a mashed corpse convey uncleanness?
  26. Who are of the same opinion as R. Simeon *supra*.
  27. None whatever (cf. prev. n.).
  28. Which might cause one to be an object of ridicule.
  29. To make sure of his tradition.
  30. By relying on his own intelligence.
  31. Sc. asked what might appear to be a ridiculous question.
  32. E.V., 'in'.
  33. One's knowledge is of the highest order and first hand.
  34. E.V., 'or'.
  35. In seeking to escape possible ridicule.
  36. Prov. XXX, 32; he will not be able to give an authoritative answer when a question on the subject is addressed to him.
  37. In his ruling *supra* that 'Any uncleanness with which anything of a different kind ... has been mixed is neutralized'.
  38. So MS.M. and BaH. Cur. edd., 'Rabbah'.
  39. Though the earth is much less than the corpse-mould.
  40. Since in that part of the mixture, at least, the corpse-mould is neutralized and loses its uncleanness.
  41. From the prescribed minimum of a ladleful. The whole mixture is consequently clean.

## Niddah 27b

one particle of earth,<sup>1</sup> so that<sup>2</sup> the quantity is increased'.<sup>3</sup> The fact, however, is, said Raba,<sup>4</sup> that this is the reason of R. Simeon: Its final stage<sup>5</sup> is treated as its first stage.<sup>6</sup> As in its first stage any other matter<sup>7</sup> becomes its antidote<sup>8</sup> so also in its final stage<sup>5</sup> any other matter<sup>9</sup> becomes its antidote.<sup>8</sup> What is that law?<sup>10</sup> — It was taught: In what circumstances is a corpse subject to the uncleanness of<sup>11</sup> corpse-mould and in what circumstances is a corpse not subject to the uncleanness of corpse-mould? If a corpse was buried naked in a marble sarcophagus or on a stone floor<sup>12</sup> it is one that is subject to the uncleanness of corpse-mould. And in what circumstances is a corpse not subject to the uncleanness of corpse-mould? If it was buried in its shroud,<sup>13</sup> or in a wooden coffin,<sup>14</sup> or on a brick floor<sup>14</sup> it is one that is not subject to the uncleanness of corpse-mould.<sup>15</sup> And [the Sages] spoke of the uncleanness of corpse-mould only in the case of one who died, thus excluding a killed person who<sup>16</sup> is not [subject to this law].<sup>17</sup>

## NIDDOH – 23b-48a

[To turn to] the main text, 'If some earth fell into a ladleful of corpse-mould [the latter remains] unclean, but R. Simeon holds it to be clean. If a ladleful of corpse-mould was scattered in a house the house is unclean,<sup>18</sup> but R. Simeon holds it to be clean'.<sup>19</sup> And both these rulings were required. For if we had been informed of the first one only<sup>20</sup> it might have been presumed that only in that case do the Rabbis maintain their view,<sup>21</sup> since it<sup>22</sup> is collected together but that where it was scattered they agree with R. Simeon, since a succession of incomplete overshadowings<sup>23</sup> is of no consequence.<sup>24</sup> And if we had been informed of the latter only<sup>25</sup> it might have been presumed that only in that case does R. Simeon maintain his view,<sup>26</sup> since a succession of incomplete overshadowings<sup>23</sup> is of no consequence,<sup>27</sup> but that in the former case<sup>28</sup> he agrees with the Rabbis.<sup>21</sup> Hence both were required.

Elsewhere we learnt:<sup>29</sup> A ladleful and more of the earth of a graveyard<sup>30</sup> is unclean,<sup>31</sup> but R. Simeon regards it as clean.<sup>32</sup> What is the reason of the Rabbis? — Because it is impossible to have 'a ladleful<sup>33</sup> and more' of the earth of a graveyard in which there is not contained a ladleful of corpse-mould.<sup>34</sup>

Now that you have explained that R. Simeon's reason is because 'its final stage is treated as its first stage',<sup>35</sup> what could be his reason in the case of a PLACENTA?<sup>36</sup> — R. Johanan replied: Because the law of neutralization in the larger quantity<sup>37</sup> has been applied to it.<sup>38</sup> R. Johanan in fact follows here<sup>39</sup> a view he expressed elsewhere. For R. Johanan stated: R. Simeon and R. Eliezer b. Jacob laid down the same ruling.<sup>40</sup> R. Simeon laid down the ruling we have just spoken of.<sup>41</sup> R. Eliezer [also laid down the same ruling] for we learnt:<sup>42</sup> R. Eliezer b. Jacob ruled, If a beast<sup>43</sup> of the class of large cattle discharged a clot of blood, this<sup>44</sup> shall be buried<sup>45</sup> and [the beast] is exempt from the law of the firstling;<sup>46</sup> and in connection with this R. Hiyya taught: It<sup>44</sup> does not convey uncleanness either through touch or

through carriage.<sup>47</sup> But since it conveys no uncleanness either through touch or through carriage<sup>48</sup> why<sup>49</sup> should it be buried? — In order to publish the fact that [the beast] is exempt from the law of the firstling. It thus clearly follows that it<sup>44</sup> is deemed to be a proper embryo,<sup>50</sup> then why did R. Hiyya teach, 'It does not convey uncleanness either through touch or through carriage'? — R. Johanan replied: Because the law of neutralization in the larger quantity<sup>51</sup> has been applied to it.<sup>52</sup>

R. Ammi citing R. Johanan stated: R. Simeon, however,<sup>53</sup> agrees that its mother is unclean by reason of childbirth. Said a certain old man to R. Ammi: 'I will explain to you R. Johanan's reason:<sup>54</sup> For Scripture says, If a woman conceived seed<sup>55</sup> and bore a man-child, etc.<sup>56</sup> which implies: Even if she bore in the same manner only as she 'conceived seed'<sup>57</sup> she is unclean by reason of childbirth.

Resh Lakish ruled: A sac that was beaten up in its fluid assumes the same status as a corpse whose shape was destroyed.<sup>58</sup> Said R. Johanan to Resh Lakish: Whence do we infer that a corpse whose shape had been destroyed is clean? If it be suggested, From the following statement which R. Shabthai cited in the name of R. Isaac of Magdala or, as others say, R. Isaac of Magdala cited in the name of R. Shabthai, 'If a corpse has been burnt but its shape remained<sup>59</sup> it is unclean. It once happened that on account of such a corpse<sup>60</sup> the big<sup>61</sup> doors<sup>62</sup> were declared unclean<sup>63</sup>

1. With which they are mixed in that particular section.
2. The earth also becoming unclean on account of the greater part of the corpse-mould with which it is mixed.
3. We-nafish (cf. marg. n. and Bomb. ed.) Cur. edd., we-nafil (and it falls).
4. So MS.M., Cur. edd. 'Rabbah'.
5. When a corpse is already converted into corpse-mould.
6. When the corpse is buried.
7. That is mixed up with the decaying corpse.

# NIDDOH – 23b-48a

8. Cf. Rashi. Gingilon (or gilgilon, cf. Tosaf.), lit., 'belt' (cf. cingulum); sc. the smallest piece of material buried with a corpse neutralizes the uncleanness of its mould.
9. That mixed with the mould.
10. About the first stage just referred to.
11. Lit., 'which is the corpse that has'.
12. So that there is no foreign matter in the vicinity of the corpse that is likely to be mixed up with its mould.
13. Which on decaying would naturally be mixed up with the decaying matter of the corpse.
14. Which would molder (cf. prev. n.).
15. Since the foreign matter that mixes with the decaying matter of the corpse neutralizes it and liberates the corpse-mould from its uncleanness.
16. Being regarded as a defective corpse (cf. Naz. 51b) on account of the blood he lost.
17. Tosef. Nid. II, Naz. 51a.
18. On account of Ohel or overshadowing.
19. Oh. III, 2.
20. Earth mixed with corpse-mould.
21. That the mould remains unclean.
22. The corpse-mould.
23. Sc. one part of the roof does not overshadow the prescribed minimum of corpse-mould but one part of it overshadows one part of the minimum while another part overshadows another part of it.
24. Lit., 'that one does not make a tent and make a tent again', and the room, therefore, remains clean.
25. Corpse-mould scattered.
26. That the house is clean.
27. Cf. prev. n. but two mut. mut.
28. Earth mixed with corpse-mould.
29. V. marg. gl. Cur. edd. 'in another Baraitha it was taught'.
30. Which consists of a mixture of corpse-mould and earth.
31. The reason is explained presently.
32. The reason is given *supra* by Raba.
33. Lit., 'to fill a ladle'.
34. The required minimum.
35. Cf. prev. n. but two.
36. Where this comparison cannot be made.
37. There is more blood of labor than mashed embryo.
38. Lit., 'they touched it'. As the blood of labor which is the larger quantity is clean, the lesser quantity of the mashed embryo is neutralized in it, and is, therefore, clean.
39. In the answer just given.
40. That a mashed embryo is neutralized in the larger quantity of the blood of labor.
41. An embryo mashed in a placenta causes no uncleanness.
42. Cf. marg. gl. and Bomb. ed. Cur. edd., 'for it was taught'.
43. Which had never before born any young.
44. The clot.
45. It being possible that it contained a mashed firstling which is sacred.
46. Bek. 21b; sc. its next born young is not regarded as a firstling and need not be given to the priest.
47. Not being regarded as *Nebelah* (v. [Glos.](#)) the man who touches or carries it remains clean.
48. From which it follows that it is not regarded as an embryo.
49. Since it is consequently no firstling.
50. Had it not had that status the beast would not have been exempt from the law of the firstling.
51. There being more blood of labor than mashed embryo.
52. The mashed embryo is consequently neutralized and is, therefore, clean.
53. Though he ruled in our Mishnah that the house is clean because THE CHILD MIGHT HAVE BEEN MASHED, etc.
54. For subjecting the woman to the uncleanness of childbirth even when the embryo is mashed.
55. So according to A.V, and R.V. and the exposition that follows. J.T., 'be delivered'.
56. Lev. XII, 2.
57. Sc. the former was in a fluid state like the latter.
58. Sc. burned and scattered. Such human remains convey no uncleanness.
59. I.e., its ashes still kept together so that the body appears whole.
60. Lit., 'for him'.
61. No less than four handbreadths wide.
62. Of the house in which it lay.
63. Since the corpse can be carried intact through them.

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but the small doors<sup>1</sup> were declared clean'; from which you infer that the reason [why the big doors were declared unclean is] because its shape is still intact but had it not been in such a condition they<sup>2</sup> would have been clean; on the contrary [it could be retorted] draw from this the following inference:<sup>3</sup> Only when its shape is intact were the small doors declared clean but otherwise the small doors also are unclean, since everyone of them is fit for carrying through it one limb at a time.<sup>4</sup> Said Rabina to R. Ashi:

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[Do you know] in agreement with whose view R. Johanan made his statement?<sup>5</sup> In agreement with that of R. Eliezer, For we learnt: The ashes of burnt corpses, R. Eliezer ruled, [convey uncleanness] if they are a quarter of a *Kab* in quantity.<sup>6</sup> How is one to imagine a corpse that was burnt but whose shape remained intact? — Abaye replied: In such a case, for instance, as where it was burnt on a leather spread.<sup>7</sup> Raba replied: In such a case, for instance, as where it was burnt on a hard cemented substance.<sup>8</sup> Rabina replied: Where, for instance, it was only charred.<sup>9</sup>

Our Rabbis taught: If a woman aborted a shaped<sup>10</sup> hand or a shaped<sup>11</sup> foot she<sup>12</sup> is subject to the uncleanness of childbirth and there is no need to consider the possibility that it might have come from a shapeless body.<sup>13</sup> Both R. Hisda and Rabbah b. R. Huna ruled: She<sup>14</sup> is not allowed the days of cleanness.<sup>15</sup> What is the reason? — It might be assumed that<sup>16</sup> her bearing took place long ago.<sup>17</sup> R. Joseph raised an objection: If a woman aborted an embryo and<sup>18</sup> it is unknown what [was the sex of the embryo] she aborted she must continue [her periods of uncleanness and cleanness as] for both a male child and a female child.<sup>19</sup> Now if it is to be upheld<sup>20</sup> that in any such case<sup>21</sup> it might be assumed that her bearing took place long ago,<sup>22</sup> why<sup>23</sup> was it not also stated, 'and as for menstruation'?<sup>24</sup> — Abaye replied: If 'as for menstruation' had been mentioned it might have been presumed that<sup>25</sup> she brings a sacrifice<sup>26</sup> which<sup>27</sup> may not be eaten; hence we were informed<sup>28</sup> that it may be eaten.<sup>29</sup>

R. Huna ruled: If an embryo put forth its hand and then drew it back its mother is unclean on account of childbirth; for it is said, And it came to pass, when she bore,<sup>30</sup> that one put out a hand.<sup>31</sup> Rab Judah raised an objection: If an embryo put forth its hand its mother need not consider the possibility of any restriction!<sup>32</sup> — R. Nahman replied: This was explained to me by R. Huna that the woman must indeed consider the possibility

[that it is a valid birth],<sup>33</sup> but we do not allow her the privilege of the clean days<sup>34</sup> unless the greater part of the embryo has issued forth. But was it not stated 'Its mother need not consider the possibility of any restriction'? — Abaye replied: Pentateuchally she need not consider the possibility of any restriction, but it is Rabbinically that she must take into consideration the possibility [that it might have constituted a valid birth]. But did he<sup>35</sup> not quote a Scriptural text?<sup>36</sup> — The restriction is Rabbinical, and the Scriptural text is a mere prop.<sup>37</sup>

**MISHNAH.** IF A WOMAN ABORTED A *TUMTUM* OR AN ANDROGINOS,<sup>38</sup> SHE MUST CONTINUE [IN HER UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE<sup>39</sup> AND A FEMALE,<sup>40</sup> IF SHE GAVE BIRTH TO A *TUMTUM* AND A MALE, OR TO AN ANDROGINOS AND A MALE, SHE MUST ALSO CONTINUE [IN UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE<sup>39</sup> AND A FEMALE.<sup>40</sup> IF SHE HAVE A *TUMTUM* AND A FEMALE OR AN ANDROGINOS AND A FEMALE, SHE NEED CONTINUE [IN UNCLEANNESS AS] FOR A FEMALE ONLY.<sup>41</sup> IF THE EMBRYO ISSUED IN PIECES<sup>42</sup> OR IN A REVERSED POSITION<sup>43</sup> IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. IF IT CAME FORTH IN THE NORMAL WAY [IT IS NOT DEEMED BORN] UNTIL THE GREATER PART OF ITS HEAD ISSUED FORTH. AND WHAT IS MEANT [BY THE ISSUE OF] THE 'GREATER PART OF ITS HEAD'? THE ISSUE<sup>44</sup> OF ITS FOREHEAD.

**GEMARA.** Now that it has been laid down that for a *TUMTUM* alone or for an ANDROGINOS alone SHE MUST CONTINUE [IN HER UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE AND A FEMALE, why should it again be necessary [to state that the same law applies where she gave birth to] A *TUMTUM* AND A MALE OR TO AN ANDROGINOS AND A MALE? — This was necessary: As it might have been suggested that since R. Isaac had stated, 'If the woman emits her semen

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first she bears a male and if the man emits his first she bears a female',<sup>45</sup> it should be assumed that since the one is a male the other<sup>46</sup> also is a male, hence we were informed [that no such assumption is made, since] it might equally be assumed that both<sup>47</sup> emitted their semen simultaneously, the one resulting in a male and the other in a female.<sup>48</sup>

R. Nahman citing Rab ruled: If a *Tumtum* or an androgynous observed a white,<sup>49</sup> or a red<sup>50</sup> discharge he<sup>51</sup> does not incur the obligation of an offering for entering the Sanctuary<sup>52</sup> nor is *terumah*<sup>53</sup> to be burnt on his account.<sup>54</sup> If he<sup>51</sup> observed a simultaneous discharge of white and red,<sup>55</sup> he incurs indeed no obligation of an offering for entering the Sanctuary<sup>56</sup> but *terumah*<sup>53</sup> must be burnt on his account;<sup>57</sup> for<sup>58</sup> it is said, Both male and female

1. Less than four handbreadths in width, through which, owing to the availability of larger doors, the corpse would not be carried.
2. The big doors,
3. Lit., 'to that side'.
4. From which it would follow that 'a corpse whose shape had been destroyed' is also unclean; contrary to the view of Resh Lakish (*supra* 27b, ad fin.).
5. That a corpse whose shape had been destroyed is also unclean (cf. prev. n.).
6. Oh. II, 2.
7. Katabela, cf. [G] (Jast.); a skin boiled and hardened which is not consumed when the corpse is burnt (v. Rashi) and molded in the shape of a human body (Tosaf.) so that the burned remains are kept together.
8. Or 'over the dung on a cemented stable-floor' (Jast.); marble (Rashi); providing a mould for the corpse (cf. prev. n.).
9. In which case the body is kept together without any external aid.
10. Lit., cut', sc. with fingers well defined.
11. Cf. prev. n. mut. mut.
12. Lit., 'his mother'.
13. Which has not the status of a child.
14. Though subject to the uncleanness of a normal birth.
15. Which, in the case of a normal birth, follow the period of uncleanness.
16. Since the embryo was aborted in parts and it is unknown when the birth of the greater part of it occurred.
17. And by the time the hand or foot in question was aborted the prescribed period of uncleanness may have passed.
18. Having been aborted in fractions.
19. *Infra* 29a; sc. the restrictions of both are imposed upon her.
20. Lit., 'it goes up to your mind'.
21. Abortion in parts.
22. Cf. p. 190, n. 14.
23. Since in this case also it is not known when the birth of the greater part of the embryo took place.
24. I.e., the uncleanness should not only extend over fourteen days (prescribed for the birth of a female child) irrespective of whether blood was or was not observed, but even any subsequent discharge of blood, which in the case of a normal birth is clean, should (since her period of clean days may have already passed) be regarded as that of menstruation. (On the mention of male child v. *infra* 30a).
25. Since the ruling that the woman is subject to the restrictions of menstruation implies that it is not certain whether the embryo is, or is not to be regarded as a normal child.
26. Prescribed for a woman after a childbirth.
27. As the embryo possibly may not have the status of a normal child (cf. prev. n. but one).
28. By the omission of 'as for menstruation' which indicates that there is no doubt whatever that the embryo is in this respect regarded as a normal child, and that it was only its sex that was in doubt.
29. As any other valid sacrifice brought by a woman after a childbirth.
30. E. V., 'she travailed'.
31. Gen. XXXVIII, 28; emphasis on bore and hand which shows that the issue of a hand alone is described as a 'birth'.
32. How then could R. Huna maintain that a woman in such circumstances is subject to the uncleanness of childbirth?
33. Sc. she must continue in the days of uncleanness as after a normal childbirth.
34. That normally follow those of uncleanness.
35. R. Huna.
36. How then could the restriction be said to be Rabbinical only?
37. *Asmakta*.
38. Hermaphrodite.
39. In respect of the period of cleanness, thirty-three days instead of the sixty-six prescribed for a female birth.
40. Fourteen unclean days instead of the seven prescribed for the birth of a male.
41. Since even if the *Tumtum* were a male, the unclean period prescribed for the birth of a male is completely absorbed by the longer one prescribed for the birth of a female (cf. prev.

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- n.); and the same applies also to the clean period (cf. prev. n. but one).
42. Lit., 'cut'.
  43. With its feet first.
  44. Lit., 'as soon as ... issued'.
  45. *Supra* 25b.
  46. The *Tumtum* or the androgynous.
  47. Husband and wife.
  48. That other being the *Tumtum*.
  49. Which resembles semen; a discharge that causes no uncleanness in a woman.
  50. Resembling menstrual blood, a discharge that causes no uncleanness in a man.
  51. The Heb. uses the plural throughout the passage.
  52. Since his uncleanness is a matter of doubt (cf. prev. two notes) and his sacrifice in connection with it would consequently be an unconsecrated beast which is forbidden to be offered on the altar.
  53. Which he touched.
  54. It must only be kept in suspense owing to the doubtful nature of its uncleanness.
  55. So that he is inevitably unclean whatever his sex.
  56. For the reason explained presently.
  57. Cf. prev. n. but one.
  58. This is a reason for the first ruling, why 'he incurs no guilt for entering the Sanctuary'.

## Niddah 28b

shall ye put out,<sup>1</sup> only a confirmed male or a confirmed female [shall ye put out], but not a *Tumtum* or an androgynous. May it be suggested that the following provides support for his<sup>2</sup> view? [For it was taught:] 'If a *Tumtum* or an androgynous observed a white,<sup>3</sup> or a red discharge, he incurs no obligation of an offering for entering the Sanctuary nor is *Terumah* to be burnt on his account. If he observed a simultaneous discharge of white and red he incurs indeed no obligation of an offering for entering the Sanctuary but *Terumah* must be burnt on his account'. Now is not the reason<sup>4</sup> because it is said, Both male and female shall ye put out,<sup>5</sup> which implies only a confirmed male and a confirmed female [shall ye put out] but not a *Tumtum* or an androgynous?<sup>6</sup> —

'Ulla replied: No; this may represent the view of<sup>7</sup> R. Eliezer.<sup>8</sup> For we learnt: R. Eliezer stated, [It is written, If any one touch ... the

carcass of] unclean swarming things and ... it being hidden from him,<sup>9</sup> one incurs the obligation of an offering only when the unclean swarming thing is hidden from him<sup>10</sup> but no offering is incurred when the Sanctuary is hidden from him.<sup>11</sup> R. Akiba stated, [Scripture says:] It being hidden from him that he is unclean,<sup>9</sup> one incurs the obligation of an offering only when it is 'hidden from him that he is unclean'<sup>10</sup> but no offering is incurred when the Sanctuary is hidden from him.<sup>12</sup> And when it was asked, 'What is the practical difference between them?'<sup>13</sup> Hezekiah replied: The practical difference between them is [the case of a man who is uncertain whether he touched] a dead creeping thing or the carcass of a beast, R. Eliezer<sup>14</sup> holding that it is necessary<sup>15</sup> that a person shall know<sup>16</sup> whether he had contracted uncleanness through a creeping thing or through the carcass of a beast, while R. Akiba<sup>17</sup> maintains that this is not necessary.<sup>18</sup>

Now did not R. Eliezer state there<sup>18</sup> that 'it is necessary that a person should know whether he contracted uncleanness through a creeping thing or the carcass of a beast'?<sup>19</sup> Well here also<sup>20</sup> it is necessary<sup>21</sup> that the person<sup>22</sup> should know whether he became unclean on account of the white discharge or an account of the red one; but according to R. Akiba who stated that a person incurs the obligation of an offering on account of uncleanness<sup>23</sup> an offering would be incurred here<sup>20</sup> also on account of the uncleanness.<sup>23</sup> But, according to Rab, why is it that they<sup>22</sup> incur no offering for entering the Sanctuary? Because [you say] it is written, Both male and female shall ye put out,<sup>24</sup> which implies that only a confirmed male and a confirmed female [must be put out] but not a *Tumtum* or an androgynous. But, if so, *terumah*<sup>25</sup> also should not be burnt, since it is written, And of them that have an issue, whether it be a man, or a woman,<sup>26</sup> which implies<sup>27</sup> does it not, that only a confirmed male and a confirmed female [is subject to the



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restrictions]<sup>28</sup> but not a *Tumtum* or an androgynos?<sup>29</sup> —

That text<sup>26</sup> is required for an exposition like the one made by R. Isaac; for R. Isaac stated: 'whether it be a man'<sup>26</sup> includes<sup>30</sup> a male leper as regards his sources,<sup>31</sup> 'or a woman'<sup>26</sup> includes a female leper as regards her sources.<sup>32</sup> But is not that text<sup>33</sup> also required [for a deduction that the injunction<sup>34</sup> applies only] to that which may attain cleanness in a ritual bath,<sup>35</sup> thus excluding an earthenware vessel;<sup>36</sup> so R. Jose?<sup>37</sup> — If so<sup>38</sup> the All Merciful should have written, 'man'.<sup>39</sup> And should you retort that if the All Merciful had only written 'man' it might have been presumed that a metal vessel need not be sent out<sup>40</sup> [it may be pointed out that this<sup>41</sup> could have been] deduced from Whatsoever<sup>42</sup> is unclean by the dead,<sup>43</sup> what need then was there for the specification of 'male and female'? Obviously to deduce the same ruling as Rab did. Might it not then be suggested that the entire text served the same purpose as that to which Rab applied it?<sup>44</sup> —

If that were the case<sup>45</sup> it should have been written, 'male and female' why then the expression 'both male and female'?<sup>46</sup> 'Both'<sup>47</sup> consequently includes all objects that attain cleanness in a ritual bath. But if so,<sup>48</sup> even if he<sup>49</sup> became unclean through any other cause of uncleanness,<sup>50</sup> he should not be sent out, should he?<sup>51</sup> — Scripture said, 'from<sup>52</sup> male' [implying that the text deals only with] an uncleanness that is discharged from the male.<sup>53</sup> Does, however, any Scriptural expression of 'both male and female' serve to exclude the *Tumtum* and the androgynous? Surely in the case of valuations it is written, 'The male',<sup>54</sup> and it was taught: 'The male'<sup>54</sup> but no *Tumtum* or androgynous. As it might have been presumed that he is not subject to the valuation of a man but is subject to that of a woman it was explicitly stated. 'The male'<sup>55</sup> ... And if it be a female'<sup>56</sup> implying.<sup>57</sup> Only a confirmed male and a confirmed female<sup>58</sup> but no *Tumtum* or androgynos.<sup>59</sup> Is not then the reason [for the exclusion]<sup>60</sup> that

it was written, 'The male'<sup>55</sup> ... And if it be a female',<sup>56</sup> but from the expression of 'male and female' alone neither<sup>61</sup> could have been excluded?<sup>62</sup> — That text<sup>63</sup> is required

1. Num. V, 3, a reference to the sending out of unclean persons from the Sanctuary (v. Rashi).
2. Rab's.
3. For notes v. *supra* on Rab's statement.
4. For the first ruling (cf. *supra* n. 14). Lit., 'what is the reason? Not?'
5. V. p. 193, n. 15.
6. Does this then provide support for Rab's view?
7. Lit., 'this, whose?'
8. Who is of the opinion that no offering in connection with an uncleanness may be brought unless the person affected is fully aware of the actual cause of his uncleanness? Similarly in the case cited, since the actual cause of uncleanness is unknown to the *Tumtum* or to the androgynous, no obligation of an offering is incurred. The Rabbis, however, who differ from R. Eliezer in subjecting one to the obligation of an offering even where the actual cause of the uncleanness is unknown, would equally subject the *Tumtum* and the androgynous to the obligation of an offering in the case cited. As the *Halachah* is in agreement with the Rabbis who are in the majority, no authoritative support for Rab's statement is forthcoming from this Baraita.
9. Lev. V, 2.
10. Sc. when entering the Sanctuary the man forgot that he was unclean.
11. Sc. he well remembered when entering the Sanctuary that he was unclean but forgot that it was the Sanctuary that he was entering.
12. Shebu. 14b. Cf. prev. n.
13. R. Eliezer and R. Akiba.
14. Who explicitly mentioned 'unclean swarming thing'.
15. If an offering is to be incurred.
16. At the time he became unclean.
17. Who merely speaks of uncleanness in general.
18. Shebu. 18b.
19. Of course he did.
20. The case of a simultaneous discharge of red and white.
21. If an offering is to be incurred.
22. The *Tumtum* or the androgynous.
23. Though the actual cause of it is unknown to him.
24. Num. V, 3.
25. Which they touched.
26. Lev. XV, 33.

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27. As does the expression 'male and female' in Num. V, 3.
28. Of the laws spoken of in the text.
29. But this is, of course, absurd.
30. Since the expression is not required for the context which spoke previously in general terms in the same verse 'of them that have an issue'.
31. His mouth, for instance. Sc. not only is his body a primary uncleanness but, as the *Zab* of which the text explicitly speaks, his spittle also is a primary uncleanness and may, therefore, impart uncleanness of the first grade to man and articles.
32. Cf. prev. n. No further deduction, therefore, can be made from the same expression.
33. Num. V, 3, from which deduction is made in the Mishnah cited from Shebu. 14b *supra*.
34. To send out from the Temple court.
35. As 'a male and female' may.
36. Which cannot attain cleanness by immersion.
37. 'Er. 104b. How then can Rab deduce his ruling from the very same text?
38. That only the deduction just quoted was to be made.
39. Heb. Adam, which would have included both sexes and implied the deduction.
40. And that it is for this reason that Scripture specified 'both male and female' in order to indicate (by the specific mention of the two sexes) that the deduction must have a reference to a law that applied to both sexes viz., the attainment of cleanness in a ritual bath, so that metal vessels also should be included.
41. The law that an unclean metal vessel must also be sent out of the Temple court.
42. E.V. 'whosoever'.
43. Num. V, 2, emphasis on the first three words which include metal vessels also. The use of 'man', therefore, would inevitably have excluded earthen vessels.
44. But, if so, whence is the deduction made that the same law applies to all that attain cleanness in a ritual bath?
45. That only Rab's ruling is to be deduced.
46. Lit., 'from male until female'.
47. Heb, 'ad, lit. 'until'.
48. That, as Rab laid down (*supra* 28a), a *Tumtum* or an androgynous who observed a red and a white discharge is exempt from the law requiring an unclean person to be sent out from the Temple court since he is neither a confirmed male nor a confirmed female.
49. A *Tumtum* or an androgynous.
50. By coming in contact with a corpse, for instance.
51. But this surely is contrary to the accepted law.
52. E.V., 'both'.
53. Thus excluding one contracted from a foreign body.
54. Lev. XXVII, 3.
55. Cf. prev. n., emphasis on 'the'.
56. Lev. XXVII, 4, emphasis on 'if'.
57. By the additional 'the' and 'if' (cf. prev. nn.).
58. Are subject to the valuations given.
59. 'Ar 4b.
60. Of the *Tumtum* and the androgynous from the valuations laid down.
61. Cf. prev. n.
62. How then could it be implied *supra* that 'any Scriptural expression of "both male and female" serves to exclude the *Tumtum*, etc.'?
63. 'Male' and 'female' in the section of valuations.

## Niddah 29a

to indicate a distinction between the valuation of a man and the valuation of a woman.<sup>1</sup>

IF THE EMBRYO ISSUED IN PIECES OR IN A REVERSED CONDITION, etc. R. Eleazar ruled: Even if the head was with them;<sup>2</sup> but R. Johanan ruled: This<sup>3</sup> was learnt only in a case where the head was not with them but where the head was with them the embryo is deemed born.<sup>4</sup> May it be suggested that they<sup>5</sup> differ on a principle of Samuel for Samuel has laid down: The head<sup>6</sup> does not exempt<sup>7</sup> in the case of miscarriages?<sup>8</sup> — Where it<sup>9</sup> is whole there is no difference of opinion whatever;<sup>10</sup> they only differ in a case where it<sup>2</sup> issued in pieces, one Master<sup>11</sup> holding the opinion that the head is of importance<sup>12</sup> only where the miscarriage is whole but where it is in pieces it is of no importance, while the other Master<sup>13</sup> holds that even where it<sup>2</sup> is in pieces the head is of importance.<sup>2</sup> There<sup>15</sup> are some who teach this passage as an independent discussion;<sup>16</sup> R. Eleazar ruled, The head<sup>17</sup> has not the status of the greater part of the limbs<sup>18</sup> but R. Johanan ruled: The head has the same status as the greater part of the limbs. They thus differ on the validity of Samuel's principle.<sup>19</sup>

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We learnt: IF THE EMBRYO ISSUED IN PIECES OR IN A REVERSED POSITION IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. Now since 'OR<sup>20</sup> IN A REVERSED POSITION' was specifically stated it follows that 'IN PIECES' refers to one that issued in a normal position,<sup>21</sup> and yet it was stated, IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED. Does not this then present an objection against R. Johanan? —

R. Johanan can answer you: Read, ISSUED IN PIECES and IN A REVERSED POSITION. But was it not stated 'OR'?<sup>22</sup> It is this that was meant: IF THE EMBRYO ISSUED IN PIECES OR whole, but in either case, IN A REVERSED POSITION, IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. R. Papa stated, [This<sup>23</sup> is] a matter of dispute between the following Tannas: 'If an embryo issued in pieces or in a reversed position it is deemed born as soon as its greater part issued forth. R. Jose ruled: Only when it issued in the normal way'. What does he<sup>24</sup> mean? —

R. Papa replied: It is this that was meant:<sup>25</sup> If the embryo issued in pieces and in a reversed position<sup>26</sup> it is deemed born as soon as its greater part issued forth, but [it follows] if it issued in the normal way<sup>21</sup> the head alone<sup>27</sup> causes exemption.<sup>28</sup> R. Jose ruled: Only where its greater part issued in the normal manner.<sup>29</sup> R. Zebid demurred:<sup>30</sup> Thus it follows<sup>31</sup> that where the embryo issued in a reversed position<sup>32</sup> even the issue of its greater part causes no exemption,<sup>31</sup> but surely, have we not an established rule that the greater part<sup>33</sup> counts as the whole? Rather, said R. Zebid, it is this that was meant:<sup>34</sup> If the embryo issued in pieces and in a reversed position it is deemed born as soon as its greater part issued forth, but [it follows] if it issued in the normal way the head alone causes exemption.<sup>28</sup> R. Jose<sup>35</sup> ruled: Only<sup>36</sup> where it issued in the normal manner in a condition of viability.<sup>37</sup> So it was

also taught: If the embryo issued in pieces and<sup>38</sup> in a reversed position it is deemed born as soon as its greater part issued forth, but, it follows, if it issued in the normal way the head alone causes exemption. R. Jose ruled: Only when it issued in the normal manner in a condition of viability. And what is 'the normal manner in a condition of viability'? The issue<sup>39</sup> of the greater part of its head. And what is meant by 'the greater part of its head'? R. Jose<sup>40</sup> said: The issue of its temples. Abba Hanan citing R. Joshua said: The issue of its forehead; and some say: The appearance<sup>41</sup> of the corners of its head.<sup>42</sup>

*MISHNAH.* IF A WOMAN ABORTED AND<sup>43</sup> IT IS UNKNOWN WHAT WAS [THE SEX OF THE EMBRYO] SHE MUST CONTINUE [HER PERIODS OF UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE CHILD<sup>44</sup> AND A FEMALE CHILD.<sup>45</sup> IF IT IS UNKNOWN WHETHER IT WAS A CHILD OR NOT, SHE MUST CONTINUE [HER PERIODS OF CLEANNESS AND UNCLEANNESS AS] FOR A MALE AND A FEMALE<sup>46</sup> AND AS A MENSTRUANT.<sup>47</sup>

*GEMARA.* R. Joshua b. Levi ruled: If a woman crossed a river and miscarried in it, she<sup>48</sup> must bring a sacrifice which may 'be eaten, since we are guided by the nature of<sup>49</sup> the majority of women and the majority of women bear normal children.

We learnt: IF IT IS UNKNOWN WHETHER IT WAS A CHILD OR NOT, SHE MUST CONTINUE [HER PERIODS OF CLEANNESS AND UNCLEANNESS AS] FOR A MALE AND A FEMALE AND AS A MENSTRUANT. But<sup>50</sup> why should she continue as a menstruant. Why should it not be said, 'Be guided by the nature of the majority of women and the majority of women bear normal children'.<sup>51</sup> — Our Mishnah deals with a case where there was no presumption of the existence of an embryo,<sup>52</sup> while R. Joshua b. Levi spoke of one where there was such presumption.

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Come and hear: 'If a beast went out<sup>53</sup> full<sup>54</sup> and returned<sup>55</sup> empty, the young that is born subsequently is deemed to be a firstling of a doubtful nature'.<sup>56</sup> But<sup>50</sup> why [should its nature be a matter of doubt]? [Why not] be guided by the majority of beasts and, since the majority of beasts bear normal young, this one also<sup>57</sup> must be an ordinary beast?<sup>58</sup> — Rabina replied, Because it may be said: Most beasts bear young that are exempt from the law of the firstling<sup>59</sup> and a minority of them bear young that are not exempt from the law of the firstling but all that bear secrete,<sup>60</sup> and in the case of this beast, since it did not secrete, the majority rule has been impaired. If, however, all that bear secrete, must not the young, since this beast did not secrete, be a valid firstling?<sup>61</sup> — Rather say: Most of those that bear secrete, and in the case of this beast, since it did not secrete, the majority rule is impaired.

When Rabin came<sup>62</sup> he stated: 'R. Jose b. Hanina raised an objection<sup>63</sup> [from a Baraita dealing with] a forgetful woman,<sup>64</sup> but I do not know what objection it was'. What was it? — It was taught:

1. Hence the necessity for the additional 'the' and 'if' which serve the purpose of the deduction. In the text of Num. V, 3, however, the full expression of 'male and female', which could well have been condensed to 'man', clearly suggests the deduction made by Rab.
2. With some of the pieces; sc. even in such a case the embryo is not deemed born unless ITS GREATER PART ISSUED FORTH.
3. Cf. prev. n.
4. V. marg. gl. Cur. edd. in parenthesis, 'the head exempts'.
5. R. Eleazar and R. Johanan.
6. Of a twin, if it was drawn back after it had been put out.
7. The other twin (that was born first) from the duty of redemption (cf. Num. XVIII, 15, 16) even if it was viable.
8. Bek. 46b. Does then R. Eleazar adopt Samuel's principle?
9. The miscarriage.
10. Both R. Eleazar and R. Johanan agree that the issue of the head alone suffices to constitute birth.
11. R. Eleazar.

12. Constituting birth.
13. R. Johanan.
14. Constituting birth.
15. Cur. edd. in parenthesis add; 'Another reading: The reason then is that it issued in pieces or in a reversed condition but if it issued in the normal manner the (putting out of the) head would have caused exemption. (Thus) both do not uphold Samuel's ruling, for Samuel said, The head does not exempt in the case of miscarriages'.
16. Sc. not in connection with our Mishnah.
17. Of a miscarriage.
18. Its issue, therefore, constitutes no birth.
19. R. Eleazar agreeing with Samuel while R. Johanan differs from him. According to the former version (which attaches the dispute to our Mishnah) it might be maintained (as has been submitted *supra*) that R. Eleazar also differs from him.
20. Cf. BaH. Cur. edd. omit.
21. Head first.
22. How can 'or' be understood as 'and'?
23. R. Johanan's ruling.
24. R. Jose.
25. By both the first Tanna and R. Jose.
26. Feet foremost.
27. Even if the body issued in pieces.
28. Cf. n. *supra*, sc. the embryo is deemed to have been born, in agreement with the view of R. Johanan.
29. Only then is the embryo deemed to have been born. According to R. Jose the issue of the greater part of the body (but with its feet first) or the lesser part (head first) constitutes no valid birth, since, wherever an embryo issued in pieces, both conditions are essential.
30. Against R. Papa's explanation.
31. Cf. prev. n. but one.
32. Feet foremost.
33. Or 'its majority'.
34. By both the first Tanna and R. Jose.
35. Objecting to the last clause (the inference).
36. Only then does the issue of the head cause exemption.
37. But not where the embryo issued in pieces when it cannot possibly live. In such a case the issue of the head constitutes no valid birth.
38. So MS.M. Cur: edd. in parenthesis 'or'.
39. Lit., 'when it went out'.
40. MS.M., 'Nathan'.
41. Lit., 'since they will appear'.
42. The projection of the head above the neck (Rashi).
43. Being known that the abortion was a child.
44. In respect of cleanness: Only thirty-three days instead of sixty-six.
45. Fourteen unclean days instead of seven.
46. Cf. prev. two notes.

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47. Sc. if she observes a discharge of blood even during the 'thirty-three clean' days, she must be regarded as menstrually unclean, since it is possible that the abortion was no child at all in consequence of which she is not entitled to any of the privileges of childbirth.
48. Though the abortion was lost in the water and it is unknown whether it was an embryo or a mere inflated sac.
49. Lit., 'follow'.
50. If R. Joshua b. Levi's argument is tenable.
51. And consequently she ought to be entitled, at least, to the thirty-three clean days prescribed for a male birth (during which she is exempt from all menstrual uncleanness).
52. The rule of the majority is consequently inapplicable.
53. To the pasture.
54. Pregnant.
55. On the same day.
56. Since it is unknown whether it followed the birth of a developed embryo, in which case it is no firstling, or the abortion of an inflated sac, in which case it is a valid firstling. A doubtful firstling may be eaten by its owner after it had contracted a blemish and the priest has no claim upon it.
57. Having thus been born after the birth of a normal one.
58. Not even a doubtful firstling, and its owner should consequently be allowed to eat it even if it had no blemish.
59. Since each beast can only bear one firstling.
60. A day prior to their delivery.
61. Why then was it described as one of a doubtful nature?
62. From Palestine to Babylon.
63. Against R. Joshua b. Levi.
64. Lit., 'erring', a woman who does not remember the time of her delivery; v. *supra* 18b.

## Niddah 29b

If a woman who departed in a condition of pregnancy<sup>1</sup> and returned<sup>2</sup> without child<sup>3</sup> spent, within our cognizance,<sup>4</sup> three clean weeks<sup>5</sup> and another ten weeks which were alternately unclean<sup>6</sup> and clean,<sup>7</sup> she may perform her marital duty on the night preceding the thirty-fifth day<sup>8</sup> and she is ordered to undergo ninety-five ritual immersions;<sup>9</sup> so Beth Shammai. But Beth Hillel ruled: Thirty-five immersions.<sup>10</sup> R. Jose son of R. Judah ruled: It suffices if one immersion is performed after the final

[period of uncleanness]. Now<sup>11</sup> one can well understand why the woman may not perform her marital duty during the first week,<sup>12</sup> since she might be presumed to have given birth<sup>13</sup> to a male child.<sup>14</sup> During the second week she might be presumed to have given birth<sup>13</sup> to a female child.<sup>15</sup> During the third week she might be presumed to have given birth<sup>13</sup> to a female child while she was in the condition of a zabah.<sup>16</sup> But<sup>17</sup> why should she<sup>18</sup> not be permitted to perform her marital duty in the fourth week though she had observed a discharge of blood seeing that it is clean blood?<sup>19</sup> Must it not then be admitted that the reason<sup>20</sup> is because we are not guided here by the majority rule?<sup>21</sup> — What then<sup>22</sup> [is the justification for the statement] 'I do not know what objection it was'? —

It might be presumed that her delivery took place a long time ago.<sup>23</sup> But why should she not be allowed to perform her marital duty during the fifth week<sup>24</sup> which<sup>25</sup> is a clean one? — In the case of the fourth week<sup>26</sup> every day might be regarded as being possibly the conclusion of [the clean days prescribed for] a childbirth and the beginning of the period of menstruation, so that the twenty-eighth day itself<sup>27</sup> might be presumed to be the first day of the menstrual period and she must consequently continue [her uncleanness for] seven days in respect of her menstruation.<sup>28</sup> But why should she not be permitted to perform her marital duty on the twenty-first day?<sup>29</sup> —

This<sup>30</sup> is in agreement with the view of R. Simeon who ruled: It is forbidden to do so<sup>31</sup> since, thereby, she<sup>32</sup> might be involved in a doubtful uncleanness.<sup>33</sup> But<sup>34</sup> why should she not be permitted intercourse in the evening?<sup>35</sup> — This is a case where she observed the discharge in the evening.<sup>36</sup> 'And she is ordered to undergo ninety-five ritual immersions: During the first week<sup>37</sup> she is ordered immersion every night, since it might be presumed that she gave birth<sup>38</sup> to a male child.<sup>39</sup> During the second week she is ordered immersion every night,<sup>40</sup> since it

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might be presumed that she gave birth<sup>41</sup> to a female child;<sup>39</sup> and every day, since it might also be presumed that she gave birth to a male child while she was in a condition of *zibah*.<sup>42</sup> During the third week she is ordered immersion every day, since it might be presumed that she gave birth to a female child while she was in a state of *zibah*;<sup>43</sup> and every night, because Beth Shammai follow the view they expressed elsewhere that one who performed immersion on a long day<sup>44</sup> must again perform immersion [at its conclusion].<sup>45</sup>

1. Lit., 'who went out full'.
2. After some considerable time.
3. Lit., 'empty'; and she was unaware when birth took place.
4. Lit., 'and she brought before us'.
5. Sc. having arrived in the day-time she experienced no discharge from the moment of her arrival for three weeks.
6. I.e., experiencing a discharge on each of the seven days of the first alternate weeks.
7. I.e., she experienced no discharge on any of the seven days of the second alternate weeks.
8. Of her arrival, viz., the last night of the fifth week. After that night, however, as will be explained presently, no cohabitation can be allowed.
9. One after each period of uncleanness as will be explained presently.
10. Cf. prev. n. mut. mut.
11. Here begins the 'objection' to which Rabin referred (*supra* 29a ad fin.).
12. After her return. 'First week' includes the day of her return.
13. During her absence and immediately before her return.
14. So that everyone of the first seven days might be one of the seven unclean days prescribed for a woman after a male childbirth.
15. The period of uncleanness after whose birth is two weeks (cf. prev. n. mut. mut.).
16. I.e., during the 'eleven days' that intervene between the menstrual periods. Since it is possible that she experienced painless discharges on three consecutive days during this period she must, in addition to the fourteen days (cf. prev. n.), wait a period of another seven clean days (irrespective of whether she did, or did not observe any discharge during the fourteen days) before she can attain to cleanness.
17. If R. Joshua b. Levi's rule, that most women bear normal children, is tenable.
18. Who was known to be pregnant before her departure (v. *supra*), and who must, therefore, (cf. prev. n.) be presumed to have given birth to a normal child.
19. Since the fourth week is inevitably excluded from the unclean periods (seven days for a male and fourteen for a female) that follow childbirth, and included in the thirty-three clean days prescribed for a male birth.
20. Why the woman is treated as unclean even during the fourth week.
21. So that there is no presumption of the birth of any child and no consequent allowance of any period of clean blood. How then could R. Joshua b. Levi, contrary to this Baraitha, maintain that in such cases the majority rule is followed?
22. In view of the forceful objection just advanced.
23. And her clean blood period also has terminated long before the fourth week. The Baraitha would consequently present no objection against R. Joshua b. Levi, since the tenability of his majority rule in no way affects the uncleanness of the fourth week, while, as regards the imposition upon the woman of the obligation of the sacrifice prescribed for one after childbirth, the rule is in fact upheld even in this case.
24. I.e., on any of its seven days and not only (as laid down *supra*) on the night preceding the last one (the thirty-fifth day).
25. Since the ten weeks were alternately unclean and clean.
26. On every day of which she suffered a discharge.
27. The last day of the fourth week.
28. Which, beginning on the last day of the fourth week, terminates on the sixth day of the fifth week. Hence the permissibility of marital duty (after due ritual immersion) on the night following that day (the one preceding the thirty-fifth day of her return). During the weeks that follow all intercourse would be forbidden, since each alternate 'clean' week might be regarded as the period of seven days that must be allowed to elapse after the *Zibah* of the previous 'unclean' week before cleanness is attained.
29. Of her return. This day (the last one of the third week) must inevitably be a clean one. For even if the woman had been delivered on the very day of her return her period of childbirth uncleanness would have terminated (even in the case of a female child) on the fourteenth day, while the seven days following could be counted as the prescribed seven days following a period of *Zibah* on the last of which she is permitted to perform ritual

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immersion at any time of the day and to attain to a state of cleanness (cf. Yoma 6a) for the rest of that day.

