

III

BAVLI NIDDAH CHAPTER THREE

FOLIOS 21A-31B

3:1-2

3:1

- A. She who produces a piece [a shapeless object] — if there is blood with it, she is unclean, and if not, she is clean.
- B. R. Judah says, “One way or the other, she is unclean.”

3:2

- A. She who produces [an abortion] like a rind, like a hair, like dust, like red flies —
 - B. let her put them into water.
 - C. If they dissolve [into blood], she is unclean [as a menstruant], and if not she is clean.
 - D. She who produces [an abortion] like fish, locusts, insects, and creeping things —
 - E. if there is blood with them, she is unclean.
 - F. And if not, she is clean.
 - G. “She who produces [an abortion] like a beast, wild animal, or bird, whether unclean or clean,
 - H. “if it is male, she should sit out [the days of uncleanness and cleanness required] for a male. And if female, she should sit out [the days of uncleanness and cleanness required] for a female.
 - I. “And if [the sex of the abortion] is not known,
 - J. “she should sit [out the days of uncleanness and cleanness] for a male and for a female,” the words of R. Meir.
 - K. And sages say, “Anything which does not bear [some aspect] of the human form is not deemed a foetus.”

- I.1 A. And said R. Judah said Samuel, “R. Judah has given a ruling of uncleanness only in case of a shapeless object that had the color of one of the four kinds of blood [described presently], but if it was of any of the other shades of blood, it is clean.”

- B. But R. Yohanan said, "If it was the color of one of the four kinds of blood, all parties concur that it is unclean. But if it was the color of any of the other kinds of blood, all parties concur that it is clean. There is a disagreement only in a case in which the one aborted but it is not known what it is that she has aborted. *In such a case R. Judah takes the view that one follows the rule governing the majority of such pieces, and the majority of pieces are of one of the four specified colors of blood, and rabbis maintain that we do not invoke the principle that we follow the rule governing the majority of such pieces.*"
- C. *But is this true? And lo, when R. Hoshaia came from Nehardea, he went and brought in hand a Tannaite version: "She who aborts a shapeless object that was red, black, yellow, or white, if there is blood with it, it is unclean, and if not, it is clean.*
- D. "R. Judah says, 'One way or the other, it is unclean.'"
- E. *Now this presents a problem to Samuel in one aspect and to R. Yohanan in two.*
- F. *To Samuel in one aspect: for Samuel has said, "R. Judah has given a ruling of uncleanness only in case of a shapeless object that had the color of one of the four kinds of blood [described presently], but if it was of any of the other shades of blood, it is clean," and here we have a Tannaite version that makes reference to yellow and white, and R. Judah does differ! And if you should say that when R. Judah differs, it is with reference to red and black but not to yellow and white, then in whose interest was it to make mention of yellow and white at all anyhow? Should I say it was from the perspective of rabbis, then I shall have to say, if rabbis declare the blood unclean if it is red or black, then will they have any need to specify their ruling with reference to yellow or white? Rather, does this not stand for the position of R. Judah, and indeed, he does differ!*
- G. *And furthermore to R. Yohanan [in two,] for he has said, "If it was the color of one of the four kinds of blood, all parties concur that it is unclean," and yet lo, we find reference here to red and black, and rabbis do differ! And should you say, where rabbis differ, it is with reference to yellow and white, but as to red and black, that is not the case, then in whose interest is it to make mention of red and black? Should we say that it is in the interest of R. Judah? But if he declares blood that is yellow or white to be unclean, is there any need to specify his view of red and black? Rather, is this not rabbis, and they do differ!*
- H. *Rather, said R. Nahman bar Isaac, "At issue here is whether or not it is possible for 'the grave' to open without producing blood, and it is in connection with the dispute of the following Tannaite authorities, as has been taught on Tannaite authority:*
- I. "If a woman was in hard labor for two days, and on the third day she gave birth, but it is not known what it is that she aborted, [\[21B\]](#) lo this is a case in which we are not sure whether she has given birth or whether she is unclean by reason of flux, and she has to bring a sacrifice, but the offering may not be eaten.
- J. "R. Joshua says, 'She brings an offering and it may be eaten, for it is not possible for 'the grave' to open without producing blood.'"
- K. *Another version has been stated, as follows:*

- L. Said R. Judah said Samuel, “R. Judah has given a ruling of uncleanness only in case of a shapeless object that had the color of one of the four kinds of blood [described presently], but if it was of any of the other shades of blood, it is clean.”
- M. *But is this true? And lo, when R. Hoshaia came from Nehardea, he went and brought in hand a Tannaite version: “She who aborts a shapeless object that was red, black, yellow, or white, if there is blood with it, it is unclean, and if not, it is clean.*
- N. “R. Judah says, ‘One way or the other, it is unclean.’”
- O. *Here it is taught, “red, black, yellow, and white,” and R. Judah differs!*
- P. *And if you should say that when R. Judah differs, it is with reference to red and black but not to yellow and white, then in whose interest was it to make mention of yellow and white at all anyhow? Should I say it was from the perspective of rabbis, then I shall have to say, if rabbis declare the blood unclean if it is red or black, then will they have any need to specify their ruling with reference to yellow or white? Rather, does this not stand for the position of R. Judah, and indeed, he does differ!*
- Q. Rather, said R. Yohanan, “*At issue here is whether or not it is possible for ‘the grave’ to open without producing blood, and it is in connection with the dispute of the following Tannaite authorities, as has been taught on Tannaite authority:*
- R. “If a woman was in hard labor for two days, and on the third day she gave birth, but it is not known what it is that she aborted, lo this is a case in which we are not sure whether she has given birth or whether she is unclean by reason of flux, and she has to bring a sacrifice, but the offering may not be eaten.
- S. “R. Joshua says, ‘She brings an offering and it may be eaten, for it is not possible for ‘the grave’ to open without producing blood.’”

I.2. A. *Our rabbis have taught on Tannaite authority:*

- B. **She who aborts a shapeless object —**
- C. **Sumkhos in the name of R. Meir said, and so did R. Simeon b. Menassia state in accord with his view, “They cut it open. If there is blood inside it, lo, this one is a menstruant. If not, she is not a menstruant.”**
- D. *This is in accord with the position of rabbis [She who produces a piece [a shapeless object] — if there is blood with it, she is unclean, and if not, she is clean], but it is more stringent than the view of rabbis.*
- D. *This is in accord with the position of rabbis, who maintain that it is possible for the grave to open without blood.*
- E. *...but it is more stringent than the view of rabbis, for they take the view that only where the blood was with it [externally, so that the abortion was accompanied by bleeding] is the woman unclean, but not where it was only within it, and Sumkhos maintains that the woman is unclean even if the blood was only within it.*
- F. *A further Tannaite teaching:*
- G. **She who aborts a shapeless object —**
- H. R. Aha says, “**“They cut it open. If there is redness inside it, lo, this one is a menstruant. If not, she is not a menstruant.”**

- I. *This is in accord with the position of Sumkhos* [blood on the inside causes the same uncleanness as the external blood that was discharged along with it (Slotki)].
- J. *but it is more stringent than the view of Sumkhos* [he wants accumulated blood, but here mere redness is sufficient to cause uncleanness (Slotki)].
- K. *A further Tannaite teaching:*
- L. She who aborts a shapeless object —
- M. R. Benjamin says, “One cuts it open. If there is inside a bone, its mother is unclean by reason of childbirth.”
- N. Said R. Hisda, “This refers only to a white object.”
- O. *And so too, when a pair of disciples came from Adiabene, they came and brought in hand the following Tannaite version:* “She who aborts a white shapeless object opens it up. If inside is a bone, its mother is unclean by reason of childbirth.”
- P. Said R. Yohanan in the name of R. Simeon b. Yohai: “She who aborts a white shapeless object opens it up. If inside is congealed blood, she is unclean, and if not, she is clean.”
- Q. *This is in accord with the general principle of Sumkhos, but it is the most lenient of all the rulings.*

The following is inserted because it appeals at C to a detail of the foregoing, P, in the presentation of its argument.