30. The prohibition of intercourse on the twenty-first day.
31. To have intercourse on the seventh day after the termination of a *Zibah* even though ritual immersion had been performed.
32. If she happened to suffer a discharge later in the day after intercourse.
33. Of *Zibah*. A discharge on the seventh day following the termination of *Zibah* renders void all the previous counting, since the seven clean days must be complete.
34. Since on the twenty-first day she was still clean and her first discharge in the following (fourth) week occurred presumably on the twenty-second day.
35. Following the twenty-first day.
36. Cf. prev. n. And similarly in the case of all the alternate unclean weeks the discharges occurred in the evenings.
37. After her return.
38. Seven days previously.
39. So that each day of the first week might possibly be the first one after the termination of the unclean days and it is a religious duty to perform ritual immersion immediately after the unclean days had terminated.
40. Cf. BaH. for a different reading.
41. Fourteen days previously.
42. So that each day of the first week counted as the sixth of the clean days after *Zibah* which (cf. *supra* n. 5) must be immediately followed (during the day-time of the following day) by ritual immersion.
43. Cf. prev. n. mut. mut.
44. The fourteen unclean days (after which the woman performs immersion) and the sixty-six clean days that follow (during which she is forbidden to eat *Terumah*) are regarded as one long day on which immersion had been performed and sunset is awaited (sunset being represented by that of the eightieth day after childbirth) to complete and terminate all traces of uncleanness.
45. Sc. on the night following the eightieth day and preceding the eighty-first one. As every day of the third week might possibly be the eightieth, immersion must be performed on every night of that week. The same reason could, of course, be given for the necessity for immersion in the previous weeks had there been no other reasons to justify it.

## Niddah 30a

Consider! How many<sup>1</sup> are the days of cleanness?<sup>2</sup> Sixty-six.<sup>3</sup> Deduct<sup>4</sup> the third week<sup>5</sup> in which the woman was required to perform [nightly] immersions<sup>6</sup> there remain sixty minus one. Now, sixty minus one and thirty-five<sup>7</sup> are ninety-four, how then is the number of ninety-five obtained?<sup>8</sup> — R. Jeremiah of Difti replied: This is a case, for instance, where the woman<sup>9</sup> made her appearance before us at twilight,<sup>10</sup> so that<sup>11</sup> we impose upon her an additional immersion.<sup>12</sup> According to Beth Hillel, however, who maintain that one who performed immersion on a long day<sup>13</sup> requires no immersion [at the conclusion]<sup>14</sup> how is the number thirty-five obtained?<sup>8</sup> — Twenty-eight, as has been explained,<sup>15</sup> while during the fifth week we require the woman to undergo immersion every night, since<sup>16</sup> it might be assumed [that each day<sup>17</sup> is the] last of the days of her menstruation.<sup>18</sup> What need was there for the mention of ten weeks<sup>19</sup> seeing that eight and a half<sup>20</sup> would suffice?<sup>21</sup> —

Since he had to mention half a week he mentioned all of it, and since he had to mention an unclean week<sup>22</sup> he also mentioned a clean one.<sup>23</sup> But are there [not also the additional] immersions<sup>24</sup> due to the possibility of the woman's being a *zabah*?<sup>25</sup> They<sup>26</sup> only count the immersions before intercourse<sup>27</sup> but not those that follow. But according to Beth Shammai who<sup>28</sup> count also the immersions that follow intercourse, why was no mention made of the immersions that are due to the possibility of the woman's being a *Zabah*? — They<sup>29</sup> only deal with immersions that are occasioned by childbirth but do not discuss those that are due to *Zibah*. Is there then [no mention of the possibility that the woman might have] given birth to a child while she was in a condition of *zibah*?<sup>30</sup> — They do take note of the 'possibility of a birth in a condition of *Zibah*, but no note is taken of *Zibah* alone. Why should not the woman perform immersion in

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the day-time of each of the days of the first week after she appeared before us, seeing that it is possible that her counting<sup>31</sup> ended on that day?<sup>32</sup> —

This is in agreement with<sup>33</sup> R. Akiba who ruled: It is required that the counting<sup>31</sup> shall take place within our cognizance.<sup>34</sup> But why should she not perform immersion at the end of the first week?<sup>35</sup> — They do not discuss one day of a week. But why should she not perform immersion on the first day she comes to us, seeing that it is possible that she is awaiting a day for a day?<sup>36</sup> — They deal with a major zabah<sup>37</sup> but not with a minor one.<sup>38</sup> Three rulings may thus be inferred: It may be inferred that it was R. Akiba who ruled that the counting<sup>39</sup> must take place within our cognizance; and it may be inferred that it was R. Simeon who stated, 'The Sages have truly laid down that it is forbidden to do so since thereby she might be involved in a doubtful uncleanness';<sup>40</sup> and it may also be inferred that it is a religious duty to perform immersion at the proper time.<sup>41</sup> R. Jose son of R. Judah, however, ruled: It suffices if one immersion is performed after the final [period of uncleanness], and we do not uphold the view that it is a religious act to perform immersion at the proper time.<sup>41</sup>

**MISHNAH.** IF A WOMAN MISCARRIED ON THE FORTIETH DAY,<sup>42</sup> SHE NEED NOT TAKE INTO CONSIDERATION THE POSSIBILITY OF A VALID CHILDBIRTH; BUT IF ON THE FORTY-FIRST DAY,<sup>42</sup> SHE MUST CONTINUE [HER PERIODS OF UNCLEANNESS AND CLEANNES AS] FOR BOTH A MALE AND A FEMALE<sup>43</sup> AND AS FOR A MENSTRUANT.<sup>44</sup> R. ISHMAEL RULED: [IF SHE MISCARRIED ON] THE FORTY-FIRST DAY<sup>42</sup> SHE CONTINUES [HER PERIODS OF UNCLEANNESS AND CLEANNES AS] FOR A MALE<sup>45</sup> AND AS FOR A MENSTRUANT, BUT IF ON THE EIGHTY-FIRST DAY SHE MUST CONTINUE [THESE PERIODS AS] FOR A MALE AND A FEMALE AND A MENSTRUANT; BECAUSE A MALE IS FULLY FASHIONED<sup>46</sup> ON THE FORTY-FIRST

DAY AND A FEMALE ON THE EIGHTY-FIRST DAY. THE SAGES, HOWEVER, MAINTAIN THAT BOTH THE FASHIONING<sup>47</sup> OF THE MALE AND THE FASHIONING<sup>47</sup> OF THE FEMALE TAKE THE SAME COURSE, EACH LASTING FORTY-ONE DAYS.

**GEMARA.** Why was MALE mentioned?<sup>48</sup> If in respect of the days of uncleanness, FEMALE was mentioned;<sup>49</sup> and if in respect of the days of cleanness,<sup>50</sup>

1. On the assumption that the birth was that of a female child.
2. That follow the fourteen days of uncleanness, and the last day of which might be presumed to coincide with any of the days under discussion.
3. So that during the presumed days of cleanness no more than sixty-six immersions can be expected owing to the presumption that each might possibly be the eightieth day.
4. From these sixty-six days.
5. Which comprises the first seven of these.
6. On account of the same possibility that each was the eightieth day (in addition to her daily immersions necessitated by the possibility of her bearing in the condition of *Zibah*).
7. Seven during the first week and fourteen during the second as well as during the third week ( $7 + 2 \times 14 = 7 + 28 = 35$ ).
8. Lit., 'what is their doing'.
9. On her return.
10. Of the day preceding the one from which the counting begins. As twilight is a time of doubtful day and doubtful night it cannot be definitely regarded as either.
11. Owing to the doubt.
12. Immediately after her appearance. That day, however, owing to the doubtful nature of twilight (cf. prev. n. but one) cannot be counted among the days and nights under discussion.
13. Cf. p. 204, n. 10.
14. So that in the third week (cf. *supra* 29b ad fin.) only seven immersions are to be performed, and these together with the fourteen of the second week and the seven of the first week only amount to twenty-eight.
15. Cf. prev. n.
16. Owing to her 'daily discharge during the fourth week.
17. Of the fifth week.
18. Which may have begun on any of the days of the fourth week each of which might have



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been preceded by the last of the days of cleanness.

19. *Supra* 29b ab init.
20. In addition to the three clean weeks.
21. To make up the number 80:  $3 + 8 \frac{1}{2}$  weeks =  $11 \frac{1}{2}$  weeks =  $11 \times 7 + 3 = 80$  days.
22. The ninth; the first of each pair of alternate weeks, commencing with the first, being assumed (cf. *supra* 29b ab init.) to be an unclean one.
23. The tenth; being second of the last pair.
24. Every day after the fourth week.
25. During the preceding unclean week. Only in the case of the fourth week which has been preceded by clean weeks could no such immersions be expected.
26. Beth Hillel. Lit., 'he'.
27. On the night preceding the thirty-fifth day.
28. Giving the number as ninety-five.
29. Beth Shammai.
30. Of course there is. How then could it be maintained that immersions due to *Zibah* are not discussed?
31. Of the seven days of menstruation.
32. Why then was it stated (*supra* 29b ad fin.) that she performs immersion in the nights only?
33. Lit., 'this whose?'
34. No valid counting, therefore, is possible before a week had passed from the date of her return.
35. The seventh day after her return, when the counting did take place within our cognizance.
36. A clean day for an unclean one, sc. she might be within the period of the eleven days of *Zibah* that intervene between the menstrual periods, during which she must perform immersion on the clean day following the one on which she experienced a discharge.
37. The result of discharges on three consecutive days within the eleven days period (cf. prev. n.).
38. Due to a discharge on one or two days only.
39. Of the seven days of menstruation.
40. *Supra* 29b ad fin. q. v. notes.
41. I.e., at the earliest possible moment.
42. After presumed conception.
43. I.e., since it is possible that the abortion was the embryo of a child either male or female, the restrictions of both are imposed upon her but none of the relaxations of either.
44. It being possible that the embryo was neither male nor female so that there was no valid childbirth.
45. I.e., seven days of uncleanness even if there was no bleeding at the miscarriage.
46. Lit., 'finished'.
47. Lit., 'creation'.
48. In the ruling, FOR BOTH A MALE AND A FEMALE AND AS FOR A MENSTRUANT.

49. Whose fourteen days of uncleanness obviously absorb the seven unclean days of a male birth.

50. Sc. that she is only entitled to the thirty-three clean days of the male and not to the sixty-six days of the female.

## Niddah 30b

was not menstruant mentioned?<sup>1</sup> — In order that if the woman observed a discharge on the thirty-fourth day<sup>2</sup> and then observed one on the forty-first day<sup>3</sup> she<sup>4</sup> shall remain unclean<sup>5</sup> until the forty-eighth day.<sup>6</sup> And so also in respect [of the possible birth of] a female<sup>7</sup> [the last word had to be mentioned] so that if she observed any blood on the seventy-fourth day and these again on the eighty-first day she shall remain unclean until the eighty-eighth day.<sup>8</sup>

R. ISHMAEL RULED: [IF SHE MISCARRIED ON] THE FORTY-FIRST DAY SHE CONTINUES [HER PERIODS OF UNCLEANNESS AND CLEANNES AS] FOR A MALE AND AS FOR A MENSTRUANT, etc. It was taught: R. Ishmael stated, Scripture prescribed uncleanness<sup>9</sup> and cleanness<sup>10</sup> in respect of a male<sup>11</sup> and it also prescribed uncleanness<sup>12</sup> and cleanness<sup>13</sup> in respect of a female,<sup>14</sup> as in the case of the former<sup>15</sup> his fashioning period<sup>16</sup> corresponds to his unclean and clean periods<sup>17</sup> so also in the case of the latter<sup>18</sup> her fashioning period<sup>19</sup> corresponds to her unclean and clean periods.<sup>17</sup> They<sup>20</sup> replied: The duration of the fashioning period cannot be derived from that of uncleanness.

Furthermore, they said to R. Ishmael, A story is told of Cleopatra the queen of Alexandria<sup>21</sup> that when her handmaids were sentenced to death by royal decree they<sup>22</sup> were subjected to a test<sup>23</sup> and it was found that both [a male and a female embryo] were fully fashioned on the forty-first day. He replied: I bring you proof from the Torah and you bring proof from some fools! But what was his 'proof from the Torah'? If it was the argument, 'Scripture prescribed uncleanness and

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cleanness in respect of a male and it also prescribed uncleanness and cleanness in respect of a female, etc.' have they not already replied, 'The duration of the fashioning period cannot be derived from that of uncleanness'? — The Scriptural text says, She bear,<sup>24</sup> Scripture thus<sup>25</sup> doubles the ante-natal period<sup>26</sup> in the case of a female.<sup>27</sup> But why [should the test spoken of by the Rabbis be described as] 'proof from some fools'? — It might be suggested that the conception of the female preceded that of the male by forty days.<sup>28</sup> And the Rabbis?<sup>29</sup> — They<sup>30</sup> were made to drink<sup>31</sup> a scattering drug<sup>32</sup> And R. Ishmael?<sup>33</sup> — Some constitution is insusceptible<sup>34</sup> to a drug.<sup>35</sup>

Then said R. Ishmael to them:<sup>36</sup> A story is told of Cleopatra the Grecian<sup>37</sup> queen that when her handmaids were sentenced to death under a government order they were subjected to a test and it was found that a male embryo was fully fashioned on the forty-first day<sup>38</sup> and a female embryo on the eighty-first day. They replied: No one adduces proof from fools. What is the reason?<sup>39</sup> — It is possible that the handmaid with the female delayed<sup>40</sup> [intercourse] for forty days and that it was only then that conception occurred.<sup>41</sup> And R. Ishmael?<sup>42</sup> — They were placed in the charge of a warden.<sup>43</sup> And the Rabbis?<sup>44</sup> — There is no guardian against unchastity;<sup>45</sup> and the warden himself might have intercourse with them. But<sup>46</sup> is it not possible that if a surgical operation had been performed on the forty-first day the female embryo also might have been found in a fully fashioned condition like the male?<sup>47</sup> — Abaye replied: They<sup>48</sup> were equal as far as these distinguishing marks were concerned.<sup>49</sup>

THE SAGES, HOWEVER, MAINTAIN THAT BOTH THE FASHIONING OF THE MALE AND THE FASHIONING OF THE FEMALE, etc. Is not the ruling of the Sages identical with that of the first Tanna?<sup>50</sup> And should you reply that the object<sup>51</sup> was to indicate that the anonymous Mishnah

represented the view of the Rabbis because when an individual is opposed by many the *Halachah* is in agreement with the many, is not this<sup>52</sup> obvious?<sup>53</sup> — It might have been presumed that R. Ishmael's reason is acceptable since it is also supported by a Scriptural text,<sup>54</sup> hence we were informed<sup>55</sup> [that the *Halachah* is in agreement with the Sages].<sup>56</sup>

R. Simlai delivered the following discourse: What does an embryo resemble when it is in the bowels of its mother? Folded writing tablets.<sup>57</sup> Its hands rest on its two temples respectively, its two elbows on its two legs and its two heels against its buttocks. Its head lies between its knees, its mouth is closed and its navel is open, and it eats what its mother eats and drinks what its mother drinks, but produces no excrements because otherwise it might kill its mother. As soon, however, as it sees the light<sup>58</sup> the closed organ<sup>59</sup> opens and the open one<sup>60</sup> closes, for if that had not happened the embryo could not live even one single hour. A light burns above its head and it looks and sees from one end of the world to the other, as it is said, then his lamp shined above my head, and by His light I walked through darkness.<sup>61</sup>

And do not be astonished at this, for a person sleeping here<sup>62</sup> might see a dream in Spain. And there is no time in which a man enjoys greater happiness than in those days,<sup>63</sup> for it is said, O that I were as the months of old, as in the days when God watched over me;<sup>64</sup> now which are the days' that make up 'months'<sup>65</sup> and do not make up years? The months of pregnancy of course.<sup>66</sup> It is also taught all the Torah from beginning to end,<sup>67</sup> for it is said, And he taught me, and said unto me: 'Let thy heart hold fast my words, keep my commandments and live',<sup>68</sup> and it is also said, When the converse of God was upon my tent.<sup>69</sup> Why the addition of<sup>70</sup> 'and it is also said'? —

In case you might say that it was only the prophet who said that,<sup>71</sup> come and hear

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'when the converse of God was upon my tent.<sup>62</sup> As soon as it, sees the light an angel approaches, slaps it on its mouth and causes it to forget all the Torah completely,<sup>67</sup> as it is said, Sin coucheth at the door.<sup>72</sup> It does not emerge from there before it is made to take an oath,<sup>73</sup> as it is said, That unto Me every knee shall bow, every tongue shall swear;<sup>74</sup> 'That unto Me every knee shall bow' refers to the day of dying of which it is said All they that go down to the dust shall kneel before Him;<sup>75</sup> 'Every tongue shall swear' refers to the day of birth of which it is said, He that hath clean hands, and a pure heart, who hath not taken My name<sup>76</sup> in vain, and hath not sworn deceitfully.<sup>77</sup> What is the nature of the oath that it is made to take?

Be righteous, and be never wicked; and even if all the world tells you, You are righteous', consider yourself wicked.<sup>78</sup> Always bear in mind<sup>79</sup> that the Holy One, blessed be He, is pure, that his ministers are pure and that the soul which He gave you is pure; if you preserve it in purity, well and good, but if not, I will take it away from you. The school of R. Ishmael taught: This may be compared to the case of a priest who handled over some *Terumah* to an 'am ha-arez and told him, 'If you preserve it under conditions of cleanness, well and good, but if not, I will burn it in your presence'.

## R. Eleazar

1. Whose discharges of blood are invariably unclean whatever the day.
2. When she is held to be unclean on account of possible menstruation, though the day is only (34 — 7 = 27) the twenty-seventh of the thirty-three clean days prescribed for a male birth.
3. Which is the eighth day after the discharge on the thirty-fourth.
4. Despite the previous assumption of menstruation on the thirty-fourth day, which would put the forty-first day outside the seven days of the menstruation period (when the observation of a discharge necessitates the waiting of no more than one single day).
5. Lit., 'damaged'.
6. It being assumed that the miscarriage was a male and that the thirty-fourth day was

therefore still within the thirty-three clean days prescribed for a male birth, so that the second discharge on the forty-first day was the first menstrual one after the completion of the thirty-three clean days in consequence of which she must wait another seven days to complete the menstruation period. Her ritual immersion, therefore, cannot take place before (41 + 7 = 48) the forty-eighth day.

7. I.e., the restrictions on account of this possibility imposed in our Mishnah.
8. Cf. prev. nn. mut. mut.
9. Seven days (Lev. XII, 2).
10. Thirty-three days (ibid. 4).
11. Making a total of forty days.
12. Fourteen days (Lev. XII, 5).
13. Sixty-six days (ibid.).
14. A total of eighty days.
15. Lit., 'when it prescribed uncleanness and cleanness in respect of the male'.
16. Forty days.
17. Lit., 'similarly'.
18. Cf. prev. n. but two mut. mut.
19. Eighty days.
20. The Rabbis at the schoolhouse.
21. Cur. edd. 'Alexandrus' (cf. Jast.). The following incident may have its origin in a legend that Cleopatra (68-30 B.C.E.) before committing suicide attempted various forms of execution on her slaves (cf. Golds.).
22. Having forfeited their lives and being at her mercy.
23. Fertilization and subsequent operation.
24. Lev. XII, 5.
25. By the superfluous expression of 'she bear' the omission of which could in no way have affected the sense of the text.
26. In which the embryo is fashioned. Lit., 'added to her ... another birth', sc. forty days in addition to the forty days during which a male embryo is fashioned.
27. Which proves that the fashioning period of a female embryo is (40 + 40 =) 80 days.
28. And that this was the reason why in the Cleopatra test both were found to be fully fashioned.
29. How could they rely upon such inconclusive evidence?
30. Cleopatra's handmaids.
31. Before they were experimented on.
32. I.e., destroying the semen in the womb.
33. What objection then could he have put forward against the proof of the Rabbis?
34. Lit., 'does not receive'.
35. It was quite possible, therefore, that despite the drug the conception of the female took place forty days prior to that of the male.
36. The Rabbis.

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37. Egypt in Cleopatra's reign was under the influence of Greek institutions and Greek culture.
38. After conception.
39. Why the incident cited should not be accepted as proof. MS.M. reads: 'What is the reason why no proof is adduced from fools?'
40. Cf. BaH.
41. The 'eighty-first day' was, therefore, in reality the forty-first one.
42. How in view of this possibility can he maintain that the incident provides the required proof?
43. Whose duty it was to prevent all intercourse except on one particular day.
44. How in view of this safeguard could it be suggested that the conception of the female was delayed for forty days?
45. Popular proverb.
46. Since the test in respect of the female took place on the eighty-first day.
47. An objection against R. Ishmael.
48. The male and the female.
49. Those of the male embryo on the fortieth day were like those of the female on the eighty-first.
50. Who earlier in the Mishnah ruled that 'IF ON THE FORTY-FIRST DAY SHE MUST CONTINUE ... FOR BOTH A MALE AND A FEMALE AND FOR A MENSTRUANT' from which it follows that a female also is fully fashioned on the forty-first day.
51. Of repeating in the name of the Sages an earlier anonymous ruling.
52. That the anonymous ruling is the view of the Rabbis.
53. Of course it is, since all anonymous rulings generally represent the views of the majority of Sages and the *Halachah* is in agreement with them.
54. As quoted by R. Ishmael *supra*.
55. By repeating the anonymous Mishnah in the name of the Sages.
56. Despite R. Ishmael's argument and text.
57. Pinkas, cf. [G].
58. Lit., 'went out to the air space of the world'.
59. Its mouth.
60. Navel.
61. Job XXIX, 3.
62. Babylon.
63. Lit., 'and you have no days in which a man dwells in more happiness than in these days'.
64. Job XXIX, 2.
65. Lit., 'in which there are the months' (of bearing).
66. Lit., 'be saying, these are the months of bearing'.
67. Lit., 'all of it'.
68. Prov. IV, 4.

69. Job XXIX, 4.
70. Lit., 'what'.
71. So that it does not apply to other men.
72. Gen. IV, 7.
73. Its nature is described presently.
74. Isa. XLV, 23.
75. Ps. XXII, 30.
76. So the Kre. The Kethib is 'his name'.
77. Ps. XXIV, 4.
78. Lit., 'be in your eyes like a wicked man'.
79. Lit., 'be knowing'.

### Niddah 31a

observed: What is the Scriptural proof?<sup>1</sup> From my mother's womb Thou art gozi.<sup>2</sup> What is the proof that 'gozi' implies 'swearing'? — Because it is written, Swear [gozi] concerning thy Naziriteship and cast away.<sup>3</sup>

R. Eleazar further stated: What does an embryo resemble when it is in its mother's bowels? A nut floating in a bowl of water. Should someone put his finger upon it, it would sink on the one side or on the other.

Our Rabbis taught: During the first three months<sup>4</sup> the embryo occupies the lowest chamber, during the middle ones it occupies the middle chamber and during the last months it occupies the uppermost chamber; and when its time to emerge arrives it turns over and then emerges, and this is the cause of the woman's pains.<sup>5</sup> This also agrees with what was taught:<sup>6</sup> The pains of a female birth are more intense than those of a male birth. R. Eleazar further observed, 'What is the Scriptural proof for this?<sup>2</sup> When I was made in secret, and curiously wrought in the lowest parts of the earth;<sup>8</sup> it does not say 'dwelt' but 'curiously wrought'.<sup>2</sup> Why are the pains of a female birth greater than those of a male birth? —

The female emerges in the position she assumes during intercourse and the male emerges in the position he assumes during intercourse. The former, therefore, turns her

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face upwards<sup>10</sup> while the latter<sup>11</sup> need not turn his face.

**Our Rabbis taught:** During the first three months<sup>4</sup> marital intercourse is injurious to the woman and it is also injurious to the child. During the middle ones it is injurious to the woman but beneficial for the child. During the last months it is beneficial for both the woman and the child, since on account of it the child becomes well-formed and of strong vitality.

**One taught:** He who indulges in marital intercourse on the ninetieth day<sup>4</sup> is as though he had shed blood. But whence could one know this?<sup>12</sup> — Rather, said Abaye, one carries on marital intercourse in the usual manner and the Lord preserveth the simple.<sup>13</sup>

**Our Rabbis taught:** There are three partners in man, the Holy One, blessed be He, his father and his mother. His father supplies the semen of the white substance out of which are formed the child's bones, sinews, nails, the brain in his head and the white in his eye; his mother supplies the semen of the red substance out of which is formed his skin, flesh, hair, blood<sup>14</sup> and the black of his eye; and the Holy One, blessed be He, gives him the spirit and the breath,<sup>15</sup> beauty of features, eyesight, the power of hearing<sup>16</sup> and the ability to speak<sup>17</sup> and to walk,<sup>18</sup> understanding and discernment. When his time to depart from the world approaches the Holy One, blessed be He, takes away his share and leaves the shares of his father and his mother with them. **R. Papa observed:** It is this that people have in mind when they say, 'Shake off the salt<sup>19</sup> and cast the flesh to the dog'.<sup>20</sup>

**R. Hinena b. Papa gave the following exposition:** What is the purport of the Scriptural text, 'Who doeth great things past finding out,' yea, marvelous things without number?<sup>21</sup> Come and see the contrast between the potency of the Holy One, blessed be He, and that of mortal man.<sup>22</sup> A man

might put his things<sup>23</sup> in a skin bottle<sup>24</sup> [whose holes<sup>25</sup> are] tied up and whose orifice is turned upwards and yet it is doubtful whether [the things] would be preserved or not, whereas the Holy One, blessed be He, fashions the embryo in a woman's internal organ that is open and whose orifice is turned downwards and yet it is preserved. Another exposition: If a man puts his things on the scale of a balance, the heavier they are the lower the scale descends, whereas the Holy One, blessed be He, [fashioned the woman in such a manner that] the heavier the embryo the higher it rises.<sup>26</sup>

**R. Jose the Galilean gave the following exposition:** What is the purport of the Scriptural text, I will give thanks unto Thee, for I am fearfully and wonderfully made; wonderful are Thy works; and that my soul knoweth right well?<sup>27</sup> Come and see the contrast between the potency of the Holy One, blessed be He, and that of mortal man.<sup>28</sup> If a man<sup>29</sup> puts different seeds in a bed each grows in the manner of its own particular species, whereas the Holy One, blessed be He, fashions the embryo in the woman's bowels in such a manner that all<sup>30</sup> grow into one and the same kind. Another exposition: If a dyer puts different ingredients into a boiler they all unite into one color, whereas the Holy One, blessed be He, fashions the embryo in a woman's bowels in a manner that each element develops in its own natural way.<sup>31</sup>

**R. Joseph gave the following exposition:** What is the purport of the Scriptural text, I will give thanks unto Thee, O Lord; for though Thou wast angry with me, Thine anger is turned away, and Thou comfortest me.<sup>32</sup> The text alludes to<sup>33</sup> two men who set out on a trading expedition when a thorn got into [the foot of] one of them who<sup>34</sup> began to blaspheme and to revile. After a time, however, when he heard that his friend's ship had sunk into the sea he<sup>35</sup> began to laud and praise. Hence it is written, 'Thine anger is turned away, and Thou comfortest me'. This is indeed in line with what R. Eleazar stated:

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What is implied by the Scriptural text, Who doeth wondrous things alone;<sup>36</sup> and blessed be His glorious name for ever?<sup>37</sup> Even the person for whom a miracle is performed<sup>38</sup> is unaware of the miracle.<sup>39</sup>

R. Hanina b. Papa made the following exposition: What is the implication of the Scriptural text, Thou measurest my going about and my lying down, and art acquainted with all my ways?<sup>40</sup> It<sup>41</sup> teaches that man is not fashioned from all the drop but only from its purest part. The school of R. Ishmael taught: This is analogous to the action of one who, winnowing<sup>42</sup> in threshing floors, takes up the edible part and leaves the refuse. This is in agreement with an exposition of R. Abbahu. For R. Abbahu pointed out an incongruity: It is written, For Thou hast winnowed me from<sup>43</sup> strength<sup>44</sup> and it is also written,<sup>45</sup> The God that girdeth me with strength!<sup>46</sup> David in effect said to the Holy One, blessed be He, 'Sovereign of the world, Thou hast winnowed me<sup>47</sup> and Thou hast girded me with strength'.

R. Abbahu also gave this exposition: What is the implication of the Scriptural text, Who hath counted the dust of Jacob, or numbered the stock of Israel?<sup>48</sup> It teaches that the Holy One, blessed be He, sits and counts the stock of Israel. 'When [He wonders] will appear the drop from which a righteous man could be fashioned'? Moreover, it is for this reason that the eye of the wicked Balaam was blinded. He said, 'Would He who is pure and holy and whose ministers are pure and holy look upon such a thing?' His eye was forthwith blinded, for it is written, And the saying of the man whose eye is closed.<sup>49</sup> This is in line with what R. Johanan stated: What is the implication of the Scriptural text, And he lay with her in that night?<sup>50</sup> It teaches that the Holy One, blessed be He, assisted in that matter. For it is said, Issachar is a large-boned ass;<sup>51</sup> it is the ass<sup>52</sup> that has caused<sup>53</sup> the birth of Issachar.

R. Isaac citing R. Ammi<sup>54</sup> stated: If the woman emits her semen first she bears a male child; if the man emits his semen first she bears a female child; for it is said, If a woman emits semen<sup>55</sup> and bear a man-child.<sup>56</sup>

Our Rabbis taught: At first it used to be said that 'if the woman emits her semen first she will bear a male, and if the man emits his semen first she will bear a female', but the Sages did not explain the reason, until R. Zadok came and explained it: These are the sons of Leah, whom she bore unto Jacob in Paddan-aram, with his daughter Dinah,<sup>57</sup> Scripture thus ascribes the males to the females<sup>58</sup> and the females to the males.<sup>59</sup>

And the sons of Ulam were mighty men of valor, archers; and had many sons, and sons' sons.<sup>60</sup> Now is it within the power of man to increase<sup>61</sup> the number of 'sons and sons' sons'? But the fact is that because

1. That an oath is taken on the day of one's birth.
2. Ps. LXXI, 6; E.V., Thou art He that took me out of my mother's womb.
3. Jer. VII, 29; E.V., *Cut off thy hair, and cast it away.*
4. Of pregnancy.
5. At a childbirth.
6. So Bomb. ed. Cur. edd. 'we learnt'.
7. That the embryo first occupies the lowest chamber.
8. Ps. CXXXIX, 15.
9. Implying the inception of the embryo; and this is stated to be 'in the lowest parts'.
10. The turning intensifying the pains.
11. Since the embryo is all the time lying face downwards.
12. When the ninetieth day is.
13. Ps. CXVI, 6; those who are unable to protect themselves.
14. So MS.M. and Elijah Wilna. Cur. edd. omit.
15. Or 'soul'.
16. Lit., 'of the ear'.
17. Lit., 'of the mouth'.
18. Lit., 'walking of the feet'.
19. Metaph. for the soul, 'the preserver of the human body'.
20. Proverb. The lifeless body is of little more value.
21. Job IX, 10.

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22. Lit., 'that not like the measure of ... is the measure of flesh and blood'.
23. Cf. MS.M. Cur. edd., 'the measure of flesh and blood he puts a thing'.
24. Hemeth, a skin drawn off the body of the animal in such a manner as not to damage it except for the cuts at the tail and legs.
25. Cf. prev. n.
26. Beginning in the lowest chamber at conception it rises steadily to the highest, as stated *supra*.
27. Ps. CXXXIX, 14.
28. V. p. 214, n. 10.
29. Cf. MS.M. Cur. edd. add, 'the measure of flesh and blood'.
30. The semen of both parents.
31. The one develops into bones, sinews, nails, etc. while the other develops into skin, flesh, etc. as stated *supra*.
32. Isa. XII, 1.
33. Lit., 'of what does Scripture speak? Of'.
34. Having been compelled by the accident to interrupt his journey.
35. Being gratified at the turn of events which prevented him from embarking on the disastrous expedition.
36. Emphasis on 'alone'. E.V., Who only ... things.
37. Ps. LXXII, 18f.
38. Lit., 'master of the miracle'.
39. Only God alone knows it. Cf. prev. n. but two.
40. Ps. CXXXIX, 3.
41. The expression of Zeritha ('Thou measureth') which coming from the root [H], may be rendered, 'thou winnowest'.
42. Cf. prev. n.
43. E.V., 'girded me with'.
44. II Sam. XXII, 40.
45. In the corresponding passage.
46. Ps. XVIII, 33.
47. Cf. *supra* n. 2.
48. Num. XXIII, 10.
49. Ibid. XXIV, 3. E.V., 'is opened'.
50. Gen. XXX, 16; emphasis on [H].
51. Ibid. XLIX, 14.
52. On which Jacob rode and which stopped at Leah's tent.
53. Garem ('large-boned') is derived from a root which in Aramaic signifies also 'to cause'. The consonants may be vocalized as garam. Hamor garam, 'the ass was the cause'.
54. *Var. lec.* Assi ('En Jacob).
55. E.V., 'be delivered'.
56. Lev. XII, 2.
57. Gen. XLVI, 15.
58. 'Sons of Leah'.
59. 'His daughter Dinah'.
60. I Chron. VIII, 40.

61. The Heb. for 'had many' is the Hif. of [H] which may be rendered 'cause to increase'.

## Niddah 31b

they contained themselves during intercourse<sup>1</sup> in order that their wives should emit their semen first so that their children shall be males, Scripture attributes to them the same merit as if they had themselves caused the increase of the number of their sons and sons' sons. This explains what R. Kattina said, 'I could make all my children to be males'. Raba stated: One who desires all his children to be males should cohabit twice in succession.

R. Isaac citing R. Ammi<sup>2</sup> further stated: A woman conceives only immediately before her menstrual period, for it is said, Behold I was brought forth in iniquity;<sup>3</sup> but R. Johanan stated: A woman conceives only immediately after her ritual immersion, for it is said, And in cleansing<sup>4</sup> did my mother conceive me.<sup>5</sup> What is the proof that 'het'<sup>6</sup> bears the meaning of cleansing? — Since it is written 'we-hitte<sup>7</sup> the house'<sup>8</sup> and this is translated,<sup>9</sup> 'And so shall he cleanse the house'. And if you prefer I might reply: The proof is derived from the following: Purge<sup>10</sup> me with hyssop and I shall be clean.<sup>11</sup>

R. Isaac citing R. Ammi further stated: As soon as a male comes into the world peace comes into the world, for it is said, Send ye a gift<sup>12</sup> for the ruler of the land<sup>13</sup> [and the Hebrew for] male<sup>14</sup> [is composed of the consonants of the 'words for] 'this is a gift'.<sup>15</sup>

R. Isaac citing<sup>16</sup> R. Ammi further stated: When a male comes into the world his provision comes with him, [the Hebrew for] male [Zakar, being composed of the consonants of the words for] 'this is provision [Zeh Kar]', for it is written, And he prepared a great provision [Kera] for them.<sup>17</sup> A female has nothing with her, [the Hebrew for] female [Nekebah] implying 'she comes with nothing' [Nekiyyah Ba'ah]. Unless she

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demands her food nothing is given to her, for it is written, Demand [Nekebah]<sup>18</sup> from<sup>19</sup> me thy wages and I will give it.<sup>20</sup>

R. Simeon b. Yohai was asked by his disciples: Why did the Torah ordain that a woman after childbirth should bring a sacrifice? He replied: When she kneels in bearing she swears impetuously that she will have no intercourse with her husband. The Torah, therefore, ordained that she should bring a sacrifice. (R. Joseph demurred: Does she not<sup>21</sup> act presumptuously<sup>22</sup> in which case the absolution of the oath<sup>23</sup> depends on her regretting it?<sup>24</sup> Furthermore, she should<sup>25</sup> have brought a sacrifice prescribed for an oath!)<sup>26</sup> And why did the Torah ordain that in the case of a male [the woman is clean] after seven days and in that of a female after fourteen days? [On the birth of a] male with whom all rejoice she regrets her oath after seven days, [but on the birth of a female] about whom everybody is upset she regrets her oath after fourteen days. And why did the Torah ordain circumcision on the eighth day?<sup>27</sup> In order that the guests<sup>28</sup> shall not enjoy themselves<sup>29</sup> while his father and mother are not in the mood for it.<sup>30</sup>

It was taught: R. Meir used to say, Why did the Torah ordain that the uncleanness of menstruation should continue for seven days? Because being in constant contact with his wife<sup>31</sup> [a husband might] develop a loathing towards her. The Torah, therefore, ordained: Let her<sup>32</sup> be unclean for seven days<sup>33</sup> in order that<sup>34</sup> she shall be beloved by her husband as at the time of her first entry into the bridal chamber.

R. Dostai son of R. Jannai was asked by his disciples: Why<sup>35</sup> does a man go in search of a woman and no woman goes in search of a man? This is analogous to the case of a man who lost something. Who goes in search of what? He who lost the thing goes in search of what he lost.<sup>36</sup> And why does the man lie face downwards and the woman face upwards towards the man? He [faces the elements]

from which he was created<sup>37</sup> and she [faces the man] from whom she was created.<sup>38</sup> And why is a man easily pacified and a woman is not easily pacified? He [derives his nature] from the place from which he was created<sup>39</sup> and she [derives hers] from the place from which she was created.<sup>40</sup> Why is a woman's voice sweet and a man's voice is not sweet? He [derives his] from the place from which he was created<sup>41</sup> and she [derives hers] from the place from which she was created.<sup>42</sup> Thus it is said, For sweet is thy voice, and thy countenance is comely.<sup>43</sup>

## CHAPTER IV

*MISHNAH.* THE DAUGHTERS OF THE SAMARITANS<sup>44</sup> ARE REGARDED AS MENSTRUANTS FROM THEIR CRADLE;<sup>45</sup> AND THE SAMARITANS IMPART UNCLEANNESS TO A COUCH UNDERNEATH AS TO A COVER ABOVE,<sup>46</sup> SINCE THEY COHABIT WITH MENSTRUANTS BECAUSE [THEIR WIVES] CONTINUE [UNCLEAN FOR SEVEN DAYS] ON ACCOUNT OF A DISCHARGE OF ANY BLOOD.<sup>46</sup> ON ACCOUNT OF THEIR [UNCLEANNESS],<sup>47</sup> HOWEVER, NO OBLIGATION<sup>48</sup> IS INCURRED FOR ENTRANCE INTO THE TEMPLE NOR IS *TERUMAH*<sup>49</sup> BURNT ON THEIR ACCOUNT, SINCE THEIR UNCLEANNESS<sup>50</sup> IS ONLY OF A DOUBTFUL NATURE.<sup>51</sup>

*GEMARA.* How is this<sup>52</sup> to be imagined? If they<sup>53</sup> observed a discharge, then<sup>54</sup> even our daughters also [should in such circumstances be regarded as unclean]; and if they<sup>55</sup> have not observed any discharge, their daughters also should not be regarded as unclean, should they? — Raba son of R. Aha son of R. Huna citing R. Shesheth replied: Here we are dealing with cases of which nothing definite is known, but since a minority exists that experience discharges, the possibility of such a discharge is taken into consideration. And who is the Tanna that<sup>56</sup> takes a minority into consideration? —

1. Lit., in the belly'.



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2. *Var. lec. Assi* ('En Jacob).
3. Ps. LI, 7. The last word is taken as an allusion to the menstruation period when intercourse is an iniquity' and the prefixed Beth ('in') is rendered 'near'.
4. E.V., 'sin'.
5. Ps. LI, 7.
6. The Heb. word here rendered 'cleansing' (E.V., 'sin').
7. Of the same rt. as het.
8. Lev. XIV, 52.
9. I.e., by the Targum *Onkelos*.
10. Tehate'eni (cf. prev. n. but one).
11. Ps. LI, 9.
12. Kar; E.V. 'lambs'.
13. Isa. XVI, 1.
14. Zakar.
15. Zeh Kar. Gifts foster peace.
16. V. marg. gl. Cur. edd., 'the school of'.
17. II Kings VI, 23.
18. The same consonants as those for female (Nekebah).
19. E.V., 'appoint'.
20. Gen. XXX, 28.
21. When swearing.
22. Of course she does.
23. Lit., 'the thing'.
24. It does. Now in such a case it is only a Sage who, after satisfying himself of the sincerity of her plea, may absolve her. A sacrifice, however, has no place here at all.
25. Instead of the sacrifice of a bird prescribed for a woman after a confinement.
26. A lamb or a goat.
27. After birth, and not on the seventh which is the last day of uncleanness
28. Lit., 'all.'
29. At the festive meal given in honor of the circumcision.
30. Lit., 'sad', on account of the prohibition of intercourse which remains in force until the conclusion of the seventh day.
31. Lit., 'with her'.
32. Even after the least discharge of blood.
33. When intimate intercourse is forbidden.
34. By being deprived of her intimacy for certain recurrent periods.
35. In matrimony.
36. The rib from which Eve was built was taken from Adam.
37. The earth.
38. Cf. prev. n. but one.
39. Earth, which yields.
40. The unyielding bone of a rib.
41. A beat upon the earth produces no note.
42. A bone can be made to produce certain notes.
43. Cant. II, 14.
44. Kuthim, the people of Cutha and other places of Assyria who were transported to Samaria

after the destruction of the northern kingdom and who combined their former idol-worship with a belief in the God of Israel (II Kings XVII, 24ff). Their descendants were for a time regarded as suspected Israelites and finally were entirely excluded from the community.

45. This is explained in the Gemara *infra*.
46. Even blood that is clean. Should a discharge of clean blood on one day be followed by one of unclean on the following day, the Samaritan woman would count the seven days of uncleanness from the first day, regarding the second discharge as having occurred within the seven days of menstruation, so that on the eighth day she regards herself as clean, while as a matter of fact her uncleanness began on the second day and continues for seven days, the last of which is the eighth from the first discharge on which she is still menstrually unclean.
47. If a person, for instance, covered himself with the unclean articles mentioned.
48. Of a sacrifice.
49. That came in contact with these articles (cf. prev. n. but one).
50. Though Rabbinically valid as a preventive measure.
51. While a sacrifice and *Terumah* are Pentateuchal. A Rabbinical rule can have no force where its observance involves interference with a Pentateuchal ordinance.
52. The first clause of our Mishnah.
53. THE DAUGHTERS OF THE SAMARITANS.
54. Since menstruation may begin at the earliest stage of life (v. *infra* 32a).
55. THE DAUGHTERS OF THE SAMARITANS.
56. In respect of restriction.

## Niddah 32a

It is R. Meir. For it was taught: A minor, whether male or female, may neither perform, nor submit to *Halizah*, nor contract levirate marriage; so R. Meir. They<sup>1</sup> said to R. Meir: You spoke well when you ruled that they 'may neither perform, nor submit to *Halizah*', since in the Pentateuchal section<sup>2</sup> man<sup>3</sup> was written, and we draw a comparison between woman and man.<sup>4</sup> What, however, is the reason why they may not contract levirate marriage? He replied: Because a minor male might be found to be a saris;<sup>5</sup> a minor female might be found to be

## NIDDOH – 23b-48a

incapable of procreation;<sup>6</sup> and thus the law of incest<sup>7</sup> would be violated where no religious act<sup>8</sup> is thereby performed. And the Rabbis?<sup>2</sup> —

Follow the majority of minor males and the majority of minors are no sarisim; follow the majority of minor females, and the majority of minor females are not incapable of procreation.<sup>10</sup> Might it not be suggested that R. Meir was heard [to take a minority into consideration only where that] minority is frequent; was he, however, heard [to maintain his view in regard to] an infrequent minority? — This also is a frequent minority, for it was taught: R. Jose stated, It happened at 'En Bol<sup>11</sup> that the infant was made to undergo ritual immersion<sup>12</sup> before her mother;<sup>13</sup> and Rabbi stated, It once happened at Beth She'arim that the infant was made to undergo ritual immersion<sup>12</sup> before her mother;<sup>13</sup> and R. Joseph stated, It once happened at Pumbeditha that the infant was made to undergo ritual immersion<sup>12</sup> before her mother;<sup>13</sup> One can well understand the incidents spoken of by R. Joseph and Rabbi<sup>14</sup> since [immersion was necessary as a protection for] the *terumah*<sup>15</sup> of Palestine; but why was that necessary<sup>16</sup> in the case spoken of by R. Joseph,<sup>17</sup> seeing that Samuel had laid down: The *Terumah* of a country outside the Land of Israel is not forbidden unless [it came in contact] with a person whose uncleanness emanated from his body,<sup>18</sup> and this applies only to eating but not to contact?<sup>19</sup> —

Mar Zutra replied: This<sup>20</sup> was required only in regard to anointing her with the oil of *terumah*;<sup>21</sup> for it was taught: And they shall not profane the holy things of the children of Israel, which they set apart unto the Lord<sup>22</sup> includes<sup>23</sup> one who anoints oneself or drinks.<sup>24</sup> But what need was there for a Scriptural text [for inclusion in the prohibition of] one who drinks, seeing that drinking is included in eating?<sup>25</sup> —

Rather [say that the text<sup>22</sup> was intended] to include one who anoints oneself [in the same

prohibition] as one who drinks.<sup>26</sup> And if you prefer I might reply, The prohibition<sup>27</sup> is derived from here: And it is come into his inward parts like water, and like oil into his bones.<sup>28</sup> But if so<sup>29</sup> should not our daughters also [be unclean from their cradle]? — For us who make a deduction of the use of 'and if a woman'<sup>30</sup> instead of 'a woman' and [our daughters,] when observing any discharge are kept away,<sup>31</sup> the Rabbis enacted no preventive measure; but as regards the Samaritans<sup>32</sup> who do not make any deduction from the use of 'and if a woman'<sup>30</sup> instead of 'a woman', and [their daughters] when observing any discharge are not kept away,<sup>31</sup> the Rabbis enacted the preventive measure. What is the exposition of 'a woman', 'and if a woman'? —

It was taught: [If it had been written,]<sup>33</sup> 'A woman', I would only know that a woman [is subject to the restrictions of menstrual uncleanness], whence could it be deduced that an infant one day old is also subject to the restrictions of menstruation? Hence it was explicitly stated, 'And if a woman'.<sup>33</sup> Thus it is evident that in including a child Scripture included even one who is one day old. May not, however, an incongruity be pointed out: [If Scripture had only written,]<sup>34</sup> 'the woman' I would only know [that the restriction applies to] a woman, whence could it be derived that a child who is three years and one day old [is equally under the restrictions] in respect of cohabitation? Hence it was explicitly stated, 'The woman also'?<sup>34</sup> —

Raba replied: These<sup>35</sup> are traditional laws but the Rabbis tacked them on to Scriptural texts. Which one [can be deduced from] the Scriptural text and which is only a traditional law?<sup>36</sup> If it be suggested that the law relating to an infant one day old is traditional and that the one relating to such as is three years and one day old is deduced from a Scriptural text, is not the text [it may be retorted] written in general terms?<sup>37</sup> —

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Rather say: The law relating to one who is three years and one day old is traditional and the one derived from the text is that concerning an infant who is one day old. But since the former law is traditional, what was the purpose of the Scriptural text?<sup>38</sup> —

1. The Rabbis who disagreed with him.
2. That deals with *Halizah*.
3. Deut. XXV, 7; thus excluding the minor.
4. As the latter must be a grown-up man so must the former be a grown-up woman.
5. One wanting in generative powers. Only one capable of having a child to succeed in the name of his brother (Deut. XXV, 6) is subject to the duty of the levirate marriage.
6. Cf. prev. n.
7. Marriage with a brother's wife.
8. Cf. prev. n. but two.
9. How in view of R. Meir's reason can they maintain their view?
10. Yeb. 61b.
11. [Ain Ibl, north west of Safed, v. Klein S.. N. B. p. 41.]
12. To protect any *Terumah* which may come in contact with her.
13. Whose immersion is performed on the fourteenth day. That of the menstruant takes place on the seventh.
14. Both of which occurred in Palestinian towns.
15. Which is rendered unfit through contact with a menstruant (cf. prev. n. but two).
16. Lit., 'wherefore to me'.
17. Which occurred in a Babylonian town.
18. A *Zab*, for instance, or a menstruant.
19. Bek. 27a.
20. The immersion of the infant spoken of by R. Joseph.
21. Anointing being forbidden like eating.
22. Lev. XXII, 15, in the section dealing with persons unclean for *Terumah*.
23. In the prohibition.
24. Which proves that anointing is forbidden like eating.
25. Cf. Shebu. 22b; and since eating was forbidden drinking also was obviously forbidden.
26. Reading [H] instead of [H].
27. Of anointing.
28. Ps. CIX, 18.
29. That in imposing a restriction a minority also must be taken into consideration.
30. Lev. XV, 19, from which it is inferred *infra* that uncleanness may begin at infancy.
31. From holy things, during the prescribed unclean period.
32. Lit., 'they'.

33. In Lev. XV, 19.
34. Ibid. 18, dealing with uncleanness through cohabitation.
35. The two restrictions under discussion.
36. Sc. since Scripture uses the same expression *we-ishah* (rendered 'and if a woman' in Lev. XV, 19 and 'the woman also' *ibid.* 18) in both verses what age exactly was implied?
37. And, since there is no reason why the age of three years and one day should be meant rather than that of two or of four years, the lowest possible age. *vis.*, that of one day, should obviously be the one intended.
38. Sc. why the additional *Waw* in *we-ishah*?

## Niddah 32b

To exclude a man from the uncleanness of a red discharge.<sup>1</sup> But consider the following *Baraitha*:<sup>2</sup> From the term of 'woman'<sup>3</sup> I would only infer that a woman [is subject to the restriction of *Zibah*], whence, however, could it be deduced that a female child that is ten days old<sup>4</sup> is also subject to the restrictions of *Zibah*? Hence it was explicitly stated, And if a woman.<sup>5</sup> Now, what need was there for this text,<sup>5</sup> seeing that the law could have been inferred from that of menstruation?<sup>6</sup> —

It was necessary. For if the All Merciful had written the law in regard to a menstruant only it might have been presumed that it applied only to the menstruant, since even if she observed a discharge on one day only she must continue unclean for seven days, but not to a *Zabah* for whom, if she observed a discharge<sup>7</sup> on one day, it suffices to wait only one day corresponding to it;<sup>8</sup> hence the necessity for the second text. Then why should not the All Merciful write the law in regard to a *Zabah* and there would be no need to give it again in regard to a menstruant, since one knows that there can be no *Zabah* unless she was previously a menstruant? — That is so indeed. Then what was the need for the Scriptural text?<sup>2</sup> — To exclude a man from the uncleanness of a red discharge.<sup>10</sup> But was he not already once excluded?<sup>11</sup> — One text serves to exclude him from the uncleanness of a discharge of red semen and the other from that of blood.

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The same law<sup>12</sup> applies also to males. For it was taught:<sup>13</sup> 'A man, a man',<sup>14</sup> what need was there for the repetition of 'man'? To include a male child one day old who also is to be subject to the uncleanness of *Zibah*; so R. Judah. R. Ishmael son of R. Johanan b. Beroka said: This<sup>15</sup> is not necessary, for, surely, Scripture says, Whether it be a man or a woman,<sup>16</sup> 'whether it be a man' implies anyone who is man, whether adult or infant; 'or a woman' implies anyone who is a female irrespective of whether she is adult or minor. If so, why was it expressly stated, 'a man, a man'?<sup>17</sup> The Torah used an ordinary form of speech.<sup>18</sup> Thus it is evident that in including a child Scripture included even an infant one day old. Does not, however, an incongruity arise: [If Scripture had only written]<sup>19</sup> 'a man' I would only know [that the law applied to] a man, whence could it be derived that it also applies to a child who is nine years and one day old? Hence it was explicitly stated, And a man?<sup>19</sup> —

Raba replied: These<sup>20</sup> are traditional laws but the Rabbis found props for them in Scriptural texts. Which one is only a traditional law and which can be deduced from the Scriptural text? If it be suggested that the law relating to an infant one day old is traditional and that relating to a child who is nine years and one day old is deduced from a Scriptural text, is not the text [it could be objected] written in general terms?<sup>21</sup> — Rather say: The law relating to a child who is nine years and one day old is traditional and the one relating to an infant one day old is derived from the Scriptural text. But, since the former is a traditional law, what was the purpose of the Scriptural text? — To exclude a woman from the uncleanness of a white discharge.

What need was there for Scripture to write [an additional word<sup>22</sup> and letter]<sup>23</sup> as regards males and females respectively?<sup>24</sup> — These were necessary. For if the All Merciful had written the law in respect of males only it might have been presumed that it applied to

them alone since they become unclean by [three] observations<sup>25</sup> [on the same day] as by [three observations on three successive] days,<sup>26</sup> but not to females who do not become unclean by [three] observations [on the same day] as by [three observations on three successive] days. And if the All Merciful had written the law in respect of females alone, it might have been presumed to apply to them only, since they become unclean even if a discharge was due to a mishap but not to males who do not become unclean when a discharge is due to a mishap.<sup>27</sup> [The additional letters and words were, therefore,] necessary.

THE SAMARITANS IMPART UNCLEANNESS TO A COUCH UNDERNEATH AS TO A COVER ABOVE, What is meant by A COUCH UNDERNEATH AS A COVER ABOVE? If it be suggested to mean that if there were ten spreads<sup>28</sup> and he sat upon them they all become unclean, is not this [it could be retorted] obvious seeing that he exercised pressure upon them?<sup>29</sup> — The meaning rather is that a couch underneath one who had intercourse with a menstruant is subject to the same law of uncleanness as the cover above a *zab*.<sup>30</sup> As the cover above a *Zab* imparts uncleanness to foods and drinks only so does the couch underneath one who had intercourse with a menstruant impart uncleanness to foods and drinks only. Whence is the law concerning the cover above a *Zab* deduced? —

From the Scriptural text, And whosoever toucheth anything that was under him shall be unclean.<sup>31</sup> For what could be the meaning of 'under him'?

1. Of semen (v. *infra*) which is similar in nature to the discharge dealt with in the text under discussion. Only a woman's is subject to uncleanness but not that of a man.
2. Lit., 'and that which was taught'.
3. Lev. XV, 25, dealing with *Zibah*.
4. One younger than ten days cannot possibly be subject to this form of uncleanness since one

cannot be a confirmed Zabah before the elapse of seven days of menstruation and three subsequent days on each of which a discharge is observed.

5. Lit., 'wherefore to me'.
6. Sc. since, as has been shown *supra*, an infant of one day is subject to the uncleanness of menstruation it naturally follows that on her tenth day (cf. prev. n. but one) she is also subject to that of *Zibah*.
7. After the seven days of menstruation.
8. And if she observed a discharge on the second day also, she need only wait one day, after which she is clean. Only a discharge that continued for three consecutive days would subject her to the uncleanness of a confirmed Zabah.
9. The additional *Waw* in the case of the menstruant.
10. The text implying that only a woman is subject to the uncleanness of a red discharge but not a man.
11. *Supra*.
12. That a child one day old is subject to the uncleanness of a discharge as an adult.
13. 'Ar. 3a.
14. Lev. XV, 2, dealing with the laws of a *Zab*. E.V., 'any man'.
15. The exposition of Lev. XV, 2 (v. prev. n.).
16. Lev. XV, 33.
17. Lev. XV, 2 dealing with the laws of a *Zab*. E.V., 'any man'.
18. Lit., 'spoke as is the language of man'.
19. Lev. XV, 16, in regard to the emission of semen.
20. The law of *Zibah* in respect of an infant one day old and the law of the emission of semen in regard to a boy who is nine years and one day old.
21. Cf. *supra* p. 223, n. 8 mut. mut.
22. Man.
23. *Waw* ('and') in *we-ishah*.
24. Sc. why could not the same ages of the male and of the female be derived from one another?
25. Of discharges.
26. Cf. B.K. 24a.
27. *Infra* 36b.
28. One above the other.
29. Midras (v. [Glos.](#)) is one of the means whereby a *Zab* conveys uncleanness.
30. And not as the couch under him which imparts uncleanness to human beings also.
31. Lev. XV, 10.

## Niddah 33a

If it be suggested: Under the *Zab* [it could be objected: This]<sup>1</sup> is derived from, And whosoever toucheth his bed.<sup>2</sup> Consequently it must mean: Whosoever toucheth anything under which the *Zab* was';<sup>3</sup> and this is<sup>4</sup> the cover above the *zab*,<sup>5</sup> Scripture<sup>6</sup> segregated it from a grave uncleanness<sup>7</sup> and transferred it to a lighter uncleanness in order to tell you that it imparts uncleanness to foods and drinks only.<sup>8</sup> Might it not be suggested that Scripture segregated it from the grave uncleanness only in order that it shall not impart uncleanness to a man<sup>9</sup> and thereby also impart uncleanness to his clothes, but that it does impart uncleanness to a man<sup>9</sup> or to clothes?<sup>10</sup> —

Scripture said: Shall be unclean,<sup>11</sup> which implies<sup>12</sup> an uncleanness of a lighter character, And whence is the law concerning the couch beneath one who had intercourse with a menstruant deduced? — From what was taught: And her impurity be upon him.<sup>13</sup> As it might have been presumed that he is released from his uncleanness as soon as he is released,<sup>14</sup> it was explicitly stated, He shall be unclean seven days.<sup>15</sup> Then why was it explicitly stated, 'And her impurity be upon him'? As it might have been presumed that he imparts no uncleanness to man or earthenware, it was explicitly stated, 'And her impurity be upon him',<sup>13</sup> as she imparts uncleanness to man<sup>15</sup> and to earthenware<sup>16</sup> so does he impart uncleanness to man<sup>15</sup> and earthenware.<sup>16</sup> In case it might be suggested:<sup>17</sup> As she causes a couch or a seat to become unclean so as to impart uncleanness to a man and thereby also impart uncleanness to his clothes, so does he also cause his couch and seat to impart uncleanness to man and thereby impart uncleanness to his clothes, it was explicitly stated: And every bed whereon he lieth shall be unclean.<sup>18</sup> For<sup>19</sup> it should not have been stated. 'and every bed on which he lieth shall be unclean', then why was it written, 'And every bed on which, etc.'?

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Scripture has, thereby, segregated it from a grave uncleanness<sup>20</sup> and transferred it to a lighter uncleanness, to tell you that it imparts uncleanness to foods and drinks only. R. Ahai demurred: Might it not be suggested that Scripture had segregated it from a grave uncleanness and transferred it to a lighter uncleanness only in order that it shall not impart uncleanness to a man and thereby also convey it to his clothes, but that it does impart uncleanness to a man<sup>21</sup> or to clothes?<sup>22</sup> —

R. Assi replied: Shall be unclean<sup>23</sup> implies<sup>24</sup> an uncleanness of a lighter nature. Might it not be argued: 'And her impurity be upon him'<sup>18</sup> is a generalization, 'and every bed'<sup>18</sup> is a specification<sup>25</sup> and, since the scope of a generalization when followed by a specialization already comprehended in it is limited by the thing specified, only<sup>26</sup> a bed and a seat, but no other thing should convey uncleanness? —

Abaye replied: 'He shall be unclean for seven days'<sup>18</sup> makes a break in the context, so that this is a case of a generalization and a specification that are distant from one another and whenever a generalization and a specification are distant from one another the rule of generalization and specification does not apply. Raba replied: The rule<sup>27</sup> in fact does apply, but the expression of 'and every'<sup>18</sup> is an extension.<sup>28</sup>

R. Jacob demurred: Might it not be argued that he<sup>29</sup> is<sup>30</sup> subject to the same uncleanness as she in this respect: As in her case no distinction is made between her touch and her bed as regards the conveyance of uncleanness to a person and to his clothes, thus adopting the stricter course,<sup>31</sup> so also in his case no distinction should be made between his touch and his bed as regards the conveyance of uncleanness to a person and to his clothes, the lenient course being adopted?<sup>32</sup> — Raba replied:<sup>33</sup> 'Upon him' implies: To put a load upon him.<sup>34</sup>

**SINCE THEY COHABIT WITH MENSTRUANTS, etc.** Do they all<sup>35</sup> cohabit with menstruants? — R. Isaac of Magdala replied: This was learnt about married persons only.

**BECAUSE [THEIR WIVES] CONTINUE [UNCLEAN FOR SEVEN DAYS] ON ACCOUNT OF A DISCHARGE OF ANY BLOOD, etc.** It was taught: R. Meir stated, If they continue [unclean for seven days] on account of a discharge of any blood,<sup>36</sup> is not this<sup>37</sup> rather an important safeguard for them? But the fact is that when they observe a discharge of red blood they treat it as supplementary to a previous discharge of yellow blood.<sup>38</sup> Another explanation: She includes the day on which her discharge ceases<sup>39</sup> in the number of the seven days.<sup>40</sup>

Rami b. Hama demurred: Why indeed should she not count it,<sup>41</sup> and why should not we also count it,<sup>41</sup> seeing that we have an established rule that part of a day is regarded as the whole of it? —

Raba retorted: If so,<sup>42</sup> how could it be possible for an emission of semen to cause the counting<sup>43</sup> after a *Zibah* to be void seeing that a part of the day is to be counted as the whole of it?<sup>44</sup> If one had observed the discharge in the middle of the day the law might indeed be so,<sup>45</sup> but here we might be dealing with one who observed the discharge near sunset?<sup>46</sup> — Could it then definitely be assumed that<sup>47</sup> the Scriptural text was written only [in regard to a discharge] near sunset? — Yes; you must indeed allow the text to be so explained, for it<sup>48</sup> forces this interpretation upon itself.

Rami b. Hama enquired: If a woman<sup>49</sup> ejected some semen;<sup>50</sup> does she cause her counting<sup>51</sup> after a *Zibah* to be void? Is she regarded as one who observed an emission of semen and causes, therefore, the counting<sup>51</sup> to be void

1. Since it is Midras (cf. Prev. n. but two).
2. Lev. XV, 5.

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3. The Heb, yiheyeh tahtaw may be rendered as E.V. 'that was under him' as well as 'under which he (the *Zab*) was'.
4. Lit., 'and what is it'.
5. Cf. Rashal and Rashi. Cur. edd. in parenthesis add: 'And he who carries shall also be unclean; and what is that? What is being carried. What is the reason? It is written: And that which is carried'.
6. By separating the law of touching from that of carrying with the expression of 'shall be unclean'.
7. Carrying which imparts uncleanness to a person as well as to his clothes.
8. But not to a person.
9. Who touches it.
10. That came in direct contact with it.
11. Lev. XV, 10.
12. Since the washing of garments was not mentioned in that part of the verse.
13. Lev. XV, 24.
14. Lit., 'he shall go up at her foot'. sc. if, for instance, on the sixth day of her uncleanness he became unclean through her he should become clean on the following day (which is her seventh day) on which she is released from her uncleanness.
15. And to the clothes he wears.
16. By Hesel (v. [Glos.](#)).
17. Lit., 'if'.
18. Lev, XV, 24.
19. Since it was written, 'and her impurity be upon him' and about her it is written, that one who touches her bed must wash his garments.
20. That of the couch of the menstruant which imparts uncleanness to a person as well as to the clothes he wears.
21. Who touches it.
22. That came in direct contact with it.
23. Lev. XV, 10.
24. Since the washing of garments was not mentioned in that part of the verse.
25. Of the same general rule.
26. Lit., 'yes'.
27. Of generalization followed by a specification.
28. Of the general rule. The rule of generalization and specification does not, therefore, apply here.
29. Who cohabits with a menstruant.
30. Since the man and the woman were compared.
31. Sc. that both the person and his clothes are unclean.
32. Viz., that neither his person nor his clothes contract uncleanness.
33. *Var. lec.* Scripture said.
34. I.e., in his case too the stricter course must be adopted.
35. Sc. married and unmarried men.
36. Whether clean or unclean.
37. The counting of seven days after each discharge whose color differed from the previous one.
38. Cf. relevant n. on our Mishnah.
39. Sc. the third day of three consecutive days (after the termination of her period of menstruation) on each of which she experienced a discharge and in consequence of which, she is a confirmed *Zabah*.
40. While in the case of a *Zabah* the law requires seven full days clear of any discharge whatsoever.
41. As one of the seven clean days.
42. That as regards the counting of the clean days after *Zibah* a part of a day could be regarded as the whole of it.
43. Of any one of the seven days (cf. *supra* 22a).
44. And a part of the day presumably remains after the emission.
45. The remaining part of the day being counted as a full day and the counting of the seven days is in no way interrupted.
46. So that no part of the day remained,
47. Lit., 'and let him arise and say to him to'.
48. In view of the accepted rule that part of a day counts as the whole of it.
49. Who had intercourse during her *Zibah*.
50. While she was counting her clean days after her *Zibah* had terminated.
51. Of the one day on which the ejection occurred.

### Niddah 33b

or is she rather regarded as one who merely touched it and, therefore, she does not cause the counting to be void? —

Raba replied, His error is as deep as his subtlety: Granted that she causes her counting to be void, how many days could be affected? Should it be suggested that the counting of all the seven days should be void [it could be objected]: Is it not enough that she is treated like the man who had the intercourse with her?<sup>1</sup> Should it be suggested that she should cause the counting of one day to be void [it could be retorted:] Did not the All Merciful say, And after that she shall be clean,<sup>2</sup> 'after' means after all of them, implying that no uncleanness<sup>3</sup> may intervene between them? —

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But according to your view, how could a *Zab* himself cause the counting of one day to be void seeing that the All Merciful said, He shall number to himself seven days for his cleansing,<sup>4</sup> which implies that no uncleanness must intervene between them?<sup>5</sup> What then have you to say in reply? That the meaning is that only the uncleanness of *Zibah* must not intervene between them;<sup>6</sup> well, here also it may be explained that the meaning is that only the uncleanness of *Zibah* must not intervene between them.<sup>7</sup>

ON ACCOUNT OF THEIR [UNCLEANNESS]. HOWEVER, NO OBLIGATION IS INCURRED FOR ENTRANCE INTO THE TEMPLE, etc. R. Papa once visited Tuak<sup>8</sup> when he remarked, 'If there lives a scholar in this place I would go and pay him my respects'.<sup>9</sup> 'A scholar lives here', said an old woman to him, 'and his name is R. Samuel and he learns Tannaitic traditions. May it be God's will that you be like him'. 'Since', he thought, 'she blesses me by him I can gather<sup>10</sup> that he is a God<sup>11</sup>-fearing man'. He thereupon visited him when the latter treated him to<sup>12</sup> a bull; and he also treated him to an incongruity<sup>13</sup> between Tannaitic teachings: We have learnt, ON ACCOUNT OF THEIR [UNCLEANNESS]. HOWEVER, NO OBLIGATION IS INCURRED FOR ENTRANCE INTO THE TEMPLE NOR IS *TERUMAH* BURNT ON THEIR ACCOUNT, SINCE THEIR<sup>14</sup> UNCLEANNESS IS ONLY OF A DOUBTFUL NATURE, from which it is evident that *Terumah* is not burnt in a case of doubt. But have we not learnt to the contrary: In six doubtful cases of uncleanness is *Terumah* burnt [and one of them is] the doubtful uncleanness of the clothes of an 'am ha-arez?<sup>15</sup> —

'May it be God's will', exclaimed R. Papa, 'that this bull shall be eaten in peace.'<sup>16</sup> Here<sup>17</sup> we are dealing with the case of a Samaritan who was a haber'.<sup>18</sup> 'But would you presume<sup>19</sup> [the other retorted] that a

Samaritan who is a Haber had intercourse with a menstruant?' When he left him<sup>20</sup> and came to R. Shimi b. Ashi the latter said to him: Why did you not answer him [that our Mishnah<sup>21</sup> deals] with the case of a Samaritan who, having performed ritual immersion, came up and trod upon the clothes<sup>22</sup> of a Haber and the clothes<sup>22</sup> of this Haber then came in contact with *terumah*,<sup>23</sup> so that if [the *Terumah* were to be treated as unclean] on account of the uncleanness of the 'am ha-arez [it could be objected]: He has, surely, performed ritual immersion.<sup>24</sup> And if the uncleanness were to be attributed to his likely intercourse with a menstruant [it could be objected]: It is doubtful whether he had his intercourse recently or some time ago.<sup>25</sup> And even if you were to find some ground for assuming that his intercourse took place recently there is still the doubt whether she had completed her period of cleanness for yellow blood or not.<sup>26</sup> This then is a case of double doubt,<sup>27</sup> and no *Terumah* may be burnt on account of a doubly doubtful uncleanness. But why should not the uncleanness of the *Terumah* be established<sup>28</sup> on account of its contact with the clothes of an 'am ha-arez, a Master having stated: The clothes of an 'am ha-arez are like midras uncleanness<sup>29</sup> to Pharisees?<sup>30</sup> — The other replied: This is a case of a naked Samaritan.

*MISHNAH.* THE DAUGHTERS OF THE SADDUCEES, SO LONG AS THEY ARE IN THE HABIT OF WALKING IN THE PATHS OF THEIR FATHERS, ARE TO BE REGARDED AS SAMARITAN WOMEN. IF THEY LEFT THOSE PATHS<sup>31</sup> TO WALK IN THE PATHS OF ISRAEL, THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN. R. JOSE RULED: THEY ARE ALWAYS REGARDED AS ISRAELITISH WOMEN UNLESS THEY LEAVE THE PATHS OF ISRAEL TO WALK IN THE PATHS OF THEIR FATHERS.

*GEMARA.* The question was raised: What is the law<sup>32</sup> where their attitude is unknown?<sup>33</sup> — Come and hear: THE DAUGHTERS OF THE SADDUCEES, SO LONG AS THEY



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ARE IN THE HABIT OF WALKING IN THE PATHS OF THEIR FATHERS, ARE TO BE REGARDED AS SAMARITAN WOMEN; from which it follows that if their attitude is unknown they are like Israelitish women. Read then the final clause: IF THEY LEFT THESE PATHS TO WALK IN THE PATHS OF ISRAEL, THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN; from which it follows that if their attitude is unknown they are like Samaritan women! But the fact is that no inference may be drawn from this [Mishnah].

Come and hear what we have learnt: R. JOSE RULED, THEY ARE ALWAYS REGARDED AS ISRAELITISH WOMEN UNLESS THEY LEAVE THE PATHS OF ISRAEL TO WALK IN THE PATHS OF THEIR FATHERS. Thus it follows that the first Tanna<sup>34</sup> holds that when their attitude is unknown they are to be regarded as Samaritan women. This is conclusive.

Our Rabbis taught: It once happened that a Sadducee was conversing with a High Priest in the market place when some spittle was squirted from his mouth and fell on the clothes of the High Priest. The face of the High Priest<sup>35</sup> turned yellow and he hurried to his<sup>36</sup> wife<sup>37</sup> who assured him that although they were wives of Sadducees they paid homage to the Pharisees and showed their blood to the Sages.<sup>38</sup> R. Jose observed: We<sup>39</sup> know them better than anybody else [and can testify] that they show their menstrual blood to the Sages. There was only one exception, a woman who lived in our neighborhood who did not show her blood to the Sages but she died. But why was he<sup>40</sup> not concerned about the uncleanness<sup>41</sup> that is occasioned by the spittle of an 'am ha-arez?<sup>42</sup> —

Abaye replied: This was a case of a Sadducee who was a haber.<sup>43</sup> Said Raba: Is a Sadducee who is a Haber presumed<sup>44</sup> to have intercourse with a menstruant? Rather, said Raba:

1. If a man who was a *Zab* emitted semen on one of the seven clean days following a *Zibah* he loses that day only.
2. Lev, XV, 28.
3. Even that of one day.
4. Lev. XV, 13.
5. The seven days. How then is he allowed to interrupt his seven days by the exclusion of the day on which he emitted semen?
6. Sc. if there was such an intervention, all the days counted are void and another seven days must be counted.
7. The uncleanness of an emission of semen, however, is not regarded as an intervention.
8. Near Naresh, the home of R. Papa not far from Sura, v. Obermeyer. p. 208.
9. Lit., 'I will receive his countenance'.
10. Lit., 'infer from it'.
11. Lit., 'heaven'.
12. Lit., 'cast down for him', sc. had it slaughtered to prepare a feast in his honor.
13. Lit., 'cast for him', (cf. prev. n.).
14. So our Mishnah. The reading here is 'her'.
15. That came in contact with the *Terumah*; Toh. IV, 5. As a Samaritan is presumably in the same category why is the *Terumah* spoken of in our Mishnah not to be burnt?
16. Sc. that the feast shall not be disturbed by his inability to reconcile the apparent contradiction.
17. In our Mishnah.
18. Whose clothes could not be suspected of any uncleanness.
19. Lit., 'make'.
20. Rashi: He left his host because he embarrassed him.
21. According to which *Terumah* is not burnt on account of its contact with a couch that was underneath a Samaritan.
22. Sc. the bed clothes, a couch.
23. The *Terumah* thus coming in contact with midras uncleanness.
24. Whereby his uncleanness came to an end.
25. In the latter case his uncleanness may have terminated before he performed the immersion and he is now clean.
26. It is quite possible that she counted her clean days after a discharge of unclean blood.
27. Lit., 'a doubt of a doubt',
28. Lit., 'and let it go out for him'.
29. As midras conveys uncleanness to man and clothes so do the clothes of an 'am ha-arez.
30. Who were meticulous in the observance of the laws of cleanness, Hag. 18b.
31. Lit., 'they separated'.
32. According to the first Tanna who ruled: IF THEY ARE IN THE HABIT OF WALKING IN THE PATHS OF THEIR FATHERS THEY ARE TO BE REGARDED AS

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SAMARITAN WOMEN and IF THEY LEFT THESE PATHS for THE PATHS OF ISRAEL THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN.

33. Are they then regarded as Samaritan, or as Israelitish women?
34. Who obviously differs from R. Jose.
35. Who was afraid that the Sadducee may have been unclean owing to intercourse with his menstruant wife and that his spittle consequently conveyed uncleanness to the clothes on which it fell.
36. The Sadducee's.
37. To ascertain whether she observed the laws of menstruation and knew the distinction between clean and unclean blood.
38. Who gave their decisions in accordance with the rulings of the Pharisees.
39. Who live in their neighborhood.
40. The High Priest.
41. Lit., 'and let it go out to him'.
42. Even if he is not suspected of intercourse with a menstruant.
43. V. [Glos.](#)
44. Lit., 'you make',

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The incident occurred during a festival and the uncleanness of an 'am ha-arez<sup>1</sup> during a festival the Rabbis treated as clean; for it is written, So all the men of Israel were gathered again against the city, knit together<sup>2</sup> as one man,<sup>3</sup> the text thus treated them all<sup>4</sup> as haberim.<sup>5</sup>

**MISHNAH.** THE BLOOD<sup>6</sup> OF AN IDOLATRESS AND THE CLEAN BLOOD<sup>7</sup> OF A LEPROUS WOMAN, BETH SHAMMAI DECLARE CLEAN<sup>8</sup> AND BETH HILLEL HOLD THAT IT IS LIKE HER SPITTLE OR HER URINE,<sup>9</sup> THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT<sup>10</sup> UNDERGO RITUAL IMMERSION, BETH SHAMMAI RULED, IS LIKE HER SPITTLE OR HER URINE,<sup>9</sup> BUT BETH HILLEL RULED: IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY, THEY<sup>11</sup> AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN ZIBAH, IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY.

**GEMARA.** But do not Beth Shammai uphold the tradition: Speak unto the children of Israel, and say unto them, when any man hath an issue,<sup>12</sup> only the children of Israel convey uncleanness by *Zibah* and idolaters do not convey uncleanness by *Zibah*, but a preventive measure has been enacted against them that they should be regarded as *Zabim* in all respects?<sup>13</sup> —

Beth Shammai can answer you:<sup>14</sup> How should it act? If it were to convey uncleanness both when wet and when dry, you would treat it as a Pentateuchal uncleanness.<sup>15</sup> If it were to convey uncleanness only when wet and not when dry, you might also make the same distinction in a Pentateuchal uncleanness.<sup>16</sup> If so, should not the same provision<sup>17</sup> be made in the case of her spittle and her urine also?<sup>18</sup> — Since a distinguishing rule has been laid down in regard to her blood<sup>19</sup> it is sufficiently known that her spittle and her urine are only Rabbinically unclean. And why should no distinguishing rule be laid down in respect of her spittle or her urine while her blood should be ruled to be unclean? —

Concerning her spittle and her urine, since they are frequently discharged, the Rabbis have enacted a preventive measure, but concerning her blood which is not frequently discharged the Rabbis have enacted no preventive measure.

Raba ruled: His<sup>20</sup> discharge' in *Zibah* is unclean<sup>21</sup> even according to Beth Shammai<sup>22</sup> and his discharge of semen is clean even according to Beth Hillel.<sup>23</sup> 'His discharge in *Zibah* is unclean even according to Beth Shammai' since a distinguishing rule<sup>24</sup> can be made in connection with the discharge of his semen. 'His discharge of semen is clean even according to Beth Hillel', since the Rabbis have enacted a distinguishing rule<sup>24</sup> in order that *Terumah* or other holy things shall not be burnt on its account.<sup>25</sup> But why should not the distinguishing rule be enacted in regard

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to his discharge in *Zibah* while his discharge of semen should be declared unclean? —

Concerning his discharge in *Zibah* which is not dependent on an act of his the Rabbis have enacted a preventive measure, but concerning a discharge of his semen which does depend on an act of his<sup>26</sup> the Rabbis enacted no preventive measure.

May it be suggested that the following provides support to his<sup>27</sup> ruling: If an idolatress discharged the semen of an Israelite, it is unclean; but if the daughter of an Israelite discharged the semen of an idolater, it is clean.<sup>28</sup> Now does not this mean that it is completely clean?<sup>29</sup> — No; clean Pentateuchally but unclean Rabbinically.

Come and hear: It thus follows<sup>30</sup> that the semen of an Israelite is unclean everywhere,

1. Who was no Sadducee and whose wife as a rule properly observed the laws of menstruation.
2. Haberim, plural of Haber.
3. Judges XX, 11.
4. When assembled together. as is also the case on a festival.
5. Cf. prev. n. but two. Haberim meticulously observe all the laws of uncleanness.
6. Cf. Lev. XV, 19 and 25.
7. The blood of purification (Lev. XII, 5).
8. This is discussed in the Gemara *infra*.
9. Which conveys uncleanness when wet but not when dry.
10. Seven days after the birth of a male child or fourteen days after that of a female child (cf. Lev. XII, 2, 5).
11. Beth Shammai.
12. Lev, XV, 2.
13. Shab. 83a; how then could Beth Shammai in our Mishnah declare their blood clean?
14. So Maharsha and old edd. Cur. edd. insert in parenthesis 'that was stated about males, for if about females'.
15. And this might lead to the erroneous assumption that it also causes the burning of *Terumah* and other sacred things.
16. That of an Israelite woman. By ruling that it is clean such erroneous conclusions are avoided.
17. To regard it as clean.

18. Since otherwise the same erroneous conclusion might be drawn.
19. By imposing upon it an uncleanness that is less restrictive than that of Pentateuchal uncleanness.
20. An idolater's.
21. Conveying it by contact.
22. Who in our Mishnah relax the law in regard to an idolatrous woman.
23. Cf. prev. n. mut. mut.
24. Whereby it is indicated that the uncleanness of an idolater is merely Rabbinical.
25. In the absence of the distinction it might have been presumed that the uncleanness is Pentateuchal and that, therefore, even *Terumah* and other holy things must be burnt if they came in contact with it.
26. Sexual excitement.
27. Raba's.
28. Mik. VIII, 4.
29. In agreement with Raba.
30. Lit., 'you are found saying'.

## Niddah 34b

even in the bowels of an idolatress,<sup>1</sup> while that of an idolater is clean everywhere, even in the bowels of an Israelitish woman, with the exception of any urine of hers that is mixed up with it.<sup>2</sup> And should you argue that here also it is only Pentateuchally clean but unclean Rabbinically, [it could be retorted:] Does then her urine convey uncleanness Pentateuchally?<sup>3</sup> Consequently it may be inferred that it<sup>4</sup> is clean even Rabbinically. This is conclusive.

The Master said, 'The semen of an Israelite is unclean everywhere, even in the bowels of an idolatress'. May you not thereby solve a question of R. Papa; for R. Papa enquired. 'What is the law regarding the semen of an Israelite in the bowels of an idolatress?' [Concerning a discharge] within three days<sup>5</sup> R. Papa raised no questions. His enquiry related only to one after three days.<sup>6</sup> What, he asked, is the law? Is it only in the case of Israelites, who are anxious to observe the commandments, that their bodies engender heat and the semen decomposes<sup>7</sup> but in the case of idolaters, who are not anxious to observe the commandments, their bodies

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engender no heat and their [semen] therefore does not decompose, or is it possible that on account of their consumption of forbidden animals and reptiles their bodies also engender heat and their semen also decomposes? — This remains undecided.

**THE CLEAN BLOOD OF A LEPROUS WOMAN, BETH SHAMMAI, etc.** What is Beth Hillel's reason? — R. Isaac replied: 'Whether it be a man'<sup>8</sup> includes<sup>9</sup> a male leper as regards his sources;<sup>10</sup> 'or a woman'<sup>8</sup> includes<sup>9</sup> a female leper as regards her sources. Now what could be meant by 'her sources'? If it be suggested: Her other sources<sup>11</sup> [the objection could be made that the uncleanness of these] could be inferred from that of the male.<sup>12</sup> The reference consequently must be to [the uncleanness of] her blood,<sup>13</sup> to declare her 'CLEAN BLOOD' unclean. And Beth Shammai?<sup>14</sup> —

[The uncleanness of] a female could not be deduced from that of a male, for it can be objected: The position of the male is different<sup>15</sup> since he is also required<sup>16</sup> to uncover his head and to rend his clothes<sup>17</sup> and he is also forbidden cohabitation; [how then could his uncleanness] be compared to that of a female<sup>18</sup> who is not [subject to his restrictions]?<sup>19</sup> And Beth Hillel?<sup>20</sup> —

The All Merciful could have written down the restrictions in regard to the female and there would have been no need to repeat them in regard to the male; for it could have been argued: If in the case of a female,<sup>18</sup> who is not required to uncover her head or to rend her clothes and who is not forbidden cohabitation either, the All Merciful included her sources<sup>21</sup> how much more then should this be the rule<sup>18</sup> in the case of the male.<sup>22</sup> Now since the text serves no purpose in regard to the male,<sup>23</sup> apply it to the female; and since it can serve no purpose as far as her other sources<sup>24</sup> are concerned,<sup>25</sup> apply it to her blood, to declare her 'CLEAN BLOOD' unclean. And Beth Shammai?<sup>26</sup> —

The uncleanness of a male cannot be deduced from that of a female, for it can be objected: The position of a female is different,<sup>27</sup> since she becomes unclean<sup>28</sup> even as a result of a mishap; [how then could her uncleanness] be compared to that of a male who is not [subject to such a restriction]? And Beth Hillel?<sup>26</sup> — The subject dealt with is the position of<sup>29</sup> the leper, how can they raise an objection against it from that of the *zab*?<sup>30</sup> And Beth Shammai?<sup>26</sup> —

They raise objections from any form of uncleanness. And if you prefer I might reply that Beth Shammai can answer you: The expression<sup>30</sup> 'whether it be a man'<sup>31</sup> is required for the following exposition: 'Whether it be a man' whosoever is a man irrespective of whether he is of age or only a minor.<sup>32</sup> And Beth Hillel?<sup>33</sup> — They derive this ruling from 'This is the law of him that hath an issue'<sup>34</sup> which implies, whether he be of age or a minor.

R. Joseph stated: When R. Simeon b. Lakish discoursed on the *Zab* he raised the following question.<sup>35</sup> Does the first observation<sup>36</sup> of a *Zab* who was a minor convey uncleanness by contact? The All Merciful having said, This is the law of him that hath an issue and of him from whom the flow of seed goeth out,<sup>37</sup> therefore only if his 'flow of seed' causes uncleanness does his first observation also cause uncleanness, but the minor,<sup>38</sup> since his 'flow of seed' conveys no uncleanness, his first observation also conveys no uncleanness; or is it possible that it is unclean, since if he observed two discharges the two are combined?<sup>39</sup> —

Raba replied, Come and hear: This is the law of him that have an issue,<sup>37</sup> implies, whether he is of age or a minor; as in the case of an adult a first observation conveys uncleanness so also in that of a minor a first observation conveys uncleanness.

R. Joseph enquired: Does the blood of a first observation of a leper convey uncleanness by

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contact? Is the place of the *Zibah* a source and, therefore, conveys uncleanness,<sup>40</sup> or is it possible that it is no source and, therefore, conveys no uncleanness?<sup>41</sup> —

Raba replied, Come and hear: His issue is unclean,<sup>42</sup> this teaches concerning an issue of a *Zab* that it is unclean.<sup>43</sup> Now of what kind of person has this been said? If it be suggested: Of one who is only a *zab*<sup>44</sup>

1. If she discharged it on a garment.
2. As the idolater's semen is here ruled to be clean everywhere, support is adduced for Raba's ruling.
3. Of course not. Its uncleanness is only Rabbinical.
4. An idolater's semen.
5. After intercourse.
6. Which in the case of an Israelitish woman is clean.
7. After three days, and in consequence of this it is regarded as clean.
8. Lev. XV, 33.
9. Since the expression is not required for its context that previously in the same verse dealt in general terms 'of him that have an issue'.
10. His mouth, for instance. Sc. not only is his body a primary uncleanness but, as the *Zab* of which the text explicitly speaks, his spittle also is a primary uncleanness and may, therefore, impart uncleanness of the first degree to man and articles.
11. Those that do not discharge blood but spittle or urine.
12. As these sources of the male are unclean, so are the similar sources of the female.
13. Which does not apply to the male.
14. How can they maintain their ruling in view of this argument?
15. From that of a female.
16. When leprous.
17. Cf. Lev. XIII, 45.
18. When leprous.
19. Cf. Ker. 8b.
20. V. p. 237. n. 10.
21. As regards uncleanness,
22. Who is subject to these restrictions.
23. Whose case, as has just been shown, could well have been deduced from that of the female.
24. Those that do not discharge blood but spittle or urine.
25. These having been deduced *supra* from 'or a woman',

26. How can they maintain their ruling in view of this argument?
27. From that of a male.
28. In the case of *Zibah*.
29. Lit., 'stand at',
30. Lit., 'that'.
31. Lev. XV, 33.
32. In either case is he subject to the uncleanness of *Zibah*. Now since the text is required for this exposition it cannot also serve the purpose for which Beth Hillel seek to employ it.
33. Having used the text for their ruling in our Mishnah whence do they derive this ruling?
34. Lev. XV, 32.
35. Lit., 'enquired thus'.
36. Of a discharge.
37. Lev. XV, 32.
38. Lit., that'.
39. Constituting him a confirmed *Zab* in respect of the uncleanness of seven days, as an adult *Zab*.
40. As the other sources of a leper.
41. Except by contact.
42. Lev. XV, 2, referring (since the root meaning 'issue' is repeated) to a second discharge.
43. And conveys it not only by contact but also by carriage (cf. *infra* 55a).
44. But no leper.

## Niddah 35a

[the difficulty would arise:] If it<sup>1</sup> causes the uncleanness of others,<sup>2</sup> is it not obvious that it causes that of the man himself?<sup>3</sup> It is consequently obvious that this has been said of a *Zab* who is a leper.<sup>4</sup> And since a Scriptural text was required to include him in the category of uncleanness after a second observation,<sup>5</sup> it may be inferred that the place of the *Zibah* is no source.<sup>6</sup>

Said Rab Judah of Diskarta<sup>7</sup> to Raba: What is the proof?<sup>8</sup> Is it not still possible to maintain that the text deals with one who is only a *zab*?<sup>9</sup> and as to your objection 'If it causes the uncleanness of others, is it not obvious that it causes that of the man himself?' [It can be retorted:] The case of the scapegoat<sup>10</sup> proves [the invalidity of your argument], for it causes uncleanness to others<sup>11</sup> while it is itself clean.<sup>12</sup>

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Abaye observed: Why did he<sup>13</sup> at all raise such a question, seeing that he himself stated, 'This is the law of him that hath an issue,<sup>14</sup> implies, whether he is of age or a minor', and since this law<sup>15</sup> has been deduced by him from that text,<sup>14</sup> the expression of 'whether it be a man'<sup>16</sup> remains free for the purpose of including a leper in regard to his source and 'or a woman' serves to include a female leper in regard to her sources; and the All Merciful has compared<sup>17</sup> the leper to the confirmed *zab*:<sup>18</sup> As the confirmed *Zab* conveys uncleanness through carriage so does the first discharge of a leper convey uncleanness by carriage.

R. Huna ruled: The first observed discharge of a *Zab* conveys uncleanness<sup>19</sup> even in the case of a mishap; for it is said, This is the law of him that hath an issue, and of him from whom the flow of seed goeth out,<sup>14</sup> as 'the flow of seed' conveys uncleanness even in the case of a mishap so does the first observed discharge of a *Zab* convey uncleanness even in the case of a mishap.

Come and hear: If he observed a first discharge, he must be examined.<sup>20</sup> Is not this done to determine his<sup>21</sup> uncleanness?<sup>22</sup> — No; in regard to a sacrifice.<sup>23</sup>

Come and hear: At the second observation of a discharge he must be examined.<sup>20</sup> Now for what purpose? If it be suggested: For that of a sacrifice but not for that of uncleanness<sup>24</sup> [it could be retorted:] Apply here the Scriptural text 'out of his flesh'.<sup>25</sup> which implies, but not as a result of a mishap.<sup>26</sup> Consequently it must be for the purpose of uncleanness. And since the final clause refers to an examination in regard to uncleanness must not the first clause also refer to one for uncleanness?<sup>27</sup> — What an argument! Each might refer to an examination for different purposes.<sup>28</sup>

Come and hear: R. Eliezer ruled: Even at the third observation he must be examined on account of the sacrifice.' From which it follows, does it not, that the first Tanna

requires it<sup>29</sup> on account of the uncleanness?<sup>22</sup> — No; all may require it<sup>29</sup> on account of the sacrifice, but here they<sup>30</sup> differ on the exposition of the *eth*<sup>31</sup> particles. The Rabbis base no exposition on the *eth* particles and R. Eliezer does. 'The Rabbis base no exposition on the *eth* particles': 'He that hath an issue'<sup>32</sup> represents one discharge, 'his issue'<sup>33</sup> represents a second one; so far 'for the man';<sup>34</sup> while at the third discharge the All Merciful compared him to the woman.<sup>35</sup> 'And R. Eliezer does': 'He that hath an issue'<sup>36</sup> represents one discharge, '*eth*'<sup>37</sup> represents a second one, 'his issue'<sup>38</sup> represents a third one, while at the fourth discharge the All Merciful compared him to the woman.<sup>39</sup>

Come and hear: R. Isaac said, A *Zab*, surely, was included in the same law of uncleanness as one who emitted semen,<sup>40</sup> why then was he excluded?<sup>41</sup> In order to relax the law for him in one respect and to restrict it for him in another respect. 'To relax the law for him' in that he does not become unclean in case of a mishap; and to restrict it for him'

1. The issue of a *Zab*.
2. Anything that the *Zab* carries is unclean.
3. What need then is there to mention the obvious?
4. To whom, being unclean on account of his leprosy, the inference a *minori ad majus* cannot be applied.
5. Thus implying that a first issue is clean.
6. And, therefore, causes no uncleanness by carriage. Had it been a source the first discharge would have been unclean and there would have been no need to include in the uncleanness a second one.
7. [Deskarah, sixteen parasangs N.E. of Bagdad. v. Obermeyer. p. 146].
8. Lit., 'from what'.
9. While the discharge of a leper requires no Scriptural text to tell of its uncleanness since even a first one is unclean by reason of its issue from a leper's source.
10. Cf. Lev, XVI, 5ff.
11. The man who carries it to Azazel (cf. Lev. XVI, 8, 26).
12. As any other live beast.
13. R. Joseph.
14. Lev. XV, 32.
15. The uncleanness of a minor.