- I.3. A.** *R. Jeremiah raised the question of R. Zira, “She who produced a discharge of blood in a tube [inserted in the uterus] — what is the law? ‘In her flesh’ (Lev. 15:19) is what Scripture has said, and not in a tube? Or perhaps the purpose of the phrase ‘In her flesh’ (Lev. 15:19) is required to show that menstrual blood causes uncleanness inside [the vagina] as well as outside?”*
- B. He said to him, “‘in her flesh’ (Lev. 15:19) *is what Scripture has said*, and not in a tube. For if it were the case that *the purpose of the phrase ‘In her flesh’ (Lev. 15:19) is required to show* that menstrual blood causes uncleanness inside [the vagina] as well as outside, then Scripture should have said, ‘her flesh.’ *Why did Scripture say, ‘in her flesh’? It is to yield both rulings.*”
- C. But has not R. Yohanan said in the name of R. Simeon b. Yohai, “She who aborts a white shapeless object opens it up. If inside is congealed blood, she is unclean, and if not, she is clean.” [Slotki: now if the blood in the abortion causes uncleanness, why should not blood in a tube do the same?]
- D. *How now! In that case*, it is usual for a woman to see blood in a shapeless abortion, *but in this case*, it is hardly routine for a woman to see blood in a tube [and that explains Zira’s position that she is clean].
- E. *May one say that the issue of the status of the blood in a tube forms the dispute between Tannaite authorities as well? For it has been taught on Tannaite authority:*
- F. She who aborts a shapeless object, even though it is filled with blood, if blood flows with it, the woman is unclean, but if not, she is clean.
- G. R. Eliezer says, “‘in her flesh,’ and not in a sac or in a shapeless abortion.”
- H. *R. Eliezer takes the same view as the initial authority.*

- I. State it this way: R. Eliezer says, “‘in her flesh,’ and not in a sac or in a shapeless abortion.”
- J. And sages say, “This is not menstrual blood but the blood of the abortion.”
- K. *But the initial authority also declares her clean!*
- L. *In fact at issue between them is a case in which the abortion was [Slotki:] chapped. The initial Tannaite authority maintains, “‘in her flesh,’ and not in a sac or in a shapeless abortion — and the same rule applies to a tube.” And that rule applies when the abortion was smooth, but if it was chapped [so the blood and the woman’s body have touched], then she is unclean. Why so? In this case I can invoke the category of “in her flesh.”*
- M. *And rabbis maintain that even though it is chapped, this still is not menstrual blood but blood of the abortion. Menstrual blood, on the other hand, certainly is a cause of uncleanness, even if it turns up only in a tube.*
- N. *Said Abbaye, “As to blood in a tube, all parties concur that it is clean. [22A] Where there is a disagreement, it concerns a shapeless object. One party maintains that it is perfectly routine for a woman to see blood in a shapeless object, and the other party holds that it is not perfectly routine for a woman to see blood in a shapeless object.”*
- O. *Raba said, “All parties concur that it is not at all commonplace for a woman to see blood in a shapeless object. But here at issue is whether the woman is clean while the inside of the uterus is unclean. R. Eliezer takes the view that the woman is clean while the blood is unclean, for lo, it comes through the uterus, while rabbis maintain that the woman is clean and the interior of the uterus is clean as well.”*

At issue now is a related, secondary question, moving from excretions of women to those of men. Just as we have asked about the origin of blood and its status, now we turn to the discover of semen on a splinter, parallel to the tube of the foregoing. The composition is free-standing but has been inserted for sound reasons, as a continuation of the exemplary exposition of a basic principle that is now underway. That is why I do not treat what follows as interpolated or subsidiary.

- I.4.** A. *Rabbah addressed this question to R. Huna: “One who observes semen on a splinter [that has been inserted into the penis] — what is the law? ‘From him’ (Lev. 15:16) is what Scripture has said, meaning, the man is unclean only when the semen has issued naturally from his body, not when it has been brought out by a splinter, or is it possible that the sense of ‘from him’ is that the man is unclean only when his uncleanness has emerged from his body, even though that was brought about by means of a splinter?”*
- B. *He said to him, “You may infer the answer from the fact that the man himself becomes unclean only with the closing of the hole of the penis [by semen, which of course is not possible when the splinter is used].”*
- C. *But that implies that he is unclean because of having touched the semen [Slotki: had the uncleanness been conveyed to him on account of his observing it, no minimum would have been prescribed, since none was prescribed for menstrual blood, where the uncleanness is precipitated when the blood is seen and the smallest drop of blood is enough]. Then how do you deal with the following: the*

man's contact with semen should not render void the counting of clean days in sequence after the appearance of such flux! And if so, why was it taught: "'This is the Torah for him who has a flux and for him from whom the flow of semen goes out' (Lev. 15:32) — just as flux nullifies the prior clean days, so does semen"?

- D. *He said to him, "In respect to rendering the prior days void, this is the operative reason that the prior clean days are rendered null: it is because it is not possible for semen to be emitted without [Slotki:] an admixture of some particles of flux. [Slotki: it is the flux, not the semen, that makes it necessary to count seven clean days all over again.]*
- E. *[If the cause is the flux, not the semen] then it would require all prior seven clean days to be nullified, and then why was it taught on Tannaite authority: "'This is the Torah for him who has a flux and for him from whom the flow of semen goes out' (Lev. 15:32) — just as flux nullifies the prior clean days, so does semen. May one then maintain, just as flux renders void all prior seven clean days, so semen does too? Scripture is explicit to the contrary, 'so that he is unclean thereby' (Lev. 15:32) — you may apply to [semen, which causes uncleanness for only one day] only what has been said in its regard [that is, that the uncleanness it effects is for one day only], so it nullifies only one clean day"?*
- F. *He said to him, "It is a decree of Scripture. What is wholly flux, not mixed with semen, causes the loss of all seven prior clean days, while particles of flux, in which is mixed semen, causes a loss of only one day."*
- I.5.** A. *R. Yosé b. R. Hanina addressed the question to R. Eleazar: "What is the status of dried up blood [as to conveying uncleanness]? "Have an issue of her blood" (Lev. 15:25) is what Scripture has said, meaning, that uncleanness is imparted only if the blood is actually flowing, so moist blood does impart uncleanness, dry blood does not, or perhaps the rule is that when Scripture says, 'have an issue of her blood,' that language is used only because blood ordinarily flows, while, in fact, the same rule pertains to dry blood as well?"*
- B. *He said to him, "You have learned the rule: **The blood of the menstruating woman and the flesh of a corpse impart uncleanness when they are wet, and impart uncleanness when they are dry [M. Nid. 7:1A-B].**"*
- C. *He said to him, "I was not raising the question of wet blood that had dried up. What I was asking concerned blood that to begin with was dry."*
- D. *He said to him, "This too you have learned on Tannaite authority: **She who produces [an abortion] like a rind, like a hair, like dust, like red flies — let her put them into water. [22B] If they dissolve [into blood], she is unclean [as a menstruant], and if not she is clean.**"*
- E. *Then if so, even they do not dissolve, also, [they should be a source of uncleanness].*
- F. *Said Rabbah, "If they do not dissolve, then they form creatures unto themselves [and not merely congealed blood]."*
- G. *And is there such a thing?*
- H. *Indeed there is, for has it not been taught on Tannaite authority: **said R. Eleazar b. R. Sadoq, "Two cases did father bring from Tibeon to Yabneh. There was the case of a woman who produced an abortion like red rinds, and they came***

and asked R. Sadoq about it, and R. Sadoq went and asked sages. Sages sent and called physicians, and they said, ‘The woman has a wound inside her body, and therefore she produces from its crust abortions like red rinds. [Bavli adds: let her put them into water. If they dissolve [into blood], she is unclean [as a menstruant], and if not she is clean].’ **There was another case in which a woman had had an abortion like red hairs, and they came and asked R. Sadoq, and R. Sadoq went and asked sages, and they went and called physicians, and they said, ‘She has a wart in her intestines, therefore she produces abortions of red hairs. [Bavli adds: let her put them into water. If they dissolve [into blood], she is unclean [as a menstruant], and if not she is clean]’**” [T. **Nid. 4:3-4:4**].

II.1 A. **She who produces [an abortion] like a rind, like a hair, like dust, like red flies — let her put them into water. If they dissolve [into blood], she is unclean [as a menstruant], and if not she is clean.**

- B. Said R. Simeon b. Laqish, “It is to be in lukewarm water.”
- C. *So too it has been taught on Tannaite authority:*
- D. It is to be put in lukewarm water.
- E. Rabban Simeon b. Gamaliel says, “She should try to crush it with spittle on her nail.”
- F. *What is at issue between these two views?*
- G. Said Rabina, “At issue between them is the status of an abortion that can be crushed with some pressure.” [Slotki: but cannot be dissolved by mere immersion in lukewarm water. According to the first authority, since the water cannot dissolve it, it cannot be regarded as blood. Simeon b. Gamaliel holds that since it may be squashed by pressure, it must be regarded as blood.]

II.2. A. *We have learned in the Mishnah elsewhere: And how long are they to be soaked? It is to be in lukewarm water, for twenty-four hours [M. **Nid. 7:1**].*

- B. *What is required in the present case [involving an abortion like a rind, like a hair, like dust, like red flies]? Do we require a period of twenty-four hours or not? Is it only a creeping thing and carrion, which are tough, that have to be soaked for twenty-four hours, but not blood, which is soft? Or perhaps there is no difference?*
- C. *The question stands.*

III.1 A. **She who produces [an abortion] like fish, locusts, insects, and creeping things — if there is blood with them, she is unclean. And if not, she is clean.**

- B. *Should not R. Judah, [as at M. 3:1, She who produces a piece [a shapeless object] — if there is blood with it, she is unclean, and if not, she is clean. R. Judah says, “One way or the other, she is unclean”] take exception in this case also [with the ruling, And if not, she is clean]?*
- C. Said R. Simeon b. Laqish, “This indeed was repeated on Tannaite authority as a ruling subject to disagreement, and it speaks only for the position of rabbis.”
- D. *And R. Yohanan said, ‘You may even say that it represents the position of R. Judah. R. Judah takes the position that he does there only with respect to a shapeless object, since blood by nature congeals and assumes the form of a*

shapeless object, but here, since the blood can never assume the form of a creature, [he will not take the same view].

- E. *And in line with the version of R. Yohanan's statement, which held, "At issue here is whether or not it is possible for 'the grave' to open without producing blood, [and it is in connection with the dispute of the following Tannaite authorities, as has been taught on Tannaite authority: "If a woman was in hard labor for two days, and on the third day she gave birth, but it is not known what it is that she aborted, lo this is a case in which we are not sure whether she has given birth or whether she is unclean by reason of flux, and she has to bring a sacrifice, but the offering may not be eaten. R. Joshua says, 'She brings an offering and it may be eaten, for it is not possible for 'the grave' to open without producing blood'"]], should not R. Judah take exception here as well?*
- F. *The authority who repeated as a Tannaite version the text just now cited reads here, R. Yohanan and R. Simeon b. Laqish both maintain, "This indeed was repeated on Tannaite authority as a ruling subject to disagreement, and it speaks only for the position of rabbis."*

IV.1 A. "She who produces [an abortion] like a beast, wild animal, or bird, whether unclean or clean, if it is male, she should sit out [the days of uncleanness and cleanness required] for a male. And if female, she should sit out [the days of uncleanness and cleanness required] for a female. And if [the sex of the abortion] is not known, she should sit [out the days of uncleanness and cleanness] for a male and for a female," the words of R. Meir.

- B. *Said R. Judah said Samuel, "What is the operative consideration in the view of R. Meir? It is that since in the case of beasts and birds, the language of 'forming' is used just as it is used in the case of human beings ['And the Lord formed every beast...and every fowl' (Gen. 2:19), 'Then the Lord God formed man' (Gen. 2: 7)]. [So the same rule applies to human beings and to abortions in the form of beasts or birds.]"*
- C. *Then would a woman who aborts something in the form of a sea-monster be unclean by reason of having given birth, since in respect to the sea-monster, the language of 'forming' is used just as it is used in the case of human beings, since it is said, "And God created the great sea--monsters" (Gen. 1:21)?*
- D. *Say: We draw an analogy from a case in which the language of 'form' is used for another case in which the word 'form' is used, and we do not draw an analogy from a case in which the word 'form' is used for a case in which the word 'create' is used.*
- E. *But what difference is there between the two words for creation, "form," and "create," for lo, it has been taught by the Tannaite authority in the household of R. Ishmael: "And the priest shall return" (Lev. 14:39), "and the priest shall come" (Lev. 14:44). "Returning" and "coming" are the same thing [even though they make use of different verb-roots].*
- F. *And, furthermore, let us derive an analogy from one expression of "create" from another such expression, since it is written, "And God created man in his own image" (Gen. 1:27).*

- G. Say: “‘And he created’ (Gen. 1:27), is required on its own account, while ‘And the Lord formed every beast...and every fowl’ (Gen. 2:19) is left open for further exegetical use, so we may form an analogy between contexts in which the language of ‘forming’ is used.”
- H. *To the contrary!* It is “And the Lord formed every beast...and every fowl” (Gen. 2:19) that is required on its own account, while “And he created” (Gen. 1:27) *is left open for further exegetical use*, so we may form an analogy between contexts in which the language of “creating” is used.
- I. In point of fact, “And the Lord formed every beast...and every fowl” (Gen. 2:19) is left available for exegesis on two sides: it is available for the case of human beings, and it is available for the context of beasts [and fowl], while the expression, “And he created” (Gen. 1:27) is left available for delivering its message in regard to human beings, but it is not available to deliver a message with respect to sea-monsters.
- J. *How is it available for interpretation with respect to beasts? If I should say, because it is written, “And God made the beast of the earth” (Gen. 1:25) and it is further written, “And out of the ground the Lord God formed every beast of the field” (Gen. 2:19), one may reply, do we not have a similar expression available for interpretation in regard to the sin-monster, since it is written, “And God made...every thing that creeps on the ground” (Gen. 1:25) and also “And God created the great sea-monsters” (Gen. 1:21) [Slotki: the expression “creating” is superfluous since making is in hand and is available for interpretation].*
- K. But the verse, “And God made...every thing that creeps on the ground” (Gen. 1:25) addresses what is on the dry land.
- L. *And what difference does it make whether an expression is available for interpretation in only one aspect or in two aspects?*
- M. *At issue is that which R. Judah said Samuel said in the name of R. Ishmael, “Any argument of analogy based on the appearance of common language in two distinct contexts [by which the traits of one context are transferred through the connection of common language to the other context] in which the pertinent terms are not available for interpretation yields no result at all [even where we cannot refute the proposed argument]. If one of the terms is available for the required purpose, in the view of R. Ishmael, one may draw a conclusion and no refutation is to be entertained, and, in the view of rabbis, one may draw a conclusion but a refutation may be entertained. If both terms are available for interpretation, all parties concur that one may draw conclusions and no refutation will be entertained.”*
- N. And in the view of R. Ishmael, what difference is there between a case in which only one of the terms is available for interpretation and one in which both terms [that is, in both cited verses] are available for interpretation?
- O. The practical difference is between a case in which there is an argument of analogy based on the appearance of common language in two distinct contexts in which one term is available for interpretation and a case in which there is an equivalent argument and both terms are available for interpretation. **[23A]** *In such a case, we dismiss the former argument and derive our lesson from the latter.*
- P. *And it was for this reason that the All-Merciful has made both terms available for interpretation, so that no conclusions should be drawn from an argument of*

analogy based on the appearance of common language in two distinct contexts in which only one term is available for interpretation.

- Q. *R. Aha b. Raba repeated the following in the name of R. Eleazar in such wise as to produce a lenient ruling: "Any argument of analogy based on the appearance of common language in two distinct contexts [by which the traits of one context are transferred through the connection of common language to the other context] in which the pertinent terms are not available for interpretation yields a conclusion, but refutations may be offered. If one of the terms is available for the required purpose, in the view of R. Ishmael, one may draw a conclusion and no refutation is to be entertained, and, in the view of rabbis, one may draw a conclusion but a refutation may be entertained. If both terms are available for interpretation, all parties concur that one may draw conclusions and no refutation will be entertained."*
- R. *And in the view of rabbis, what difference is there between a case in which only one of the terms is available for interpretation and one in which no terms [that is, in both cited verses] are available for interpretation?*
- S. *The practical difference is between a case in which there is an argument of analogy based on the appearance of common language in two distinct contexts in which one term is available for interpretation and a case in no terms are available for interpretation. Neither the one nor the other may be refuted, so in such a case we dismiss the case in which there is no available term at all and we derive the rule from the case in which the term is available at least in one aspect. And in a case in which there is a possible refutation for this one and a possible refutation of that one [what is at fault in the argument]? [Slotki: the analogy with man, since the only reason why the deduction is made from the argument both of whose terms are available for the purpose in preference to one of which one term only is available is the consideration that while the latter can be refuted when a logical refutation is offered, the former cannot be refuted even in such a case, it follows that where no refutation can be offered, it is immaterial whether the deduction is made from the one or the other. And since Meir preferred the analogy between man and beast, both of whose terms are available, to that of man and sea monsters, where one term only is available, he must have thereby intended to avoid a refutation that had suggested itself to him. Now what was that refutation?]*
- T. *One might have raised the following argument: human being is different, since he can contract uncleanness even when alive [but other creatures cannot contract uncleanness when alive. Slotki: It could therefore have been argued that man, who is subject to the one restriction of uncleanness, may also be a cause of uncleanness to his mother when he is born, but any other creation, not subject to that restriction, is exempt also from the other.]*