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## Niddah 35b

16. Lev. XV, 33, from which it was deduced *supra* that the first discharge of a minor is unclean.
17. By including the expression of 'whether it be a man' (applied to the leper) in the text dealing with the *Zab*.
18. One who observed two discharges (for the proof cf. Rashi).
19. Of a light nature: Only by contact and for the duration of one day; and only when it was followed by a second discharge does the person become a confirmed *Zab* in respect of the counting of the seven days of uncleanness.
20. *Zabim* II, 2.
21. Lit., 'what, not to'.
22. By ascertaining whether the discharge was or was not due to a mishap. In the former case it would be deemed clean. An objection against R. Huna.
23. Which must be brought after three observed discharges. In case of a mishap the discharge is not reckoned as one of the three.
24. Sc. the major uncleanness.
25. Lev. XV, 2, dealing with one who observed two discharges.
26. How then could it be held that no examination is required for this purpose?
27. Cf. *supra* n. 3,
28. Lit., 'that as it is and that as it is'. sc. while the latter examination serves the purposes of ascertaining the person's subjection to uncleanness, the former (as stated *supra*) may serve that of ascertaining whether he is liable to a sacrifice.
29. The examination.
30. R. Eliezer and the first Tanna.
31. Grammatically the sign of the defined accusative.
32. Lev. XV. 33. V. following n.
33. Ibid. E.V.. Of them that have an issue,
34. Ibid. (E.V.. whether it be a man). Sc. in the case of a mishap it is not subject to uncleanness.
35. Ibid. (E.V. or a woman). Sc. even in the case of a mishap it is subject to uncleanness (cf. *infra* 36b) and also the obligation of a sacrifice.
36. Lev. XV, 33. V. *infra* n. 3.
37. Grammatically the sign of the defined accusative.
38. Ibid. E.V.. Of them that have an issue.
39. Cf. prev. nn. In this case, however, the comparison is restricted to the case of a mishap. viz., if such a discharge occurred after some of the seven days have been counted all the counting is void. Uncleanness sets in after two discharges while a sacrifice is incurred after the third discharge.
40. As will he shown *infra*.
41. In being given a special section to himself.

in that he causes a couch and a seat to be unclean.<sup>1</sup> Now when [does this ruling apply]? If it be suggested: When a second discharge was observed [the objection would arise]: How could he then be included in 'the same law of uncleanness as one who emitted semen'? It is consequently obvious [that is was meant to apply] when a first discharge was observed;<sup>2</sup> and yet it was stated, was it not, 'To relax the law for him in that he does not become unclean in case of a mishap'?<sup>3</sup> —

But how do you understand this: 'To restrict it for him in that he causes a couch and a seat to be unclean'; is he capable<sup>4</sup> after a first observation to cause a couch and a seat to be unclean? But the fact is that it is this that was meant: 'R. Isaac said, A *Zab* after his first observation was surely included in the same law of uncleanness as one who emitted semen, why then was he in the case of a second observation excluded? In order to relax the law for him in one respect and to restrict it for him in another respect. "To relax the law for him" in that he does not become unclean in case of a mishap; "and to restrict it for him" in that he causes a couch and a bed to be unclean'.<sup>5</sup>

R. Huna stated: The discharge of a *Zab* resembles the dough water of barley. The discharge of the *Zab* issues from dead flesh while semen issues from live flesh. The former is watery and resembles the white of a crushed egg while the latter is viscous and resembles the white of a sound egg.

THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT UNDERGO RITUAL IMMERSION, etc. It was taught: Beth Hillel said to Beth Shammai, Do you not agree that if a menstruant who did not undergo ritual Immersion observed some blood she is unclean?<sup>6</sup> Said Beth Shammai to them: [This is] no [comparison]. If you apply this law<sup>7</sup> to a menstruant who, even after she had undergone immersion, is unclean if she

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observed a discharge, would you also apply it to a woman after childbirth who, if she had undergone immersion and then observed a discharge, is clean? The former retorted: The case of one who gave birth during *Zibah* proves our case; for if such a woman had undergone ritual immersion<sup>8</sup> and observed a discharge after the counted days she is clean<sup>9</sup> while if she did not undergo immersion and observed a discharge she is unclean. The latter replied: The same law<sup>10</sup> applies,<sup>11</sup> and this is our reply. This then implies that they<sup>12</sup> are in disagreement.<sup>13</sup>

But have we not learnt: **THEY<sup>12</sup> AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN *ZIBAH*, IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY?** — This is no difficulty, since the latter<sup>14</sup> refers to one who already counted the prescribed days while the former<sup>15</sup> refers to one who did not count them.<sup>16</sup> And so it was also taught: If a woman who gave birth during *Zibah* had counted the prescribed number of clean days but did not undergo ritual immersion and then observed a discharge. Beth Shammai gave their ruling<sup>17</sup> in accordance with their own view<sup>18</sup> and Beth Hillel ruled in accordance with their own view.<sup>19</sup>

It was stated: Rab said, [the blood discharge<sup>20</sup> emanates<sup>21</sup> from] one and the same source; but it is the Torah that declared it unclean during one period<sup>22</sup> and clean during another.<sup>23</sup> Levi, however, said, It emanates from two different sources. When the unclean one is closed<sup>24</sup> the clean one opens, and when the clean one closes,<sup>25</sup> the unclean one opens. What is the practical difference between them?<sup>26</sup> — The practical difference between them is the case of a continuous discharge from within the seven days into the period following these seven days, or from within the fourteen days into the period after the fourteenth, or from within the forty days to the period after the forty days or from within the eighty days into the period following eighty days. According

to Rab the law is to be relaxed in the first case<sup>27</sup> and restricted in the latter;<sup>28</sup> but according to Levi the law is to be restricted in the first case<sup>29</sup> and relaxed in the latter.<sup>30</sup>

An objection was raised: **THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT UNDERGO RITUAL IMMERSION, BETH SHAMMAI RULED, IS LIKE HER SPITTLE AND HER URINE, BUT BETH HILLEL RULED: IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY,** It was now presumed that this is a case where<sup>31</sup> there was a break.<sup>32</sup> This then is satisfactory according to Rab who said that the discharge emanates from one and the same source,<sup>33</sup> for this reason it conveys uncleanness both when wet and dry.<sup>34</sup> But according to Levi who said that it emanated from two different sources why<sup>35</sup> should it convey uncleanness both when wet and when dry? — Levi can answer you: We are here dealing with the case of a woman whose discharge was continuous.<sup>36</sup> But if the discharge was continuous, what is Beth Shammai's reason? —

Beth Shammai are of the opinion that there exists only once source. According to Levi<sup>37</sup> one can quite well see the point that divides Beth Shammai from Beth Hillel;<sup>38</sup> but, according to Rab,<sup>39</sup> what<sup>40</sup> is the point that divides them?<sup>41</sup> — The point that divides them in the question whether<sup>42</sup> both the termination of the prescribed number of days and also ritual immersion are required; Beth Shammai holding that the All Merciful made the cleanness dependent on the days alone while Beth Hillel hold that<sup>43</sup> it is dependent on both the days and immersion.<sup>44</sup>

Come and hear: **THEY AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN *ZIBAH*, IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY.** It was now assumed that here also<sup>45</sup> it is a case where there was a break.<sup>46</sup> Now, according to Rab who stated that there exists only one source one can quite well see



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the reason why the discharge conveys UNCLEANNESS BOTH WHEN WET AND WHEN DRY;<sup>47</sup> but according to Levi who stated that the sources are two why does the discharge<sup>48</sup> CONVEY UNCLEANNESS BOTH WHEN WET AND WHEN DRY?<sup>49</sup> — He can answer you: Here also it is a case of a continuous discharge. But if the discharge was continuous, what was the need of stating the law?<sup>50</sup> —

It was necessary to state it for the sake of Beth Shammai: Although Beth Shammai maintain that there is only one source and that the All Merciful had ordained the uncleanness to be dependent entirely on the lapse of the prescribed number of days,<sup>51</sup> this applies only to a woman in normal<sup>52</sup> childbirth, the prescribed number of whose unclean days had passed,<sup>53</sup> but not to a woman who gave birth in *Zibah* who is required also to count seven clean days.<sup>54</sup>

Come and hear: Her sickness shall be unclean<sup>55</sup> includes<sup>56</sup> the man who had intercourse with her;<sup>57</sup> 'her sickness shall be unclean'<sup>55</sup> includes<sup>58</sup> the nights;<sup>59</sup> 'her sickness shall she be unclean'<sup>60</sup> includes<sup>58</sup> a woman who gave birth while in *Zibah* who remains in her uncleanness<sup>61</sup> until seven clean days have passed.<sup>62</sup> This<sup>63</sup> is quite intelligible according to Rab who said that there exists only one source, since it is for this reason that she<sup>64</sup> requires seven clean days,<sup>65</sup>

1. As a 'father of uncleanness'.
2. When (cf. *supra* 34b ad fin.) he may well be compared to one who emitted semen.
3. An objection against R. Huna.
4. Lit., 'a son of'.
5. As a 'father of uncleanness'.
6. If they do in this case, why do they differ in that of a WOMAN AFTER CHILDBIRTH?
7. Of uncleanness.
8. After counting the seven clean days in addition to the unclean days of childbirth.
9. Because it is clean blood.
10. That is applicable to a woman after childbirth in the absence of *Zibah*.
11. To a childbirth in *Zibah*: sc. the latter also is clean, if the discharge occurred after the unclean days of childbirth and the seven clean

days after *Zibah* had been counted, though she had undergone no immersion.

12. Beth Shammai and Beth Hillel.
13. On the uncleanness of one who was in childbirth during *Zibah*.
14. The Baraita.
15. Our Mishnah.
16. Sc. the discharge occurred before the lapse of seven clean days after the *Zibah*. As she is then still a *Zibah* her discharge (unlike that of a woman in childbirth in the absence of *Zibah* that is unclean only when wet) is unclean whether wet or dry.
17. Lit., 'went'.
18. Expressed in the case of a childbirth that was free from *Zibah*, viz., that even prior to immersion the discharge is clean if the prescribed number of clean days had been duly counted.
19. That cleanness cannot be attained unless there was immersion as well as the due counting of the clean days.
20. After childbirth.
21. During the prescribed unclean and clean days.
22. For seven days after the birth of a male child and for fourteen days after the birth of a female child.
23. For thirty-three days after the seven in the case of the birth of a male and for sixty-six days after the fourteen in the case of the birth of a female.
24. At the end of seven and the fourteen days respectively (cf. prev. n. but one).
25. At the termination (cf. prev. n. but one) of the forty and the eighty days respectively.
26. Rab and Levi.
27. From within the seven and the fourteen days to the respective periods following them. Though the discharge was continuous it becomes clean, in accordance with the ordinance of the Torah, after the seventh and the fourteenth day respectively.
28. From within the forty and the eighty days to the respective periods following them. Cf. prev. n. mut. mut.
29. Cf. prev. n. but one. Since the discharge was continuous it must be assumed that the unclean source had not yet closed.
30. Cf. prev. n. mut. mut.
31. At the termination of the unclean days.
32. In the continuity of the discharge.
33. And that it is only an ordinance of the Torah that brings about the distinction.
34. As the woman had not yet undergone ritual immersion the source must remain unclean and the discharge continues to convey uncleanness whether it is wet or dry.
35. Since at the termination of the unclean days the clean source opens.

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36. Sc. there was no break in it when the unclean period had ended, which is an indication that the unclean source had not yet been closed.
37. Who stated that according to Beth Hillel there are two different sources.
38. According to the latter, since the sources are two, and since the unclean one had not yet closed, the discharge must be unclean; while according to the former, since there is only one source and the Torah ordained that after the unclean days prescribed it becomes clean, the discharge must be clean.
39. Who stated that there is only one source.
40. If Beth Hillel uphold this view.
41. Beth Shammai from Beth Hillel, seeing that both agree that there is only one source for the clean and the unclean blood.
42. To enable the woman to attain cleanness.
43. Irrespective of whether the discharge was continuous or ceased for a time at the termination of the unclean days.
44. One without the other does not suffice for the attainment of cleanness.
45. Where, as was explained *supra*, the days prescribed for a childbirth had passed but the seven clean days that are to follow *Zibah* had not yet been counted.
46. In the continuity of the discharge, at the conclusion of the unclean period.
47. The reason being that the Torah ordained the blood to be regarded as unclean until the seven clean days that must follow *Zibah* had passed.
48. Which after the unclean period emanates from the clean source.
49. Sc. while, by reason of its emanating from the source of a *Zab*, it is rightly unclean when wet, why should it also be unclean when dry?
50. That it CONVEYS UNCLEANNES BOTH, etc.
51. Sc. that the discharge after these unclean days have passed becomes naturally clean.
52. Lit., 'alone'.
53. Lit., 'completed'.
54. After the *Zibah*. So long as she had not counted these days she remains subject to the uncleanness of *Zibah*.
55. Lev. XII, 2.
56. Since otherwise the text is superfluous after the previous statement 'then she shall be unclean seven days as in the days of impurity' (*ibid.*).
57. Sc. that he becomes as unclean as she.
58. V. p. 246. n. 12.
59. I.e., that the uncleanness is not restricted to the days, though 'days' only were spoken of in the context.
60. Lev. XII, 2.
61. After all discharge had ceased.

62. *Infra* 37b.

63. The last mentioned ruling.

64. To attain cleanness.

65. The discharge emanating from the same source as the unclean blood, the Torah (by its insertion of the superfluous text mentioned) ordained that cleanness cannot be attained before the woman had counted seven clean days.

## Niddah 36a

but according to Levi, who said that the sources were two, why should it be necessary to count seven days, seeing that the slightest [break]<sup>1</sup> should suffice?<sup>2</sup> — It is this that was meant: It is necessary for her that<sup>3</sup> there shall be a slight [break]<sup>4</sup> in order that [the following days] shall be counted as her seven clean ones.

Come and hear: The days of her pregnancy supplement those of her nursing,<sup>5</sup> and the days of her nursing supplement those of her pregnancy. In what manner? If there was a break of two 'Onahs during her pregnancy and of one during her nursing, or of two during her nursing and of one during her pregnancy, or of one and a half during her pregnancy and of one and a half during her nursing, they are all combined into a series of three 'onahs.<sup>6</sup> Now according to Rab who said that there was only one source this ruling is quite justified, for it is for this reason<sup>7</sup> that there must be a break of three 'onahs,<sup>8</sup> but according to Levi who said that there were two sources why<sup>2</sup> should a break of three 'Onahs be required, seeing that the slightest [break] should suffice?<sup>10</sup> — It is this that was meant: It is necessary for her that there shall be a slight [break] in order that [the following days] shall be counted for her<sup>11</sup> as three 'Onahs.

Come and hear: Both,<sup>12</sup> however, are of the same opinion that where a woman observed a discharge after her clean blood period<sup>13</sup> it suffices for her to reckon her uncleanness from the time of her observation. Now according to Levi who said that there exist

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two sources one may well concede this ruling since it is for this reason<sup>14</sup> that<sup>15</sup> it suffices for her to reckon her uncleanness from the time of her observation,<sup>16</sup> but according to Rab who said that there existed only one source, why should it suffice for her to reckon her uncleanness from the time of her observation seeing that<sup>17</sup> she should have become unclean for twenty-four hours retrospectively? — This is a case where there was not time enough.<sup>18</sup> But why should she not be unclean from her previous examination to her last examination?<sup>19</sup> — As there was no interval of twenty-four hours<sup>20</sup> the Rabbis enacted no preventive measure even in regard to uncleanness from the previous examination to the last examination.

Come and hear: If a woman who was in childbirth during *Zibah* had counted the prescribed number of clean days but did not undergo ritual immersion, and then observed a discharge, Beth Shammai gave their ruling in accordance with their own view and Beth Hillel ruled in accordance with their own view.<sup>21</sup> Now according to Rab who said that there was only one source this ruling is quite justified, since it is for this reason<sup>22</sup> that<sup>23</sup> the discharge causes uncleanness both when wet and when dry; but according to Levi who said that there were two sources, why<sup>24</sup> does the discharge cause uncleanness both when wet and when dry? —

Levi can answer you: I maintain the same view as the Tanna who stated that 'both, however, are of the same opinion'.<sup>25</sup> And if you prefer I might reply that here we are dealing with one whose discharge is continuous. But was it not stated that she had counted?<sup>26</sup> — Here we are dealing with one who gave birth to a female child while in *Zibah* and whose discharge ceased during the first week<sup>27</sup> but continued again<sup>28</sup> in the second week,<sup>27</sup> he being of the opinion that the unclean days of childbirth in which no discharge is observed are counted among the clean days of one's *zibah*.<sup>29</sup>

Rabina said to R. Ashi: R. Shamen of Sikara<sup>30</sup> told us, 'Mar Zutra once visited our place when he delivered a discourse In which he laid down: The law is to be restricted in agreement with Rab<sup>31</sup> and it is also to be restricted in agreement with Levi'.<sup>32</sup> R. Ashi stated: The law is in agreement with Rab both in his relaxations<sup>33</sup> and his restrictions.<sup>34</sup> Meremar in his discourse laid down: The law is in agreement with Rab both in his relaxations<sup>33</sup> and restrictions.<sup>31</sup> And the law is in agreement with Rab both in his relaxations<sup>33</sup> and restrictions.<sup>31</sup>

1. At the termination of the unclean period.
2. For the closing up of the unclean source. As all the blood that is discharged subsequently emanates from the clean source it should suffice for the woman to wait after the unclean period no more than seven days and attain cleanness at their termination, irrespective of whether she observed any discharge during these days or not.
3. At the termination of the unclean period.
4. An indication that the unclean source had been closed.
5. As regards the establishment of a regular period.
6. *Supra* 10b q.v. notes.
7. That there is only one source.
8. In the absence of such a break the discharge cannot be regarded as having ceased.
9. Since the blood after the unclean period emanates from the clean source, while the unclean one is closed.
10. Cf. *supra* p. 247. n. 11 mut. mut.
11. Even if she observed a discharge.
12. Shammai and Hillel who differ on the question of twenty-four hours retrospective uncleanness.
13. This is now presumed to mean even if a considerable time after, on the eighty-third or ninetieth day after child-birth, for instance.
14. That there exist two sources.
15. The blood from the unclean source having ceased for many days.
16. Which (cf. prev. n.) is rightly regarded as a first discharge after many days from the unclean source. A first discharge in the case of a nursing-woman, as in that of another three categories of woman, does not cause any retrospective uncleanness.
17. Since that source has also been discharging during the clean period and the present discharge cannot be regarded as a first one.

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18. Sc. less than a twenty-four hours interval has elapsed between the end of the clean period and the observation of the discharge. Hence even if the blood discharged had been in the outer chamber twenty-four hours previously the woman (since her blood at that time was still clean) could not be deemed unclean.
19. If, for instance, on examining herself in the morning she observed a discharge, her uncleanness should be retrospective and all objects she handled during the night should be regarded as unclean. The previous answer that 'there was not time enough' cannot be given here, since in such a case there would have been no necessity whatsoever to state, what is so obvious, that in such a case it suffices to reckon the uncleanness from the time of observation.
20. Cf. prev. n. but one.
21. That before ritual immersion the discharge is unclean both when wet and when dry.
22. That there existed only one source.
23. In the absence of ritual immersion.
24. Seeing that the required number of days had been counted and the unclean source must have been stopped.
25. That if there was a discharge after the termination of the clean blood period, even though (as explained *supra*) more than twenty-four hours intervened, it suffices for the woman to be unclean from the time she observed a discharge; which shows that he also holds that there exist two sources.
26. It does. Now, if the flow of blood had not ceased, how could she even begin to count?
27. Of the two unclean weeks prescribed for a woman after the birth of a female.
28. Lit., 'did not cease', 'break off'.
29. Hence the statement that 'she had counted'. As in the second week, however, the discharge began again and continued into the third week, it conveys uncleanness, according to Beth Hillel, both when wet and when dry, since it emanates from an unclean source which the Torah did not regard as clean before the prescribed number of days had been counted and immersion had been performed.
30. On the Tigris near Mahoza.
31. That if the discharge was continuous from within the clean period into the unclean one following, it conveys uncleanness as if it had emanated from an unclean source.
32. That where a discharge continued from within the clean days period into the clean one that follows, it is not regarded as clean blood since the continuous discharge is an indication that the unclean source had not yet closed up.

33. That where the discharge continued from within the unclean period into the clean one following, it is regarded as clean after the last unclean day, despite its continuity.
34. This is explained in the Gemara *infra*.

## Niddah 36b

**MISHNAH.** A WOMAN IN PROTRACTED LABOUR IS REGARDED AS A MENSTRUANT. IF HAVING BEEN IN LABOUR<sup>1</sup> FOR THREE DAYS OF THE ELEVEN DAYS,<sup>2</sup> SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS AND THEN GAVE BIRTH, SHE IS REGARDED AS HAVING GIVEN BIRTH IN A ZIBAH;<sup>3</sup> SO R. ELIEZER. R. JOSHUA RULED: THE RELIEF FROM PAIN<sup>4</sup> MUST HAVE CONTINUED FOR A NIGHT AND A DAY,<sup>5</sup> AS THE NIGHT AND THE DAY OF THE SABBATH.<sup>6</sup> THE RELIEF [SPOKEN OF IS ONE] FROM PAIN, NOT FROM BLEEDING.<sup>7</sup> HOW LONG MAY PROTRACTED LABOUR CONTINUE?<sup>8</sup> R. MEIR RULED: 'EVEN FORTY OR FIFTY DAYS.'<sup>9</sup> R. JUDAH RULED: HER [NINTH] MONTH SUFFICES FOR HER.<sup>10</sup> R. JOSE AND R. SIMEON RULED: PROTRACTED LABOUR CANNOT CONTINUE<sup>8</sup> FOR MORE THAN TWO WEEKS.

**GEMARA.** Is then<sup>11</sup> every woman IN PROTRACTED LABOUR REGARDED AS A MENSTRUANT?<sup>12</sup> — Rab replied: She<sup>13</sup> is deemed to be a menstruant for one day.<sup>14</sup> Samuel, however, ruled: The possibility must be taken into consideration<sup>15</sup> that she might be relieved from her pain,<sup>16</sup> while R. Isaac ruled: A discharge on the part of a woman in labour<sup>17</sup> is of no consequence.<sup>18</sup> But was it not stated, A WOMAN IN PROTRACTED LABOUR IS REGARDED AS A MENSTRUANT? —

Raba replied: During the days of her menstruation<sup>19</sup> SHE<sup>20</sup> IS DEEMED TO BE A MENSTRUANT,<sup>21</sup> but during the days of *zibah*<sup>22</sup> she is clean. And so it was also taught: If a woman is in protracted labor during the days of her menstruation<sup>19</sup> she is deemed to be a menstruant,<sup>20</sup> but if this occurred during

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the days of her *zibah*<sup>22</sup> she is clean. In what circumstances? If she was in labor for one day and had relief from pains for two days, or if she was in labor for two days and had relief from pain for one day,<sup>23</sup> or if she was relieved from pains and then was again in labor and then was again relieved from pain,<sup>23</sup> such a woman is regarded as having given birth in *Zibah*; but if she was relieved from pain for one day and then was in labor for two days, or if she was relieved for two days and then was in labor for one day, or if she was in labor and then was relieved and then was again in labor, such a woman is not regarded as having given birth in *Zibah*; the general rule being that where the pains of labor immediately precede<sup>24</sup> birth the woman is not regarded as having given birth in *Zibah*, but if release from pain immediately precedes<sup>24</sup> birth the woman<sup>25</sup> must be regarded as having given birth in *zibah*.<sup>26</sup> Hananiah the son of R. Joshua's brother ruled: Provided her pains of labor were experienced<sup>27</sup> on her third day,<sup>28</sup> even though she had relief during the rest of that day, she<sup>29</sup> is not regarded as having given birth in *Zibah*. What does the expression 'The general rule' include? — It includes the ruling of Hananiah.

Whence is this<sup>30</sup> deduced? — Our<sup>31</sup> Rabbis taught: Her blood<sup>32</sup> refers to blood that is normally discharged,<sup>33</sup> but not to such as is due to childbirth.<sup>34</sup> You say. '[Not to such as is] due to childbirth'; is it not possible that only that blood is excluded<sup>35</sup> which is due to an accident?<sup>34</sup> As it was said, And if a woman have an issue of her blood,<sup>36</sup> a discharge that is due to an accident is included;<sup>37</sup> to what then could one apply the limitation of 'her blood'?<sup>36</sup> Obviously to this: "Her blood" refers to blood that is normally discharged but not to such as is due to childbirth'. But<sup>38</sup> what reason do you see for holding the blood of childbirth clean and that which is due to an accident unclean? I hold that which is due to childbirth clean since it is followed by cleanness,<sup>39</sup> but hold that which is due to an accident unclean since it is not followed by

cleanness. On the contrary! That which is due to an accident should be held clean since a discharge from a *Zab* that is due to an accident is clean? —

Now at all events we are dealing with the case of a woman, and we do not find that in the case of a woman blood due to an accident is ever clean. And if you prefer I might reply: What opinion do you hold? Is it to regard a discharge that is due to an accident clean and one that is due to childbirth unclean? Surely you cannot point to any occurrence that is more in the nature of an accident<sup>40</sup> than this.<sup>41</sup> If so,<sup>42</sup> why should it not be said in the case of a menstruant also: Her issue<sup>43</sup> refers to an issue that is normally discharged but not to such as is due to childbirth?<sup>44</sup> You say, '[not to such as is due to] childbirth'; is it not possible that only that blood is excluded<sup>34</sup> which is due to an accident?<sup>34</sup> As it was said, And if a woman have an issue,<sup>43</sup> a discharge that is due to an accident is included;<sup>45</sup> to what then could one apply the limitation of 'her issue'?<sup>46</sup> Obviously to this: 'Her issue' refers to an issue that is normally discharged but not to such as is due to childbirth!<sup>47</sup> —

Resh Lakish answered: Scripture said, She shall continue<sup>48</sup> which implies:<sup>49</sup> You have another continuation which is of the same nature as this one;<sup>50</sup> and which is it?<sup>51</sup> It is that of protracted labor during the days of her *Zibah*. Might it not be suggested that this refers to protracted labor during the days of her menstruation? — Rather, said Samuel's father, Scripture said, Then she shall be unclean two weeks, as in her menstruation,<sup>49</sup> [implying] but not 'as in her *Zibah*', from which it may be inferred that her *Zibah* is clean; and which is it?<sup>51</sup> It is that of protracted labor during the days of her *Zibah*. Now, however, that it is written, Then she shall be unclean two weeks as in her menstruation,<sup>52</sup> what need was there for the expression of 'her blood'?<sup>53</sup> — If not for the expression 'her blood' it might have been presumed that the deduction 'as in her menstruation'<sup>52</sup> and not 'as in her *Zibah*'

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implies that the discharge is clean even where the woman was relieved from pain,<sup>54</sup> hence we were informed<sup>55</sup> [that the discharge is clean only where it is due to childbirth].<sup>56</sup>

Shila b. Abina gave a practical decision in agreement with the view of Rab.<sup>57</sup> When Rab's soul was about to depart to its eternal rest he<sup>58</sup> said to R. Assi, 'Go and restrain him,<sup>59</sup> and if he does not listen to you try to convince him'.<sup>60</sup> The other thought that he was told, 'put him under the ban'.<sup>61</sup> After Rab's soul came to its eternal rest he<sup>62</sup> said to him,<sup>63</sup> 'Retract, for Rab has retracted'. 'If', the other retorted, 'he had retracted he would have told me so'.<sup>64</sup> As he<sup>65</sup> did not listen to him' the latter put him under the ban. 'Is not the Master', the other<sup>66</sup> asked him, 'afraid of the fire?'<sup>65</sup> 'I', the former replied, 'am Issi b. Judah<sup>66</sup> who is Issi b. Gur-aryeh<sup>67</sup> who is Issi b. Gamaliel who is Issi b. Mahalalel, a brazen mortar<sup>68</sup> over which rust has no power'. 'And I', the other retorted, 'am Shila b. Abina, an iron pestle that breaks the brazen mortar Thereupon R. Assi fell ill and they had to put him in hot [blankets] to relieve him from chills and in cold [compresses] to relieve him from heat,<sup>69</sup> and his soul departed to its eternal rest.

1. And bleeding.
2. That intervene between the menstrual periods and during which a discharge of blood is ordinarily attributed to *Zibah*.
3. As the pains ceased before birth it is evident that the previous discharge (cf. prev. n. but one) was not due to the labor but to *Zibah*. Had the pains continued until birth all the previous bleeding would have been attributed to that of the labor which is Pentateuchally clean.
4. As result of which the bleeding must be regarded as *Zibah* and is not to be attributed to the labor.
5. Not merely for twenty-four hours that began and ended at any time of the day or the night.
6. Which begins at sunset of Friday and terminates at that of Saturday.
7. I.e., even if she was bleeding, the relief from pain alone suffices to subject her to the uncleanness of *Zibah*.
8. In respect of exempting the woman from *Zibah* (cf. *supra* p. 250. n. 8) even if she bled.

9. Prior to childbirth; provided only that there was no period of relief from pain (as defined *supra*) before birth.
10. Sc. only blood discharged during that month may be attributed to labor. Should the discharge begin during the 'eleven days' of the previous month and continue for three days she is deemed a *Zabah* (on account of the discharge on these three days) even though the bleeding continued throughout the ninth month also.
11. Since our Mishnah seems to lay down a general rule.
12. But this, surely, is absurd. During the eleven days of *Zibah* the woman could not be regarded as a MENSTRUANT but as a *Zabah*.
13. Even if the discharge in the course of her labor occurred during the eleven days of *Zibah*.
14. And on undergoing immersion in the evening she attains to cleanness. A woman who was not in labor, if she had such a discharge, must allow another day (free from any discharge) to pass before she can attain to cleanness.
15. In accordance with Rabbinic law, though Pentateuchally this is not necessary.
16. Before childbirth. As a result it would be evident that the discharge was one of *Zibah* and the man cohabiting with the woman would be subject to *Kareth* in Pentateuchal law. The woman, like any other who observed a discharge during the eleven days of *Zibah*, must consequently remain unclean until another day, that was free from any further discharge, had passed.
17. Even during the 'eleven days' of *Zibah*.
18. Sc. it is regarded as the blood of labor and the woman is deemed to be clean even on the same day.
19. Sc. the period during which a discharge is deemed to be menstrual.
20. Though in labor.
21. The reason is given *infra*.
22. Cf. prev. n. but one mut. mut.
23. While still bleeding.
24. Lit., 'near'.
25. Where her discharge continued for three days.
26. The release from pain serving as proof that the previous discharge was not due to childbirth but to *Zibah*.
27. Even if only for a short while.
28. Ordinarily it is the discharge on the third day that causes a woman to be a confirmed or major *Zabah*. A discharge on not more than one or two days only causes her to be a minor *Zabah*.

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29. Since on the third day her relief did not extend over the whole night and the whole day.
30. That the blood of labor is clean.
31. Lit., 'for our'.
32. Lev. XV, 25.
33. Lit., 'on account of herself'.
34. The latter being clean.
35. Lit., 'or it is not but'.
36. Lev. XV, 25.
37. Since the text draws no distinctions.
38. Seeing that the text does not specifically mention either the blood of childbirth or that which is due to an accident.
39. The period of unclean blood after a childbirth (seven days for a male and fourteen days for a female) is followed by one of clean blood (thirty-three days for a male and sixty-six days for a female).
40. Sc. that is not dependent on the woman's will.
41. If then blood that is due to an accident (cf. prev. n.) is clean that which is due to childbirth must equally be clean.
42. If the deduction just discussed is tenable.
43. Lev. XV, 19. in the section dealing with a menstruant.
44. But if that exposition is upheld how could it be said *supra* that blood of labor discharged during the menstrual period is unclean?
45. Since the text draws no distinctions.
46. Lev. XV, 19, in the section dealing with a menstruant.
47. V. p. 253. n. 11.
48. Lev. XII, 4, referring to clean blood.
49. Since the expression could well have been omitted without destroying the general meaning of the text.
50. Sc. in both cases the discharge is clean.
51. I.e., how could *Zibah* be clean?
52. Lev. XII, 5. E.V., 'as in her impurity'.
53. From which the same deductions, that a discharge of blood that was due to childbirth is clean, was made *supra*.
54. Before the birth of the child.
55. By the additional expression of 'her blood'.
56. Relief from pain is an indication that the previous discharge was not due to childbirth and is therefore, unclean.
57. That a woman who was in labor during the eleven days of *Zibah* and discharged some blood is unclean for that day (v. *supra*).
58. Having changed his former view.
59. From acting in the same manner.
60. Garyeh, lit., 'attract him'.
61. Gadyeh, lit., 'cut him off'.
62. R. Assi.
63. Shila.
64. He was a disciple of Rab.

65. Sc. that he would suffer for his high handed action.
66. [He probably meant that his name Assi bore resemblance to that of Assi b. Judah who bore a variety of names, v. Pes., Sonc. ed., p. 585. n. 6.].
67. Lit., 'lion's whelp' (cf. Gen. XLIX. 9).
68. Assitha, play upon 'Assi' or 'Issi'.
69. Aliter: They got him hot to relieve him from chills; they got him cold to relieve him from fever (Jast.).

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Shila proceeded to his wife and said to her, 'prepare for me my shroud in order that he have no opportunity of going to Rab and saying things about me'. She prepared his shroud for him; and when the soul of Shila came to its eternal rest people saw a myrtle<sup>1</sup> flying from the one bier to the other. 'We may conclude', they said, 'that the Rabbis have been reconciled.'

Raba enquired: Does labour<sup>2</sup> render all previous counting in *zibah*<sup>3</sup> void? Does any discharge that causes uncleanness render all previous counting void and, therefore, this also [does it, since] it causes uncleanness like the days of menstruation; or is it possible that only that which<sup>4</sup> causes the uncleanness of *Zibah* that renders all the previous counting void, and this, therefore, [does not do it, since] it is no cause of such uncleanness? —

Abaye replied: A *Zibah* that is due to an accident provides the answer,<sup>5</sup> for this is no cause of the uncleanness of *zibah*<sup>6</sup> and yet renders all previous counting void.<sup>7</sup> The other retorted: Indeed, this<sup>8</sup> also is a cause of the uncleanness of *Zibah*, for we have learnt: If he observed a first discharge he must be examined, if he observed a second discharge he must be examined, but if he observed a third he need not be examined.<sup>9</sup> But according to R. Eliezer who ruled, 'Even after a third discharge he must be examined'<sup>10</sup> would you also maintain that, since it is no cause of the uncleanness of *Zibah*, it does not render the previous

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counting void? — The other replied: According to R. Eliezer the law is so indeed.

Come and hear: R. Eliezer ruled, Even after a third discharge he must be examined, but after a fourth one he need not be examined.<sup>11</sup> Does not this refer to the rendering of previous counting void?<sup>12</sup> — No, to the imposition on that drop of an uncleanness that may be conveyed through carriage.

Come and hear: After a third discharge. R. Eliezer ruled, he must be examined; after a fourth one he need not be examined; and it is in regard to a sacrifice that I said this<sup>13</sup> but not in regard to the rendering void of all previous counting.<sup>14</sup> But the fact is that<sup>15</sup> according to R. Eliezer you may well solve from here that even that which causes no uncleanness of *Zibah* renders all previous counting void. What, however, [it is asked], is the solution of the problem according to the Rabbis? —

Come and hear what the father of R. Abin learnt: 'What had his *Zibah* caused him? Seven days.<sup>16</sup> Hence it renders void the counting of seven days. What had his emission of semen caused him? The [uncleanness of] one day. Hence it renders void the counting of one day'. Now what is meant by 'seven days'? If it be suggested that it causes him to be unclean for seven days, [the objection would arise that] in that case it should have been said: As on account of his *Zibah* he is unclean for seven days. Consequently<sup>17</sup> it follows, that only that which causes the uncleanness of *Zibah* renders void the counting of the seven days, but that which does not cause the uncleanness of *Zibah* does not render void all previous counting. This is conclusive. Abaye stated: We have an accepted tradition that labor does not render void all previous counting in *Zibah*; and should you find a Tanna who said that it did render the counting void, that must be R. Eliezer.<sup>18</sup>

It was taught: R. Marinus ruled, A birth does not render void the previous counting after a *zibah*.<sup>19</sup> The question was raised: Is it included in the counting?<sup>20</sup> — Abaye replied: It neither renders void the days that were previously counted<sup>21</sup> nor is it counted in the prescribed days.<sup>21</sup> Raba replied: It does not render void the days counted and it is counted among the prescribed days.<sup>22</sup> Whence, said Raba, do I derive this? From what was taught: And after that she shall be clean,<sup>23</sup> 'after' means after all of them, implying that no uncleanness may intervene between them.<sup>24</sup> Now if you agree that [these days]<sup>25</sup> are included one can well see the justification for saying that no uncleanness may intervene between them, but if you contend that these days<sup>25</sup> are not included the birth, surely, would cause a break between them. And Abaye?<sup>26</sup> —

He can answer you: The meaning is that the uncleanness of *Zibah* shall not intervene between them.<sup>27</sup> Whence, said Raba, do I derive this? From what was taught: Of her issue,<sup>28</sup> 'of her issue' implies but not of her leprosy,<sup>28</sup> 'of her issue' but not of her childbirth.<sup>29</sup> And Abaye?<sup>30</sup> — He can answer you: Deduce once 'Of her issue<sup>31</sup> but not of her leprosy' and do not deduce again, 'but not of her childbirth'. And Raba?<sup>32</sup> — What an argument is this!<sup>33</sup> If you agree that 'of her issue<sup>31</sup> implies 'but not of her childbirth' one can well justify the text; for since it was required for the deduction about childbirth, leprosy also was mentioned on account of childbirth; but if you contend that 'of her issue' implies only 'but not of her leprosy', [the objection would arise] that this could be deduced from And when he that hath an issue is cleansed of his issue,<sup>34</sup> which implies 'of his issue' and not of his leprosy. And Abaye?<sup>30</sup> — One<sup>35</sup> refers to a *Zab* and the other to a *Zabah*, both being necessary. For if the All Merciful had only written

1. It was customary to lay a myrtle on a bier (Rashi).
2. That was accompanied by bleeding.



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3. The prescribed seven days.
4. By appearing on three days.
5. Lit., proves'.
6. As was stated *supra*.
7. V. *infra*.
8. *Zibah* that is due to an accident.
9. *Zabim* II, 2. Thus it is shown that a third discharge, even if it was due to an accident, provided the first two discharges were not due to such a cause, renders a person a confirmed or major *Zab*.
10. *Zabim* l.c., which proves that *Zibah* that is due to an accident never causes a person to be a confirmed *Zab*.
11. Cf. *supra* 35a, Naz. 65b.
12. An objection against Raba, who laid down that that which is no cause of the uncleanness of *Zibah* does not render void the previous counting.
13. That an examination is necessary.
14. The counting being always void and is in no way dependent on an examination. Now does not this then prove that even that which causes no uncleanness of *Zibah* renders the counting void?
15. Contrary to what has been explained before.
16. This is explained presently.
17. Since the expression used was 'caused'.
18. Who holds that *Zibah* due to an accident, though it causes no *Zibah* uncleanness, renders void all previous counting.
19. If the counting was interrupted by a birth it may be continued after the birth had taken place.
20. Sc. if the birth took place during the seven days following a *Zibah*, and the days following it were free from all discharge, are these days counted as clean ones and make up the required number of seven?
21. The counting must be resumed after the clean days of birth have passed.
22. If the days after birth were free from all discharge.
23. Lev. XV. 28.
24. *Supra* 33b.
25. That follow a birth.
26. How in view of this argument can he maintain his view?
27. That of childbirth does not matter.
28. Sc. as soon as she counted the days prescribed for *Zibah* (cf. Lev. XV, 28) she brings the required sacrifice, and attains cleanness from *Zibah* irrespective of whether she was or was not still afflicted with leprosy.
29. As soon as she is free from her *Zibah* she begins to count the seven days and need not wait until the unclean days of childbirth had passed. It is thus obvious that a birth during the days of *Zibah* does not render void the

previous counting and that the days following birth are included in the counting.

30. How in view of this argument can he maintain his view?
31. Lev. XV, 28.
32. How can he make two deductions from the same expression?
33. Lit., that, what'.
34. Lev. XV, 13.
35. Of the two texts cited.

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of a *Zab* it might have been presumed to apply to him only, since he does not become unclean through a discharge that is due to an accident, but not to a *Zabah* who becomes unclean even through a discharge that is due to an accident. Hence the necessity for the text about the *Zabah*. And if the All Merciful had written only of a *Zabah*, it might have been presumed to apply only to her, since she does not become unclean through observations [on less than three days] as on [three] days,<sup>1</sup> but not to a *Zab* who becomes unclean through [three] observations<sup>2</sup> as [through observations on three] days.<sup>3</sup> Hence both texts were required.

Said Abaye: Whence do I derive this?<sup>4</sup> From what was taught: Her sickness shall she be unclean,<sup>5</sup> includes the man who had intercourse with her; 'her sickness shall she be unclean' includes the nights;<sup>6</sup> 'her sickness shall she be unclean' includes a woman who gave birth in *Zibah* who is required to continue in her uncleanness until seven clean days have passed. Now does not this mean: Clean from the uncleanness of birth?<sup>7</sup> — No, clean from that of blood.<sup>8</sup>

Abaye further stated, Whence do I derive this?<sup>9</sup> From what was taught: As are the days of her menstruation so are the days of her bearing. As the days of her menstruation are not suitable [for counting as the days] after her *zibah*<sup>10</sup> and they cannot be included in the counting of the prescribed seven days, so also the days following her bearing which<sup>11</sup> are not suitable [for counting as the days]

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after her *Zibah* may not<sup>12</sup> be included in the counting of the seven prescribed days. And Raba? — This is in agreement with<sup>13</sup> R. Eliezer who ruled: It<sup>14</sup> also renders void all previous counting.<sup>15</sup> But may an inference be drawn from the impossible<sup>16</sup> for the possible?<sup>17</sup> R. Ahadboy b. Ammi replied: This is the view of R. Eliezer who holds that the possible may be inferred from the impossible.<sup>18</sup> R. Shesheth, however, replied: Scripture has perforce compared them<sup>19</sup> to one another.<sup>20</sup>

There are some who say: R. Ahadboy b. Ammi citing R. Shesheth replied. This represents the view of R. Eliezer who holds that the possible may be deduced from the impossible; but R. Papa replied: Scripture has perforce compared them to one another.

**IF HAVING BEEN IN LABOUR FOR THREE DAYS, etc.** The question was raised: What is the ruling where she was relieved from both?<sup>21</sup> — R. Hisda replied: She is unclean.<sup>22</sup> R. Hanina replied: She is clean.<sup>23</sup> R. Hanina explained: This may be compared to a king who, when going on a tour, is preceded<sup>24</sup> by his troops and it is known that they are the king's troops.<sup>25</sup> But R. Hisda, said: [Immediately before his arrival] he would require even more troops.<sup>26</sup>

**We learnt: R. JOSHUA RULED, THE RELIEF FROM PAIN MUST HAVE CONTINUED FOR A NIGHT AND A DAY. AS THE NIGHT AND THE DAY OF THE SABBATH. THE RELIEF [SPOKEN OF IS ONE] FROM PAIN, NOT FROM BLEEDING.** The reason then<sup>27</sup> is because [she had relief] FROM PAIN and NOT FROM BLEEDING, but if she had relief from both<sup>21</sup> she is clean. Does not this present an objection against R. Hisda? —

R. Hisda can answer you: There was no need to state that, if she had relief from both, she is unclean, since [metaphorically] the troops completely disappeared; but even where she had relief from pain and not from bleeding

where it might have been presumed that as she had not ceased to bleed she has not ceased to labor either and that it was merely stupor that seized her. Hence we were informed [that even in this case she is unclean].

**We learnt: IF HAVING BEEN IN LABOUR FOR THREE DAYS OF THE ELEVEN DAYS, SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS AND THEN GAVE BIRTH. SHE IS REGARDED AS HAVING GIVEN BIRTH IN ZIBAH.** Now, how are we to imagine the circumstances? If it be suggested: As it was stated,<sup>28</sup> [the objection would arise:] What need was there to mention THREE seeing that it suffices<sup>29</sup> if the labor lasted two days and the relief<sup>30</sup> one day? Consequently it must be this that was meant: **IF HAVING BEEN IN LABOUR FOR THREE DAYS** she was relieved from both,<sup>31</sup> or if having been in labor for two days, **SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS, SHE IS REGARDED AS HAVING GIVEN BIRTH IN ZIBAH**, and this presents, does it not, an objection against R. Hanina?—

R. Hanina can answer you: No; the circumstances may in fact be as stated,<sup>32</sup> but it is this that we were informed, that although the labor continued<sup>33</sup> [for a part only] of the third day and she was relieved from her pains for twenty-four hours<sup>34</sup> she is nevertheless unclean, contrary to the view<sup>35</sup> of R. Hanina.<sup>36</sup>

**HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED, etc.** Now since protracted labor may continue for FIFTY DAYS is there any necessity to mention FORTY? — R. Hisda replied: This is no difficulty, the one<sup>37</sup> referring to an ailing woman and the other<sup>38</sup> to a woman in good health.

R. Levi ruled: [The birth of] a child is a cause of the cleanness of those days only in which a

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woman may normally become a *zabah*,<sup>39</sup> but Rab ruled: Even in the days that are suitable for the counting prescribed for a *zabah*.<sup>40</sup> Said R. Adda b. Ahabah: And according to Rab's view<sup>41</sup>

1. Only a discharge that made its appearance on three successive days causes her uncleanness.
2. Even on the same day.
3. Cf. B.K. 24a.
4. His ruling *supra* 37a.
5. Lev. XII, 2.
6. Though the text speaks only of days.
7. Sc. that no birth must intervene; from which it follows that if it did intervene the days following it may not be included in the prescribed seven days.
8. Only those days on which a discharge occurred may not be included in the counting, but where the birth was free from bleeding the days following it may well be included.
9. His ruling *supra* 37a.
10. Since the *Zibah* period follows that of menstruation and not vice versa, while a subsequent menstruation period cannot begin before seven clean days have passed after the *Zibah* had ceased.
11. Like those of menstruation.
12. If birth took place during the counting.
13. Lit., 'this whose'.
14. Childbirth.
15. From which it is self-evident that the days following it cannot be included in the counting of the seven days. According to the Rabbis, however, whose view Raba follows, birth does not render void all previous counting and the days following, it may well be included in the prescribed seven days.
16. Menstruation during *Zibah*.
17. Birth, which may well occur during a *Zibah* period.
18. Cf. Men. 82b.
19. Birth and menstruation.
20. Only a *Gezarah shawah* (v. [Glos.](#)) may be questioned, but not a comparison made in the Biblical text itself (*Hekkesch*) despite any argument that might be raised against it.
21. Pain and bleeding.
22. Since at any rate she had relief from pain it is obvious that the previous bleeding was not due to childbirth.
23. The relief from both is an indication that the bleeding also was due to childbirth. Only where the bleeding continued and the pain ceased is it manifest that the former was not due to the labor.
24. By a day or two.
25. Similarly the pains and bleeding that precede childbirth must be ascribed to it despite the interval (cf. prev. n.) between them.
26. As the bleeding ceased it must be obvious that the childbirth had no connection with it.
27. Why the woman is unclean.
28. LABOUR FOR THREE DAYS, relief FOR TWENTY-FOUR HOURS, and bleeding all the time.
29. For the woman to be unclean.
30. From pain but not from bleeding.
31. Pain and bleeding.
32. LABOUR FOR THREE DAYS, relief FOR TWENTY-FOUR HOURS, and bleeding all the time.
33. Cf. Rasha. Cur. edd. 'began'.
34. And not for a full night and a full day.
35. Lit., 'to take out'.
36. Sc. Hananiah the son of the brother of R. Joshua who stated (*supra* 36b), 'Provided her pains of labor were experienced on her third day ... she is not regarded as having given birth in *Zibah*'.
37. Lit., 'here', the number fifty.
38. Forty.
39. I.e., the eleven days between the menstruation periods. If a birth, however, takes place after these 'days the woman becomes unclean as a menstruant (as stated *supra*).
40. Sc. if labor began during the eleven days of *Zibah* not only are these days clean but also the seven days that follow them. Only when the bleeding continued beyond these seven days does the woman become unclean as a menstruant.
41. That even the days following the *Zibah* period are clean if the labor began during the *Zibah* days.