IV.2. A. And so too, R. Hiyya b. Abba in the name of R. Yohanan said, *"This is the operative consideration in the view of R. Meir: Since in the case of beasts and birds, the language of 'forming' is used just as it is used in the case of human beings ['And the Lord formed every beast...and every fowl' (Gen. 2:19), 'Then the Lord God formed man' (Gen. 2: 7)]. [So the same rule applies to human beings and to abortions in the form of beasts or birds.]"*

- C. Said to him R. Ammi, "Then would a woman who aborts something in the form of mountain be unclean by reason of having given birth, since [the word 'form'] appears in that context, as it is said, 'For lo, he who forms the mountains and creates the wind' (Amo. 4:13)."
- D. *He said to him, "Now has the woman given birth to a mountain? What she aborts is a stone-shaped object, and that can be described as a lump."*
- E. "Then would a woman who aborts wind by reason of having given birth, since [the word 'form'] appears in that context as much as in the context of forming a human being, as it is said, 'For lo, he who forms the mountains and creates the wind' (Amos 4:13). *And should you say it is not available for interpretation along these lines, since Scripture ought to have said, 'Forms mountains and wind,' but has written, 'and forms wind,' it must follow that the clause is indeed left open for interpretation.*"
- F. He said to him, "We draw an analogy from teachings of the Torah for the purpose of teachings of the Torah, but we do not draw an analogy for teachings of the Torah from teachings of tradition [e.g., prophecy]."

- IV.3.** A. Rabbah b. Bar Hana in the name of R. Yohanan said, "*What is the operative consideration in the view of R. Meir?* It is that since their [beasts'] eyes are similar to those of a human being."
- B. Then would a woman who gave birth to an abortion in the shape of a snake be unclean by reason of having given birth, since the eye-ball of a snake is round like the human eye? *And should you suggest that that is in fact the case, why has the snake not been mentioned [in our Mishnah-paragraph]?*
 - C. *If the Tannaite authority of our Mishnah had included the snake in his version, I would have thought that it is in particular in the case of the snake that rabbis take issue with R. Meir, since in that regard "forming" has not been written, but as to the domesticated beast and the wild beast, they do not differ, since in their regard "forming" is written.*
 - D. *But lo, with respect to blemishes [that disqualify an animal for use on the altar] it has been stated on Tannaite authority: the beast, the eyeball of which is like that of a man [which shows that the normal eye of a beast is not like a human eye, so how can Yohanan hold that a beast's eyes are like a human beings]?*
 - E. *That poses no problem, the one refers to the black part of the eye, the other to the slit.*

- IV.4.** A. R. Yannai said, "*What is the operative consideration in the view of R. Meir?* It is that since their [beasts'] eyes are put in the front of their heads, like those of human beings."
- B. *And lo, there is the case of fowl, the eyes of which are not placed in the front of their heads, and yet R. Meir has maintained that if the abortion looks like a bird, the mother is unclean!*
 - C. *Said Abbayye, "R. Meir's ruling applies only to the qadia-bird and the qipufa-bird, but not to other birds."*
 - D. *The following objection was raised: "R. Hanina b. Gamaliel says, 'I prefer the opinion of R. Meir in the case of domesticated beasts and wild beasts, and the opinion of sages in connection with fowl.' Now which fowl are under discussion*

in this statement? Should I say only the qadia-bird and the qipufa-bird, [but not other birds]? How then do domesticated beasts and wild animals differ? It is that their eyes are fixed in front of their heads like those of human being. Is it not the fact that the eyes of the qadia-bird and the qipufa-bird likewise are fixed in the same position? So he must have meant to refer to other birds. It must follow, then, that R. Meir differs from rabbis in regard to other birds as well!"

- E. *The passage is defective, and this is how it is to be read: "R. Hanina b. Gamaliel says, 'I prefer the opinion of R. Meir in the case of domesticated beasts and wild beasts, and that is the rule, as well, for the qadia-bird and the qipufa-bird, but as to all other fowl, he concurs with them.'"*
- F. *So too it has been taught on Tannaite authority:*
- G. Said R. Eleazar b. R. Sadoq, "She who aborts something in the form of a domesticated beast or a wild beast, in the opinion of R. Meir, has produced an offspring, and, in the opinion of sages, it is no offspring. And as to the rule governing fowl, the abortion has to be examined." *In the opinion of whom is it to be examined? Is it not in the opinion of R. Meir, who has said, "The qadia-bird and the qipufa-bird — yes, but not other birds."*
- H. *Said R. Aha b. R. Iqa, "No, it is in accord with the view of rabbis, who ruled that the abortion in the shape of the qadia-bird and the qipufa-bird constitutes a valid birth, that the inspection should take place, but not if the abortion is in the shape of any other bird. And how come the qadia-bird and the qipufa-bird are different from the domesticated beast and the wild beast? It is because they have jaws like human beings."*

IV.5. A. R. Jeremiah asked R. Zira, "In the view of R. Meir, who has said that a beast-shaped abortion in the womb of a woman constitutes a perfectly valid offspring, if the father of the foetus accepted a token of betrothal, what is the law?"

- B. *What difference could the answer possibly make?*
- C. *In whether or not it imposes a prohibition on its sister [to marry the man betrothed to it, since one cannot marry the sister of his wife].*
- D. *But is this to imply that such a thing can live? And has not R. Judah said Rab said, "R. Meir has made his ruling only because in the case of its own species, it is viable"?*
- E. *Said R. Aha bar Jacob, "It was to such an extent that R. Jeremiah would try to make R. Zira laugh, but he never even cracked a smile!"*

IV.6. A. *Reverting to the body of the preceding:*

- B. R. Judah said Rab said, "R. Meir has made his ruling only because in the case of its own species, it is viable."
- C. Said R. Jeremiah of Difti, **[23B]** *"We too have learned the same proposition [that only because in the case of its own species, it is viable] on Tannaite authority: "She who aborts something like a domesticated beast, a wild beast, or fowl, [it is regarded as a valid birth], the words of R. Meir.*
- D. *"And sages say, 'It is a valid birth only if it bears the features of a human being.'*
- E. *"She who aborts something shaped like a fish, placenta or a foetus with an articulated shape, a child cut up in pieces, the son born thereafter is deemed*

firstborn in respect to inheritance, but not firstborn in respect to the claim of the priest on the firstborn.’

- F. *“Now if it should enter your mind that such an abortion is viable, would the son born after it be deemed firstborn in regard to inheritance at all?”*
- G. *Said Raba, “In point of fact, it may be viable, but the case to which reference is made here is special, for Scripture has said, ‘The first of his mourning’ (Deu. 21:17) — thus referring to one for whom the father’s heart will ache, and excluding an abortion, for which the heart does not ache.”*

IV.7. A. R. Ada bar Ahba addressed this question to Abbaye: “In the opinion of R. Meir, who has said that a beast-shaped abortion in the womb of a woman constitutes a perfectly valid offspring, what is the status of a human foetus in the womb of a beast?”

- B. *What difference could the answer possibly make?*
- C. *In whether or not may be eaten.*
- D. *And why not derive the solution to the problem of that which R. Yohanan said.*
- E. For said R. Yohanan, “He who slaughters a beast and found it in something in the form of a dove — it may not be eaten.”
- F. *How now! In that case there are neither cloven feet nor hooves, but in this case, while there are no cloven feet, at least there is something in the shape of a hoof.”*
- G. *[The question stands.]*

V.1 A. And sages say, “Anything which does not bear [some aspect] of the human form is not deemed a foetus.”

- B. Said R. Jeremiah bar Abba said Rab, “All parties concur that if the body is like that of a he-goat and the face is like that of a human being, it is classified as a human being; if the body is like that of a human being, and the face is like that of a he-goat, it is not a valid birth. Where they differ, it concerns a case in which the foetus had the face of a human being but was created in such a way that one of the eyes was like that of a beast. R. Meir takes the view that it must have only some features of a human face, while sages take the position that it must entirely have the features of a human face.”
- C. *They said to R. Jeremiah bar Abba, “And lo, we have learned the opposite as a Tannaite tradition: R. Meir says, ‘All of the features of a human face,’ and sages say, ‘It needs to have only some of the features of a human face?’”*
- D. *He said to them, “If it has been taught as a Tannaite version in that way, so it has been taught as a Tannaite version [and we have to rely upon it].”*

V.2. A. Said R. Jeremiah bar Abba said R. Yohanan, “The forehead, eyebrows, eyes, cheeks, and chin have all to be present simultaneously.”

- B. Raba said Hasa [said], “The forehead, eyebrow, eye, cheek, and chin have all to be present simultaneously.”
- C. *But there is no dispute between these two statements. The former statement is in accord with him who has said, “All of the features of a human face,” and the latter statement is in accord with him who has said, “It needs to have only some of the features of a human face.”*

- D. *An objection was raised: “The shape of the human face of which they have spoken means, even only one of the features of the face, except for the ear [which would not suffice]” [T. Nid. 4:7A].* This then bears the implication that a single feature also suffices, so how can all the features have to be present?]
- E. *Said Abbayye, “When that Tannaite version was set forth, it was only to indicate what constitutes an obstacle, and it accords with him who maintains, ‘All of the features of a human face.’*
- F. *“And if you prefer, I shall explain, in point of fact it accords with the one who has said, ‘It needs to have only some of the features of a human face.’ And what is the meaning of ‘one’? One of each [of the double features, just as Hasa said (Slotki)].”*

- V.3.** A. Said Raba, “If it was created with one eye and one thigh, if these were on the side [of the face or the body, in the normal position] the woman who gives birth to the abortion is unclean; if they are in the middle, the mother is clean.”
- B. Said Raba, “If the gullet is perforated, the mother is unclean; if the gullet is sealed, she is clean.”

V.4. A. *Our rabbis have taught on Tannaite authority:*

- B. **She who aborts an unshaped body is not unclean by reason of having given birth. And what is an unshaped body? Rabbi says, “It is one that is lacking a part that one may take from a living person and he would die” [T. Nid. 4:15F-H].**
- C. And how much may be taken from a live person so that he would die?
- D. R. Zakkai says, [24A] “To the top of the knee joint.”
- E. R. Yannai says, “To the bowels.”
- F. R. Yohanan says in the name of R. Yosé b. Joshua, “Up to its belly-button.”
- G. *At issue between R. Zakkai and R. Yannai is the issue of whether or not a terefah-animal [inclusive of a human being] can survive. One authority maintains that a terefah-animal can survive, and the other authority holds that a terefah-animal cannot survive.*
- H. *At issue between R. Yannai and R. Yohanan is that which R. Eleazar said.*
- I. R. Eleazar said, “If the haunch and its hollow were removed, the animal is classified as carrion.”
- J. Said R. Pappa, “The dispute [on how much of the body removal of which renders a birth invalid] refers only to situations in which the lower part of the body is affected, but if it is the upper part, then however small the missing part may be, the woman is clean [the foetus cannot have survived].”
- K. And so said R. Giddal said R. Yohanan, “She who aborts something the head of which is a shapeless lump is clean.”
- L. And further did R. Giddal say Rab said, “She who aborts [Slotki:] a foetus shaped like the ramification of a palm-tree is clean.”

V.5. A. *It has been stated:*

- B. She who aborts a foetus the face of which was mashed —
- C. R. Yohanan said, “She is unclean.”

- D. And R. Simeon b. Laqish said, "Its mother is clean."
- E. *R. Yohanan objected to R. Simeon b. Laqish, "'She who aborts a cut off hand or a cut off foot — the mother is unclean by reason of having given birth, and we do not take account of the possibility that it might have come from a shapeless body.' Now if your position were valid, then the passage should read, 'the possibility that it might have come from a shapeless body — or from a foetus the face of which was mashed.'"*
- F. *Said R. Pappi, "In the case of a foetus the face of which was mashed, all parties concur that the mother is unclean. Where there is a dispute, it concerns a case in which its face was [Slotki:] entirely covered over [without distinguishing features]. And the matter has been stated in the contrary way:*
- G. *"R. Yohanan said, "Its mother is clean."*
- H. *"And R. Simeon b. Laqish said, "Its mother is unclean.'"*
- I. *Then should R. Simeon b. Laqish not present an objection to the position of R. Yohanan by appeal to that statement?*
- J. It is because he could have replied to him, "The shapeless body and the foetus whose face is entirely covered refer to precisely the same thing."

V.6. A. *The sons of R. Hiyya went out to the villages. They returned to their father. He said to them, "Did any interesting cases come before you?"*

- B. They said to him, "A case involving a foetus whose face was entirely covered over came to us, and we declared the mother unclean [as having given birth]."
- C. He said to them, "Go and declare clean what you have declare unclean! *What could you possibly have been thinking? That you were ruling in a strict way? But this is a strict ruling that yields a lenient outcome, for you have assigned to the woman a span of days of purification, [when all of the blood that is emitted is deemed clean].*"

V.7. A. *It has been stated:*

- B. She who aborts a creature that has two backs and two spinal columns —
- C. Said Rab, "In the case of a woman, it is not a valid offspring. In the case of a beast, it is prohibited for eating."
- D. Samuel said, "In the case of a woman, it is a valid offspring. In the case of a beast, it is permitted for eating."
- E. *What is at stake between them?*
- F. *It is that which R. Hanin bar Abba said, for said R. Hanin bar Abba, "'The cloven' (Deu. 14: 7) is a creature that has two backs and two spinal columns."*
- G. *Rab said that such a creature does not exist anywhere in the world, and when the All-Merciful taught it to Moses, he must have been teaching about one that is located in the mother's womb, while Samuel said that such a creature does exist in the world, and when the All-Merciful taught it to Moses, he must have been teaching about one that is actually in existence. But one that is still in the mother's womb [in the case of a beast] may be eaten [when the mother is properly slaughtered].*
- H. *R. Shimi bar Hiyya objected to Rab, "R. Hanina b. Antigonus says, 'Any beast that has two backs and two spinal columns is unfit for the Temple service,'*

therefore it is viable [for otherwise it would not be permitted for eating either].”
[Slotki: Permitting the eating of such a creature after it was born raises an objection against both Rab, who ruled that it was always forbidden, and Samuel, who permitted it only when in the womb.]

- I. *He said to him, “Shimi [my grandson], is that you? This ‘ruling of Hanina’s’ refers to a case in which the spinal column is merely crooked [and such a creature is entirely viable].”*
- J. *An objection was raised: Among embryos [of clean beasts] there are those that are forbidden, a four month old embryo of small cattle, an eight-month-old embryo of large cattle, and one that is younger, are forbidden. Omitted is one that has two backs and two spinal columns. Now what is the meaning of “omitted”? Is it not, omitted from the encompassing rule governing embryos that are forbidden even when in their mothers’ wombs? [Slotki: how then could Samuel maintain that even while it is in the dam’s body it is permitted?]*
- K. *Rab will solve this problem within his theory, and Samuel will solve it within his theory.*
- L. *Rab will solve it within his theory: Among embryos [of clean beasts] there are those that are forbidden, a four month old embryo of small cattle, an eight-month-old embryo of large cattle, and one that is younger, are forbidden. Under what circumstances? When it has actually emerged to the air of the world. But when it is in the mother’s womb, it is permitted. Omitted is one that has two backs and two spinal columns. For even when it is in the mother’s womb, it is still forbidden.*
- M. **[24B]** *Samuel will solve it within his theory: Among embryos [of clean beasts] there are those that are forbidden, a four month old embryo of small cattle, an eight-month-old embryo of large cattle, and one that is younger, are forbidden. Under what circumstances? When the period of pregnancy has not ended. But if the period of pregnancy has ended, it is permitted. Omitted is one that has two backs and two spinal columns even though its period of pregnancy had ended: it is still forbidden if it saw the light of the world; but within the womb of the mother, it is permitted [as part of the beast that is clean and properly slaughtered].*