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even the days that are suitable for counting after the previous counting had been rendered void<sup>1</sup> are also clean.<sup>2</sup>

We have learnt: HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED: EVEN FORTY OR FIFTY DAYS. Now this might quite possibly happen according to Rab on R. Adda b. Ahabah's interpretation,<sup>3</sup> but according to Levi<sup>4</sup> does not this present a difficulty?<sup>5</sup> — Levi can answer you: Was it stated that she was clean throughout all these days?<sup>6</sup> [No; if the birth occurs] in the days of menstruation<sup>2</sup> she is

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regarded as a menstruant and only when it occurs in the days of her *zibah*<sup>2</sup> is she clean.<sup>8</sup>

Another reading. R. Levi ruled: [The birth of] a child is a cause of cleanness<sup>9</sup> in those days only in which a woman may normally become a major *zabah*.<sup>10</sup> What is the reason? It is written in Scripture,<sup>11</sup> Her blood many days.<sup>12</sup> Abba Saul in the name of Rab<sup>13</sup> ruled: Even in the days in which she may normally become a minor *Zabah*. What is the reason? Days<sup>14</sup> and All the days<sup>14</sup> are written in the context.<sup>15</sup>

We have learnt: HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED: EVEN FORTY OR FIFTY DAYS. Does not this present a difficulty against both of them?<sup>16</sup> — Was it stated that she was clean throughout all of them?<sup>17</sup> [No;] if she was in labor during the days of her menstruation she is regarded a menstruant and only where this occurred during the days of her *zibah*<sup>18</sup> is she clean.

It was taught: R. Meir used to say. A woman may sometimes bleed<sup>19</sup> for a hundred and fifty days<sup>20</sup> without becoming a major *zabah*.<sup>21</sup> How? The two days<sup>22</sup> preceding the period of her menstruation,<sup>23</sup> the seven days of menstruation, two days after menstruation,<sup>24</sup> fifty days<sup>25</sup> which childbirth causes to be clean, eighty days<sup>26</sup> prescribed for a female birth,<sup>27</sup> seven days of menstruation<sup>28</sup> and the two days<sup>29</sup> after the menstruation.<sup>30</sup> If so,<sup>31</sup> they<sup>32</sup> said to him, might not a woman bleed all the days of her life and no major *Zibah* would occur in them?<sup>33</sup> — He replied: 'What is it that you have in mind? Is it the possibility of frequent abortions? The law of protracted labour<sup>34</sup> does not apply to abortions'.<sup>35</sup>

Our Rabbis taught: A woman may sometimes<sup>36</sup> observe a discharge on a hundred days and yet no major *Zibah* would result from it. How? The two days<sup>37</sup> prior to the time of menstruation,<sup>38</sup> the seven days of menstruation, two days after menstruation,<sup>39</sup>

eighty days following the birth of a female child,<sup>40</sup> seven days of menstruation and the two days<sup>39</sup> after menstruation. What new law does this<sup>41</sup> teach us? — That the law differs<sup>42</sup> from him who ruled that it was impossible for the uterus to open without some bleeding, [since thereby]<sup>43</sup> we were informed that it is possible for the uterus to open without previous bleeding.<sup>44</sup>

R. JUDAH RULED: ... SUFFICES FOR HER, etc. It was taught: R. Judah citing R. Tarfon ruled, Her [ninth] month suffices for her<sup>45</sup> and in this there is one aspect of a relaxation of the law<sup>46</sup> and one of restriction.<sup>47</sup> How? If she was in labor for two days at the end of the eighth month and for one day at the beginning of the ninth month, even though she gave birth to the child at the beginning of the ninth month, she is regarded as having born it in *zibah*;<sup>48</sup> but if she was in labor for one day at the end of the eighth month and for two days at the beginning of the ninth, even though she bore the child at the end of the ninth month,<sup>49</sup> she is not regarded as having given birth in *zibah*.<sup>50</sup>

Said R. Adda b. Ahabah: From this<sup>51</sup> it may be inferred that R. Judah holds that it is the *shofar*<sup>52</sup> that is the cause.<sup>53</sup> But could this<sup>54</sup> be right,<sup>55</sup> seeing that Samuel stated: A woman can conceive and bear only on the two hundred and seventy-first day<sup>56</sup> or on the two hundred and seventy-second day<sup>57</sup> or on the two hundred and seventy-third day?<sup>57</sup> He<sup>58</sup> follows the view of the pious men of old; for it was taught: The pious men of old performed their marital duty on a Wednesday only, in order that their wives<sup>59</sup> should not be led to<sup>60</sup>

1. I.e., forever, since any seven days following a discharge that occurred within any seven days counted after a previous discharge are suitable for counting.
2. Once labor began within the eleven days of *Zibah* all subsequent days are clean unless the woman was relieved from her pain for the

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- prescribed period, prior to the birth of the child.
3. Since the counting of the days may sometimes continue for a very long time (cf. prev. n. but one).
  4. Who restricts the labor and birth to the eleven days of *Zibah*.
  5. Sc. how is it possible for a woman to be clean when labor is protracted for forty or fifty days?
  6. The forty or fifty days.
  7. After the protracted labor.
  8. The purport of R. Meir's ruling being that there is no obligation to bring a sacrifice or to count the prescribed number of clean days even though labor continued for forty or fifty days; but the woman remains clean only where the birth occurred in the days of *Zibah*. If it occurs, however, in the days of menstruation she becomes unclean.
  9. Exempting the woman from a sacrifice and from the counting of seven clean days.
  10. I.e., where she experienced a discharge on three consecutive days in the course of the eleven days' period. If the discharge, however, appeared only on one day, she need not wait more than one clean day corresponding to the one unclean day.
  11. In the text from which it was derived that a birth in *Zibah* is a cause of cleanness.
  12. Lev. XV. 25, 'many days' implying a major *Zabah* (cf. prev. n. but one).
  13. *Var. lec.* Rabbi (Ronsburg).
  14. Lev. XV, 25; instead of 'days' the text has 'all the days' and from this is derived (*infra* 73a) the law of a minor *Zabah*.
  15. Cf. *supra* p. 262, n. 12.
  16. Rab and Levi both of whom confined the period of cleanness within the eleven days of *Zibah*.
  17. The forty or fifty days.
  18. After the third day according to Levi, and after the first or second one according to Rab.
  19. Lit., 'be in protracted labor', labor extending over a part of the period.
  20. In succession.
  21. Lit., 'and *Zibah* does not rise among them'.
  22. The last of the eleven days of the *Zibah* period.
  23. As *Zibah* is not established unless a discharge appeared on three consecutive days in the *Zibah* period, and as the third day was already one of the menstruation period, none of the days can be counted as one of a major *Zibah*.
  24. These two days which begin a new *Zibah* period are not sufficient to establish a major *Zibah* (cf. prev. n. mut. mut).
  25. Of protracted labor on the part of an ailing woman (cf. *supra* 37b ad fin).
  26. The child having been born on the day following the (2 + 7 + 2 + 50 = ) 61st day.
  27. During which there can be no *Zibah*.
  28. Following the (61 + 80 =) 141st day.
  29. V. *supra* n. 11.
  30. 2 + 7 + 141 (cf. prev. nn.) = 150.
  31. That such a long period may pass without *Zibah*.
  32. The Rabbis who disagreed with him.
  33. Owing to frequent abortions.
  34. Sc. that childbirth at their termination renders them all clean.
  35. Only a viable child confers the privilege.
  36. In the absence of protracted labor.
  37. The last of the eleven days.
  38. V. p. 263. n. 10.
  39. V. p. 263. n. 11.
  40. During which there can be no *Zibah*.
  41. Which is self-evident.
  42. Lit., 'to exclude'.
  43. By implying that a birth on the day following the first two days of the *Zibah* period on each of which a discharge was observed, does not cause *Zibah*.
  44. Had there been bleeding it would have been regarded, in the absence of the pains of labor, as a discharge on the third day (cf. prev. n.) which turns the woman into a confirmed or major *Zabah*.
  45. Cf. relevant n. on our Mishnah.
  46. A month and one day being sometimes regarded as clean.
  47. The cleanness sometimes does not extend even to one day.
  48. Since the greater part of the duration of the labor (two days out of three) was in the eighth month when labor is no cause of cleanness.
  49. During all of which, with the exception of the first two days, she had complete relief from pain.
  50. Provided only that there was no bleeding during the time she was free from pain. The reason follows.
  51. The ruling that two days of labor in the ninth month are a cause of uncleanness.
  52. The trumpet that announces the beginning of a new month.
  53. Of the birth of the child; sc. as soon as the ninth month begins the process of bearing begins with it, irrespective of the moment when birth actually took place. Hence all the blood of labor in that month must be attributed to the child, however long the interval of relief may have lasted.
  54. That birth should take place at the beginning of the ninth month.
  55. Lit., 'I am not'.

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56. Full nine months (of thirty days each) plus one day after intercourse.
57. Conception being sometimes delayed one or two days (cf. prev. n.).
58. Samuel, in differing from R. Judah.
59. By bearing on a weekday. 271, 272 and 273 days make up 38 weeks and 5, 6 and 7 days respectively, so that a conception on a Wednesday results in a birth on a Sunday, Monday or Tuesday.
60. Lit., 'come into the hand of', by bearing on the Saturday.

## Niddah 38b

a desecration of the Sabbath.<sup>1</sup> 'On a Wednesday', but not later?<sup>2</sup> — Read: From Wednesday onwards.<sup>3</sup> Mar Zutra stated: What was the reason of the pious men of old? — Because it is written, And the Lord gave her conception [Herayon],<sup>4</sup> and the numerical value of herayon<sup>5</sup> is two hundred and seventy-one.<sup>6</sup>

Mar Zutra further stated: Even according to him who holds that a woman who bears at nine months does not give birth before the full number of months has been completed,<sup>7</sup> a woman who bears at seven months may give birth before the full number of months has been completed, for it is stated in Scripture. And it came to pass, after the cycles of days<sup>8</sup> that Hannah conceived, and bore a son;<sup>9</sup> the minimum of 'cycles'<sup>10</sup> is two,<sup>11</sup> and the minimum of 'days'<sup>12</sup>

**R. JOSE AND R. SIMEON RULED: PROTRACTED LABOUR CANNOT CONTINUE FOR MORE THAN TWO WEEKS.** Samuel stated: What is the reason of the Rabbis? Because it is written in Scripture. Then she shall be unclean two weeks, as in her menstruation,<sup>13</sup> which implies: Only 'as in her menstruation' but not as in her *Zibah*; from which it follows that her *Zibah* is clean for<sup>14</sup> 'two weeks'.

Our Rabbis taught: A woman may sometimes be in labour<sup>15</sup> for twenty-five days and no major *Zibah* would intervene.<sup>16</sup> How? Two days preceding her menstruation period;<sup>17</sup>

seven days of menstruation, two days following menstruation and the fourteen days which<sup>18</sup> the childbirth causes to be clean. It is impossible, however, for her to be in labor for twenty-six days, where there is no child,<sup>19</sup> without giving birth to it is in *zibah*.<sup>20</sup> But if there was no child would not<sup>21</sup> three days suffice?<sup>22</sup> —

R. Shesheth replied. Read: Where there is a child. Said Raba to him: But was it not stated 'where there is no child'? Rather, said Raba, it is this that was meant: It is impossible for her to be in labor for twenty-six days, where there is a child, without giving birth to it in *Zibah*; and where there is no child but an abortion she is a *Zabah* even after three days. What is the reason? — The law of protracted labour<sup>23</sup> does not apply to abortions.

**MISHNAH.** IF A WOMAN WAS IN PROTRACTED LABOUR DURING THE EIGHTY DAYS<sup>24</sup> PRESCRIBED FOR THE BIRTH OF A FEMALE, ALL KINDS OF BLOOD THAT SHE MAY OBSERVE<sup>25</sup> ARE CLEAN,<sup>26</sup> UNTIL THE CHILD IS BORN, BUT R. ELIEZER HOLDS THEM TO BE UNCLEAN.<sup>27</sup> THEY SAID TO R. ELIEZER: IF IN A CASE WHERE THE LAW WAS RESTRICTED IN REGARD TO BLOOD DISCHARGED IN THE ABSENCE OF PAIN,<sup>28</sup> IT WAS NEVERTHELESS RELAXED.<sup>29</sup> IN REGARD TO BLOOD DISCHARGED DURING PROTRACTED LABOUR, IS THERE NOT EVEN MORE REASON TO RELAX THE LAW<sup>30</sup> IN REGARD TO THE BLOOD OF LABOUR IN A CASE WHERE<sup>31</sup> IT WAS RELAXED<sup>32</sup> EVEN IN REGARD TO A DISCHARGE IN THE ABSENCE OF PAIN?<sup>26</sup> HE REPLIED: IT IS ENOUGH THAT THE CASE INFERRED<sup>33</sup> SHALL BE TREATED IN THE SAME MANNER AS THE ONE<sup>34</sup> FROM WHICH IT IS INFERRED. FOR IN WHAT RESPECT WAS THE LAW RELAXED FOR A WOMAN IN THE LATTER CASE?<sup>35</sup> IN THAT OF THE UNCLEANNESS OF *ZIBAH*<sup>36</sup> ONLY; WHILE SHE IS STILL SUBJECT TO THE UNCLEANNESS OF THE MENSTRUANT.

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**GEMARA.** Our Rabbis taught: She shall continue [in the blood of her purification],<sup>37</sup> includes a woman who was in protracted labor during the eighty days<sup>24</sup> prescribed for the birth of a female, viz., that all kinds of blood that she may observe are clean, until the embryo is born,<sup>38</sup> but R. Eliezer holds them to be unclean. They said to R. Eliezer: If in the case where the law was restricted in regard to blood discharged in the absence of pain before the child was born,<sup>39</sup> it was nevertheless relaxed in regard to blood discharged in the absence of pain after the child was born,<sup>40</sup> is there not even more reason to relax the law in regard to the blood of labor after the child was born<sup>40</sup> in a case where it was relaxed in regard to the blood of labor before the child was born? He replied: It is enough that the case inferred<sup>41</sup> shall be treated in the same manner as the ones from which it is inferred. For in what respect was the law relaxed for a woman in the latter case?<sup>42</sup>

In that of the uncleanness of *Zibah* only, while she is still subject to the uncleanness of the menstruant. They said to him, We would submit to you an objection in a different form: If in the case where the law was restricted in regard to blood discharged in the absence of pain before the child was born,<sup>39</sup> it was nevertheless relaxed in regard to blood discharged at such a time<sup>43</sup> in protracted labor, is there not even more reason that, where 'the law was relaxed in regard to blood discharged in the absence of pain after the child was born,<sup>44</sup> the law should be relaxed in regard to blood discharged at such a time<sup>43</sup> during protracted labor? He replied: Even if you were to offer objections all day long it must be enough that the case inferred<sup>44</sup> shall be treated in the same manner as the one<sup>42</sup> from which it is inferred. For in what respect was the law relaxed for a woman in the latter case?<sup>42</sup> In that of the uncleanness of *Zibah* only, while she is still subject to the uncleanness of the menstruant.

Raba observed, R. Eliezer could successfully have offered the Rabbis the following reply: Did you not explain Her blood<sup>45</sup> thus: 'Her blood' refers to blood that is normally discharged, but not to such as is due to childbirth?<sup>46</sup> Well, here also, it may be explained: And she shall be cleansed from the fountain of her blood,<sup>47</sup> 'her blood' refers to blood that is normally discharged but not to such as is due to childbirth.<sup>48</sup> But might it not be suggested<sup>49</sup> [that if a discharge occurred] during the days of menstruation she is a menstruant, [while if it occurred] during the days of *Zibah* she is clean? — Scripture said, She shall continue,<sup>50</sup> which implies: One form of continuation throughout all these days.<sup>51</sup>

**MISHNAH.** THROUGHOUT ALL THE ELEVEN DAYS<sup>52</sup> A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNES.<sup>53</sup>

1. Childbirth would necessitate the performance of certain work (e.g., making a fire, boiling hot water) which is otherwise forbidden on the Sabbath.
2. But why not, seeing that conception on a Thursday, Friday or Saturday would equally result in a birth on a weekday?
3. But not on the nights preceding (and ritually belonging to) Sunday, Monday and Tuesday, since conception on any of these might result in a birth on a Sabbath which is the two hundred and seventy-third from a Sunday, the two hundred and seventy-second from a Monday and the two hundred and seventy-first from a Tuesday.
4. Ruth IV, 13.
5. [H].
6. [H] = 5, [H] = 200, [H] = 10, [H] = 6, [H] = 50.
7. Limekuta'in, 'incompleted (number)'.  
8. E.V., When the time was come about.
9. I Sam. I, 20.
10. The plural number.
11. Each cycle (Tekufah) consisting of three months (the year being divided into four cycles) and two cycles consisting, therefore, of six months.
12. As the text speaks of Hannah's conception and birth of Samuel it follows that a viable child may be born in the seventh month after the short pregnancy of six months and two days.
13. Lev. XII, 5, E.V., impurity.
14. Lit., 'and how much'.
15. Either with or without pains.

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16. Prior to birth.
17. For notes v. *supra* 38a.
18. According to R. Jose and R. Simeon.
19. This is discussed presently.
20. Since a child causes the cleanness of fourteen days only (that immediately precede its birth), thus leaving twelve days at the beginning of the period of twenty-six days, there remain three days (between the first seven days of menstruation and the last fourteen) in the course of which she becomes a major *Zabah*.
21. In the *Zabah* period.
22. To render her a major *Zabah*.
23. Sc. the law that a discharge in such circumstances is clean.
24. The fourteen unclean and sixty-six clean ones (cf. Lev. XII, 5).
25. During the sixty-six clean days. Within the fourteen days (cf. prev. n.) labor is, of course, impossible.
26. During the sixty-six days the blood is regarded (cf. Lev. XII, 5) as invariably clean.
27. If the birth took place during the period of menstruation. During the sixty-six days (cf. prev. n. but one) she is only free from the uncleanness of *Zibah* but not from that of menstruation.
28. A woman who gave birth to a child after she had experienced a discharge without pain on three consecutive days is regarded as having given birth in *Zibah*.
29. The woman being exempt from *Zibah*.
30. To exempt the woman from all forms of uncleanness.
31. As in the case of a woman who gave birth during the sixty-six clean days (cf. *supra* n. 1).
32. To exempt the woman from all forms of uncleanness.
33. A discharge during labor in the sixty-six days.
34. Protracted labor at any other time.
35. Cf. prev. n. Lit., 'from what did he make it lighter for her'.
36. Cf. *supra* n. 8.
37. Lev. XII, 4.
38. When she becomes unclean by reason of the birth.
39. V. *supra* p. 267, n. 5.
40. During the sixty-six days.
41. Protracted labor after the birth of a previous child.
42. Protracted labor before a birth.
43. Lit., 'which is with it'.
44. A discharge during labor in the sixty-six days.
45. Lev. XV, 25.
46. *Supra* 36b, q.v. notes.
47. Lev. XII, 7.
48. Only the former is clean, but not the latter.
49. According to R. Eliezer.
50. Lev. XII, 4.

51. They are either all clean or all unclean. No distinction can, therefore, be made between the periods of *Zibah* and menstruation.
52. That follow the seven days' period of menstruation.
53. This is discussed in the Gemara *infra*.

## Niddah 39a

IF SHE NEGLECTED TO<sup>1</sup> EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT<sup>2</sup> WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY UNCLEAN.<sup>3</sup> R. MEIR RULED: IF A WOMAN WAS IN A HIDING-PLACE<sup>4</sup> WHEN THE TIME OF HER REGULAR PERIOD ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY CLEAN, BECAUSE FEAR SUSPENDS THE FLOW OF BLOOD. BUT THE DAYS PRESCRIBED FOR A ZAB OR A ZABAH<sup>5</sup> OR FOR ONE WHO AWAITS DAY AGAINST DAY<sup>6</sup> ARE<sup>7</sup> PRESUMED TO BE UNCLEAN.<sup>8</sup>

*GEMARA*. In respect of what laws had this<sup>9</sup> to be stated? — Rab Judah replied: In order to lay down that no examination<sup>10</sup> is required.<sup>11</sup> But since it was stated in the final clause, IF SHE NEGLECTED TO EXAMINE HERSELF,<sup>12</sup> it follows, does it not, that at the outset an examination is required? — The final clause applies to the days of the menstruation period; and it is this that was meant: THROUGHOUT ALL THE ELEVEN DAYS A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNES<sup>13</sup> and no examination is necessary, but during the days of her menstruation period<sup>14</sup> an examination<sup>15</sup> is required;<sup>16</sup> but IF SHE NEGLECTED TO EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN.<sup>17</sup>

R. Hisda replied: This<sup>18</sup> was only required to indicate that R. Meir's ruling that<sup>19</sup> a woman



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who has no regular period is forbidden marital intercourse,<sup>20</sup> applies only to the days of her menstruation period, but during the days of her *Zibah* she enjoys<sup>21</sup> A PRESUMPTIVE STATE OF CLEANNES. If so,<sup>22</sup> why did R. Meir rule: He must divorce her and never remarry her?<sup>20</sup> — Since it is possible to be tempted<sup>23</sup> to improper conduct during the days of the menstruation period. But since it was stated in the final clause. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF, may it not be concluded that we are here dealing with one who had a REGULAR PERIOD? —

The Mishnah is defective and the proper reading is this: THROUGHOUT ALL THE ELEVEN DAYS A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNES and is, therefore, permitted to her husband, but during the days of her menstruation period she is forbidden to him. This, however, applies only to a woman who has no regular period, but if she has a regular period she is permitted to him and only an examination is necessary.

IF SHE NEGLECTED TO EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY UNCLEAN. But, since the final clause is the view of R. Meir,<sup>24</sup> the first one is not that of R. Meir, is it? — All the Mishnah represents the view of R. Meir and this is the proper reading: If she was not in a hiding place and the time of her regular period has arrived and she did not examine herself she is unclean, for R. MEIR RULED: IF A WOMAN WAS IN A HIDING PLACE WHEN THE TIME OF HER REGULAR PERIOD ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS CLEAN,

BECAUSE FEAR SUSPENDS THE FLOW OF THE BLOOD.

Raba replied: This<sup>25</sup> is to tell that she<sup>26</sup> does not<sup>27</sup> cause twenty-four hours retrospective uncleanness. An objection was raised: A menstruant,<sup>28</sup> a *zabah*,<sup>28</sup> and a woman who awaits day against day<sup>29</sup> or who is in childbirth<sup>30</sup> cause twenty-four hours retrospective uncleanness! — This is indeed a refutation.

R. Huna b. Hiyya<sup>31</sup> citing Samuel replied: This<sup>25</sup> is to tell that she cannot establish for herself a regular period during the days of her *zibah*.<sup>32</sup>

R. Joseph<sup>33</sup> remarked: I have not heard this traditional explanation.<sup>34</sup> Said Abaye<sup>35</sup> to him, You yourself have told it to us,<sup>36</sup> and it was in connection with the following that you told it to us: If she was accustomed to observe a flow of menstrual blood on the fifteenth day,<sup>37</sup> and this was changed<sup>38</sup> to the twentieth day,<sup>37</sup> marital intercourse is forbidden<sup>39</sup> on both dates.<sup>40</sup> If this was changed twice to the twentieth day,<sup>41</sup> marital intercourse is again forbidden on both dates. And in connection with this you have told us: Rab Judah citing Samuel explained. This<sup>42</sup> was learnt only [when she was accustomed to observe a flow] on the fifteenth day after her ritual immersion<sup>43</sup> which is the twenty-second day<sup>44</sup> after her observation of her discharge, since on such a day<sup>45</sup> she is already within the days of her menstruation period,<sup>46</sup> but the fifteenth day after her observation, on which she is still within the days of her *Zibah* period,<sup>47</sup> cannot be established as a regular period.

R. Papa stated: I recited this tradition before R. Judah of Diskarta [and asked:] Granted that she cannot establish thereby<sup>48</sup> a regular period,<sup>49</sup> must we take into consideration the possibility of such a regular period?<sup>50</sup> The latter remained silent and said nothing at all. Said R. Papa: Let us look into the matter ourselves. [It has been laid down that] if she

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was accustomed to observe a flow of menstrual blood on the fifteenth day and this was changed to the twentieth day, marital intercourse is forbidden on both days.<sup>51</sup>

1. Lit., 'she sat and did not'.
2. Lit., 'and she did not examine'.
3. It being presumed that the discharge had made its appearance at the regular time.
4. Taking refuge from raiders or brigands.
5. The seven clean days that must be counted after a confirmed *Zibah* before cleanness is attained.
6. One clean day for one unclean one, where the discharge appeared on no more than two days.
7. Though within the ELEVEN DAYS.
8. Unless the contrary was proved by an examination.
9. The first clause of our Mishnah.
10. Morning and evening (cf. *supra* 11a).
11. After the eleven days such examination must be resumed.
12. This presumably referring to the eleven days of the *Zibah* period.
13. Since her flow of blood had come to an end during menstruation.
14. Following the conclusion of the eleven days of *Zibah*.
15. Morning and evening (cf. *supra* 11a).
16. *Ab initio*.
17. ONLY WHEN THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF IS SHE UNCLEAN.
18. The first clause of our Mishnah.
19. Lit., 'but according to R. Meir who said'.
20. *Supra* 12b.
21. Lit., 'stands'.
22. That during the eleven days of *Zibah* intercourse is permitted.
23. Lit., 'come'.
24. His name having been given explicitly.
25. The first clause of our Mishnah.
26. As the flow of her blood is suspended.
27. After the first discharge during these days.
28. On the first day of her observing a discharge.
29. Cf. prev. n. After three observations she also would, of course, become a *Zabah*.
30. As soon as the uterus opened.
31. *Var. lec.* Hiyah b. R. Huna (Bomb. ed. and Rashi).
32. Though menstruation began on the same day in three successive months.
33. A disciple of Rab Judah who was the disciple of both Rab and Samuel.
34. Attributed to Samuel.
35. A disciple of R. Joseph who was often reminding his Master of traditions he had forgotten owing to a serious illness (cf. Ned. 41a).
36. 'Before your illness'.
37. After undergoing ritual immersion, as will be explained *infra*.
38. Once.
39. In the next two months.
40. It is forbidden on the fifteenth which is the date of her regular period, and it is also forbidden on the twentieth since it is possible that henceforth that day would become her regular period. If in the third month also she experiences the discharge on the twentieth, she establishes thereby a new regular period and henceforth only the twentieth is forbidden while the fifteenth becomes permitted.
41. V. p. 271, n. 14.
42. That the fifteenth day is regarded as a regular period that cannot be altered unless the discharge appeared three times in three consecutive months respectively on a different date.
43. Which is performed at the conclusion of the seven days' period of menstruation.
44. The seven days of menstruation (cf. prev. n.) plus the fifteen days.
45. Lit., 'for there'.
46. Which begins after eighteen days (i.e., the seven days of menstruation plus the eleven, the days of the *Zibah* period) have passed since the first day of the discharge, and continues for seven days.
47. Cf. prev. n.
48. By observing a discharge for three months on the same date during *Zibah*.
49. That could not be abolished by less than three observations on a different date in three consecutive months respectively.
50. So that where a woman observed a discharge on the fifteenth day in each of three consecutive months intercourse on that day should be forbidden in the fourth months on the ground that, despite the *Zibah* period in which the fifteenth day occurs, a regular period may have been established and the discharge would again appear on that date.
51. *Supra* q.v. notes.

## Niddah 39b

And in connection with this Rab Judah citing Samuel stated: This<sup>1</sup> was learnt only [when she was accustomed to observe a flow] on the fifteenth day after her ritual immersion,<sup>2</sup> which is the twenty-second day<sup>3</sup> after her

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observation of her discharge, and it was changed to the twenty-seventh day<sup>4</sup> so that when the twenty-second day<sup>5</sup> comes round again she is well within the days of her *Zibah* period,<sup>6</sup> and yet it was stated that intercourse was forbidden on both days. It is thus clear that the possibility of a regular period<sup>7</sup> must be taken into consideration.<sup>8</sup> R. Papa is thus<sup>9</sup> of the opinion that the twenty-two days<sup>10</sup> are reckoned from the twenty-second day<sup>11</sup> while the beginning of the menstruation and *Zibah* period<sup>12</sup> is reckoned from the twenty-seventh day.<sup>13</sup>

Said R. Huna son of R. Joshua to R. Papa: Whence do you draw your ruling? Is it not possible that the twenty-second day also is reckoned from the twenty-seventh day,<sup>14</sup> so that when the twenty-second day comes round again the woman is within the days of her menstruation period?<sup>15</sup> And this<sup>16</sup> is also logical. For if you do not admit this,<sup>16</sup> consider the case of a<sup>17</sup> hen that laid eggs on alternate days<sup>18</sup> and once ceased laying for two days and again laid on the following day. When it reverts to its former habit,<sup>19</sup> does it do so in accordance with the present<sup>20</sup> or in accordance with the past?<sup>21</sup> You have no alternative but to admit that it would do it in accordance with the present.<sup>22</sup>

Said R. Papa to him: With reference, however, to what Resh Lakish ruled, 'A woman may establish for herself a settled period during the days of her *Zibah* but not during the days of her menstruation' and to what R. Johanan ruled, 'A woman may establish for herself a settled period during the days of her menstruation', is not one to understand this as being a case,<sup>23</sup> for instance, where she observed a discharge on the first day of the month, on the fifth of the month and again on the first of the second month and on the fifth of that month, and finally<sup>24</sup> she observed a discharge on the fifth of the month while on the first of that month she observed none? And yet it was stated that 'a woman may establish for herself a settled period during the days of her menstruation'.

It thus clearly follows<sup>25</sup> that we reckon the days from the first day of the month?<sup>26</sup> —

No, the other replied, it is this that R. Johanan meant: A woman, for instance, who observed a discharge on the first day of the month, on the first day of the next month and on the twenty-fifth of that month, and on the first day of the following month, in which case we presume that<sup>27</sup> she experienced an influx of additional blood.<sup>28</sup> So also Rabin and all seafarers, when they came,<sup>29</sup> reported the tradition<sup>30</sup> in agreement with the explanation of R. Huna son of R. Joshua.

1. V. *supra* p. 272, n. 4.
2. Which is performed at the conclusion of the seven days' period of menstruation.
3. The seven days of menstruation (cf. prev. n.) plus the fifteen days.
4. After her discharge.
5. Since the day on which the discharge should have appeared.
6. There being only (22 — 5 =) 17 days since her last discharge on the twenty-seventh. The seventeenth day, (the last of the seven days of menstruation and the ten of the eleven days of *Zibah*) is obviously within the *Zibah* period.
7. Even on a day in the *Zibah* period.
8. V. *supra* p. 272, n. 12.
9. Since he regards the twenty-second day as one of the days of the *Zibah* period.
10. On which intercourse was forbidden.
11. Sc. the days on which formerly the discharge usually made its appearance and not from the twenty-seventh day.
12. At the conclusion of the menstruation period, seven days later.
13. The day on which the discharge last appeared. The twenty-second day after the twenty-second is only the seventeenth day after the twenty-seventh (cf. prev. n. but five).
14. On which the discharge last appeared.
15. The twenty-two days consisting of 7 (menstruation) + 11 (*Zibah*) + 4 (of the seven of the present menstruation period) days.
16. That the reckoning should begin from the day of the last discharge rather than from the day on which the discharge should have appeared.
17. Lit., '(what about) that'.
18. Lit., 'that lays on a day and holds back on (the next) day' (bis).
19. Laying on alternate days.
20. Lit., 'as before it', i.e., laying on alternate days beginning with the last day (the sixth in the

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- case submitted) refraining on the seventh and laying again on the eighth, and so on.
21. Lit., 'as originally', i.e., alternating with the day on which laying should have taken place (the fifth in the case submitted), thus laying on both the seventh as well as the sixth.
  22. Since alternation with the day on which laying should have taken place would only result (cf. prev. n.) in a new disturbance of the regularity (laying on two consecutive days). Similarly, in the case of the woman, a reversion to her regular periods can only be effected by counting the days from the one on which her discharge last appeared, viz., from the twenty-seventh day.
  23. Lit., 'how is one to imagine, not?'
  24. Lit., 'and now'.
  25. Since the fifth day of the month is regarded as of the 'days of her menstruation'.
  26. Though on that day no discharge had appeared. From which it follows that the counting of the days begins from the day on which the discharge should have appeared and not from that on which it appeared the last time.
  27. The reason why the discharge made its appearance on the twenty-fifth day of the second month and not on the first day of the following month.
  28. And, as a result, the discharge whose regular time of appearance was still the first of the month made its appearance a little earlier. The first day of the month being within seven days from the twenty-fifth of the previous month (on which the discharge appeared) may well be described as within the days of menstruation.
  29. From Palestine to Babylon.
  30. Of R. Johanan.

## Niddah 40a

### CHAPTER V

**MISHNAH.** FOR A FOETUS BORN FROM ITS MOTHER'S SIDE<sup>1</sup> THERE IS NO NEED<sup>2</sup> TO SPEND<sup>3</sup> THE PRESCRIBED DAYS OF UNCLEANNES<sup>4</sup> OR THE DAYS OF CLEANNESS<sup>5</sup>; NOR DOES ONE INCUR ON ITS ACCOUNT THE OBLIGATION TO BRING A SACRIFICE.<sup>6</sup> R. SIMEON RULED: IT IS REGARDED AS A VALID BIRTH. ALL WOMEN ARE SUBJECT TO UNCLEANNES<sup>7</sup> [IF BLOOD APPEARED] IN THE OUTER CHAMBER,<sup>8</sup> FOR IT IS SAID IN SCRIPTURE,

HER ISSUE IN HER FLESH BE BLOOD;<sup>9</sup> BUT A ZAB AND ONE WHO EMITTED SEMEN CONVEY NO UNCLEANNES UNLESS THE DISCHARGE<sup>10</sup> CAME OUT OF THE BODY. IF A MAN WAS EATING *TERUMAH* WHEN HE FELT THAT HIS LIMBS SHIVERED,<sup>11</sup> HE TAKES HOLD OF HIS MEMBRUM<sup>12</sup> AND SWALLOWS THE *TERUMAH*. AND THE DISCHARGES CONVEY UNCLEANNES, HOWEVER SMALL THE QUANTITY, EVEN IF IT IS ONLY OF THE SIZE OF A MUSTARD SEED OR LESS.

**GEMARA.** R. Mani b. Pattish stated: What is the Rabbis' reason?<sup>13</sup> Scripture said, If a woman have conceived seed and born<sup>14</sup> a man child,<sup>15</sup> implying:<sup>16</sup> Only if she bears where she conceives.<sup>17</sup> And R. Simeon?<sup>18</sup> — That text<sup>19</sup> implies that even if she bore in the same manner only as she conceived<sup>20</sup> she<sup>21</sup> is unclean by reason of childbirth.<sup>22</sup> What, however, is R. Simeon's reason?<sup>23</sup> —

Resh Lakish replied: Scripture said, She bear,<sup>24</sup> to include<sup>25</sup> A FOETUS BORN FROM ITS MOTHER'S SIDE. And the Rabbis?<sup>26</sup> — That text<sup>24</sup> is required to include<sup>27</sup> a *tumtum*<sup>28</sup> and an hermaphrodite. Since it might have been presumed that as it is written man child<sup>29</sup> and maid child<sup>30</sup> [the laws in the context apply only to] one who is undoubtedly male or undoubtedly female but not to a *Tumtum* or an hermaphrodite, hence we were informed that the law applies to the latter also. And R. Simeon?<sup>31</sup> —

He deduces it<sup>32</sup> from a teaching of Bar Liwai; for Bar Liwai taught. For a son,<sup>33</sup> implies: For any son, whatsoever his nature; For a daughter,<sup>33</sup> for any daughter, whatsoever her nature. And the Rabbis?<sup>34</sup> — They require this text for the deduction that a separate sacrifice is due for each son and for each daughter.<sup>35</sup> And R. Simeon?<sup>31</sup> —

He deduced it<sup>32</sup> from the following which a Tanna recited before R. Shesheth: This is the law for her that beareth<sup>36</sup> teaches<sup>37</sup> that a woman brings one sacrifice for many

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children. It might be presumed that she brings only one sacrifice for a birth and for a *Zibah* ... But would then one sacrifice suffice for a woman after childbirth who ate blood or for one after childbirth who ate forbidden fat? — Rather say: It might be presumed that a woman brings only one sacrifice for a birth that took place before the completion of her clean days and for one that took place after their completion.<sup>38</sup> Therefore it was expressly written, 'This'.<sup>39</sup> And the Rabbis?<sup>40</sup> — Although 'this'<sup>41</sup> was written it was also necessary to have the text, 'For a son or for a daughter'.<sup>42</sup> For it might have been presumed that this law<sup>43</sup> applies only to two distinct conceptions<sup>44</sup> but<sup>45</sup> that in the case of a simultaneous conception as, for instance, that of Judah and Hezekiah the sons of R. Hiyya,<sup>46</sup> one sacrifice suffices,<sup>47</sup> hence we were informed [that even in such a case separate sacrifices are required for each birth].

R. Johanan stated: R. Simeon, however, agrees that in the case of consecrated beasts [the body of the young extracted by means of a caesarean cut] is not sacred.<sup>48</sup> What is the reason? He deduces the expression of 'birth' here<sup>49</sup> from that of 'birth' in the case of the firstling:<sup>50</sup> As in the latter case<sup>51</sup> the reference is to one that openeth the womb<sup>52</sup> so here also it is only to one that 'openeth the womb'. But why should not the expression of 'birth' here<sup>49</sup> be deduced from that of 'birth' in the case of a human being:<sup>53</sup> As in the latter case<sup>54</sup> a fetus extracted from its mother's side is included<sup>55</sup> so here also the young extracted from its mother's side should be included? —

It stands to reason that the deduction should be made from the firstling, since 'the dam'<sup>56</sup> might also be deduced from 'the dam'.<sup>57</sup> On the contrary! Should not the deduction be made from the expression used of the human being, since thereby an ordinary birth<sup>58</sup> would be deduced from an ordinary birth?<sup>59</sup> But the fact is that the deduction was properly to be made from the firstling since

in both cases<sup>60</sup> the expression 'dam'<sup>61</sup> is used, both are sacred beasts and both are subject to the laws of *Piggul*, *nothar*<sup>62</sup> and uncleanness.<sup>63</sup> On the contrary! Should not the deduction be made from the expression used of the human being since both cases<sup>64</sup> are those of ordinary birth,<sup>65</sup> neither is restricted to the male sex,<sup>66</sup> neither<sup>67</sup> is naturally sacred,<sup>68</sup> and neither<sup>69</sup> is a priestly gift?<sup>70</sup> The former<sup>71</sup> are more in number.<sup>72</sup>

R. Hiyya son of R. Huna citing Raba observed, A Baraitha was taught which provides support for the statement of R. Johanan:<sup>73</sup> R. Judah stated, This is the law of the burnt-offering, it is that which goeth up,<sup>74</sup> behold these<sup>75</sup> are three limitations

1. By means of the caesarean operation. Lit., 'goes out of a wall'.
2. For its mother.
3. Lit., '(women) do not sit for it'.
4. Seven for a male and fourteen for a female (v. Lev. XII, 2, 5).
5. Thirty-three days after the seven (cf. prev. n.) for a male and sixty-six days after the fourteen for a female (v. Lev. XII, 4f).
6. Prescribed for a woman after childbirth (v. Lev. XII, 6ff).
7. Of menstruation.
8. The vagina; though it did not flow out beyond it.
9. Lev. XV, 19; emphasis on 'in her flesh' implying: Even if the discharge did not flow out of her body.
10. Lit., 'uncleanness'.
11. A symptom of the imminent discharge of semen.
12. To prevent outflow.
13. For their ruling in the first clause of our Mishnah.
14. So A.V. The A.J.V. reads, 'be delivered and bear'.
15. Lev. XII, 2, dealing with the laws of cleanness and uncleanness and the prescribed sacrifice after childbirth.
16. By the juxtaposition of 'conceived' and 'born'.
17. Only then do the laws (cf. prev. n.) apply, but not where a caesarean operation had to be performed.
18. How in view of this exposition can he differ from the Rabbis?
19. V. p. 276. n. 15.
20. A mashed fetus (cf. *supra* 26a, 27b).
21. Lit., 'his mother'.

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22. The Rabbis, however, require no text for this ruling since in their opinion (cf. *supra* 26a) the presence of the placenta alone is a sufficient cause of uncleanness.
23. For his ruling in our Mishnah.
24. But if she bear a maid-child, Lev. XII, 5.
25. By the superfluity of the expression, since it would have sufficed to state 'but if a maid-child'.
26. How can they maintain their ruling in view of this exposition?
27. Among those who subject their mothers to the laws prescribed in the context.
28. V. [Glos.](#)
29. Lev. XII, 2.
30. Lev. XII, 5.
31. Whence does he deduce the last mentioned law?
32. Cf. prev. n.
33. Lev. XII, 6.
34. What deduction do they make from this text?
35. Though conception of the latter took place before the completion of the clean days of the former.
36. Lev. XII, 7.
37. Since 'beareth' is not restricted to one child only.
38. If a child is born after the completion of the eighty days (fourteen unclean and sixty-six clean ones) prescribed for the birth of a female child, the former was obviously born 'before their completion'.
39. Lev. XII, 7, implying, This birth alone requires a sacrifice, but an additional birth requires an additional sacrifice.
40. In view of this text what need was there for that of Lev. XII, 6?
41. V. *supra* note 2.
42. Lev. XII, 6.
43. That one birth 'before the completion' of the eighty days and one 'after their completion' require two separate sacrifices.
44. The second one having begun during the eighty days that followed the first, and its birth having occurred after the completion of these days.
45. Cf. Rashal. Cur. edd. in parenthesis insert: 'One of which was an abortion'.
46. The second of whom was born three months after the former (*supra* 27a).
47. Lit., 'with one sacrifice it is sufficient for her'.
48. Like other beasts whose blemish preceded their consecration, its value only is consecrated. It may, therefore, be sold, when it loses its sanctity and may be used for shearing or work, while its price is used for the purchase of valid sacrifices.
49. When a bullock, or a sheep, or a goat, is born (E.V. brought forth) in the context dealing with consecrated beasts (Lev. XXII, 27).
50. All the firstling males that are born (Deut. XV, 19).
51. Lit., 'there'.
52. Ex. XXXIV, 19.
53. If a woman be delivered and bear a man-child (Lev. XII, 2).
54. Lit., 'there'.
55. As R. Simeon laid down in our Mishnah.
56. It shall be seven days under the dam (Lev. XXII, 27) about consecrated beasts.
57. It shall be with its dam (Ex. XXII, 29) about the firstling.
58. I.e., a beast that is not a firstling.
59. I.e., a child that is not a firstborn son, the text (Lev. XII, 2) speaking of any child whether a firstborn or not.
60. The consecrated beast and the firstling.
61. Cf. *supra* nn. 3 and 4.
62. On these terms v. [Glos.](#)
63. To a human being none of these applies.
64. Those of the child and the consecrated beast.
65. Cf. *supra* nn. 5 and 6.
66. While only a male is subject to the law of a firstling.
67. Unlike the firstling that is sacred from birth.
68. The consecration of the beast is entirely due to a human act.
69. Unlike the firstling which is the priest's due.
70. A peace-offering, for instance, remains the property of its owner. A burnt-offering is completely burnt on the altar.
71. The five points of likeness between the consecrated beast and the firstling.
72. Than the four points of likeness between the beast and a human being.
73. *Supra*, that R. Simeon agrees in the case of consecrated beasts that the body of the young extracted from one by means of a caesarean cut is not sacred.
74. Lev. VI, 2.
75. The expressions, 'this', 'it', 'which goes up'.

### Niddah 40b

excluding<sup>1</sup> a sacrifice that was slain in the night, whose blood was poured out,<sup>2</sup> or whose blood was taken outside the hangings,<sup>3</sup> which, even though it was placed upon the altar, must be taken down.<sup>4</sup> R. Simeon stated: From the term 'burnt-offering'<sup>5</sup> I would only know that the law applied to<sup>6</sup> a valid burnt-offering; whence, however, the inference for including<sup>7</sup> one that was slain in

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the night, whose blood was poured out,<sup>8</sup> whose blood was taken outside the hangings<sup>3</sup> or was kept overnight, that was taken out,<sup>2</sup> that was unclean, nothar,<sup>10</sup> one slain with the intention of eating it later than its permitted time limit or beyond its permitted place limits, whose blood was received or sprinkled by disqualified men,<sup>11</sup> those sacrifices whose blood is to be sprinkled above<sup>12</sup> and was sprinkled below,<sup>12</sup> those whose blood is to be sprinkled below<sup>12</sup> and was sprinkled above,<sup>12</sup> those whose blood is to be applied within<sup>13</sup> and was applied without,<sup>14</sup> and a paschal lamb and a sin-offering that had not been slain as such?<sup>15</sup> Whence, I ask, is the inference?

Since it was explicitly said in Scripture, This is the law of the burnt-offering,<sup>16</sup> the scope of the law is widened: One law for all that are placed upon the altar, so that once they have been put up they must not be taken down. As one might presume that I also include<sup>7</sup> a beast that covered<sup>17</sup> or was covered,<sup>18</sup> that was set aside<sup>19</sup> for an idolatrous purpose, that was worshipped, the hire of a harlot, the price of a dog, Kil'ayim, trefah<sup>20</sup> and one that had been extracted by means of a caesarean operation, it was explicitly stated, 'This'.<sup>21</sup> But what reason do you see for including<sup>22</sup> the former and for excluding the latter?

1. From the scope of the law in the context that once a sacrifice had been placed upon the altar it must never be removed from it.
2. So that the essential service of sprinkling upon the altar could not be performed with it.
3. Sc. the enclosure around the Temple that corresponded to the hangings of the court of the Tabernacle of Moses in the wilderness.
4. Only the other disqualified sacrifices, enumerated *infra* in R. Simeon's ruling, must not, according to R. Judah also, be taken down from the altar once they have been put upon it (cf. Zeb. 84b).
5. Lev. VI, 2.
6. Lit., 'I have not but'.
7. In the scope of the law.
8. So that the essential service of sprinkling upon the altar could not be performed with it.