V.8. A. *A Tannaite authority received the following version before Rab:*

- B. *She who aborts a creature with a shapeless body or with a shapeless head — might one suppose that his mother is unclean by reason of having given birth?*
- C. *Scripture states, “If a woman delivers and bears a man-child, she shall be unclean” (Lev. 12: 2). “And on the eighth day the flesh of his foreskin shall be circumcised” (Lev. 12: 3) — one that is capable of being circumcised on the eighth day [falls into the category of a valid birth], excluding, then, those that are not capable of being circumcised on the eighth day.*
- D. *Rab said to him, “And conclude the statement as follows: and one that has two backs and two spinal columns.”*

V.9. A. *R. Jeremiah bar Abba considered making a practical decision in accord with the position of Samuel. Said to him R. Huna, “What have you been thinking? That you were ruling in a strict way? But this is a strict ruling that yields a lenient outcome, for you have assigned to the woman a span of days of purification, [when all of the blood that is emitted is deemed clean].”*

B. *Nonetheless, he made a practical decision in accord with the position of Rab, for we have as an established principle that the decided law accords with the position of Rab in matters of prohibitions, whether that yields a lenient or a strict outcome.*

V.10. A. Said Raba, “Lo, they have said: ‘a woman gives birth at nine months or gives birth at seven months. A large domesticated beast gives birth at nine months.’ Does it give birth at seven months, or is that not the case?”

B. Said R. Nahman bar Isaac, “*Come and take note:* [Among embryos [of clean beasts] there are those that are forbidden, a four month old embryo of small cattle, an eight-month-old embryo of large cattle,] and one that is younger, are forbidden. *Does this not make reference to large cattle* [Slotki: one that is younger than would include a seven month abortion, who would be equally forbidden]?”

C. *No, it makes reference to small cattle.*

D. *How now! If you concede that it makes reference to large cattle, then it is necessary to make that statement, for you might have supposed that one might argue, since in the case of a woman, a birth at that point in the term of pregnancy can live, in a beast likewise it can live, and so we are informed that it cannot live. But if you hold that it makes reference only to the small beast, that is obvious, for an embryo at the age of three months surely is not going to live!*

E. *[The reference to small cattle] was entirely necessary, for I might otherwise have thought that in the case of small beasts, any that was born at less than two months prior to term can survive, and we are thus informed that it is not viable.*

V.11. A. Said R. Judah said Samuel, “She who aborts a foetus in the form of Lilith [a demon with wings and a human face] — its mother is unclean by reason of childbirth. It is an offspring but it has wings.”

B. *So too it has been taught on Tannaite authority:*

C. Said R. Yosé, “There was the case at Simoni, of a woman who aborted a foetus in the form of Lilith, and the case came before sages, who ruled, ‘It is an offspring but it has wings.’”

V.12. A. She who aborts a foetus in the form of a snake —

B. Hanina, son of R. Joshua’s brother, gave a ruling: “Its mother is unclean by reason of childbirth.”

C. R. Joseph went and reported the matter before Rabban Gamaliel. He sent word to R. Joshua, “Correct your brother’s son and come with him to me.”

D. As they were going along, the daughter-in-law of Hanina came out to meet R. Joshua. She said to him, “My lord, what is the law governing her who aborts a foetus in the form of a snake?”

E. He said to her, “Its mother is clean.”

F. She said to him, “But is it not the fact that in your name my mother-in-law has said to me, ‘Its mother is unclean.’”

G. And he said to her, “How come?”

H. “Since the orb of its eye is round like that of a man.”

I. From what she said, R. Joshua remembered. He sent word to Rabban Gamaliel, “It was on my authority that Hanina gave the instruction that he gave.”

- J. *Said Abbayye, “That story bears the message that a novice of the rabbis who has made a statement should give the reason along with it, so that whenever he is reminded of it, he may remember it.”*

I.1 clarifies the opening rule: “if there was blood with it...,” and tells us what kind of blood is at issue here. No. 2 introduces the Tosefta’s complement. No. 3 proceeds to pursue questions of a theoretical order, which expand upon the foregoing. The connections are tight, No. 4, for instance, simply applying to the male the considerations treated in No. 3. Precisely the same modes of thought generate No. 5 as well. No. 5 forms a bridge, moreover, to II.1, where we find a fairly straight-forward amplification of the Mishnah’s rule. The same pattern recurs at III.1. IV.1 provides a scriptural explanation for the position of Meir in the Mishnah-paragraph. No. 2 provides another approach to answering the same question. It is continuous with the foregoing. Nos. 3, 4 follow suit. No. 5 is tacked on, because it is in theme congruent to the discussion at hand, and No. 6, 7 complement No. 5. V.1 draws us back to the Mishnah’s next proposition. The basic clarification of what constitutes “some aspect of the human form” runs through Nos. 2, 3, 4, 5, continued by 6, as well. No. 7, goes on with the supplementary list of other kinds of abortions that are deemed sufficiently human to constitute offspring within the framework of Lev. 12. Nos. 8, 9 continue the exploration of the same theme. No. 10 forms a footnote to the prior materials. Nos. 11, 12 introduce yet other items on the list of forms that aborted fetuses may take.

3:3-4B

3:3

- A. **She who aborts a sac filled with water, filled with blood, filled with dry matter [Slotki: matter of various colors], does not take into consideration the possibility that this is a valid birth.**
- B. **But if [a limb] had formed, let her sit [out the days of uncleanness and cleanness] for both male and female.**

3:4A-B

- A. **She who aborts [an abortion shaped like] a sandal or a placenta —**
- B. **let her sit [out the days of uncleanness and cleanness] for both male and female.**
- I.1** A. *Now there is no problem in understanding the decision on blood and water, [for these do not form valid births, since] they are null. But as to **filled with dry matter [Slotki: matter of various colors], why should she not take into consideration the possibility that this is a valid birth, since it can have been an embryo that has now been squashed?***
- B. *Said Abbayye, “How much undiluted wine has the mother of this embryo to have drunk, that her foetus should have been squashed in her womb!” [No woman could have drunk that much, so we do not take account of that possibility.]*
- C. *Raba said, “What we have learned in the Tannaite formulation is **filled with**. If the embryo had been squashed, something would have been missing from the sac.”*

- D. *R. Ada bar Ahba said, "What we have learned in the Tannaite formulation is filled with matter of various colors. If the embryo had been squashed, it would all be of the same color."*

I.2. A. *It has been taught on Tannaite authority:*

- B. Abba Saul says, "I was an undertaker, and I would examine the bones of corpses. He who drinks undiluted wine — his bones appear burned. He who drinks much-too-diluted wine — his bones appear dry. He who drinks wine properly diluted — his bones appear full of marrow."
- C. *It has been taught on Tannaite authority:*
- D. Abba Saul — and some say, R. Yohanan — says, "I was an undertaker, and once I ran after a deer and I fell into the thigh-bone of a corpse, and I ran after the deer for three parasangs but reached neither the deer nor the end of the thigh-bone. When I returned, they said to me, 'It was the thigh bone of Og, King of Bashan.'"
- E. *It has been taught on Tannaite authority:*
- F. Abba Saul says, "I was an undertaker, and once a cave opened up under me, and I found myself standing in the eyeball of a corpse up to my nose. When I returned, they said to me, 'It was the eyeball of Absalom.'"
- G. *Now lest you suppose that Abba Saul was a dwarf, Abba Saul was the tallest man in his generation, and R. Tarfon came up only to his shoulder, and R. Tarfon was the tallest man in his generation, and R. Meir came up to his shoulder, and R. Meir was the tallest man in his generation, and Rabbi came up only to his shoulder, and Rabbi was the tallest man in his generation, and R. Hiyya came up only to his shoulder, and R. Hiyya was the tallest man in his generation, and Rab came up only to his shoulder, and Rab was the tallest man in his generation, and R. Judah came up only to his shoulder, and R. Judah was the tallest man in his generation, and Adda, his waiter, came up only to his shoulder. [25A] Pushtabna of Pumbedita came up only to half of the height of the waiter, Adda, and everybody else came up only to the loins of Pustabna of Pumbedita.*

I.3. A. They asked before Rabbi: "She who aborts a sac full of flesh — what is the rule?"

- B. He said to them, "I have not heard the rule for such a case."
- C. Said before him R. Ishmael b. R. Yosé, "This is what father said, 'If it was full of blood, she is unclean by reason of menstrual uncleanness, if it was full of flesh, she is unclean by reason of having given birth.'"
- D. He said to him, "If you had told us something new in the name of your father, we would have paid attention to you. *Now, since his initial ruling [concerning a sac filled with blood] has been stated only in the name of an individual, specifically, in the name of Sumkhos in accord with R. Meir [Sumkhos in the name of R. Meir said, and so did R. Simeon b. Menassia state in accord with his view, "They cut it open. If there is blood inside it, lo, this one is a menstruant. If not, she is not a menstruant"]*, lo, perhaps you have given a ruling in accord with R. Joshua [just now cited], and the law does not accord with R. Joshua."

The information required to understand the foregoing statement is now supplied, and matters move in their own direction.

- E. *For it has been taught on Tannaite authority:*
- F. She who aborts a foetus that is not formed with limbs —
- G. R. Joshua says, “It is a valid offspring.”
- H. And sages say, “It is not a valid offspring.”
- I. Said R. Simeon b. Laqish in the name of R. Oshaia, “The dispute [of Joshua and sages] pertains to a sac that was turbid, but if it was clear, all concur that it is not a valid birth.”
- J. And R. Joshua b. Levi said, “When the sac was clear, there is a dispute.”
- K. *The question was raised:* “‘When the sac is clear, there is a dispute, but if it was turbid, all parties concur that it is a valid birth’? Or perhaps one way or the other, there is a dispute?”
- L. *The question stands.*
- M. *An objection was raised:* This did R. Joshua b. Hananiah present as an interpretation: “‘And the Lord God made for Adam and his wife garments of skins and clothed them’ (Gen. 3:21) — this teaches that the Holy One, blessed be he, makes a skin for man only if he is formed.” *It follows that it is on the fact that there is a sac of skin that the matter depends, and there is no difference whether the contents are turbid or clear. Now if you maintain that there is a dispute when the sac is clear, that is why it was necessary to adduce a proof in evidence [to the contrary], but if you maintain that the dispute concerned a case in which the sac was turbid, why do I need a verse of Scripture to prove the point? For it is a matter of mere reasoning. It must follow that the dispute covers also a case in which the sac was clear.*
- N. *That proves it.*
- O. And so too said R. Nahman said Rabbah bar Abbuha, “The dispute pertains to a case in which the sac is turbid, but if it is clear, all parties concur that it is not a valid birth.”
- P. *Raba objected to R. Nahman, “[Said to him R. Aqiba, “If by the offspring alone, and not by a discharge, the beast were exempted from the law of the firstling, it would be in accord with your words.] But they have said: ‘the token of having given birth to an offspring, in a small beast is womb-discharge; in a large beast is afterbirth; and in a woman are the foetus, sac, and afterbirth’” [M. Bekh. 3:11-N]. But with respect to a large beast the abortion of a sac provides no exempt. Now, if there is a dispute in the case of a sac that is clear, it is on this account that a woman, whose case Scripture has explicitly included [in line with Joshua’s proof above], should be*

exempt from having to provide the priest's claim in such a case; and with reference to a beast, whom Scripture has not explicitly covered, there should be no requirement to render what is owing to the priest by reason of having given birth to a firstborn. But if you maintain that the dispute pertains as well to a case in which the sac is turbid alone, then think logically! What difference is there between a woman and a beast [Slotki: if the foetus may be assumed to 'have been crushed in the one case, why may it not be so assumed in the other?]

- Q. *Do you think that R. Joshua was so certain of matters? R. Joshua was as a matter of fact in doubt about the proper ruling [concerning the nature of the sac, and he was not sure that the abortion constitutes a valid birth (Slotki)], so in this case he imposed the more stringent rule, and in that case he imposed the more stringent rule. In the case of a woman, which involves mere property, and a doubt concerning property is to be resolved in a lenient way [he took the one route], while in respect to a beast, which is subject to a prohibition, for there is the consideration of shearing and working with the beast [and the firstborn is not to be used for such a purpose], [he ruled that the abortion of a sac is an invalid birth], for a matter of doubt in regard to a prohibition is resolved in a strict way. So too, with respect to a woman, there is a matter of doubt involving her uncleanness, and that too is resolved in a strict way.*
- R. *But was he really in doubt? He did, after all, adduce evidence from a verse of Scripture!*
- S. *It was, as a matter of fact, a ruling that rested on the authority of rabbis, and the purpose of the verse of Scripture was to supply general support for that position.*
- T. *Said R. Hanina bar Shelamia to Rab, "Now lo, there is what Rabbi said, what R. Ishmael b. R. Yosé said, what R. Joshua b. Levi said. In accord with whom does the master rule?"*
- U. *He said to him, "I say, 'All the same are this case and that case [the turbid and the clear sac] — in neither case does she have to taken into consideration the possibility that she has produced a valid offspring.'"*
- V. *And Samuel said, "All the same are this case and that case [the turbid and the clear sac] — in both case she has to taken into consideration the possibility that she has produced a valid offspring."*
- W. *And Samuel is consistent with views expressed elsewhere. For when R. Dimi came, he said,*

“Sages in Nehardea have never declared clean the case of one who aborted a sac, except in the case of a sac that was brought before Samuel, and a hair that lay on one side could be seen through the other. He ruled, if it were an embryo, it could not have been so transparent.”

- II.1 A. And if [a limb] had formed, let her sit [out the days of uncleanness and cleanness] for both male and female:**
- B. *Our rabbis have taught on Tannaite authority:*
- C. **What is the definition of a sac the limbs of which are formed? Abba Saul says, “At the beginning of its formation it is like a rashon-locust. Its two eyes are like two drippings of a fly.”**
- D. *R. Hiyya taught on Tannaite authority: “They [the two eyes] are far apart.”*
- E. *Its two nostrils are like two drippings of a fly.*
- F. *R. Hiyya taught on Tannaite authority: “They [the two nostrils] are near one another.”*
- G. **“Its mouth is narrow as a stretched hair. And its sexual organ is like a lentil. If it was a female, her sexual organ is like the longitudinal split of a barley-grain. It has no developed hands and feet. And concerning such a thing it is explained in tradition: ‘Have you not poured me out as milk and curdled me like cheese? You have clothed me with skin and flesh and knit me together with bones and sinew. You have granted me life and favor and your providence has preserved my spirit’ (Job. 10:10-12)” [T. [Nid. 4:4E-J](#)].**
- H. **They do not examine the foetus with water, because the water is hard [\[25B\]](#) and disturbs its shape. They examine it only in oil, because oil is soft and makes it clear. And they examine it only in sunlight [T. [Nid. 4:11A-C](#)].**
- I. *How do they examine it?*
- J. *“How do they examine it”? It is in accord with what we have just said. Rather, “In what way is it to be examined so as to find out whether it is male or female?”*
- K. *Abba Saul bar Nash, and some say, Abba Saul bar Ramah, says, “One brings a splinter, the top of which is smooth, and one moves it in an upward direction in the place of the sexual organ. It catches, it is clear that the foetus is male, and if not, it will be clear that it is female.”*
- L. *Said R. Nahman said Rabbah bar Abbuha, “That is the case only if one moves it from below to above, but if it is to the sides [that is no test at all], for I might say that what it has snagged on is the wall of the womb.”*
- M. **Said R. Ada bar Ahbah, “A Tannaite version is as follows: **If it was a female, her sexual organ is like the longitudinal split of a barley-grain.**”**
- N. *R. Nahman objected, “But perhaps that is the depression between the testicles?”*
- O. *Said Abbaye, “Now if the testicles themselves are not clearly apparent, is the depression between the testicles going to be discernible?”*
- P. *Said R. Amram, “A Tannaite version is as follows: Its two thighs are like two silk threads.”*

- Q. In this connection, R. Amram said, "Like the thread of the warp [thinner than those of the woof]."
- R. *Said Samuel to R. Judah, "Sharpy! Don't make a practical decision in such a case unless the embryo has hair on its head."*
- S. *But did Samuel make any such statement? And has not Samuel said, "All the same are this case and that case [the turbid and the clear sac] — in both case she has to taken into consideration the possibility that she has produced a valid offspring."*
- T. *Said R. Ammi bar Samuel, "To me personally did Mar Samuel explain, 'She has to take into consideration the possibility of a valid birth to be sure, but we do not assign to her the clean days unless the embryo has hair on its head.'"*
- U. *Does this then bear the implication that Samuel was in doubt [on the stages of the development of the foetus]?*
- V. *But lo, a sac was brought before Mar Samuel. He said, "This is forty-one days old." He calculated the time since the woman had gone to immerse [after her last period] until that day, and it turned out there were only forty days, so he said, "That man must have had sexual relations during her menstrual period." He arrested him and eh man confessed. [So Samuel was quite sure of himself.]*
- W. *Samuel was different from others, because his mastery was considerable.*

III.1 A. She who aborts [an abortion shaped like] a sandal or a placenta — let her sit [out the days of uncleanness and cleanness] for both male and female.