9. Sc. the flesh of a burnt-offering that was taken out and then brought back and placed upon the altar.
10. Sacrificial meat that was kept beyond the time allowed for its consumption.
11. Priests who had a blemish, for instance.
12. The red line around the altar's sides.
13. Sc. the inner altar that was placed within the Hekal.
14. On the altar in the Temple court.
15. Lit., 'not for their name', the man intending them at the time to serve respectively as different kinds of sacrifices.
16. Lev. VI, 2, emphasis on 'law'.
17. A woman.
18. By a man.
19. In a special place.
20. On these terms v. [Glos.](#)
21. Which implies a limitation.
22. In the scope of the law.

## Niddah 41a

Since Scripture both widened and limited the scope of the law, you might rightly say:<sup>1</sup> I include the former whose disqualification arose within the Sanctuary and exclude the latter whose disqualification did not arise within the Sanctuary.<sup>2</sup> At all events, it was here taught that the young extracted by means of a caesarean operation is not included in the scope of the law;<sup>3</sup> and this refers, does it not, to the young that were so extracted in the case of a consecrated beast?<sup>4</sup> —

R. Huna son of R. Nathan replied: No, the reference is to one so extracted in the case of a firstling. But is not the law of the firstling<sup>5</sup> deduced from the expression of openeth the womb.<sup>6</sup> What then do you suggest? That the reference is to one of the consecrated beasts? Is not<sup>7</sup> this [it could be retorted] inferred from a deduction of 'the dam' from 'the dam'?<sup>8</sup> — What a comparison!<sup>9</sup> If you grant that the reference is to a consecrated beast one can well understand the necessity for two Scriptural texts:<sup>10</sup> One<sup>11</sup> to exclude<sup>12</sup> the young of an unconsecrated beast born by way of a caesarean cut and then consecrated, and the other,<sup>13</sup> to exclude<sup>14</sup> the young of a consecrated beast<sup>15</sup> born by way of the

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caesarean cut,<sup>16</sup> he being of the opinion that the young of consecrated beasts become sacred only after they come into a visible existence,<sup>17</sup> but if you maintain that the reference is to a firstling [the objection would arise:] Is not this<sup>18</sup> deduced from the expression openeth the womb?<sup>19</sup>

This<sup>20</sup> may also be supported by reason. For 'a beast that covered or was covered, that was set aside for an idolatrous purpose, that was worshipped and Kil'ayim' were mentioned.<sup>21</sup> Now is the law concerning these deduced from this text?<sup>22</sup> Is it not in fact deduced from a different text:<sup>23</sup> Of the cattle<sup>23</sup> excludes<sup>24</sup> a beast that covered or was covered, Of the herd<sup>23</sup> excludes<sup>24</sup> a beast that was worshipped, Of the flock<sup>23</sup> excludes<sup>24</sup> one that was set aside for an idolatrous purpose, Or of the flock<sup>23</sup> excludes<sup>25</sup> one that gores?<sup>26</sup> And, furthermore, is the law concerning kil'ayim<sup>27</sup> deduced from here? Is it not in fact deduced from a different text: When a bullock, or a sheep, or a goat, is brought forth,<sup>28</sup> 'a bullock' excludes Kil'ayim, 'or a goat' excludes one that<sup>29</sup> only resembles it?<sup>30</sup> But the fact is that two series of texts were required there: One in connection with an unconsecrated beast<sup>31</sup> and the other in connection with a consecrated beast; well then, in this case also two texts were similarly required.

Our Rabbis taught: If a woman was in protracted labour<sup>32</sup> for three days,<sup>33</sup> but the embryo was born by way of a caesarean cut, she is to be regarded as having given birth in *zibah*.<sup>34</sup> R. Simeon, however,<sup>35</sup> ruled: A woman in such circumstances is not regarded as<sup>36</sup> having given birth in *Zibah*. The blood, furthermore, that issues from that place<sup>37</sup> is unclean, but R. Simeon declared it clean. The first clause may be well understood, since R. Simeon follows his known view<sup>38</sup> and the Rabbis follow theirs; on what principle, however, do they differ in the final clause?<sup>39</sup> —

Rabina replied: This is a case where, for instance, the embryo was born through the side

1. By recourse to a process of reasoning.
2. V. Zeb. 27b.
3. So that it is obviously not regarded as sacred.
4. In agreement with R. Johanan's interpretation of R. Simeon's view.
5. Viz., that a firstling extracted by means of a caesarean cut is not subject to the restrictions and sanctity of a firstling.
6. Ex. XXXIV, 19; emphasis on the last word. Now since it is not sacred it is obviously to be treated like an ordinary beast and must be removed from the altar even after it had been placed upon it; what need then was there to exclude it by the text of Lev. VI, 2.
7. That the one so extracted is not sacred.
8. *Supra* 40a ad fin.
9. Lit., 'that, what'.
10. 'This' and 'the dam'.
11. 'The dam'.
12. From sanctity, in consequence of which it must be removed from the altar even after it had been placed on it.
13. 'This'.
14. From the law that requires a sacrifice that was once upon the altar never to be taken down.
15. Though the dam is sacred.
16. Since the disqualification arose without the Sanctuary.
17. Sc. on being born, but no earlier; and when the young was born it was already disqualified. Rashi deletes 'he being ... existence'.
18. V. *supra* p. 281, n. 8.
19. Of course it is. Hence the conclusion that the reference must be to a consecrated beast.
20. That all the disqualifications enumerated *supra*, including the young born by way of the caesarean cut, apply only to consecrated beasts and to their young.
21. *Supra* 40b.
22. Lit., 'from there'.
23. Lev. I, 2.
24. 'Of' implying a limitation.
25. By the use of the redundant 'or'.
26. And killed a human being. The last three classes (covered, was covered and gores) are such whose status was determined on the evidence of only one witness or their owner. Hence they are only forbidden as sacrifices but permitted for ordinary use; but if their status is determined on the evidence of two witnesses they are forbidden for ordinary use also.



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27. In beasts; a cross-breed between a goat and a sheep.
28. Lev. XXII, 27.
29. Being born from a goat and having the appearance of a lamb.
30. The goat. Now, since it follows from these texts that the beasts are not sacred, what need was there for an additional text from which to deduce that even though they have already been put upon the altar they must be taken down from it?
31. Which a man consecrated.
32. Accompanied by bleeding.
33. During her *Zibah* period; the discharge having made its appearance on each of the three days.
34. Sc. she is subject to the restrictions of a confirmed or major *Zabah*. Only in the case of normal birth is the blood during the labor preceding it exempt from the uncleanness of *Zibah*.
35. Being of the opinion (v. our Mishnah) that such a birth is valid.
36. Lit., 'this is not'.
37. This is explained *infra*.
38. Expressed in our Mishnah (cf. prev. n. but two).
39. If the blood issued through the caesarean cut the opinions should have been reversed: According to R. Simeon, who regards the birth as valid, the blood should be unclean while according to the Rabbis it should be clean.

## Niddah 41b

while the blood issued<sup>1</sup> through the womb; and R. Simeon follows his view while the Rabbis follow theirs.<sup>2</sup> R. Joseph demurred: Firstly, is not then the final clause identical with the first?<sup>3</sup> And, furthermore, 'from that place' means, does it not, the place of birth?<sup>4</sup> Rather, said R. Joseph, this is a case, where, for instance, both the embryo and the blood issued through the side,<sup>5</sup> and the point at issue between them<sup>6</sup> is whether the interior of the uterus is unclean. The Masters hold that the interior of the uterus is unclean,<sup>7</sup> while the Master holds that the interior of the uterus is clean.<sup>8</sup>

Resh Lakish stated: According to him who holds the blood to be unclean the woman also<sup>9</sup> is unclean<sup>10</sup> and according to him who

holds the blood to be clean the woman also is clean. R. Johanan, however, stated: Even according to him who holds the blood to be unclean the woman is clean. In this R. Johanan follows a view he previously expressed. For R. Johanan citing R. Simeon b. Yohai stated: Whence is it deduced that a woman is not unclean<sup>11</sup> unless the discharge issues through its normal channel? From Scripture which says, And if a man shall lie with a woman having her sickness,<sup>12</sup> and shall uncover her nakedness — he hath made naked her fountain,<sup>13</sup> which teaches that a woman is not unclean<sup>11</sup> unless the discharge of her sickness issues through its normal channel.

Resh Lakish citing R. Judah Nesi'ah<sup>14</sup> ruled: If the uterus<sup>15</sup> became detached and dropped upon the ground the woman is unclean, for it is said, Because thy filthiness<sup>16</sup> was poured out,<sup>17</sup> and thy nakedness<sup>18</sup> uncovered.<sup>19</sup> In what respect?<sup>20</sup> If it be suggested: In that of an uncleanness for seven days<sup>11</sup> [the objection would arise:] Did not the All Merciful speak of blood and not of a solid piece? — As a matter of fact the reference is to the uncleanness until evening.<sup>21</sup>

R. Johanan ruled: If the uterus produced a discharge that was<sup>22</sup> like two pearl drops<sup>23</sup> the woman is unclean. In what respect? Should it be suggested: In respect of an uncleanness for seven days<sup>11</sup> [it might be objected:] Are there not just five unclean kinds of the blood for a woman, and no more? — The fact is that the reference is to the uncleanness until evening.<sup>24</sup> This, however, applies only to two drops but if there was only one drop it may be assumed that it originated elsewhere.<sup>25</sup>

ALL WOMEN ARE SUBJECT TO UNCLEANNESS [IF BLOOD APPEARED] IN THE OUTER CHAMBER. Which is the OUTER CHAMBER? — Resh Lakish replied: All that part which, when a child sits, is exposed. Said R. Johanan to him: Is not that place deemed exposed as regards contact

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with a dead creeping thing?<sup>26</sup> Rather, said R. Johanan, as far as the glands.<sup>27</sup> The question was raised: Is the region between the glands regarded as internal or as external? — Come and hear what R. Zakkai taught: The region up to the glands and that between the glands is regarded as internal. In a Baraita it was taught: As far as the threshing-place. What is meant by threshing-place? — Rab Judah replied: The place where the attendant threshes.<sup>28</sup>

Our Rabbis taught: In her flesh<sup>29</sup> teaches that she<sup>30</sup> contracts uncleanness internally as externally. But from this text I would only know of the menstruant, whence the deduction that the same law applies to a Zabah? It was explicitly stated, Her issue<sup>31</sup> in her flesh.<sup>29</sup> Whence the proof that the same law applies also to one who emitted semen? It was explicitly stated, Be.<sup>32</sup> R. Simeon, however, ruled: It is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her. As he is not subject to uncleanness unless the unclean discharge issued forth, so is she not subject to uncleanness unless her unclean discharge issued forth. But could R. Simeon maintain that 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her'? Was it not in fact taught: 'They shall both bathe themselves in water, and be unclean until the even.'<sup>33</sup> What, said R. Simeon, does this<sup>34</sup> come to teach us? If that it applies also to one who came in contact with semen<sup>35</sup> [it could be retorted:] Was it not in fact<sup>36</sup> stated below, Or from whomsoever [the flow of seed goeth out]?<sup>37</sup> But [this is the purpose of the text:] Since the uncleanness arises in a concealed region<sup>38</sup> and since an uncleanness in a concealed region is elsewhere ineffective, a special Scriptural ordinance was required<sup>39</sup> [to give it effect in this particular case]<sup>40</sup> — This is no difficulty: The latter deals with one who received the semen at intercourse,<sup>41</sup> while the former refers to one who ejected it subsequently.<sup>42</sup> 'Ejected'! Should not her

uncleanness be due<sup>43</sup> to her preceding intercourse?<sup>44</sup> —

This is a case where she had undergone ritual immersion in respect of her intercourse.<sup>45</sup> This then<sup>46</sup> says that for one who had intercourse it suffices to be unclean only until the evening. But did not Raba rule: A woman who had intercourse is forbidden to eat *Terumah* for three days since it is impossible that she should not eject some semen during that time?<sup>47</sup> — Here<sup>48</sup> we are dealing with one who was immersed<sup>49</sup> with her bed.<sup>50</sup> It may thus<sup>51</sup> be inferred that Raba<sup>52</sup> spoke of a woman<sup>53</sup> who went herself on foot and performed immersion, but then is it not possible that she had ejected the semen while she was walking?<sup>54</sup>

1. During the three days of labor, that preceded the birth.
2. Cf. *supra* no. 2.
3. It is; why then the needless repetition?
4. How then could Rabina explain this as 'the womb'?
5. The clause thus differing from the first one which deals with an issue of blood from the normal place during labor.
6. R. Simeon and the Rabbis.
7. The blood that comes in contact with the uterus causes, therefore, uncleanness for a day until the evening, though, having finally issued through the caesarean cut, it cannot be regarded as a menstrual discharge to subject the woman to an uncleanness of seven days.
8. The blood that issued through the caesarean cut, though it passed through the uterus, is, therefore, regarded as the blood of a mere wound which conveys no uncleanness. Should the blood issue through the womb, provided there was no relief from pain prior to the birth, the blood, as that of labor, would also, during the *Zibah* period, be clean on account of the birth of the child despite its emergence by way of a caesarean cut.
9. Though the birth was from her side.
10. Seven days, as a menstruant.
11. As a menstruant.
12. *Dawah*, applied to the menstrual discharge.
13. Lev. XX, 18.
14. The Prince, Judah II.
15. Or a part of it. Lit., source.
16. *Nehushtek*, applied to the uterus.
17. Sc. 'dropped upon the ground'.
18. *Erwatek*, synonymous with uncleanness.

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19. Ezek. XVI, 36; which shows that a uterus dropped out is as unclean as when it is in its place; hence the uncleanness.
20. Is the uncleanness caused.
21. On account of the woman's external contact with the unclean uterus.
22. Lit., perspired'.
23. White and clear.
24. The discharge having been in contact with the uterus which is in contact with the woman.
25. Lit., 'came from the world', not from the uterus, and is consequently clean.
26. Sc. if the latter came in contact with that place uncleanness is conveyed to the woman though contact with an internal organ conveys no uncleanness. Now since the place is deemed to be exposed, how can Resh Lakish apply to it the expression 'in her flesh' (cf. *infra*) and regard it as internal?
27. Of the vagina.
28. Euphemism.
29. Lev. XV, 19.
30. A menstruant of whom the text speaks.
31. A Heb. word of the same root as *Zabah*.
32. Her issue in her flesh be, etc. (Lev. XV, 19).
33. Lev. XV, 18.
34. The repetition of the law of bathing which, as far as the man is concerned, was already stated earlier in Lev. XV, 16.
35. Sc. the woman.
36. Lit., 'already'.
37. Lev. XXII, 4, and this was explained (*infra* 43b) to apply to a woman who came in external contact with semen virile. Why then the repetition?
38. Of the body, where internal contact with the semen virile takes place.
39. Lit., 'it is'.
40. From which it is evident that, according to R. Simeon, though a man is not subject to an uncleanness arising in an unexposed region of the body, a woman is subject to such an uncleanness. How then could it be maintained that according to R. Simeon 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her'?
41. Whose uncleanness is due to a special Scriptural ordinance.
42. And for whose uncleanness it is enough to be as stringent as that of the man.
43. Lit., 'let it go out for him'.
44. Cf. prev. n. but two.
45. The ejection having taken place after the immersion.
46. Since, as has been explained, the law subjecting the woman to 'be unclean until the even' (Lev. XV, 18) applies to one who had intercourse.
47. After three days the semen becomes vapid and conveys uncleanness no longer. Now since during the three days the woman invariably remains unclean, how, according to Raba, could R. Simeon rule that the woman is clean if she had undergone ritual immersion before the three days have passed?
48. In R. Simeon's ruling (cf. prev. n.).
49. After intercourse.
50. As she herself did not move her body it is quite possible for her to avoid ejection.
51. Since R. Simeon's rule, according to which the uncleanness terminates at evening, refers only to a woman who was carried in a bed.
52. Who holds the woman to be unclean for three days after intercourse.
53. Lit., 'that when Raba said'.
54. So that her subsequent immersion should render her completely free from both the uncleanness of intercourse and that of the ejection. How then could Raba maintain that she is unclean for three days?

## Niddah 42a

And should you reply: It is possible that<sup>1</sup> some remained<sup>2</sup> [the objection would arise]: If so, should not the expression used have been:<sup>3</sup> We take into consideration the possibility that some might have remained? — The fact, however, is that according to Raba also this is a case where the woman was immersed with her bed, but there is no difficulty since one ruling<sup>4</sup> deals with a woman who<sup>5</sup> turned over<sup>6</sup> while the other<sup>7</sup> deals with one who<sup>5</sup> did not turn over;<sup>8</sup> and Raba<sup>9</sup> interpreted the Scriptural text in this manner:<sup>10</sup> When Scripture wrote, They shall both bathe themselves in water and be unclean until the even,<sup>11</sup> it referred to a woman who did not turn over but one who did turn over is forbidden to eat *Terumah* for three days since it is impossible that she should not eject some semen during this time.

R. Samuel b. Bisna enquired of Abaye: 'Is a woman ejecting semen<sup>12</sup> regarded as observing a discharge or as coming in contact with one?'<sup>13</sup> The practical issue<sup>14</sup> is the question of rendering<sup>15</sup> any previous counting<sup>16</sup> void,<sup>17</sup> and of conveying uncleanness by means of the smallest

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quantity<sup>17</sup> and of conveying uncleanness internally as well as externally'.<sup>17</sup> But what is the question?<sup>18</sup> If he<sup>19</sup> heard of the Baraithas [he should have known that] according to the Rabbis she is regarded as observing a discharge while according to R. Simeon she is regarded as coming in contact with one; and if he<sup>19</sup> did not hear of the Baraitha,<sup>20</sup> is it not logical that<sup>21</sup> she should be regarded as coming in contact with one?<sup>22</sup> —

Indeed he may well have heard of the Baraitha and, as far as the Rabbis are concerned, he had no question at all;<sup>23</sup> what he did ask concerned only the view of R. Simeon. Furthermore, he had no question<sup>24</sup> as to whether uncleanness is conveyed internally as externally;<sup>25</sup> what he did ask was whether any previous counting is rendered void and whether uncleanness is conveyed by means of the smallest quantity. When [he asked in effect] R. Simeon ruled that 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her' he meant it only in respect of conveying uncleanness internally as externally<sup>26</sup> but as regards rendering any previous counting void and conveying uncleanness by means of the smallest quantity she is regarded as one observing a discharge, or is it possible that<sup>27</sup> there is no difference?<sup>28</sup> There are others who read: Indeed he<sup>19</sup> may never have heard of the Baraitha,<sup>29</sup> but<sup>30</sup> it is this that he asked in effect: Since the All Merciful has considered it proper to impose a restriction<sup>31</sup> at Sinai on those who emitted semen,<sup>32</sup> she must be regarded as one who observed a discharge, or is it possible that no inference may be drawn from Sinai, since it was placed under an anomalous law, seeing that Zabs and lepers who are elsewhere subject to major restrictions were not subjected by the All Merciful to that restriction?<sup>31</sup> —

The other<sup>33</sup> replied: She is regarded as one who has observed a discharge. He<sup>34</sup> then came to Raba<sup>35</sup> and put the question to him. The latter replied: She is regarded as one

who observed a discharge. He thereupon came to R. Joseph who also told him: She is regarded as one who observed a discharge. He<sup>34</sup> then returned to Abaye and said to him: 'You all spit the same thing',<sup>36</sup> 'We', the other replied, 'only gave you the right answer. For when R. Simeon ruled that "it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her" it was only in respect of conveying uncleanness internally as externally,<sup>37</sup> but in respect of rendering any previous counting void and in respect of conveying uncleanness by means of the smallest quantity she is regarded as one who observed a discharge.<sup>38</sup>

Our Rabbis taught: A menstruant,<sup>39</sup> a zabah,<sup>40</sup> one who awaits a day for a day<sup>40</sup> and a woman after childbirth<sup>41</sup> contract uncleanness internally<sup>42</sup> as well as externally. Now, the enumeration of three of these cases<sup>43</sup> may well be justified, but how is one to explain the mention of the woman after childbirth? If the birth<sup>44</sup> occurred during her menstruation period she is a menstruant,<sup>45</sup> and if it occurred during her *Zibah* period she is a zabah?<sup>45</sup> —

The mention<sup>46</sup> was necessary only in the case of one who went down<sup>47</sup> to perform ritual immersion in order to pass out thereby from the period of uncleanness to that of cleanness;<sup>48</sup> and this<sup>49</sup> is in agreement with a ruling given by R. Zera citing R. Hiyya b. Ashi who had it from Rab: If a woman after childbirth went down<sup>47</sup> to perform ritual immersion in order to pass out thereby from her period of uncleanness to that of cleanness,<sup>48</sup> and some blood was detached from her body,<sup>50</sup> while she was going down,<sup>51</sup> she is unclean,<sup>52</sup> but if it occurred while she was going up, she is clean.<sup>53</sup> Said R. Jeremiah to R. Zera: Why should she be unclean if this occurred 'while she was going down'? Is not the blood merely an absorbed uncleanness?<sup>54</sup> —

Go, the other replied, and ask it of R. Abin to whom I have explained the point at the

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schoolhouse and who nodded to me with his head.<sup>55</sup> He went and asked him [the question], and the latter replied: This was treated like the carcass of a clean bird which<sup>56</sup> conveys uncleanness to garments<sup>57</sup> while it is still passing through the oesophagus.<sup>58</sup> But are the two cases at all similar

1. Even after the ejection.
2. And that the uncleanness of which Raba spoke is due to this possibility.
3. Instead of the statement, 'it is impossible that she should not eject'.
4. Raba's.
5. After the immersion.
6. Hence 'it is impossible that she, etc.'
7. R. Simeon's.
8. Her uncleanness, therefore, terminates at evening.
9. In his ruling.
10. Lit., 'took his stand on the text and thus he said'.
11. Lev. XV, 18.
12. After she had undergone ritual immersion and was freed thereby from the uncleanness of intercourse to which she was subject (as stated *supra*) under a specific Scriptural ordinance.
13. Externally. Internal contact, being within a concealed region, is (as stated *supra* 41b) of no consequence.
14. Between uncleanness through (a) observation and (b) contact.
15. During the eleven days of *Zibah*.
16. Of the prescribed seven days.
17. Which is the case with an observation but not with contact.
18. Lit., 'what is your desire?'
19. R. Samuel who raised the question.
20. *Supra* 41b, where the Rabbis ruled that the ejection of semen conveys uncleanness internally as well as externally, while R. Simeon ruled that it is enough for the woman to be as unclean as the man who had intercourse with her. For the reading 'Baraita' cf. Bomb. ed. Cur. edd. 'our Mishnah'.
21. Since the discharge does not originate from the woman's own body.
22. Of course it is. Why then did R. Samuel raise the question at all?
23. Since the Rabbis ruled that uncleanness is conveyed internally as well as externally it is obvious that the woman is regarded as one observing a discharge, and is, therefore, subject all the more to the other restrictions.
24. Even according to R. Simeon.
25. Well knowing that no internal uncleanness is conveyed (cf. *supra* n. 6).
26. Sc. as the man is free from internal uncleanness so is she.
27. Since he regarded her only as one coming in contact with a discharge.
28. And she is in all respects to be treated as such.
29. V. *supra* p. 288 n. 5.
30. In reply to the objection, 'Is it not logical that she should be regarded as coming in contact with one?'
31. Not to approach the mountain.
32. V. Ex. XIX, 15. 'Come not near a woman'. This shows that the emission of semen is subject to a higher degree of uncleanness than contact with a dead creeping thing, which did not subject a person to the restriction.
33. Abaye.
34. R. Samuel b. Bisna.
35. *Var. lec.* Rabbah (BaH.).
36. Lit., 'spittle', i.e., your opinions are all traceable to the same source.
37. Sc. as the man is free from internal uncleanness so is she.
38. Since in the case of the man also (to whose degree of uncleanness hers is compared) any previous counting is rendered void and the smallest quantity conveys uncleanness.
39. After one observation during her menstrual period.
40. Cf. prev. n. mut. mut. If this single observation is followed by two other observations the woman is a confirmed *Zabah* and must count seven days before she attains to cleanness, but if no other observation followed she only awaits one clean day for the unclean one.
41. This is explained presently.
42. Sc. as soon as the discharge made its way into the vagina.
43. Lit., '(almost) all of them'.
44. And the discharge observed.
45. Who was already specifically enumerated among the first three cases.
46. Of the woman after childbirth.
47. After the seven or fourteen days of uncleanness following the birth of a male and a female respectively.
48. The period of thirty-three clean days after the seven, and the sixty-six clean days after the fourteen (cf. prev. n.).
49. The ruling that a woman in such circumstances contracts uncleanness internally.
50. In the vagina, where it remained for a day or two.
51. Since the mere passing of the seven or fourteen days does not restore the woman to

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cleanness unless immersion had been performed (cf. *supra* 35b). When the unclean blood (cf. next n.) is completely discharged from the body a second immersion is required since no cleanness had been attained by the first.

52. While the blood is retained in the vagina, on account of her carriage of, or contact with the detached blood in it.
53. When, owing to the immersion, her clean period had already begun and the blood is clean. It has thus been shown that the Baraitha under discussion is in agreement with the first case, 'while she was going down, she is unclean' of R. Zera.
54. Which (cf. Hul. 71a) cannot convey uncleanness either through contact or through carriage. Granted that a menstrual, or a *Zibah* discharge causes a woman's uncleanness even while it is still absorbed in the vagina (as deduced *supra* from a Scriptural text), how can this blood, which is neither menstrual nor one of *Zibah* and which (if it had come in external contact with the woman) could only have caused one day's uncleanness convey to the woman any uncleanness at all while still absorbed?
55. As a mark of approval.
56. Though it conveys no uncleanness to the garments of the man who comes in contact with it.
57. Those of the man who eats of it.
58. An 'absorbed uncleanness'.

## Niddah 42b

seeing that in the latter case no uncleanness is conveyed by external contact<sup>1</sup> while here uncleanness would be conveyed when it emerges from the body?<sup>2</sup> —

Here also it is a case where the discharge emerged from the body.<sup>3</sup> But if it emerged from the body, what need was there to mention such a case?<sup>4</sup> — It might have been presumed that as the immersion is effective in respect of blood that is internal it is also effective in respect of the other,<sup>5</sup> hence we were informed [that in the latter case the immersion is of no avail]. The difficulty about our cited tradition<sup>6</sup> is well solved; but as regards the woman after childbirth<sup>7</sup> [the difficulty arises again]: If the birth occurred during her menstruation period she is a

menstruant, and if it occurred during her *Zibah* period she is a zabah?<sup>8</sup> —

Here we are dealing with the case of a dry birth.<sup>9</sup> But in the case of a dry birth,<sup>10</sup> what point is there in the statement that uncleanness is contracted internally as well as externally?<sup>11</sup> — The statement is justified in a case for instance, where the embryo put its head out of the ante-chamber;<sup>12</sup> and this<sup>13</sup> is in agreement with R. Oshaia, for R. Oshaia stated, 'This<sup>14</sup> is a preventive measure<sup>15</sup> against the possibility that the embryo might put its head out of the ante-chamber';<sup>16</sup> and this<sup>17</sup> is also in line with the following ruling: A certain person once came before Raba and asked him, 'Is it permissible to perform a circumcision on the Sabbath?' 'This', the other replied, 'is quite in order'. After that person went out Raba considered: Is it likely that this man did not know that it was permissible to perform a circumcision on the Sabbath? He thereupon followed him and said to him, 'Pray tell me all the circumstance of the case'.<sup>18</sup> 'I', the other told him, 'heard the child cry late on the Sabbath eve but it was not born until the Sabbath'. 'This is a case', the first explained to him, 'of a child<sup>19</sup> who put his head out of the ante-chamber<sup>20</sup> and consequently his circumcision<sup>21</sup> is one that does not take place at the proper time,<sup>22</sup> and on account of a circumcision that does not take place at the proper time the Sabbath may not be desecrated.'<sup>23</sup>

The question was raised: Is that region in a woman<sup>24</sup> regarded as an absorbed place or as a concealed one? — In what respect could this matter? — In the case, for instance, where her friend inserted in her in that region a piece of *Nebelah* of the size of an olive. If you say that it is regarded as an absorbed place, this *Nebelah* being now an absorbed uncleanness<sup>25</sup> would convey no uncleanness to the woman,<sup>26</sup> but if you say that it is a concealed place, granted that no uncleanness could be conveyed by means of contact<sup>27</sup> uncleanness would be conveyed by means of carriage?<sup>28</sup> —

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Abaye replied: It is regarded as an absorbed place. Raba replied: It is regarded as a concealed one. Said Raba: Whence do I derive this? From what was taught: Since the uncleanness arises in a concealed region, and since an uncleanness in a concealed region is elsewhere ineffective, a special Scriptural ordinance was required [to give it effect in this particular case].<sup>29</sup> And Abaye?<sup>30</sup> — The meaning<sup>31</sup> is this: There is one reason and there is yet another.<sup>32</sup> In the first place the woman should be clean since the uncleanness is an absorbed one; and, furthermore, even if you were to find some ground for saying that it is a concealed uncleanness and an uncleanness in a concealed region is ineffective, this<sup>33</sup> is a specific Scriptural ordinance.

The question was raised: Is the region through which the *Nebelah* of a clean bird conveys uncleanness to a human being<sup>34</sup> regarded as an absorbed place or as a concealed one? In what respect can this matter? — In a case, for instance, where his friend pushed a piece of *Nebelah* of the size of an olive into his mouth.<sup>35</sup> If you regard it as an absorbent place, this *Nebelah* being now an absorbed uncleanness would convey no uncleanness, but if<sup>36</sup> you say that it is a concealed one, granted that no uncleanness is conveyed by means of contact,<sup>37</sup> uncleanness would be conveyed by means of carriage?<sup>38</sup> —

Abaye replied: It is an absorbed place, but Raba replied: It is a concealed one. Whence, said Abaye, do I derive this? From what was taught: As it might have been presumed that the *Nebelah* of a beast conveys uncleanness to a person's garments by way of his oesophagus,<sup>39</sup> it was explicitly stated in Scripture, That which dieth of itself,<sup>40</sup> or is torn of beasts, he shall not eat to defile himself therewith,<sup>41</sup> which implies: Only that<sup>42</sup> which has no other form of uncleanness but that which is conveyed through the eating thereof<sup>42</sup> [conveys uncleanness by way of the esophagus],<sup>39</sup> but this<sup>43</sup> is excluded since it conveys uncleanness

even before one had eaten of it. But why should not this<sup>44</sup> be inferred a *minori ad majus* from the *Nebelah* of a clean bird: If the *Nebelah* of a clean bird which is not subject to uncleanness externally is subject to uncleanness internally<sup>39</sup> how much more then should this,<sup>43</sup> which is subject to uncleanness externally, be subject to uncleanness internally? —

Scripture said, 'therewith'<sup>41</sup> which implies: Only therewith<sup>45</sup> but not with any other.<sup>43</sup> If so, why was it stated in Scripture, And he that eateth?<sup>46</sup> To prescribe for one who touches or carries it the same size as that which was prescribed for one who eats of it: As one who eats of it incurs guilt on consuming the full size of an olive so also one who touches or carries it contracts uncleanness only if it is of the size of an olive.

Raba ruled: A man holding a dead creeping thing in a fold of his body<sup>47</sup> is clean, but if he holds *Nebelah* in a fold of his body he is unclean. 'A man holding a dead creeping thing in a fold of his body is clean', since a dead creeping thing conveys uncleanness by means of touch, while a concealed region of the body<sup>47</sup> is not susceptible to the uncleanness of touch. 'If he holds *Nebelah* in a fold of his body he is unclean' for, granted that he contracts no uncleanness through touch, he contracts it, at any rate, through carriage. If a man held a dead creeping thing in the fold of his body<sup>48</sup> and he thus brought it into the air spaces<sup>49</sup> of an oven<sup>50</sup> the latter is unclean. Is not this obvious?<sup>51</sup> — It might have been presumed that the All Merciful said, Into the inside of which,<sup>52</sup> implying:

1. Cf. prev. n. but two.
2. From which it is evident that it is rather like other kinds of uncleanness. Why then should it be different from those in conveying uncleanness even while in an absorbed condition?
3. Sc. if the blood was detached before the immersion the woman becomes unclean after, but not before its complete emergence.

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4. Apparently none, since it is obvious that unclean blood conveys uncleanness when it emerges from the body.
5. That was detached and remained for a time within the vagina.
6. R. Zera's ruling.
7. Included in the Baraita under discussion, which can now no longer be compared with the ruling of R. Zera.
8. Cf. relevant notes *supra* 42a ad fin.
9. And one that was free from bleeding: so that the question of menstrual, or *Zibah* blood does not arise.
10. Where there is no detached blood either within or without.
11. How can there be uncleanness in the absence of all blood?
12. And then draw it back (cf. Strashun). Although the head is now within (internal) the woman is unclean as if the embryo had actually been born (external).
13. The ruling that the projection of the head of the embryo without the ante-chamber is regarded as birth.
14. That a midwife is unclean for seven days if she touched a dead embryo before it was extracted, though its mother remains clean until extraction had been effected.
15. Enacted by the Rabbis. Pentateuchally the embryo, being at the time an 'absorbed uncleanness', would convey no uncleanness at all.
16. Hul. 72a; and the midwife would then touch it when, having touched a corpse, her uncleanness would be Pentateuchal. Thus it follows that according to R. Oshaia the projection of the embryo's head without the ante-chamber is regarded as the actual birth. Similarly in the case under discussion, as soon as the embryo had put its head out of the ante-chamber its mother is subject to the uncleanness of birth as if the birth had taken place.
17. V. *supra* n. 2.
18. Lit., 'how was the body of the incident?'
19. Whose cry could be heard.
20. On the Friday, when he was heard crying.
21. On any day after the following Friday which is the eighth day of his virtual birth.
22. Circumcision being due on the eighth day of birth.
23. The circumcision must, therefore, be postponed until the Sunday. At all events, Raba's ruling shows that the projection of the embryo's head without the ante-chamber is regarded as birth (cf. *supra* n. 2).
24. Euphemism.
25. And, therefore, regarded as non-existent.
26. Either through contact or carriage (cf. prev. n.).
27. The uncleanness by contact not applying to a concealed region of the body.
28. Since the woman was carrying the *Nebelah*.
29. *Supra* 41b q.v. notes.
30. How can he maintain his view in contradiction to Raba's citation?
31. Of the cited statement.
32. Lit., 'one and more he says'.
33. The woman's uncleanness (cf. *supra* n. 5).
34. Sc. the esophagus. Only by swallowing it does the *Nebelah* of a clean bird convey uncleanness to man.
35. So that he himself did not touch it with his hands.
36. Cur. ed. insert the last two words in parenthesis, and marg. n. substitutes 'what would you say'.
37. The uncleanness by contact not applying to a concealed region of the body.
38. The man having carried the *Nebelah* in his mouth.
39. Sc. by swallowing it.
40. Heb. *Nebelah*.
41. Lev. XXII, 8.
42. The *Nebelah* of a clean bird.
43. *Nebelah* of a beast.
44. That the *Nebelah* of a beast conveys uncleanness by way of the esophagus.
45. Sc. only if a person swallowed the *Nebelah* of a clean bird do his garments become unclean.
46. Lev. XI, 40, in respect of the *Nebelah* of a beast.
47. Under his arm-pit, for instance.
48. Under his arm-pit, for instance.
49. Without touching its sides.
50. Of earthenware.
51. Apparently it is, since all earthen vessels contract uncleanness from a dead creeping thing within their air spaces though there was no direct contact between it and the creeping thing.
52. E.V., 'whereinto'; Every earthen vessel whereinto any of them falleth (Lev. XI, 33).

## Niddah 43a

But not the inside of its inside,<sup>1</sup> hence we were informed [that the oven is unclean].<sup>2</sup>

Resh Lakish ruled: If a reed was held in a fold of the body of a *Zab* and he shook therewith a clean person the latter remains clean.<sup>3</sup> If a reed was held in the fold of the body of a clean person and he shook



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therewith a *Zab* the former is unclean.<sup>4</sup> What is the reason?<sup>5</sup> Because Scripture said, And whomsoever he that hath issue<sup>6</sup> toucheth, without having rinsed his hands in water,<sup>7</sup> and this<sup>8</sup> refers to the shaking of a *Zab*, a form of conveyance of uncleanness the like of which we do not find anywhere in all the Torah; and the All Merciful expressed this in the term of touching,<sup>9</sup> in order to tell that shaking and touching must be performed with a part of the body which is like one's hands; as one's hands are exposed<sup>10</sup> so must any other part of the body<sup>11</sup> be exposed.

**BUT A ZAB AND ONE WHO EMITTED SEMEN CONVEY NO UNCLEANNESS,** etc. A *ZAB*, because it is written in Scripture, When any man hath an issue out of his flesh,<sup>12</sup> [which implies that no uncleanness is conveyed] unless his issue emerged 'out of his flesh'; **ONE WHO EMITTED SEMEN,** because It is written, And if the flow of seed go out from a man.<sup>13</sup>

**IF A MAN WAS EATING TERUMAH WHEN HE FELT,** etc. Was it not, however, taught: R. Eliezer stated, whoever holds his membrum when he makes water is as though he had brought a flood on the world?<sup>14</sup> —

Abaye replied: One does it with a thick rag.<sup>15</sup> Raba stated: It may even be done with a soft rag, for once the semen has been detached the subsequent touch is of no consequence.<sup>16</sup> And Abaye?<sup>17</sup> — He takes into consideration the possibility of an additional discharge. And Raba? — He does not consider the possibility of an additional discharge. But does he not?<sup>18</sup> Was it not in fact taught: 'To what may this be compared? To the putting of a finger upon the eye when, so long as the finger remains on it, the eye continues to tear'? Now Raba?<sup>19</sup> — It is unusual to get heated twice in immediate succession.<sup>20</sup>

Samuel ruled, Any semen the emission of which is not felt throughout one's body causes no uncleanness. What is the reason? — The All Merciful has said, The flow of

seed,<sup>21</sup> implying that the text<sup>22</sup> deals only with such as is fit to produce seed. An objection was raised: If a man was troubled with unchaste thoughts in the night and when he rose up he found his flesh heated, he is unclean!<sup>23</sup> —

R. Huna explained this to apply to a man who dreamt of indulging in sexual intercourse, it being impossible to indulge in the act without experiencing the sensation. Another rendering: Samuel ruled, Any semen which does not shoot forth like an arrow causes no uncleanness. What is the practical difference between the latter reading and the former reading? — The practical difference between them is the case where the detachment of the semen was perceived but the emergence was not felt.<sup>24</sup> Now this ruling which was quite obvious to Samuel was a matter of enquiry for Raba. For Raba enquired: What is the law where the detachment of the semen was perceived but its emergence was not felt?<sup>25</sup> —

Come and hear: If a man who emitted semen performed immersion<sup>26</sup> before he had made water, his uncleanness is resumed when he makes water!<sup>27</sup> — There it is different, since the emergence of most of the semen was perceived. Others have a different reading: Samuel ruled, Any semen which does not shoot forth like an arrow causes no fructification. It is only fructification that it does not cause but it does cause uncleanness, for it is said in Scripture. If there be among you any man, that is not clean by reason of that which chanceth him,<sup>28</sup> which implies: Even a chance emission<sup>29</sup> whatever its nature.<sup>30</sup>

Raba enquired: What is the law where an idolater indulged in sexual thoughts,<sup>31</sup> and then<sup>32</sup> he went down and performed ritual immersion?<sup>33</sup> If you were to find some case where we follow the time of detachment<sup>34</sup> [the question would arise]. Does this apply only where the law is thereby restricted,<sup>35</sup> but not here<sup>36</sup> where the law would thereby be

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relaxed,<sup>37</sup> or is it possible that no distinction is made? — This is undecided.

**Raba enquired: What is the ruling where the urine of a Zabah had been detached from the source<sup>38</sup> and then she went down and performed ritual immersion?<sup>39</sup> If you were to find some case where we follow the time of the detachment [the question would arise], Does this apply only to semen, since it cannot be restrained,<sup>40</sup> but not to her urine which she is able to restrain,<sup>41</sup> or is it possible that no distinction is made? — This is undecided.**

**Raba enquired: What is the law where the urine of an idolatress<sup>42</sup> who was a Zabah had been detached**

1. Inside, for instance, an arm-pit which is inside the oven.
2. The implication, 'but not the inside of its inside' excludes only the case where a creeping thing was within a vessel whose rim and mouth projected above the vessel in which it was contained.
3. The reason is given presently.
4. Since he 'carried' the *Zab*. The carrying of a *Zab* as the carrying 'of his couch conveys uncleanness to the carrier (cf. Lev. XV, 10).
5. Why a person who was shaken by a reed held in the fold of the body of a *Zab* remains clean.
6. Heb. *Zab*.
7. Lev. XV, 11.
8. Since the text cannot refer to direct touch which was already dealt with in Lev. XV, 7.
9. 'Toucheth'.
10. Lit., 'as there from outside'.
11. If it is to convey uncleanness.
12. Lev. XV, 2, emphasis on 'out'.
13. Ibid. 16. Cf. prev. n.
14. *Supra* 13a.
15. Which intercepts the warmth of one's hand.
16. Lit., 'since it uprooted it uprooted'.
17. Why, in view of Raba's explanation, does he insist on a thick rag?
18. So with BaH. Cur. edd. omit.
19. What has he to say to this?
20. Lit., 'any being heated and being heated again at the time is not usual'. The comparison with the eye holds good only when a discharge was originally due to friction.
21. Lev. XV, 16, emphasis on the last word.
22. Then he shall ... be unclean (ibid.).
23. Mik. VIII, 3; because he might also have emitted some semen. As this would presumably occur without his being aware of it, an objection arises against Samuel.
24. According to the first reading uncleanness would, and according to the latter reading would not be caused.
25. Is uncleanness thereby conveyed or not?
26. Which frees him from his uncleanness.
27. Mik. VIII, 4 (cur. edd. '3', is an error). Now here there was obviously no perception, and yet uncleanness is nevertheless conveyed. An objection against Samuel.
28. Deut. XXIII, 11, Mikreh of the rt. [H] (v. foll. n.).
29. Keri of the rt. [H] (cf. prev. n.).
30. Lit., 'in the world'.
31. As a result of which semen had been detached but did not emerge.
32. For the purpose of his conversion to Judaism.
33. Subsequent to which the semen emerged.
34. Sc. that, in the case of an Israelite, uncleanness is caused where the detachment was perceived even though the emergence was not felt.
35. Uncleanness is caused.
36. The case of the idolater.
37. Since at the time of the detachment the man was still an idolater and free from the laws of uncleanness.
38. Which is a 'father of uncleanness'.
39. Whereby she is freed from her uncleanness; and then she made the water. Is she, it is asked, unclean because at the time of the detachment she was unclean or is she clean because the emergence took place when she was already in a condition of cleanness?
40. In consequence of which detachment must be regarded as virtual emergence.
41. So that the emergence is a separate process which, having taken place after immersion, causes no uncleanness.
42. Which is Rabbinically unclean.

## Niddah 43b

from the source, and then she<sup>1</sup> went down and performed ritual immersion? If you were to find a case<sup>2</sup> where we follow the time of the detachment even where the woman can restrain the discharge [the question would arise], Does this apply only to the Israelitish woman who is Pentateuchally unclean but not to an idolatress who was a Zabah, since she is only Rabbinically unclean,<sup>3</sup> or is it possible that no difference is made between them? — This is undecided.

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AND THE DISCHARGES CONVEY UNCLEANNESS HOWEVER SMALL THE QUANTITY. Samuel ruled: [the discharge of] a *zab*<sup>4</sup> must be such a quantity as would stop the orifice of the membrum, for it is said in Scriptures Or his flesh be stopped from his issue.<sup>5</sup> But have we not learnt: AND THE DISCHARGES CONVEY UNCLEANNESS, HOWEVER SMALL THE QUANTITY? —

He<sup>6</sup> maintains the same view as R. Nathan. For it was taught: R. Nathan citing R. Ishmael ruled, [the discharge of] a *zab*<sup>4</sup> must be such a quantity as would stop the orifice of the membrum; but [the Rabbis] did not agree with him.<sup>7</sup> What is R. Ishmael's reason? — Because Scripture said, Or his flesh be stopped from his issue.<sup>5</sup> And the Rabbis?<sup>8</sup> — That text<sup>9</sup> is required for the inference that the discharge conveys uncleanness only when in a state of fluidity<sup>10</sup> but not when it is dry.<sup>11</sup> And R. Ishmael?<sup>12</sup> — That<sup>13</sup> is inferred from run.<sup>14</sup> And the Rabbis?<sup>15</sup> — That text<sup>14</sup> serves the purpose of indicating the number:<sup>16</sup> His issue,<sup>9</sup> implies once; His flesh run,<sup>2</sup> implies twice; With his issue,<sup>2</sup> implies three times; thus it was taught that a *Zab* who observed three discharges is under an obligation to bring a sacrifice; Or his flesh be stopped from his issue, it is his uncleanness,<sup>2</sup> implies that he is unclean even on account of a part of the number of his issues,<sup>17</sup> this teaches that a *Zab* who observed only two discharges conveys uncleanness to his couch and seat. As to R. Ishmael, however,<sup>18</sup> whence does he deduce the number required?<sup>19</sup> —

He derives it from an exposition of R. Simai; for it was taught: R. Simai stated, Scripture enumerated two issues and described the man as unclean<sup>20</sup> and it also enumerated three issues and described the man as unclean,<sup>21</sup> how is this to be reconciled? Two observations subject a man to the restrictions of uncleanness, and three observations render him liable to bring a sacrifice. But according to the Rabbis<sup>22</sup> who deduced both numbers from 'This shall be his uncleanness

in his issue',<sup>23</sup> what deduction do they make from the text 'when any man hath an issue out of his flesh'?<sup>24</sup> — They require it for the deduction that uncleanness does not begin until the discharge emerged from one's flesh. What need, however, was there for 'His issue be unclean'?<sup>24</sup> — 'This teaches that the issue itself<sup>25</sup> is unclean.

R. Hanilai citing R. Eliezer son of R. Simeon ruled: Semen conveys uncleanness to the man who emitted it,<sup>26</sup> however small its quantity, but as regards the man who touched it its quantity must be of the bulk of a lentil.<sup>27</sup> But did we not learn, AND THE DISCHARGES CONVEY UNCLEANNESS, HOWEVER SMALL THE QUANTITY, which applies, does it not, to the case of one who touched semen? — No, it applies only to one who emitted it.<sup>26</sup>

Come and hear: In one respect the law of semen is more restrictive than that of a dead creeping thing while in another respect the law of a dead creeping thing is more restrictive than that of semen. 'The law of a dead creeping thing is more restrictive' in that no distinction [of age] is made about its uncleanness,<sup>28</sup> which is not the case with semen.<sup>29</sup> 'The law of semen is more restrictive' in that uncleanness is conveyed by its smallest quantity, which is not the case with a creeping thing.<sup>30</sup> Now does not this apply to one who touched the semen?<sup>31</sup> — No, it applies only to one who emitted it.<sup>32</sup> But was it not taught as being on a par with the creeping thing: As the latter is a case of touching so also the former?<sup>31</sup> —

R. Adda b. Ahabah replied: The ruling referred to a creeping thing in general<sup>33</sup> and to semen in general.<sup>34</sup> But does a creeping thing convey no uncleanness even when it is of the smallest bulk? Have we not in fact learnt: Members of the body<sup>35</sup> have<sup>36</sup> no prescribed minimum size [and uncleanness is, therefore, conveyed] by less than the size of an olive of corpse,<sup>37</sup> by less than the size of an

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olive of *Nebelah* or by less than the size of a lentil of a dead creeping thing?<sup>38</sup> —

It is different with a member of the body<sup>39</sup> since the whole of it takes the place of the size of a lentil; for were any part of it<sup>40</sup> missing,<sup>41</sup> would the member<sup>42</sup> have conveyed any uncleanness?<sup>43</sup> What is meant by the 'distinction in uncleanness' in the case of semen? If it be suggested: The distinction between the semen of an Israelite and that of foreigners [it could be objected]: Is there not in this case also<sup>44</sup> a distinction between a sea-mouse and a land-mouse?<sup>45</sup> — The distinction rather is that between a minor and an adult.<sup>46</sup>

R. Papa stated: This ruling<sup>47</sup> is a point at issue between Tannas:<sup>48</sup> [For it was taught] whence do we derive the inclusion in uncleanness of one who touched semen? From Scripture which explicitly stated, Or whosoever;<sup>49</sup> and elsewhere Tannas differ on a relevant point,<sup>50</sup> for there are those who hold that a deduction is carried through in all respects<sup>51</sup> while others hold that a deduction is limited by its original basis.<sup>52</sup> Now according to those who hold that a deduction is carried through in all respects<sup>51</sup> it follows that as a dead creeping thing<sup>53</sup> conveys uncleanness through touch so does semen convey uncleanness by touch and, consequently,<sup>54</sup> as a dead creeping thing conveys uncleanness only when it is of the bulk of a lentil so does semen convey uncleanness only when it is of the bulk of a lentil; while according to him who maintained that a deduction is limited by its original basis<sup>55</sup> it also follows that as a dead creeping thing conveys uncleanness through touch so does semen convey uncleanness through touch, but then, limiting it to its original basis, as semen conveys uncleanness to the man who emitted it, however small its quantity, so does it also convey uncleanness to the man who touched it, however small its quantity.<sup>56</sup>

Said<sup>57</sup> R. Huna son of R. Nathan to R. Papa: Whence the proof that the inclusion in uncleanness of one who touched semen is deduced from the expression of 'Or whosoever occurring in the context dealing with the creeping thing?<sup>58</sup> Is it not possible that the inclusion is derived from the expression of 'Or from whomsoever the flow of seed goeth out,<sup>59</sup> and<sup>60</sup> all may be of the opinion that a deduction is to be carried through in all respects?<sup>61</sup> The Tannas<sup>62</sup> were asked<sup>63</sup> Some recited as R. Papa while others recited in agreement with R. Huna son of R. Nathan.

**MISHNAH.** A GIRL ONE DAY OLD IS SUBJECT TO THE UNCLEANNESS OF MENSTRUATION. ONE WHO IS TEN DAYS OLD IS SUBJECT TO THE UNCLEANNESS OF ZIBAH. A BOY ONE DAY OLD IS SUBJECT TO THE UNCLEANNESS OF ZIBAH, AND TO THE UNCLEANNESS OF LEPROSY AND THAT OF CORPSEUNCLEANNESS; HE SUBJECTS [HIS DECEASED BROTHER'S WIDOW] TO THE DUTY OF LEVIRATE MARRIAGE;<sup>64</sup> HE EXEMPTS [HIS MOTHER] FROM THE LEVIRATE MARRIAGE,<sup>65</sup> HE ENABLES HER<sup>66</sup> TO EAT *TERUMAH* AND HE ALSO CAUSES HER TO BE DISQUALIFIED FROM EATING *TERUMAH*;<sup>67</sup>

1. For the purpose of her conversion to Judaism.
2. In respect of an Israelitish woman.
3. Cf. *supra* n. 5.
4. If it is to convey uncleanness.
5. Lev. XV, 3.
6. Samuel.
7. Pes. 67b.
8. How can they maintain their ruling in view of this text?
9. Lev. XV, 3.
10. Lit., 'wet', when the orifice can 'be stopped' by it.
11. When it crumbles away and is incapable of adhesion.
12. How, in view of this explanation, can he still maintain his ruling?
13. That a discharge conveys uncleanness only when in a state of fluidity.
14. Run with his issue (Lev. XV, 3).
15. How can they maintain their ruling in view of this text?

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16. Of issues that determine the various grades of uncleanness.
17. 'From his issues' (emphasis on 'from') implying 'a part'.
18. Who requires the expression of 'run with his issue' for the inference he mentioned *supra*.
19. As just indicated according to the Rabbis.
20. When any man hath an issue out of his flesh (Lev. XV, 2), counts as one; his issue be unclean (*ibid*), counts as a second.
21. This shall be his uncleanness in his issue (Lev. XV, 3) counts as one; His flesh run with his issue (*ibid.*) counts as a second; or his flesh be stopped from his issue (*ibid.*) counts as a third.
22. Lit., 'him'.
23. *Supra*.
24. Cf. *supra* n. 12.
25. And not only the man who suffered from it.
26. Lit., 'to the one who observes'.
27. A lesser quantity, as is the case with a dead creeping thing, conveys no uncleanness.
28. Young and old are equally unclean.
29. The uncleanness on account of an emission of semen being restricted to one who is over nine years of age.
30. Tosef. Kel. I. Cf. *supra* n. 2.
31. But this would present an objection against R. Hanilai's ruling.
32. Lit., 'to the one who observes'.
33. Lit., 'the name of' or 'any'.
34. Sc. it referred to the form of uncleanness appropriate to each. A dead creeping thing can never convey uncleanness unless its bulk is of the prescribed size, while semen, when it concerns the man who had emitted it, may convey uncleanness, however small its quantity.
35. Sc. any part of it which consists of flesh, sinews and bones (v. Bertinoro).
36. In regard to the conveyance of uncleanness.
37. Cf. prev. n. but one.
38. Oh. I, 7, which shows that a dead creeping thing conveys uncleanness, however small its bulk.
39. V. p. 300, n. 10.
40. Lit., 'a portion'.
41. Cf. *supra* p. 300, n. 10.
42. That was smaller than a lentil.
43. Obviously not; which shows that it is only on account of its importance that the force of conveying uncleanness (as a piece of the prescribed size) was imparted to it. Any other part of the body, however, is subject to the prescribed minimum.
44. That of a creeping thing.
45. Of course there is! A sea-mouse (cf. Hul. 126b) conveys no uncleanness.
46. No uncleanness is conveyed by that of a child under nine years of age.
47. Of R. Hanilai, that semen less in quantity than the bulk of a lentil conveys no uncleanness by means of touch.
48. Lit., 'like Tannas'.
49. This is now presumed to refer to Lev. XXII, 5, which deals with the uncleanness of a creeping thing.
50. Which (as will be shown presently) has a bearing on this deduction:
51. Lit., 'judge from it and (again) from it', i.e., all that applies to the case from which deduction is made is also applicable to the case deduced
52. Lit., 'judge from it and set it in its (original) place', i.e., the rules applicable to the case deduced limit the scope of the deduction.
53. From the law of which that of semen had presumably been deduced (cf. n. 12).
54. Lit., 'and from it', since 'a deduction is carried through in all respects.'
55. V. p. 301, n. 15.
56. It has thus been shown that R. Hanilai's ruling is a point at issue between Tannas. Is it likely, however, that R. Hanilai would differ from the Tannas who presumably hold a different view?
57. In an attempt to remove the difficulty (cf. prev. n. second clause).
58. Lev. XXII, 5, as presumed by R. Papa *supra*.
59. Lev. XXII, 4.
60. Since the deduction is not made from the contact of the creeping thing.
61. Sc. even if all were to uphold this view, uncleanness would nevertheless be conveyed by the touch of the smallest quantity of semen, since the inference is made, not from the uncleanness of the creeping thing but from that of the emission of semen which is conveyed by the smallest quantity.
62. Those who recited Mishnahs and Baraitas at the college; v. [Glos.](#) s.v. (b).
63. To give a decision as to whether R. Papa or R. Huna was in the right.
64. Provided he was born prior to his brother's death.
65. If he was born after his father's death though he only lived for a short while.
66. His mother, the daughter of an Israelite, who was married to a priest, though the latter was dead when the child was born.
67. This is now presumed to refer to a priest's daughter who was married to an Israelite who died and was survived by a son one day old (v. Gemara *infra*.)

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## Niddah 44a

**HE INHERITS AND TRANSMITS;<sup>1</sup> HE WHO KILLS HIM IS GUILTY OF MURDER, AND HE COUNTS TO HIS FATHER, TO HIS MOTHER AND TO ALL HIS RELATIVES AS<sup>1</sup> A FULLY GROWN MAN.<sup>2</sup>**

**GEMARA.** Whence is this ruling<sup>3</sup> deduced? — [From the following]. For our Rabbis taught: From the term woman<sup>4</sup> I would only know that the laws<sup>5</sup> are applicable to a grown-up woman, whence, however, the inference that a girl one day old is also subject to the uncleanness of menstruation? Since it was explicitly stated, And a woman.<sup>6</sup>

**ONE WHO IS TEN DAYS OLD IS SUBJECT TO THE UNCLEANNESS OF ZIBAH.** Whence is this ruling deduced? [From the following]. For our Rabbis taught: From the term woman<sup>7</sup> I would only know that the laws are applicable to a grown-up woman, whence, however, the inference that a girl who is ten days old is also subject to the uncleanness of *Zibah*? Since it was explicitly stated, And a woman.<sup>8</sup>

**A BOY ONE DAY OLD, etc.** Whence is this ruling deduced? — [From the following Scriptural text]. For the Rabbis taught: When any man,<sup>9</sup> what was the object of stating, 'When any man'?<sup>10</sup> To include a boy one day old in the restrictions of the uncleanness of *Zibah*; so R. Judah. R. Ishmael son of R. Johanan b. Beroka said, This deduction is not necessary, for surely it is stated in Scripture, And of them that have an issue, whether it be a man or a woman;<sup>11</sup> 'whether it be a man' means one of any age, whether adult or minor, 'or a woman means one of any age, whether an adult or minor. But if so<sup>12</sup> what need was there to state, 'When any man'?<sup>13</sup> The Torah employed ordinary phraseology.<sup>14</sup>

**[IS SUBJECT TO ...] THE UNCLEANNESS OF LEPROSY,** since it is written, When a

man shall have in the skin of his flesh,<sup>15</sup> implying a man of any age.

**[IS SUBJECT TO ...] THAT OF CORPSE-UNCLEANNESS,** because it is written, And upon the persons that were there,<sup>16</sup> implying a person of any age.

**HE SUBJECTS [HIS DECEASED BROTHER'S WIDOW] TO THE DUTY OF LEVIRATE MARRIAGE,** for it is written, If brethren dwell together,<sup>17</sup> implying brothers who are contemporaries.<sup>18</sup>

**HE EXEMPTS [HIS MOTHER] FROM THE LEVIRATE MARRIAGE,** for the All Merciful has said, And have no child,<sup>17</sup> but this man has one.

**HE ENABLES HER TO EAT TERUMAH,** for it is written, And such as are born in his house, they may eat<sup>19</sup> of his bread,<sup>20</sup> read it as, 'Shall cause to eat<sup>21</sup> of his bread'.

**AND HE ALSO CAUSES HER TO BE DISQUALIFIED FROM EATING TERUMAH.** For the All Merciful has said, And have no child,<sup>22</sup> but she has one. But what was the point of speaking of a 'child' seeing that the same applies even to an embryo, for it is written,<sup>23</sup> As in her youth,<sup>22</sup> which excludes<sup>24</sup> one who is pregnant?<sup>25</sup> Both texts were required. For if the All Merciful had only written, 'And have no child' [it might have been presumed that the law<sup>26</sup> applied to that case] because originally there was but one body and now there are two bodies,<sup>27</sup> but that in this case,<sup>28</sup> where there was originally one body and now also there is only one body, it may be held that the woman may eat *Terumah*, hence the All Merciful has written, 'As in her youth'.<sup>29</sup> And if the All Merciful has only written, 'As in her youth' [it might have been presumed that the law<sup>30</sup> applied to that case alone] since originally the woman's body was empty and now it is a full one, but that in this case,<sup>31</sup> where her body was originally empty and is now also empty, the woman may well eat *Terumah*. Hence the

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necessity for both texts. Now, the Scriptural texts have been well explained, but as regards our Mishnah, why just A BOY ONE DAY OLD, seeing<sup>32</sup> that even an embryo also disqualifies its mother? —

R. Shesheth replied: We are here dealing with the case of a priest who had two wives, one who had previously been a divorced woman<sup>33</sup> and the other was not a divorced woman,<sup>34</sup> and he had sons from the latter<sup>35</sup> and one son from the former,<sup>36</sup> so that the latter<sup>37</sup> causes the slaves of his father<sup>38</sup> to be disqualified from eating *terumah*;<sup>39</sup> thus indicating that the law is contrary to the view<sup>40</sup> of R. Jose. He having laid down that an embryo<sup>41</sup> also causes disqualification we were informed here that only A BOY ONE DAY OLD causes disqualification but not an embryo.<sup>42</sup>

**HE INHERITS AND TRANSMITS.** From whom does he INHERIT? Obviously from his father; and to whom does he TRANSMIT? Obviously to his paternal brothers;<sup>43</sup> but could not these if they wished inherit from their father and, if they preferred, inherit from him?<sup>44</sup> —

R. Shesheth replied: The meaning is, He<sup>45</sup> inherits the estate of his mother to transmit it<sup>46</sup> to his paternal brothers;<sup>47</sup> hence only then when he is ONE DAY OLD but not when he is an embryo. What is the reason? — Because it<sup>48</sup> dies first,<sup>49</sup> and no son may inherit from his mother

1. This is explained in the Gemara.
2. Lit., 'bridegroom'.
3. That A GIRL ONE DAY OLD, etc.
4. Lev. XV, 19, which deals with the laws of the menstruant.
5. Cf. prev. n.
6. Lev. XV, 19. E.V. and if a woman.
7. Cf. prev. n. but two. The exposition now is based on what follows in the Scriptural text: Her issue ... be blood.
8. Cf. prev. two notes.
9. Lev. XV, 2. Lit. 'a man, a man'.

10. Sc. it would have sufficed if one 'man' (cf. prev. n.) had been omitted, the rendering being, 'when a man'.
11. Lev. XV, 33.
12. That the law has been enunciated in Lev. XV, 33.
13. Lev. XV, 2. Lit., 'a man, a man'.
14. Lit., 'spoke in the language of men', who are in the habit of repeating their words. No inference, therefore, may be drawn from the repetition of 'a man'.
15. Lev. XIII, 2.
16. Num. XIX, 18, in the context dealing with corpse-uncleanness.
17. Deut. XXV, 5, in the context of the law of levirate marriage and *Halizah*.
18. Lit., 'who had one (and the same) sitting in the world'.
19. [H], Yokelu (Kal).
20. Lev. XXII, 11.
21. [H], Ya'akilu (Hif.).
22. Lev. XXII, 13.
23. In the same context.
24. From the privilege of eating *Terumah*.
25. Sc. if an embryo causes its mother to be disqualified from eating *Terumah* it is self-evident that a child does it, what need then was there for the text, 'and have no child'?
26. Of disqualification (cf. p. 304, n. 14).
27. Mother and born child.
28. Lit., 'here', that of a pregnant woman.
29. To indicate that even a pregnant woman is disqualified.
30. Of disqualification (cf. *supra* p. 304, n. 14).
31. Where the child was already born.
32. As has just been shown.
33. Whom a priest is forbidden to marry and whose children from a priestly marriage are disqualified priests and are themselves forbidden to eat *Terumah* and, of course, have no right to confer the privilege of eating it upon their slaves.
34. And whose sons from her marriage with the priest are qualified priests who also confer upon their slaves the right of eating *Terumah*.
35. Cf. prev. n.
36. Cf. *supra* n. 8.
37. After the death of his father, the priest.
38. Whom he and his brothers jointly inherit from their deceased father.
39. On account of his share in them; it being impossible to distinguish which of the slaves are his and which are his brothers'.
40. Lit., 'to bring out'.
41. From a forbidden marriage (cf. *supra* n. 8).
42. The disqualification spoken of in our Mishnah thus referring to the slaves and not, as has previously been assumed, to the child's

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mother, the difficulty raised *supra* is now solved.

43. Since only paternal relatives are entitled to inherit one's estate.
44. Of course they could, since the child's estate would in any case revert on his death to his father from whom they would inherit it. What meaning then could be assigned to the law that he TRANSMITS?
45. A BOY ONE DAY OLD.
46. When he dies.
47. Who were born from the same father but not from the same mother.
48. The embryo, when its mother dies.
49. Sc. before its mother.

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in the grave<sup>1</sup> to transmit the inheritance to his paternal brothers. But, surely, this<sup>2</sup> is not? so, for was there not a case where an embryo made three convulsive movements?<sup>3</sup> — Mar son of R. Ashi replied: [Those were only reflexive movements] like those of the tail of the lizard which moves convulsively [even after it has been cut off].<sup>4</sup>

Mar son of R. Joseph citing Raba explained: This<sup>5</sup> means to say that he causes a diminution in the portion of the birthright.<sup>6</sup>

Mar son of R. Joseph citing Raba further ruled: A son born after the death of his father causes no diminution in the portion of the birthright.<sup>7</sup> What is the reason?<sup>8</sup> It is required that They shall have born to him.<sup>9</sup> Thus<sup>10</sup> it was taught at Sura; but at Pumbeditha it was taught as follows: Mar son of R. Joseph citing Raba ruled, A firstborn son that was born after the death of his father<sup>11</sup> does not receive a double portion. What is the reason? It is necessary that He shall acknowledge,<sup>12</sup> and ['he',] surely, is not [there to acknowledge]. And the law is in agreement with all those versions which Mar son of R. Joseph cited in the name of Raba.

HE WHO KILLS HIM IS GUILTY OF MURDER, since it is written, And he that smiteth any man mortally,<sup>13</sup> implying, whatever the age.<sup>14</sup>

AND HE COUNTS TO HIS FATHER, TO HIS MOTHER AND TO ALL HIS RELATIVES AS A FULLY GROWN MAN, In respect of what law? — R. Papa replied: In respect of that of mourning.

In agreement with whose view [is our Mishnah]?<sup>15</sup> It cannot be, can it, in agreement with<sup>16</sup> R. Simeon b. Gamaliel who ruled: Any human<sup>17</sup> child<sup>18</sup> that survived for thirty days cannot be, regarded as a miscarriage,<sup>19</sup> from which it follows that if he had not lived so long he would have been a doubtful case?<sup>20</sup> — Here<sup>21</sup> we are dealing with the case of a child concerning whom it is established that the months of his pregnancy were duly fulfilled.<sup>22</sup>

*MISHNAH.* A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED<sup>23</sup> BY INTERCOURSE; IF THE YABAM<sup>24</sup> HAD INTERCOURSE WITH HER, HE ACQUIRES HER THEREBY;<sup>25</sup> THE GUILT<sup>26</sup> OF ADULTERY<sup>27</sup> MAY BE INCURRED THROUGH HER,<sup>28</sup> AND SHE<sup>29</sup> CAUSES UNCLEANNESS TO THE MAN WHO HAD INTERCOURSE WITH HER SO THAT HE IN TURN CONVEYS UNCLEANNESS TO THAT UPON WHICH HE LIES,<sup>30</sup> AS TO A GARMENT WHICH HAS LAIN UPON [A ZAB].<sup>31</sup> IF SHE WAS MARRIED TO A PRIEST, SHE MAY EAT *TERUMAH*. IF ANY OF THE INELIGIBLE PERSONS<sup>32</sup> COHABITED WITH HER HE DISQUALIFIES HER FROM THE PRIESTHOOD.<sup>33</sup> IF ANY OF THE FORBIDDEN DEGREES ENUMERATED IN THE TORAH COHABITED WITH HER HE IS TO BE EXECUTED ON HER ACCOUNT, BUT SHE<sup>34</sup> IS EXEMPT [FROM THE PENALTY]. IF ONE WAS YOUNGER THAN THIS AGE INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE.

*GEMARA.* Our Rabbis taught: A girl of the age of three years may be betrothed by intercourse; so R. Meir. But the Sages say: Only one who is three years and one day old. What is the practical difference between them? — The school of R. Jannai replied: The



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practical difference between them is the day preceding the first day of the fourth year.<sup>35</sup> R. Johanan, however, replied: The practical difference between them is the rule that thirty days of a year are counted as the full year.<sup>36</sup>

An objection was raised: A girl of the age of three years and even one of the age of two years and one day may be betrothed by intercourse; so R. Meir. But the Sages say: Only one who is three years and one day old.

1. Sc. after his death.
2. That an embryo dies before its mother.
3. After its mother was dead.
4. But are no signs of life.
5. The law that A BOY ONE DAY OLD... TRANSMITS.
6. If, for instance, there were two brothers other than the boy in question, and one of them was the firstborn, the estate is divided, not into three portions (two for the ordinary portions of the two brothers and one for the birthright), but into four portions. Each brother, including the young child, receives one such portion and the firstborn receives the additional fourth portion as his birthright. The firstborn thus receives, as the portion of his birthright, a quarter of the estate, and not (as would have been the case if the child were excluded) a third.
7. Though he receives his due portion in the estate. In the case mentioned as an instance in the prev. n. the estate would first be divided into three portions (as if the embryo did not exist) and the firstborn would receive, as his birthright, one of these, which represents a third of the estate. The remaining two thirds would then be divided into three equal shares, each of the three brothers receiving one, i.e., two ninths of the estate. The full portion of the firstborn would accordingly amount to  $(1/3 + 2/9 = 5/9)$  five ninths of the estate, while, where the child was one day old, the firstborn's full portion would only amount to half the estate, i.e.,  $(5/9 - 1/2 = 1/18)$  one eighteenth less.
8. That a born child does, and an embryo does not cause a diminution in the portion of the birthright.
9. Deut. XXI, 15, emphasis on 'him', sc. while the father is alive. An embryo cannot come within the category of 'have born'.
10. The version just given.
11. In the case, for instance, where his widow bore twins, or where he was survived by two widows and both bore sons and one of these was the firstborn.
12. Deut. XXI, 17.
13. Lev. XXIV, 17.
14. Lit., 'from any place'.
15. Which, treating an infant one day old in the various laws embodied in it as a grown-up man, obviously assumes him to be viable.
16. Lit., 'that not as'.
17. Opp. to cattle where the period is only eight days.
18. Of doubtful premature birth.
19. Thirty days being a period that suffices to establish the viability of a child.
20. Now since according to our Mishnah a child may be regarded as viable on the first day of its life (cf. p. 307, n. 9) its view must differ from that of R. Simeon b. Gamaliel, must it not?
21. In our Mishnah.
22. Lit., 'whose months have ended'. The child's viability is beyond question even according to R. Simeon b. Gamaliel who (cf. p. 307, n. 12) referred only to a doubtful premature birth.
23. Subject to her father's approval.
24. The brother of her deceased childless husband, whose duty it is to contract the levirate marriage with her.
25. In consequence of which he gains possession of his deceased brother's estate, is entitled if she dies to inherit her own estate and even if he is a priest, he may defile himself to her as to a legally married wife.
26. Punishable by death.
27. Lit., 'on account of the wife of a man'.
28. If, for instance, her father betrothed her to one man and another cohabited with her.
29. When a menstruant.
30. Lit., 'lower couch'.
31. Lit., 'like the upper'.
32. A bastard or a slave, for instance.
33. Sc. if she was the daughter of a priest she loses the privilege of eating *Terumah*.
34. Being a minor.
35. Lit., 'the eve of the beginning of the year'. According to R. Meir she attains the prescribed age on that day while according to the Rabbis she does not attain it until the following day.
36. According to R. Meir the prescribed age is attained as soon as thirty days of the third year have passed, while according to the Rabbis it is not attained until the first day of the fourth year.

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## Niddah 45a

Now, all is well according to R. Johanan, for just as there is a Tanna<sup>1</sup> who holds<sup>2</sup> that one day of a year is counted as a year so there may also be a Tanna who holds<sup>3</sup> that thirty days of a year are counted as a full year; but, according to R. Jannai,<sup>4</sup> does not this<sup>5</sup> present a difficulty? — This is a difficulty.

IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE. It was asked, Do the features of virginity<sup>6</sup> disappear<sup>7</sup> and reappear again<sup>8</sup> or is it possible that they cannot be completely destroyed until after the third year of her age? In what practical respect could this matter? — In one, for instance, where her husband had intercourse with her before the age of<sup>9</sup> three and found blood, and when he had intercourse after the age of three he found no blood. If you grant that they disappear and reappear again [it might well be assumed]<sup>10</sup> that<sup>11</sup> there 'was not sufficient time for their reappearance, but if you maintain that they cannot be destroyed until after the age of three years it would be obvious that<sup>12</sup> a stranger cohabited with her.<sup>13</sup> Now what is your decision? —

R. Hiyya son of R. Ika demurred: But who can tell us that a wound inflicted within the three years is not healed<sup>14</sup> forthwith, seeing it is possible that it is immediately healed and it would thus be obvious<sup>12</sup> that a stranger had cohabited with her?<sup>13</sup> Rather the practical difference is the case, for instance, where her husband had intercourse with her while she was under<sup>15</sup> three years of age and found blood and when he had intercourse after the age of three he also found blood. If you grant that the features disappear and reappear again the blood might well be treated as that of virginity, but if you maintain that they cannot be destroyed until after the age of three years, that<sup>16</sup> must be the blood of menstruation. Now what is your decision? —

R. Hisda replied, Come and hear: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE; what need was there to state, LIKE PUTTING A FINGER IN THE EYE' instead of merely saying: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS of no consequence'? Does not this then teach us that as the eye tears and tears again so do the features of virginity disappear and reappear again.

Our Rabbis taught: It is related of Justinia<sup>17</sup> the daughter of 'Aseverus son of Antonius that she once appeared before Rabbi 'Master', she said to him, 'at what age may a woman marry?'. 'At the age of three years and one day', he told her. 'And at what age is she capable of conception?' 'At the age of twelve years and one day', he replied. 'I', she said to him, 'married at the age of six and bore a child at the age of seven; alas for the three years that I have lost at my father's house'. But can a woman conceive at the age of six years?

Did not R. Bibi recite in the presence of R. Nahman: Three classes of woman may use an absorbent<sup>18</sup> in their marital intercourse:<sup>19</sup> A minor, and an expectant and a nursing mother. The minor,<sup>20</sup> because otherwise she might become pregnant and die. An expectant mother,<sup>20</sup> because otherwise she might cause her fetus to degenerate into a sandal.<sup>21</sup> A nursing mother,<sup>20</sup> because otherwise she might have to wean her child prematurely,<sup>22</sup> and this would result in his death. And what is the age of such a 'minor'?<sup>23</sup> From the age of eleven years and one day to the age of twelve years and one day. One who is under<sup>24</sup> or over this age<sup>25</sup> must carry on her marital intercourse in a normal manner; so R. Meir. But the Sages ruled: The one as well as the other carries on her marital intercourse in a normal manner and mercy<sup>26</sup> will be vouchsafed from heaven, for it is said in Scripture, The Lord preserveth the simple?<sup>27</sup> — If you wish I

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might reply: Whose flesh is as the flesh of asses.<sup>28</sup> And if you prefer I might reply: Whose mouth speaketh falsehood, and their right hand is a right hand of lying.<sup>29</sup>

Our Rabbis taught: A story is told of a certain woman who came before R. Akiba and said to him, 'Master, intercourse has been forced upon me<sup>30</sup> when I was under<sup>31</sup> three years of age; what is my position towards the priesthood?'<sup>32</sup> 'You are fit for the priesthood',<sup>33</sup> he replied. 'Master', she continued, 'I will give you a comparison; to what may the incident be compared? To a babe whose finger was submerged<sup>34</sup> in honey. The first time and the second time he cries about it, but the third time he sucks it'.<sup>35</sup> 'If so', he replied, 'you are unfit for the priesthood'.<sup>36</sup> Observing that the students were looking at each other,<sup>37</sup> he said to them, 'Why do you find the ruling difficult?'<sup>38</sup> 'Because', they replied, 'as all the Torah is a tradition that was handed to Moses at Sinai so is the law that a girl under the age of three years<sup>39</sup> is fit for the priesthood one that was handed to Moses at Sinai'. R. Akiba too made his statement<sup>40</sup> only for the purpose of exercising the wits of<sup>41</sup> the students.<sup>42</sup>

**MISHNAH.** IF A BOY OF THE AGE OF NINE YEARS AND ONE DAY COHABITED WITH HIS CHILDLESS BROTHER'S WIDOW, HE<sup>43</sup> ACQUIRES HER THEREBY,<sup>44</sup> BUT<sup>45</sup> HE CANNOT DIVORCE HER UNTIL HE ATTAINS HIS MAJORITY. HE CONTRACTS UNCLEANNESS THROUGH INTERCOURSE WITH A MENSTRUANT AND HE IN TURN CONVEYS THE SAME DEGREE OF UNCLEANNESS TO THAT UPON WHICH HE LIES AS [DOES A ZAB] TO THAT WHICH HAS LAIN UPON HIM.<sup>46</sup> HE<sup>47</sup> DISQUALIFIES A WOMAN FROM THE PRIESTHOOD,<sup>48</sup> BUT<sup>49</sup> CANNOT CONFER UPON ONE<sup>50</sup> THE RIGHT TO EAT *TERUMAH*.<sup>51</sup> HE RENDERS A BEAST<sup>52</sup> INVALID FOR THE ALTAR, AND IT IS STONED ON HIS ACCOUNT.<sup>53</sup> IF HE HAD INTERCOURSE WITH ANY OF THE FORBIDDEN DEGREES THAT ARE ENUMERATED IN THE TORAH, SHE IS TO

BE EXECUTED ON HIS ACCOUNT, THOUGH HE<sup>54</sup> IS EXEMPT FROM PUNISHMENT.

**GEMARA.** But when HE ATTAINS HIS MAJORITY, is<sup>55</sup> a divorce alone sufficient? Was it not taught: The cohabitation of a boy of nine years<sup>56</sup> of age was given the same validity as that of a *ma'amar*<sup>57</sup> by an adult; as a *Ma'amar* by an adult requires<sup>58</sup> a divorce in respect of his *Ma'amar* and *Halizah* in respect of his marital bond so does the cohabitation of a boy of nine years of age<sup>56</sup> require<sup>58</sup> a divorce in respect of his *ma'amar*<sup>59</sup> and *Halizah* in respect of his marital bond?<sup>60</sup> — Rab replied: It is this that was meant:<sup>61</sup>

1. In the Baraita just cited.
2. As evidenced by his ruling, 'Even one of the age of two years and one day'.
3. As R. Johanan submitted *supra* according to R. Meir.
4. Sc. the school of R. Jannai who submitted *supra* that even R. Meir does not regard the part of the third year as a full year.
5. Cf prev. n. but two.
6. Of one under three years of age.
7. As a result of intercourse.
8. Lit., 'going do they go and come'.
9. Lit., 'within'.
10. As a reason for the absence of blood.
11. Owing to his continued intercourse.
12. Lit., 'surely', since the husband found no traces of bleeding.
13. After she had attained the age of three. She would consequently be subjected to the disqualifications of a harlot.
14. Lit., 'returns'.
15. Lit., 'within'.
16. The blood found while she was under three.
17. For a different reading and a biographical note v. Golds.
18. Muk, flax or hackled wool.
19. To avoid conception.
20. Is permitted the use of the absorbent.
21. A fish-shaped abortion. Lit., 'flat-fish'.
22. On account of her second conception which causes the deterioration of her breast milk.
23. Of whom it has been said that she is capable of conception but is thereby exposed to fatal consequences.
24. When conception is impossible.
25. When conception involves no danger.
26. To protect them from harm.

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27. Ps. CXVI, 6; sc. those who are unable to protect themselves. At any rate it was here stated that a minor under eleven years of age is incapable of conception. How then is Justinia's story to be reconciled with this statement?
28. Ezek. XXIII, 20.
29. Ps. CXLIV, 8.
30. By a disqualified person.
31. Lit., 'within'.
32. Sc. is she permitted to marry a priest?
33. Cf. prev. n.
34. Lit., 'they hid for him'.
35. Sc. he ultimately enjoyed the experience.
36. Cf. prev. n.
37. Amazed or perplexed.
38. Lit., 'why is the thing difficult in your eyes'.
39. Who had intercourse.
40. 'If so, you are unfit, etc.'
41. Lit., 'to sharpen'.
42. By affording them the opportunity of questioning his ruling.
43. Since his marriage with the widow is Pentateuchally ordained.
44. And in consequence gains possession of his deceased brother's estate, though elsewhere a minor cannot acquire possession.
45. Since his deceased brother's marriage was fully valid and his own bond with the widow is consequently equally valid, while his divorce, being merely that of a minor, has no validity.
46. Lit., 'the lower couch as the upper'.
47. If he is a disqualified person, a bastard, for instance, or a slave.
48. If she was the daughter of a priest she loses her right to the eating of *Terumah*.
49. Though a priest.
50. If, for instance, he had intercourse with his childless brother's widow.
51. Though he acquires her as his wife.
52. If he covered it, though his act was seen by one witness only.
53. If his act (cf. prev. n.) was observed by two witnesses.
54. On account of his minority.
55. As our Mishnah seems to imply.
56. And one day.
57. V. [Glos.](#)
58. If the parties have agreed upon a divorce.
59. Which corresponds to intercourse which is another form of *Kinyan* (v. [Glos.](#)) Alfasi reads: in respect of his intercourse.
60. How then could it be ruled here that a divorce alone suffices?
61. By our Mishnah.

## Niddah 45b

when HE ATTAINS HIS MAJORITY he shall cohabit with her<sup>1</sup> and give her a divorce.<sup>2</sup>

*MISHNAH.* THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED;<sup>3</sup> THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID;<sup>4</sup> AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED.<sup>3</sup> THE VOWS OF A BOY OF THE AGE OF TWELVE YEARS AND ONE DAY MUST BE EXAMINED;<sup>5</sup> THE VOWS OF ONE WHO IS OF THE AGE OF THIRTEEN YEARS AND ONE DAY ARE VALID; AND THROUGHOUT THE THIRTEENTH YEAR THEY ARE TO BE EXAMINED.<sup>5</sup> PRIOR TO THIS AGE,<sup>6</sup> EVEN THOUGH THEY SAID, 'WE KNOW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW' OR 'IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION', THEIR VOW<sup>7</sup> IS NO VALID VOW AND THEIR DEDICATION IS NO VALID DEDICATION. SUBSEQUENT TO THIS AGE,<sup>8</sup> EVEN THOUGH THEY SAID, 'WE DO NOT KNOW IN THE HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW' OR 'IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION', THEIR VOW IS A VALID VOW AND THEIR DEDICATION IS A VALID DEDICATION.

*GEMARA.* But since it was stated, THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED,<sup>2</sup> what need was there for stating, THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID? —

It might have been presumed that henceforth they must always be examined,<sup>10</sup> hence we were informed that after the age of twelve years and a day the vows are invariably valid. But since it was stated, THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE

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**VALID,<sup>11</sup> what need was there for stating, AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED?<sup>12</sup> —**

It might have been presumed that, since a Master has laid down that 'Thirty days of a year are counted as a full year', where we examined her vows during a period of thirty days<sup>13</sup> and she knew not how to express their significance,<sup>14</sup> no further examinations<sup>15</sup> should be held<sup>16</sup> hence we were informed that her vows are to be examined all through the twelfth year. Then let the last two cases be stated, **THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID, AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED, but<sup>17</sup> what was the need for the statement, THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED? — It was required: Since it might have been suggested that as a rule examination was necessary in the twelfth year and unnecessary in the eleventh year, but that where we see that the girl is particularly bright she might also be examined in the eleventh year,<sup>18</sup> we were informed that the period of examination invariably begins at the age of eleven years and one day. What was the need<sup>19</sup> for stating, PRIOR TO THIS AGE and SUBSEQUENT TO THIS AGE? —**

It might have been presumed that the previous rulings<sup>20</sup> applied only where the children themselves spontaneously say nothing<sup>21</sup> but that where they do assert spontaneous opinion<sup>22</sup> we may rely upon them, hence we were informed that even their own assertions do not affect the age limits.

Our Rabbis taught: These<sup>23</sup> are the rulings of Rabbi. R. Simeon b. Eleazar stated, The age limits that were assigned to the girl apply to the boy while those assigned to the boy apply to the girl.<sup>24</sup> R. Hisda stated: What is Rabbi's reason? Because it is written in Scripture, And the Lord God built<sup>25</sup> the rib<sup>26</sup> which

teaches that the Holy One, blessed be He, endowed the woman with more understanding<sup>27</sup> than the man. And the other?<sup>28</sup> — He requires that text<sup>25</sup> for the same deduction as the one made by Resh Lakish, for Resh Lakish citing R. Simeon b. Menasya stated, And the lord God built the rib which he took from the man into a woman, and he brought her unto the man,<sup>29</sup> teaches that the Holy One, blessed be He, plaited Eve's hair and then brought her to Adam, for in the sea-towns they describe network as binyatha.<sup>30</sup> But what is R. Simeon b. Eleazar's reason? — R. Samuel son of R. Isaac replied: As a boy frequents the house of his teacher his subtlety<sup>31</sup> develops earlier.<sup>32</sup>

It was asked: Is the intervening period<sup>33</sup> regarded as that of under, or of over age?<sup>34</sup> — In respect of what law could this matter: If in that of vows, it is neither regarded as that of underage nor as that of over age?<sup>35</sup> — Rather in respect of punishments.<sup>36</sup> Now what is the ruling? — Both Rab and R. Hanina replied: The intervening period is regarded as that of under age.<sup>37</sup> Both R. Johanan and R. Joshua b. Levi replied: The intervening period is regarded as that of over age. Said R. Nahman b. Isaac: Your mnemonic<sup>38</sup> is: Now this was the custom in former time in Israel.<sup>39</sup>

R. Hamnuna raised an objection:<sup>40</sup> **SUBSEQUENT TO THIS AGE, EVEN THOUGH THEY SAID, WE DO NOT KNOW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW' OR 'IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION' THEIR VOW IS A VALID VOW AND THEIR DEDICATION IS A VALID DEDICATION. Thus<sup>41</sup> it follows, does it not, that the intervening period is regarded as that of under age? Said Raba to him, Read then the first clause: PRIOR TO THIS AGE, EVEN THOUGH THEY SAID, 'WE KNEW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW' OR 'IN HONOUR OF WHOSE NAME WE HAVE MADE OUR**

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DEDICATION', THEIR VOW IS NO VALID VOW AND THEIR DEDICATION IS NO VALID DEDICATION. Thus<sup>42</sup> it follows, does it not, that the intervening period is regarded as that of over age? —

This, however, is no argument, Raba having labored under a misapprehension. He thought that R. Hamnuna drew his inference from a Mishnah redundancy,<sup>43</sup> [hence he argued that] instead of drawing an inference from the final clause he might as well have drawn one from the first clause; but this was not the case. R. Hamnuna in fact drew his inference from the very wording<sup>44</sup> of our Mishnah. How [he reasoned] is one to understand the expression of 'SUBSEQUENT TO THAT AGE'? If by that time one had not yet grown two hairs, one would, surely, still be a minor.<sup>45</sup> Consequently it must refer to one who had grown two hairs,

1. Thus, being of age, affecting valid *Kinyan* of marriage.
2. Being now in all respects her lawful husband, *Halizah* is no longer necessary.
3. To ascertain whether the girl was aware of their significance.
4. No examination being necessary.
5. Cf. prev. n. but one, mut. mut.
6. The first day of the twelfth year in the case of a girl and the first day of the thirteenth year in that of a boy.
7. Since they are still minors.
8. Twelve years and a day in the case of a girl and thirteen years and a day in that of a boy when they respectively attain their majority.
9. From which it might well be inferred that at a later age her vows are valid and no examination is necessary.
10. And that the age of eleven years and one day is only the limit below which even an examination does not establish the validity of a vow.
11. And it has previously been stated that from the age of eleven years and one day vows must be examined.
12. A ruling which evidently follows (cf. prev. n.) from the previous statements.
13. The first of the twelfth year.
14. Thus revealing her mental incapacity.
15. During the remaining months of that year.

16. On the assumption that the examinations during the thirty days have established for the rest of that year that her mental state was that of a minor.
17. In view of the explicit statement that examinations are conducted throughout the twelfth year.
18. And if she shows sufficient mental development her vows are valid even at that early age.
19. In view of the earlier statements.
20. On the limits of minority and majority.
21. Sc. they do not claim 'we know' when they are under the age limit or 'we do not know' when they are above the limit.
22. Cf. Prev. n. mut. mut.
23. The statements on the respective age limits of a boy and a girl, according to which the latter matures earlier than the former.
24. The boy, in his opinion, maturing earlier.
25. Wa-yiben.
26. Gen. II, 22. E.V., And the rib... made He.
27. Binah, of a root that is analogous to that of wa-yiben (prev. n. but one).
28. R. Simeon b. Eleazar; how in view of this deduction can he maintain his view?
29. Gen. II, 22. E.V., And the rib ... made He.
30. 'Building'.
31. Or 'shrewdness'.
32. Lit., 'enters into him first'.
33. From the age of eleven years and a day to that of twelve years and a day and from twelve years and a day to thirteen years and a day in the case of a girl and a boy respectively.
34. Lit., 'as before time or as after time'.
35. As stated *supra*.
36. And in the case where the boy or the girl had grown two pubic hairs. In the absence of these, even one of age is exempt from punishments.
37. And exempt from punishment.
38. An aid to the recollection of the respective authorship of the two views just expressed.
39. R. Joshua b. Levi was a Levite, whilst Rab and R. Hanina were Israelites; and those who were 'in Israel' (Israelites) gave former time' which recalls 'before time' ('under age') as their ruling (Tosaf. Asheri).
40. Against R. Johanan and R. Joshua b. Levi.
41. Emphasizing SUBSEQUENT.
42. Emphasis on PRIOR.
43. Sc. the apparent superfluity of the rulings PRIOR TO THIS AGE, etc. and SUBSEQUENT TO, etc. discussed and explained *supra*.
44. Lit., 'from the body'.
45. How then could it be ruled, THEIR VOW IS VALID, etc.

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## Niddah 46a

the reason for the ruling<sup>1</sup> being that one was over age, when all requirements<sup>2</sup> were satisfied.<sup>3</sup> Thus it follows, does it not, that the intervening period<sup>4</sup> is regarded as that of under age?<sup>5</sup> A further objection was [also] raised by R. Zera: When ... man ... shall clearly utter a vow, the vow of ...<sup>6</sup> What was the purpose of stating 'man'? To include in the scope of the law a boy of the age of thirteen years and one day whose vows are valid, though he is unable to 'utter clearly'. Now how is this to be understood? If it be suggested that the reference is to a boy who had not yet grown two hairs, [the objection could be raised:] Such a boy would still have the status of a minor.<sup>7</sup> The reference consequently must be to one who had grown two hairs, the reason being that he is thirteen years and one day old, when he is regarded as a 'man'. Thus<sup>8</sup> it follows, does it not, that the intervening period is regarded as that of under age?<sup>9</sup> — This is indeed a refutation.

R. Nahman stated, The question<sup>10</sup> is a point at issue between Tannas:<sup>11</sup> [For it was taught:] If a boy of the age of seven years grew two hairs they are attributed to a mole;<sup>12</sup> from the age of nine years to that of twelve years and one day they are also to be attributed to a mole,<sup>12</sup> but R. Jose son of R. Judah ruled: They<sup>13</sup> are a sign of puberty; at the age of thirteen years and one day, all agree that they are a sign of puberty.<sup>14</sup> Now is not this self-contradictory: You said, 'From the age of nine years to that of twelve years and one day they are also to be attributed to a mole', from which it follows that at the actual age of thirteen years they are a sign of puberty; but then it is stated, 'At the age of thirteen years and one day ... they are a sign of puberty', from which it follows, does it not, that at the actual age of thirteen years they are to be attributed to a mole? Must you not concede then that this question<sup>15</sup> is a point at issue between the Tannas, one Master<sup>16</sup> holding that the intervening period is regarded as that of over age while the other

Master maintains that the intervening period is regarded as that of under age?<sup>17</sup> No; all may agree that the intervening period is regarded as that under age, but both clauses refer to a girl the first<sup>18</sup> supporting the view of Rabbi<sup>19</sup> while the latter<sup>20</sup> represents that of R. Simeon b. Eleazar.<sup>21</sup> And if you prefer I<sup>22</sup> might reply: Both clauses refer to a boy, and the first represents the view of R. Simeon b. Eleazar while the latter represents the view of Rabbi.<sup>23</sup> And if you prefer I<sup>24</sup> might reply: Both clauses are the view of Rabbi, but one<sup>25</sup> refers to a boy while the other<sup>26</sup> refers to a girl. And if you prefer I<sup>24</sup> might say: Both clauses are the view of R. Simeon b. Eleazar, but the one<sup>26</sup> refers to a boy while the other<sup>25</sup> refers to a girl.

'R. Jose son of R. Judah ruled: They are a sign of puberty.' R. Kerespedai son of R. Shabbethai explained: This applies only where they<sup>27</sup> are still on him.<sup>28</sup> So it was also taught: If a boy of the age of nine years and one day had grown two hairs they are to be attributed to a mole; from the age of nine years to that of twelve years and one day, though the hairs are still on him, they are to be attributed to a mole. R. Jose son of R. Judah ruled: They are a sign of puberty.

Raba stated: The law is that the intervening period is regarded as that of under age. R. Samuel b. Zutra taught Raba's tradition in the following form:<sup>29</sup> Raba stated, A minor all through her twelfth year may make a declaration of *mi'un*<sup>30</sup> and go away,<sup>31</sup> but from that age upwards she may not make a declaration of *mi'un*<sup>32</sup> but<sup>33</sup> she may not submit to *halizah*.<sup>34</sup> Is not this statement, however, self contradictory? You said, 'she may not make a declaration of *Mi'un*' from which it is evident that<sup>35</sup> she is regarded as one of age; but if she is of age why may she not submit to *Halizah*? And were you to reply that he<sup>36</sup> was in doubt,<sup>37</sup> [it could be retorted:] Was he in doubt? Did not Raba in fact rule: A minor on attaining the age of majority need not be examined<sup>38</sup> since there

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is presumption that she has grown the signs of puberty? —

This<sup>39</sup> applies only to general cases, but not here where an examination was held and no hairs were found. If so,<sup>40</sup> why should she not be allowed to make a declaration of *Mi'un*? The possibility is taken into consideration that they might have fallen off. This would be a satisfactory explanation according to him who holds that such a possibility is taken into consideration, but what explanation can be offered according to him who holds that such a possibility need not be taken into consideration? Was it not stated: R. Kahana<sup>41</sup> ruled, There is no need to consider the possibility that they may have fallen off and R. Papi ruled, The possibility must be considered? —

This<sup>42</sup> applies only to the matter of *halizah*,<sup>43</sup> but as regards *Mi'un* the possibility is taken into consideration.<sup>44</sup> Thus it follows that according to him who holds that the possibility<sup>45</sup> is taken into consideration she may submit to *Halizah*; but [it may be objected:] Did he not merely say that the possibility<sup>46</sup> is taken into consideration?<sup>47</sup> The fact is that this<sup>48</sup> is a case where she was not examined,<sup>49</sup> but the possibility<sup>50</sup> is taken into consideration as regards *halizah*,<sup>51</sup> and when Raba stated 'There is presumption' he meant it in regard to *mi'un*,<sup>52</sup> but in regard to *halizah*<sup>53</sup> an examination<sup>54</sup> is a pre-requisite. R. Dimi of Nehardea stated: The law is that the possibility that the hairs may have fallen off is taken into consideration.<sup>55</sup> This,<sup>56</sup> however, applies only where one had betrothed her<sup>57</sup> during the intervening period and cohabited after that period, since a Pentateuchal doubt is thereby involved,<sup>58</sup> but not to the original betrothal alone.<sup>59</sup>

R. Huna ruled: If [a child]<sup>60</sup> dedicated some food and then ate it, he<sup>61</sup> is subject to flogging, for it is said in Scripture, When... man ... shall clearly utter a vow,<sup>62</sup> and He shall not break his word,<sup>63</sup> which<sup>64</sup> implies that whosoever is able to 'utter clearly'<sup>65</sup> is

subject to the prohibition of 'he shall not break his word'<sup>66</sup> and only he who is not able to 'utter clearly' is not subject to the injunction of 'he shall not break his word'. R. Huna b. Judah addressed an objection to<sup>67</sup> Raba<sup>68</sup> in support of R. Huna:

1. Cf. prev. n.
2. Age and external marks of puberty.
3. Lit., 'when the thing was completed'.
4. When the prescribed age limit had not yet been reached.
5. An objection against R. Johanan, and R. Joshua b. Levi.
6. Num. VI, 2.
7. How then could his vow be valid?
8. Since the law is applicable only to one who is above the age of thirteen years and a day.
9. An objection against R. Johanan, and R. Joshua b. Levi.
10. To which age the intervening period belongs.
11. Lit., 'as Tannas'.
12. From which hair grows; and they are, therefore, no evidence of puberty.
13. In the latter case, from nine years to twelve years and a day.
14. Kid. 16b.
15. To which age the intervening period belongs.
16. The first Tanna.
17. Which proves R. Nahman's contention.
18. According to which the growth of the hairs at the age of thirteen years is sufficient evidence.
19. Who stated *supra* that in the case of a girl the age of thirteen years is regarded as over the prescribed age.
20. From which it is inferred that the growth of hairs at the age of thirteen is attributed to a mole.
21. Who, as stated *supra*, regards a girl at the age of thirteen years as being under the age prescribed.
22. Still maintaining that the intervening period is regarded as that of under age.
23. V. *supra* 45b.
24. Still maintaining that the intervening period is regarded as that of under age.
25. The last clause.
26. The first clause.
27. The two hairs.
28. When he attained his majority. If by that time they have fallen off it is obvious that their growth was merely due to a mole.
29. From which also it may be inferred that the intervening period is regarded as that of under age.
30. V. Glos.



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31. And there is no need to consider the possibility that she may have grown two hairs. If any hairs had grown they must be attributed to a mole. It thus follows that the intervening period is regarded as that of under age.
32. Since at this age the possibility must be considered that she may have grown two hairs.
33. If her husband died childless.
34. Because her majority is not yet established.
35. If she has grown two hairs.
36. Raba.
37. Whether a girl at such an age had, or had not grown pubic hairs; and consequently he forbade *Mi'un* in case she was already of age, and forbade *Halizah* in case she was still a minor.
38. For the presence of hairs.
39. Raba's ruling just cited.
40. That an examination has established the absence of hairs.
41. So MS.M. and marg. gl. Cur. edd. 'Papa'.
42. That where no hairs were found there is no need to consider the possibility that they may have fallen off.
43. Since by forbidding it the law is thereby restricted.
44. And *Mi'un* is, therefore, forbidden and (cf. prev. n. mut. mut.) only a proper divorce can dissolve the marriage.
45. That the hairs may have fallen off.
46. Emphasis on this word.
47. Of course he said. How then can he allow *Halizah* when the question of majority is still a matter of doubt?
48. Raba's ruling just cited.
49. And as she has attained the age of majority, when she might be presumed to have grown pubic hairs, she must be forbidden *Mi'un* and subjected to the restrictions of divorce.
50. That she never grew pubic hairs.
51. And he cannot submit to *Halizah* in order to be exempt from divorce. Since the law must always be restricted.
52. Cf. prev. n. but two.
53. Sc. to allow her to submit to *Halizah* and be exempt from divorce (cf. prev. n. but one).
54. To establish the presence of hair.
55. Once she has attained the age of majority, though on examination no hairs are found, she may no longer exercise the right of *Mi'un*.
56. Cf. prev. n.
57. With the approval of her mother or brothers.
58. Cohabitation, which is a Pentateuchal form of 'acquisition' in marriage, having taken place at an age when she may well be presumed to have attained her majority.
59. That was not followed by cohabitation after the age of majority had been attained. As the betrothal of a minor (if it was not effected through her father) has only Rabbinical sanction, the Rabbis did not insist on the restrictions of a divorce where her majority was in doubt. Where, however, hairs have grown, though betrothal took place during her minority, the Rabbis forbade *Mi'un* and insisted on the restrictions of a divorce as a preventive measure against the possibility of allowing *Mi'un* to one with whom cohabitation took place after majority had been attained.
60. Who understands the significance of dedications and vows.
61. Though exempt from penalties in other cases.
62. Num. VI, 2, from which it is deduced that a minor approaching manhood (or womanhood), viz., a boy in his thirteenth year (or a girl in her twelfth), provided he (or she) understands the significance of vows and dedications, is regarded as a man (or woman).
63. Num. XXX, 3.
64. By analogy.
65. Sc. understands the significance of vows.
66. A negative precept punishable by flogging.
67. Not 'against'.
68. MS.M. and Maharsha delete the last two words the Heb. for which in cur. edd. is enclosed in parenthesis. [The objection is against those who hold *infra* that others who ate it are subject to flagellation but not the child. V. Maharsha].

### Niddah 46b

Since we find that Scripture has put a minor on a par with an adult<sup>1</sup> as regards a presumptuous oath, a self-imposed prohibition<sup>2</sup> and [the injunction] not to break his word, it might have been presumed that he should also incur the liability of a sacrifice for eating that which he had dedicated, hence it was explicitly stated,<sup>3</sup> **This is the thing.**<sup>4</sup> At any rate, was it not here stated that guilt was incurred for infringing a self imposed prohibition or [the injunction] not to break one's word?<sup>5</sup> Read: The prohibition<sup>6</sup> not to break his word.<sup>7</sup> [You say,] 'The prohibition not to break his word'! Whatever your assumption may be [a difficulty arises]. If an intelligent minor<sup>8</sup> approaching manhood is Pentateuchally

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forbidden to break his word, he should also incur the penalty of flogging;<sup>2</sup> and if an intelligent minor approaching manhood is not Pentateuchally forbidden to do it, there should not be<sup>10</sup> even a mere prohibition?<sup>11</sup> —

The prohibition<sup>12</sup> applies to those who are responsible for him.<sup>13</sup> May it then be inferred from this ruling<sup>14</sup> that if a minor eats *nebelah*<sup>15</sup> it is the duty of *Beth din* to take it away from him?<sup>16</sup> Here we may be dealing with a case, for instance, where the minor dedicated the food and others<sup>17</sup> ate it.<sup>18</sup> This explanation is quite satisfactory according to him who laid down that if a minor dedicated some food and others<sup>17</sup> ate it the latter are to be flogged, but what can be said in explanation according to him who ruled that they were not to be flogged; for it was stated: If a minor dedicated some food and others ate it, R. Kahana ruled, They are not to be flogged, while both R. Johanan and Resh Lakish ruled, They are to be flogged? — The prohibition<sup>19</sup> is<sup>20</sup> merely Rabbinical<sup>21</sup> and the Scriptural text<sup>22</sup> serves as a mere prop.

[Reverting to] the above text, 'If a minor dedicated some food and others ate it, R. Kahana ruled, They are not to be flogged, while both R. Johanan and Resh Lakish ruled, They are to be flogged'. On what principle do they differ? — The Masters<sup>23</sup> are of the opinion that an intelligent minor approaching manhood is under a Pentateuchal obligation<sup>24</sup> while the Master<sup>25</sup> is of the opinion that an intelligent minor approaching manhood is only under a Rabbinical obligation.<sup>24</sup> R. Jeremiah raised an objection: If a fatherless girl<sup>26</sup> made a vow, her husband may disallow it for her. Now if you grant that an intelligent minor approaching manhood is only under a Rabbinical obligation<sup>24</sup> one can well justify the ruling,<sup>27</sup> since the force of a Rabbinical marriage<sup>28</sup> may well annul a Rabbinical vow, but if you maintain that the obligation<sup>24</sup> is Pentateuchal, could [it may be objected] the force of a Rabbinical marriage<sup>29</sup> annul a Pentateuchal vow? —

R. Judah citing Samuel replied: Her husband may disallow her vow for her whatever your assumption might be. If the minor's obligation<sup>24</sup> is Rabbinical, the whole matter is a Rabbinical affair; and if the obligation is Pentateuchal, it is a case of a minor who eats *nebelah*<sup>30</sup> where it is not the duty of the *Beth din* to take it away from him. But would she not be eating, in reliance upon the first disallowance,<sup>31</sup> even when she attains her majority?<sup>32</sup> — Rabbah b. Liwai replied: Her husband disallows her vow for her every now and then.<sup>33</sup> This,<sup>34</sup> however, applies only to one who cohabited with her.<sup>35</sup> But, surely, no husband may disallow vows made prior to marriage?<sup>36</sup> — This<sup>37</sup> is in agreement with R. Phinehas who cited Raba,<sup>38</sup> for R. Phinehas citing Raba stated: Any woman who vows acts in reliance on the opinion of her husband.<sup>39</sup>

Said Abaye, Come and hear: If a minor has not yet grown two hairs, R. Judah ruled, his *Terumah* is not<sup>40</sup> valid; while R. Jose ruled, Before reaching the age when his vows are valid<sup>41</sup> his *Terumah* is not valid, but after reaching the age when his vows are valid<sup>42</sup> his *Terumah* is valid.<sup>43</sup> Assuming<sup>44</sup> that R. Jose is of the opinion that *Terumah* at the present time is a Pentateuchal institution, his ruling would be well justified if you grant that an intelligent minor approaching manhood is under a Pentateuchal obligation,<sup>45</sup> since a man under a Pentateuchal obligation may well render fit<sup>46</sup> Pentateuchal *tebel*,<sup>47</sup> but if you maintain that he is only under a Rabbinical obligation,<sup>48</sup> could a man under a Rabbinical obligation render fit Pentateuchal *tebel*?<sup>49</sup> —

No, R. Jose is of the opinion that *Terumah* at the present time is only a Rabbinical institution. But does R. Jose hold that *Terumah* at the present time is only Rabbinical? Was it not in fact taught in Seder Olam:<sup>50</sup> 'Which thy fathers possessed and thou shalt possess it,<sup>51</sup> they had a first,<sup>52</sup> and a second<sup>53</sup> possession<sup>54</sup> but they had no need for a third one';<sup>55</sup> and R. Johanan

stated, 'Who is the author of Seder Olam? R. Jose?'<sup>56</sup> — R. Jose may well be its compiler<sup>57</sup> but he himself does not uphold this view.<sup>58</sup> This<sup>59</sup> may also be supported by a process of reasoning. For it was taught: A dough<sup>60</sup> that had become subject to the restrictions of *terumah*<sup>61</sup> or became sour through a leaven of *Terumah*,

1. Cf. *supra* n. 9.
2. V. Num. XXX, 3.
3. In the same context as the oath and a self-imposed prohibition.
4. Num. XXX, 2, emphasis on 'this', sc. but no other.
5. Evidently it was; but since such a negative precept is punishable by flogging, R. Huna's ruling evidently finds support in the citation.
6. Issur instead of Issar ('bond', self-imposed prohibition).
7. Without incurring a flogging.
8. Sc. one understanding the significance of vows and dedications.
9. As in the case of all Pentateuchal prohibitions.
10. Since the Rabbis do not subject minors to preventive measures.
11. Issur (cf. prev. n. but three).
12. Spoken of *supra*, which is in fact only Rabbinical.
13. Not to the minor himself (cf. prev. n. but two).
14. According to which those responsible for a minor must prevent him from encroaching even on that which is only Rabbinically forbidden.
15. Symbolic of any religious transgression.
16. But if so why (cf. Yeb. 114a) was there a divergence of view on this question?
17. Adults.
18. The original reading, 'prohibition and [the injunction] not to break', may, therefore, be retained and yet no support would be forthcoming for R. Huna since the penalty of flogging does not apply to the minor but to the adults who ate that which he has dedicated.
19. Sc. 'the prohibition not to break his vow'.
20. According to R. Kahana.
21. As was first suggested *supra*.
22. From which deduction was made *supra* 46a ad fin.
23. R. Johanan and Resh Lakish.
24. To observe the laws of vows and dedications.
25. R. Kahana.
26. A minor whose marriage was contracted by her mother or brothers.
27. The husband's right by virtue of his marriage with the minor (cf. prev. n.) to disallow her vows.

28. The marriage of a minor contracted in the absence of her father has only Rabbinical sanction.
29. Cf. prev. n.
30. Cf. *supra* p. 322, n. 14.
31. Which has only Rabbinical validity.
32. When she is subject to Pentateuchal prohibitions.
33. Even after she has attained her majority.
34. That the disallowance has Pentateuchal force.
35. After she had attained majority. Cohabitation at that age having the Pentateuchal force of 'acquisition' the marriage which thus has Pentateuchal sanction may well enable the husband to disallow a vow that has Pentateuchal sanction.
36. How then can he disallow here a vow that was made by a minor before her subsequent Pentateuchally valid marriage?
37. The ruling that the husband may disallow the minor's vow though when she comes of age her vow would assume Pentateuchal validity.
38. Sc. there is no need to explain, as presumably suggested, that the husband 'disallows the vow every now and then', for even though he only disallowed it during her minority, there is no need to disallow it again when she attains her majority.
39. As the minor was at least Rabbinically married when her vow was made, its validity is entirely dependent on her husband's pleasure. Only where a woman was not married at all at the time her vow was made is her subsequently married husband precluded from disallowing it.
40. In the separate edd. of the Mishnah this word is missing.
41. V. foll. n.
42. Sc. an intelligent minor approaching manhood whose vows are to be examined.
43. Ter. I, 3.
44. Lit., 'they (the Rabbis of the college) thought'.
45. In regard to his vows and dedications and consequently also in regard to his *Terumah*.
46. By separating *Terumah* from it.
47. Sc. produce the separation of *Terumah* from which is Pentateuchally ordained, v. [Glos.](#)
48. As R. Kahana maintains.
49. An objection against R. Kahana.
50. 'Order of the World', a chronological compilation by R. Jose b. Halafta in the first half of the second century.
51. Deut. XXX, 5, repetition of the verb 'to possess'.
52. After the conquest of Joshua'.
53. In the days of Ezra.
54. Sc. the sanctity of the Land of Israel having ceased with the destruction of the first Temple

# NIDDOH – 23b-48a

- and the Babylonian exile, a second 'possession' (sc. sanctification) was necessary.
55. Since the second sanctification (as the Scriptural text implies) remained for all time. As the land remained sacred the Pentateuchal obligation of *Terumah* also obviously remained in force.
  56. How then (cf. prev. n.) could it be maintained here that R. Jose holds the institution of *Terumah* at the present time to be merely Rabbinical?
  57. Lit., 'taught it'.
  58. That the second sanctification remained for all time. He may well be of the opinion that it ceased with the destruction of the second Temple and the Roman exile and that *Terumah* at the present time is merely a Rabbinical institution.
  59. Cf. prev. n.
  60. Ordinary and unconsecrated.
  61. Where for instance, some *Terumah* fell into a dough that was less than a hundred times the quantity of the former. Rabbinically, *Terumah* cannot be neutralized unless it was mixed up with unconsecrated commodities that exceeded its quantity a hundredfold.

## Niddah 47a

is subject to the obligation of the dough-offering<sup>1</sup> and<sup>2</sup> does not become unfit through contact with a Tebul yom;<sup>3</sup> so R. Meir and R. Judah, but R. Jose and R. Simeon exempt it from the obligation of the dough-offering. Assuming<sup>4</sup> that he who holds that the institution of *terumah*<sup>5</sup> is Pentateuchal also holds that of the dough-offering<sup>5</sup> to be Pentateuchal and that he who holds that *terumah*<sup>3</sup> is Rabbinical also holds the dough-offering<sup>5</sup> to be Rabbinical, the ruling would be well justified if you grant that R. Jose<sup>6</sup> is of the opinion that the dough offering at the present time is only Rabbinical, since the Rabbinic law which subjects the dough to the restrictions of *Terumah* may well override the Rabbinical law of the dough-offering, but if you maintain that the institution of the dough-offering<sup>7</sup> is Pentateuchal,<sup>8</sup> could the Rabbinic law which subjects the dough to the restrictions of *Terumah* override the institution of the dough offering which is Pentateuchal?<sup>2</sup> —

But is it not possible that R. Jose holds that *Terumah* at the present time is a Pentateuchal institution while the dough offering is only a Rabbinical one, as in fact R. Huna son of R. Joshua stated in a reply?<sup>10</sup> For R. Huna son of R. Joshua stated, I found the Rabbis of the college sitting at their studies and saying, 'Even according to him who holds that *Terumah* at the present time is a Rabbinical institution, the dough offering is a Pentateuchal one, for during the seven years in which they<sup>11</sup> conquered Canaan and during the seven years in which they divided it<sup>12</sup> they were under the obligation of the dough offering though they were under no obligation to give tithe'; and I told them, 'Even according to him who holds that *Terumah* at the present time is Pentateuchal, the dough offering is only Rabbinical, for it was taught: If Scripture had written, "when you come"<sup>13</sup> it might have been presumed [that the obligation of the dough-offering should come into force] as soon as two or three spies had entered, hence it is said, In your coming,<sup>14</sup> I have spoken<sup>15</sup> only of the coming of all of you and not of the coming of a portion of you; but when Ezra brought them up not all of them went up with him.'<sup>16</sup>

**MISHNAH.** THE SAGES SPOKE OF [THE PHYSICAL DEVELOPMENT OF] A WOMAN IN FIGURATIVE SPEECH: AN UNRIPE FIG, A FIG IN ITS EARLY RIPENING STAGE AND A RIPE FIG. SHE IS LIKE AN UNRIPE FIG' WHILE SHE IS YET A CHILD; A FIG IN ITS EARLY RIPENING STAGE' WHEN SHE IS IN THE AGE OF<sup>17</sup> HER MAIDENHOOD. DURING BOTH THE LATTER AND THE FORMER AGES,<sup>18</sup> THEY<sup>19</sup> RULED, HER FATHER IS ENTITLED TO ANYTHING SHE FINDS AND TO HER HANDIWORK AND TO THE RIGHT OF INVALIDATING HER VOWS. 'A RIPE FIG' — AS SOON AS SHE BECOMES A BOGERETH, AND HER FATHER HAS NO LONGER ANY RIGHT OVER HER.

WHAT ARE THE MARKS [OF A BOGERETH]? R. JOSE THE GALILEAN SAYS: THE APPEARANCE OF<sup>20</sup> THE WRINKLE

## NIDDOH – 23b-48a

BENEATH THE BREAST. R. AKIBA SAYS: THE HANGING DOWN OF<sup>21</sup> THE BREASTS. BEN AZZAI SAYS: THE DARKENING OF THE RING AROUND THE NIPPLE. R. JOSE SAYS: [THE DEVELOPMENT OF THE BREAST TO A STAGE] WHEN ONE'S HAND BEING PUT ON THE NIPPLE IT SINKS AND ONLY SLOWLY RISES AGAIN.

GEMARA. SHE IS LIKE 'AN UNRIPE FIG'<sup>22</sup> WHILE SHE IS YET A CHILD, as it is written in Scripture, The fig-tree putteth forth her green figs.<sup>23</sup>

'A FIG IN ITS EARLY RIPENING STAGE',<sup>24</sup> WHEN SHE IS IN THE AGE OF HER MAIDENHOOD, as we have learnt: Figs [become subject to tithe] as soon as they reach an early stage of ripening<sup>25</sup> and Rabbah b. Bar Hana explained this to mean: As soon as their tips grow white. And if you prefer I might say that the meaning<sup>26</sup> is derived from the following: For my soul became impatient of them, and their soul also loathed<sup>27</sup> me.<sup>28</sup>

A RIPE FIG',<sup>29</sup> as one would say, 'It has come forth complete.'<sup>30</sup>

WHAT ARE THE MARKS [OF A BOGERETH]? R. JOSE THE GALILEAN SAYS: THE APPEARANCE OF THE WRINKLE. Samuel explained: Not the actual appearance of the wrinkle, but it suffices if, when putting her hands behind her, the wrinkle beneath the breast seems to appear. Samuel<sup>31</sup> examined his slave and paid her four *Zuz* compensation for the indignity. Samuel thereby followed his principle, for Samuel stated: Of them<sup>32</sup> may ye make bondmen<sup>33</sup> for ever,<sup>34</sup> I have given them to you for work<sup>35</sup> but not to be subjected to indignities. Samuel assigned his female slaves to individual husbands.<sup>36</sup> R. Nahman interchanged them.<sup>37</sup> R. Shesheth entrusted them to Arabs<sup>38</sup> but told them 'Be careful to have no intercourse with an Israelite'.

R. JOSE SAYS, etc. What is the meaning of ukaz?<sup>39</sup> — Samuel replied: The nipple of the breast.

Our Rabbis taught: What are the marks of Bagruth? R. Eleazar son of R. Zadok stated, When the breasts begin to shake.<sup>40</sup> R. Johanan b. Beroka stated, When the top of the nose<sup>41</sup> grows white. But is not a woman when this grows white already old? — Rather said R. Ashi, when the top of the nose splits.<sup>42</sup> R. Jose stated, When a ring is formed around the nipple. R. Simeon stated, When the *mons veneris* grows lower.

1. Though *Terumah* proper is exempt.
2. Cf. prev. n. mut. mut.
3. V. [Glos.](#)
4. Lit., 'they thought' (cf. *supra* p. 324, n. 12).
5. At the present time.
6. Who exempts the dough under discussion from the dough-offering.
7. At the present time.
8. And that, consequently, *Terumah* at the present time is also Pentateuchal.
9. Of course not. A Rabbinical enactment could not override a Pentateuchal law. Consequently it must be admitted (as stated *supra* 46b ad fin.) that R. Jose holds *Terumah* at the present time to be merely a Rabbinical institution.
10. Of course it is possible. Hence the Baraita cited provides no proof for the contention *supra* that the view that R. Jose holds *Terumah* at the present time to be Rabbinical 'may be supported by a process of reasoning'.
11. The Israelites in the days of Joshua.
12. Years that may well be compared to the 'present time'.
13. *Ki thabo'u*, so MS.M. Cur. edd., *bebo'akem*.
14. Num. XV, 18, in the context of the dough-offering; Heb. *Bebo'akem*, emphasis on *Kem* 'your'.
15. Of the obligation of the dough-offering.
16. Since that time, therefore, there could be no Pentateuchal obligation; and the dough offering of the present time must consequently be a mere Rabbinical institution.
17. Lit., 'these are the days of'.
18. Childhood and maidenhood.
19. The Sages.
20. Lit., 'when it rises'.
21. Lit., 'when they incline'.
22. *Paggah* (v. foll. n.).
23. Cant. II, 13, *Paggeha*, the noun absolute being *Paggah* (with the pron. suff. of the third sing.

# NIDDOH – 23b-48a

fem. and the omission of the *Dagesh* in the *Pe* owing to a preceding *he*) which proves that the term is applied to the earliest stage of growth.

24. *Bohal* (v. foll. n.).
25. *Misheyibahalu*, of the same root as *Bohal*.
26. Of *Bohal*.
27. *Bahalal*, of the same rt. as *Bohal*.
28. Zech. XI, 8; loathing is an early stage in the 'rising' of the food.
29. [H] *Zemel*.
30. Phonetic etymology. [H], *Yazetha Mele'ah* containing the letters of [H].
31. In his investigations on the applicability of R. Jose's ruling.
32. Canaanitish slaves.
33. *Ta'abodu*, lit., 'you may cause them to work'.
34. Lev. XXV, 46.
35. Cf. Prev. n. but one.
36. Lit., 'he appointed for them', sc. he did not allow promiscuous intercourse among his slaves. To each female slave was assigned one particular male slave.
37. Unlike Samuel he did not mind promiscuity among his slaves.
38. Their morality, he held, was not his concern.
39. Rendered *supra* 'nipple'.
40. In walking. Aliter: 'to become stiff' (v. Jast.).
41. The central circle of the oblate part of the breast (Jast.).
42. Aliter (Jast.). When the skin of the central circle of the oblate part of the breast appears wrinkled.

## Niddah 47b

So also did R. Simeon<sup>1</sup> state: The Sages have indicated in [the physical development of] a woman three marks below and corresponding ones above. If, namely, she is like an unripe fig above, it may be taken for granted<sup>2</sup> that she has not yet grown two hairs. If she is above like a fig in its early ripening, it may be taken for granted<sup>2</sup> that she has already grown two hairs. If she is like a ripe fig above it may be taken for granted that the *mons veneris* has grown lower. What is meant by *mons veneris*? — R. Huna replied: There is a rounded eminence above that place,<sup>3</sup> and as the girl grows in age it steadily grows lower.

Rabbi was asked:<sup>4</sup> In agreement with whose view is the *Halachah*? He sent word in reply:

In agreement with all so as to restrict<sup>5</sup> the law.<sup>6</sup> R. Papa and R. Hinena son of R. Ika differ. One taught it<sup>2</sup> in connection with this,<sup>8</sup> while the other taught it in connection with the law of the Tyrian courtyard. For we have learnt: Which courtyard<sup>2</sup> imposes the obligations of tithe?<sup>10</sup> R. Simeon<sup>11</sup> ruled: A Tyrian courtyard in which objects are safely kept.<sup>12</sup> (Why is this described as a Tyrian courtyard? —

Rabbah b. Bar Hana citing R. Johanan replied: Since in Tyre they put a watchman at the door of a courtyard.) R. Akiba ruled: Any courtyard which one may open and another close<sup>13</sup> is exempt from tithe.<sup>14</sup> R. Nehemiah ruled: Any courtyard in which no one is ashamed to eat is subject to tithe.<sup>15</sup> R. Jose ruled: Any courtyard into which people may enter and none is asked, 'What do you want?' is exempt.<sup>14</sup> R. Judah ruled: If there were two courtyards, one within the other, the inner one is subject to tithe<sup>15</sup> while the outer one is exempt.<sup>14</sup> Rabbi was asked: In agreement with whose view is the *Halachah*? He replied: The *Halachah* is in agreement with all of them so as to restrict the law.<sup>16</sup>

**MISHNAH.** IF A WOMAN AT THE AGE OF TWENTY DID NOT PRODUCE TWO HAIRS,<sup>17</sup> SHE MUST BRING EVIDENCE THAT SHE IS TWENTY YEARS OF AGE AND SHE BECOMES CONFIRMED AS A WOMAN WHO IS INCAPABLE OF PROCREATION AND NEITHER PERFORMS *HALIZAH* NOR IS TAKEN IN LEVIRATE MARRIAGE. IF A MAN OF THE AGE OF TWENTY YEARS DID NOT PRODUCE TWO HAIRS,<sup>17</sup> THEY<sup>18</sup> MUST BRING EVIDENCE THAT HE IS TWENTY YEARS OLD AND HE BECOMES CONFIRMED<sup>19</sup> AS A SARIS<sup>20</sup> AND NEITHER SUBMITS TO *HALIZAH* NOR PERFORMS THE LEVIRATE MARRIAGE; SO BETH HILLEL. BETH SHAMMAI RULED: WITH THE ONE AS WELL AS WITH THE OTHER [THIS TAKES PLACE AT] THE AGE OF EIGHTEEN. R. ELIEZER RULED IN THE CASE OF THE MALE, IN AGREEMENT WITH BETH HILLEL, WHILE IN THAT OF THE FEMALE,

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IN AGREEMENT WITH BETH SHAMMAI,  
SINCE A WOMAN MATURES EARLIER THAN  
A MAN.

**GEMARA.** But I would point out an incongruity: The same law applies whether one is<sup>21</sup> of the age of nine years and one day or whether one is of the age of twenty years but had not produced two hairs!<sup>22</sup> — R. Samuel son of R. Isaac citing Rab replied: This law<sup>23</sup> applies only where other symptoms of a saris<sup>24</sup> also appeared on him. Raba observed: This<sup>25</sup> may also be arrived at by a deduction. For it was stated, **AND HE BECOMES CONFIRMED AS A SARIS.**<sup>26</sup> This is conclusive.

Where, however, no other symptoms of a saris had developed, how long [is one<sup>27</sup> regarded as a minor]? — R. Hiyya taught: Until he has passed middle age.<sup>28</sup> Wherever people come with such a case<sup>29</sup> before R. Hiyya,<sup>30</sup> he used to tell them, if the youth was emaciated, 'Let him first be fattened'; and if he was stout, he used to tell them, 'Let him first be made to lose weight';<sup>31</sup> for these symptoms<sup>32</sup> appear<sup>33</sup> sometimes as a result of emaciation and sometimes they appear as a result of stoutness.

Rab stated: It is the law throughout this chapter that age is calculated from one point of time to another point of time;<sup>34</sup> but 'Ulla stated: This is the case only where we have explicitly learnt it.<sup>35</sup> According to 'Ulla all is well since there is a satisfactory reason why in one case it was stated<sup>36</sup> 'one day' while in the other this was not stated; but according to Rab, why was not this<sup>37</sup> stated in all cases?<sup>38</sup> Furthermore, it was taught: R. Jose b. Kipper stated in the name of R. Eliezer, If thirty days of the twentieth year have passed it is exactly the same as if the entire year had passed;<sup>39</sup> and so also Rabbi at Lydda ruled, If thirty days of the eighteenth year have passed it is exactly the same as if the entire year had passed.<sup>40</sup> Now one may well agree that there is no difficulty [as regards the contradiction between the ruling] of Rabbi and that of R.

Jose b. Kipper, since the former<sup>41</sup> is in agreement with Beth Shammai<sup>42</sup> while the latter<sup>43</sup> is in agreement with Beth Hillel;<sup>42</sup> but does not this<sup>44</sup> present a difficulty against Rab?<sup>45</sup> —

This<sup>46</sup> is a question in dispute between Tannas.<sup>47</sup> For it was taught: The year that is mentioned in connection with consecrated things;<sup>48</sup> the year that is mentioned in connection with houses in walled cities;<sup>49</sup> the two years<sup>50</sup> in connection with a field of one's possession;<sup>51</sup> the six years in connection with a Hebrew servant,<sup>52</sup> and so also the years in the age of a son and a daughter<sup>53</sup> are all to be calculated from one point of time to another point of time.<sup>54</sup> Whence do we deduce the duration of the year that was mentioned in connection with consecrated things? R. Aha b. Jacob replied: Scripture said, A lamb of its<sup>55</sup> year,<sup>56</sup> which implies, Its own year and not a calendar year.<sup>57</sup> Whence do we deduce the duration of the year that was mentioned in connection with the houses in walled cities? — Scripture said, Until the end of his year of sale<sup>58</sup> which implies, Only his year of sale but not a calendar year.<sup>57</sup> Whence do we deduce the duration of the two years in connection with a field of one's possession? — Scripture said, According unto the number of

1. Cur. edd. in parenthesis add 'b. Yohai'.
2. Lit., 'it is known'.
3. Euphemism.
4. With reference to the various views given *supra* on the marks of Bogruth.
5. Sc. whichever of the marks appears the girl is regarded as a Bogereth and her father has no longer the right to annul her vows. Aliter: Even if only the earliest of the marks has appeared she enters a doubtful state of Bogruth and if her father received on her behalf a token of betrothal from one man and she received a similar token from another she must be properly divorced from both. She must be divorced from the latter in case she is already a Bogereth when her father's act cannot annul hers; and she must be divorced from the former in case she is not a Bogereth before all the tokens have appeared.

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6. MS.M., Alfasi and Asheri add, 'R. Johanan and Sabya say: the *Halachah* is in agreement with all of them so as to restrict the law'.
7. Rabbi's reply.
8. The marks of a Bogereth.
9. So MS.M. and sep. edd. of the Mishnah. Cur. edd. read, 'Tyrian courtyard'.
10. On produce that was brought into it (cf. Bezah 34b).
11. *Var. lec.* Ishmael (v. separate edd. of the Mishnah).
12. Ma'as. III, 5. Such may be treated for the purpose of tithes as a house and consequently it imposes the obligations of tithe on any produce that is brought into it.
13. Sc. there is no one man responsible for both the opening and the closing.
14. Sc. produce brought into it does not become subject to tithe, since such a courtyard cannot be regarded as a suitable place for the safe keeping of objects.
15. V. p. 329, n. 11.
16. I.e., if it is in any one of the conditions mentioned it subjects to tithe any produce brought into it.
17. The marks of puberty.
18. The relatives of the widow who desire her to be exempt from the duties of *Halizah* and the levirate marriage.
19. By a display of the prescribed symptoms.
20. A eunuch.
21. Lit., 'it is one (and the same) to me'.
22. Yeb. 96b. So long as the pubic hairs have not appeared a person retains the status of a minor. How then is this to be reconciled with our Mishnah which assigns a new legal status at the age of eighteen or twenty?
23. Of our Mishnah (cf. prev. n.).
24. Described in Yeb. 80b.
25. That before one is regarded a saris other symptoms, besides the absence of pubic hairs, must also have made their appearance.
26. Which implies that other independent symptoms of a saris had already developed earlier.
27. If two pubic hairs did not appear.
28. Lit., 'most of his years'.
29. Of one who attained the age of twenty without having grown two hairs.
30. *Var. lec.* 'Raba' (cf. Yeb. 97a).
31. Lit., 'cause him to be lean'.
32. Described in Yeb. 80b.
33. The reading in Yeb. 97a is 'disappear'.
34. The age of twenty, for instance, is deemed to have been attained at the completion of full twenty years of life and not merely at the beginning of the twentieth calendar year.
35. Lit., 'where we learnt we learnt', etc. sc. only where the years and the first day of the year following were specifically mentioned as, for instance, 'three years and one day' (*supra* 44b), 'eleven years and one day' (*supra* 45b). Where, however, (as in our Mishnah) the years only are given one day of the twentieth calendar year is regarded as the whole of that year and the person is deemed to be twenty years of age from that day.
36. Lit., 'that is it that it was stated here'.
37. 'And one day'.
38. Lit., 'let him teach'.
39. Lit., 'behold it is like the twentieth year in all its matters'.
40. Cf. prev. n.
41. Eighteen years.
42. V. our Mishnah.
43. Twenty years.
44. The view accepted by both authorities cited that the part of a year is regarded as the whole of it.
45. Who stated *supra* that the years must be complete.
46. Whether the part of a year is regarded as the entire one.
47. One of whom, as will be shown presently, holds the same view as Rab.
48. Sc. that certain beasts for sacrifices must be one year old.
49. Cf., If a man sell a dwelling house in a walled city, he may redeem it within a whole year (Lev. XXV, 29).
50. This is deduced *infra*.
51. Cf. Lev. XXV, 14ff.
52. Cf., If thou buy a Hebrew servant, six years shall he serve (Ex. XXI, 2).
53. Which (so it is now presumed) were discussed in our Mishnah.
54. Cf. p. 331, n. 14 *supra*.
55. E.V., 'the first'.
56. Lev. XII, 6.
57. Lit., 'the year of the number of the world'.
58. Lev. XXV, 29, E.V., Within a whole year after it is sold.

## Niddah 48a

years of the crops he shall sell unto thee,<sup>1</sup> which implies<sup>2</sup> that one may sometimes sell three crops in two years.<sup>3</sup> Whence do we deduce the duration of the six years in connection with a Hebrew servant? — Scripture said, Six years he shall serve, and in the seventh,<sup>4</sup> which implies that in the seventh [calendar] year also he shall serve.<sup>5</sup> In regard to what law was mention made of



## CHAPTER VI

'the years in the age of a son and a daughter'?<sup>6</sup> —

R. Giddal citing Rab replied: In regard to valuations.<sup>7</sup> R. Joseph, however, replied: In regard to the ages<sup>8</sup> given in our chapter of 'For a fetus born from its mother's side'.<sup>9</sup> Said Abaye to him,<sup>10</sup> 'Are you in disagreement?'<sup>11</sup> — 'No', the other replied, 'he made one statement and I made another statement but there is no essential difference between us'. This is also logically right; for if it could be imagined that there is a radical difference between them and that the one<sup>12</sup> who replied, 'In regard to valuations' does not accept the reply, 'In regard to our present chapter'<sup>13</sup> [the difficulty would arise:] Did not Rab in fact state, 'It is the law throughout this chapter that age is calculated from one point of time to another point of time'?<sup>14</sup> But, then, why did not the one<sup>15</sup> who replied, 'In regard to valuations' also add, 'In regard to our chapter'?<sup>16</sup> — [The reference<sup>17</sup> must be to cases] similar to those previously enumerated: As those<sup>18</sup> were recorded in the Scriptures so must these<sup>17</sup> be such as were recorded in the Scriptures.<sup>19</sup> And the other?<sup>20</sup> — [If that were so] it should have been said,<sup>17</sup> instead of 'the age of a son and a daughter', the age of a male and a female.<sup>21</sup>

R. Isaac b. Nahmani citing R. Eleazar<sup>22</sup> stated: The *Halachah* is in agreement with the ruling which R. Jose b. Kipper cited in the name of R. Eliezer.<sup>23</sup> R. Zera observed: May I be worthy to go up<sup>24</sup> and to learn the tradition<sup>25</sup> from the Master's mouth. When he went up<sup>24</sup> he met R. Eleazar and asked him, 'Did you say: The *Halachah* is in agreement with R. Jose b. Kipper?' — 'What I said was', the other replied, 'that it seemed to be reasonable. For since, throughout the chapter, "one day" was explicitly added<sup>26</sup> while in this case<sup>27</sup> it was not mentioned it may well be inferred that it seems reasonable [that the *Halachah* is] in agreement with him'.

**MISHNAH.** IF THE LOWER MARK<sup>28</sup> APPEARED BEFORE THE UPPER ONE<sup>29</sup> HAD YET MADE ITS APPEARANCE, SHE MAY PERFORM *HALIZAH* OR CONTRACT LEVIRATE MARRIAGE.<sup>30</sup> IF THE UPPER MARK<sup>29</sup> APPEARED BEFORE THE LOWER ONE<sup>28</sup> HAD MADE ITS APPEARANCE, THOUGH THIS IS IMPOSSIBLE,<sup>31</sup> R. MEIR RULED, SHE MAY NEITHER PERFORM *HALIZAH* NOR CONTRACT THE LEVIRATE MARRIAGE; BUT THE SAGES RULED, SHE MAY EITHER PERFORM *HALIZAH* OR CONTRACT THE LEVIRATE MARRIAGE, BECAUSE THEY MAINTAIN: IT IS POSSIBLE FOR THE LOWER MARK TO APPEAR BEFORE THE UPPER ONE HAD YET MADE ITS APPEARANCE, BUT IT IS IMPOSSIBLE FOR THE UPPER MARK TO APPEAR BEFORE THE LOWER ONE HAD MADE ITS APPEARANCE.<sup>32</sup>

**GEMARA.** 'THOUGH THIS IS IMPOSSIBLE'! But has it not in fact APPEARED?<sup>33</sup> — 'APPEARED', according to R. Meir;<sup>34</sup> 'THOUGH THIS IS IMPOSSIBLE' according to the Rabbis.<sup>35</sup> Why then was it not stated: 'If the upper mark appeared, R. Meir ruled, She may neither perform *Halizah* nor contract levirate marriage but the Sages ruled, She may either perform *Halizah* or contract levirate marriage'. and I would well have known that their reason is that it is impossible?<sup>36</sup> — If 'THOUGH THIS IS IMPOSSIBLE' had not been stated, It might have been presumed that in most women the lower mark appears first and in that of a minority the upper mark appears first, and that R. Meir<sup>37</sup> is guided by his principle according to which he takes even a minority into consideration,<sup>38</sup> while the Rabbis<sup>39</sup> are guided by their principle according to which they do not take a minority into consideration;<sup>40</sup> and that this<sup>41</sup> applies only to a general case, but where an examination was held and no [lower mark] was found the Rabbis, it might have been assumed, agree with R. Meir<sup>37</sup> since the

# NIDDOH – 23b-48a

upper mark has appeared first, hence we were informed that this IS IMPOSSIBLE and that the lower mark<sup>42</sup> had undoubtedly appeared earlier but merely fell off.

According to R. Meir<sup>43</sup> one may well justify the Scriptural text, Thy breasts<sup>44</sup> were fashioned, and thy hair<sup>45</sup> was grown,<sup>46</sup> but according to the Rabbis,<sup>47</sup> should not the order have been reversed?<sup>48</sup> — It is this that was meant: As soon as the 'breasts are fashioned' it is known that 'thy hair was grown'. According to R. Meir<sup>49</sup> one can well see the justification for the order of the Scriptural text, When they from Egypt bruised thy breasts<sup>44</sup> for the bosom<sup>45</sup> of thy youth.<sup>50</sup> but according to the Rabbis,<sup>47</sup> should not the order have been reversed?<sup>48</sup> — It is this that was meant: As soon as 'thy breasts' appeared it is known that thy youth<sup>45</sup> had appeared. And if you prefer I might reply: As to the meaning of<sup>51</sup> shede,<sup>52</sup> all the clause was written with regard to the breasts; and it is this that the Holy One, blessed be He, said in effect to Israel:

1. Lev. XXV, 15.
2. Since the minimum of 'years' (plural) is two, and the plural 'crops' denotes all the crops which can be produced in two years.
3. And this is only possible in two complete years, or a full period of twenty-four months, where the sale took place before the produce of the first calendar year had been harvested. In two calendar years there can be no more than two crops.
4. Ex. XXI, 2.
5. But this is possible only if one serves six full years from the date of purchase which took place in the middle of a calendar year. The end of the sixth full year would in such a case coincide with the middle of the seventh calendar year.
6. *Supra* 47b ad fin.
7. Which differ with the ages of the persons valued (cf. Lev. XXVII, 2ff). The ruling here serves the purpose of indicating that, even where the Scriptural text provides no clear guidance on the point, the years mentioned throughout the context are full periods each of twelve months duration.
8. Even where 'and a day' does not follow the number of years.
9. Sc. the present Chapter V which begins with these words.
10. R. Joseph.
11. With Rab.
12. Rab.
13. Lit., 'for a fetus born from its mother's side' (cf. p. 333, n. 11).
14. *Supra* 47b. Of course he did. Consequently it must be admitted that Rab and R. Joseph are essentially of the same opinion.
15. Rab.
16. Lit., 'for a fetus born from its mothers' side' (cf. prev. n. but one).
17. In the expression, 'the years in the age of a son and a daughter' (*supra* 47b).
18. Consecrated things, houses in wall cities, etc.
19. Hence his reply that the reference was to valuations (which are also recorded in the Scriptures) though he fully agrees that the same principle applies also to the years in the ages dealt with in the present chapter (which are not Scriptural but merely traditional).
20. R. Joseph; why does he not add, 'In regard to valuation'?
21. Which are the expressions of the Scriptures in the context of valuations (cf. Lev. XXVII, 3f.).
22. R. Eleazar b. Pedath, the famous Palestinian Amora.
23. *Supra* 27b.
24. To Palestine (cf. prev. n. but one).
25. Cited by R. Isaac b. Nahmani.
26. Lit., 'learned', after the number of the years.
27. A man of the age of twenty years (cf. our Mishnah).
28. Two pubic hairs.
29. 'A fig in its early ripening' (v. Mishnah *supra* 47a).
30. Because she is deemed to have attained her majority.
31. The apparent contradiction is described in the Gemara *infra*.
32. Though it cannot be discovered the hairs may be presumed to have fallen off.
33. Of course it had; since it was explicitly stated, **IF THE UPPER MARK APPEARED BEFORE THE LOWER ONE.**
34. Who ruled that **SHE MAY NEITHER PERFORM HALIZAH**, etc. thus regarding her as a minor because, obviously, the upper mark may appear though the lower one had not yet made its appearance.
35. **THE SAGES**, who in either case (v. our Mishnah) regard her as of age.
36. And this would avoid the insertion of the ambiguous clause, '**THOUGH THIS IS IMPOSSIBLE**'.
37. In regarding the girl as a minor.
38. And since a minority have the upper before the lower mark, every girl producing the

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- upper mark alone must be regarded as a minor in case she belonged to the minority.
39. THE SAGES, who in either case (v. our Mishnah) regard her as of age.
  40. As soon, therefore, as the upper mark appeared it may be taken for granted that the lower one had appeared previously.
  41. The ruling of the Sages, which is dependent on the principle of following the majority.
  42. Cf. BaH., wanting in cur. edd.
  43. Who maintains that the upper mark sometimes appears first.
  44. The upper mark.
  45. The lower one.
  46. Ezek. XVI, 7, since the marks do sometimes appear in this order.
  47. Who hold that the upper mark can never appear first.
  48. Hair first and breasts afterwards.
  49. Who maintains that the upper mark sometimes appears first.
  50. Ezek. XXIII, 21.
  51. Lit., 'what'.
  52. The word rendered *supra* 'bosom'.