- B. *Our rabbis have taught on Tannaite authority:*
- C. **A sandal is like a fish in the sea. At first it is a normal foetus, but then it got crushed.**
- D. **Rabban Simeon b. Gamaliel says, "It is like the tongue of an ox."**
- E. **In the name of our rabbis they testified, "A sandal has to have the facial features of a human form" [T. Nid. 4:7B-C].**
- F. *Said R. Judah said Samuel, "The decided law is this: A sandal has to have the facial features of a human form."*
- G. *Said R. Ada said R. Joseph said R. Isaac, "A sandal has to have the facial features of a human form — even if that is only at the back. It is like the case of a man who slapped someone and made his face turn backwards."*

III.2. A. In the time of R. Yannai they wanted to declare clean a sandal that does not have the facial features of a human form. Said to R. Yannai, "Then you have declared clean the mother of newly-born children."

- B. *But has it not been taught on Tannaite authority: In the name of our rabbis they testified, "A sandal has to have the facial features of a human form" [T. Nid. 4:7B-C]?*
- C. *Said R. Bibi bar Abbayye said R. Yohanan, "It was on the testimony of R. Nehunya [an individual, not representing the consensus] that this Mishnah was repeated."*

- D. *Said R. Zeira, "R. Bibi had the merit that was gained in this tradition, for I and he were in session before R. Yohanan when he stated this tradition, and he went ahead and stated it, and so gained the merit accruing from it."*

III.3. A. And why did they say "a sandal"? Is it not so that there is no sandal with which there also is not a bit of the embryo? [But they have so ruled because of the possibility that the mother will produce with it a male, and so be in disarray in respect to a female, or because of the possibility that she will produce two, one, a female child, before sunset, and the other, the sandal, after sunset, and it will turn out that she counts the beginning of her period of menstruation in accordance with the first and the beginning of her period of menstruation in accordance with the second] [T. [Nid. 4:8A-C](#)].

- B. *If a female were to be born with it, that would be the fact [Slotki: there would have been no need to mention the sandal, 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 less than that of the female]. Here, with what case do we deal? It is a case in which a male was born along with the sandal [so that if the sandal were a female, the period of the woman's uncleanness would extend over a longer period (Slotki)]. So what might you have said? Since R. Isaac bar Ammi said, "If the woman reaches orgasm first, she will bear a male child, and if the male reaches orgasm first, she bears a female child," the sandal is a male and the other is a male as well [so the woman is unclean only by reason of a male birth]. So we are informed [that that is not the assumption that we make], for I might say that both of them had orgasms simultaneously, and one may be male and the other female.*

- C. **Another matter: if she will produce two, one, a female child, before sunset, and the other, the sandal, after sunset, and it will turn out that she counts the beginning of her period of menstruation in accordance with the first and the beginning of her period of menstruation in accordance with the second.**

- D. **[26A] As to the sandal we have learned in the Mishnah in respect to firstlings, the practical law that is indicated thereby: The embryo accompanying the sandal, if it was a male, is regarded as firstborn in respect to inheritance but not in respect to redemption from the priest [he gets the double portion of Deu. 21:17, but is not redeemed in line with Num. 18:15-16] [M. [Bekh. 8:1A](#)].**

- E. *In respect to the sandal we have learned in the Mishnah in respect to the matter of the penalty of extirpation, the practical law that is indicated thereby: if the embryo is born by caesarean section, and the sandal is born from the womb, she has to bring a sacrifice on account of the sandal.*

- F. *And from the viewpoint of R. Simeon, who has said, "An offspring born by caesarean section is a perfectly valid offspring," what is to be said? [Slotki: what practical law is taught by the case of the sandal?]*

- G. *Said R. Jeremiah, "If she should produce a child while she is a pagan and the sandal after she has converted to Judaism, she has to bring a sacrifice on account of the sandal."*

- III.4.** A. *Said rabbis before R. Pappa, “And are all of these answers [to the question of what practical purpose is served by the law of the sandal] valid? Has it not in fact been taught on Tannaite authority: When the sandal and the embryo issue, they do so only while clinging to one another [so how could the answer given at G, for instance, be viable? What space of time can have elapsed?]”*
- B. *Said R. Pappa, “From this [the assumption that the embryo precedes the sandal, and the assumption that the sandal precedes the embryo, and the assumption that the embryo and the sandal can come forth clinging to one another, that is, the rule relating to the matter of extirpation, the rule relating to the firstborn, and the present rule], it follows that the embryo clings to the sandal at the middle of the sandal [the head of the embryo is in contact with the middle of the sandal], which lies across the head of the embryo [but does not come into contact with the lower part of its body]. Now, with reference to the matter of the firstborn, at issue is a case in which the embryo came out head first, so that the sandal issued first. In regard to the matter of extirpation, it is a case in which they issued feet first, so that the embryo was born first.”*
- C. *R. Huna bar Tahalipa in the name of Raba said, “You may even say that side by side, and reverse what has just been said: in respect to the case involving the firstborn, it is one in which they came forth feet first, so the embryo, which is alive, hands on and does not come out easily, while the sandal, which is not alive, glides and speedily emerges. In regard to the law on extirpation, the case involves one in which they came out head first, so the embryo, which is alive, has completed its birth as soon as the head came out, while the sandal, being born dead, was not born until the greater part came out.”*

I.1 provides a fine account of the considerations that have entered into the Mishnah’s rule. No. 2 forms a footnote of only marginal relevance. No. 3 then complements foregoing, and No. 4 supplements the rule of the Mishnah. II.1 complements the Mishnah with a Toseftan passage, which supplies necessary information. The passage then is extensively amplified in its own terms. III.1 follows the same pattern. We have a Toseftan passage, which is lightly glossed. No. 2 then complements the foregoing. No. 3, completed by No. 4, proceeds to the next passage of the Toseftan complement commencing at No. 1. The articulation through No. 4 is compelling, since all possibilities are set forth.

3:4C-E

- C. **[If] there is a placenta in a house, the house is unclean.**
- D. **Not that the placenta is the child, but because there is no placenta which does not contain part of the child.**
- E. **R. Simeon says, “The child was mashed before it [the afterbirth] came out.”**
- I.1** A. *Our rabbis have taught on Tannaite authority:*
- B. **The placenta of which they have spoken — in its first stage it is like the thread of the warp, and its head is like a lupine, and it is hollow like a trumpet, and there is no placenta less in size than a handbreadth.**

- C. **Rabban Simeon b. Gamaliel says, “It is like the craw of a hen, out of which the small intestines issue.”**
- D. [Bavli lacks:] **And why did they refer to a placenta? And is it not that there is no placenta without a bit of the child with it?** [T. **Nid. 4:1A-D**].

I.2. A. *It has been taught on Tannaite authority:*

- B. *Oshaia the youngest of the association [says], “Five things are subject to a prescribed minimum of a handbreadth, and these are they: the placenta, the ram’s horn, a spine, the wall of a sukkah, and a bundle of hyssop.”*
- C. *As to the placenta, it is the passage just now cited.*
- D. *As to the ram’s horn, it is as has been taught on Tannaite authority:*
- E. What is to be the measure of the ram’s horn?
- F. R. Simeon b. Gamaliel spelled out: “It must be large enough so that one may hold it in one’s hand and it protrude on either side, that is, a handbreadth.”
- G. What is the ruling as to the spine?
- H. *It is in accord with that which said R. Parnakh said R. Yohanan, “The spine of the lulab has to extend beyond the myrtle above by a handbreadth.”*
- I. What is the ruling as to the wall of the sukkah?
- J. *It is as has been taught on Tannaite authority:*
- K. Two must be proper, but the third is valid even if it is only a handbreadth in width.
- L. The bundle of hyssop? As has been taught as a Tannaite version by R. Hiyya: “The bundle of hyssop must be a handbreadth.”

I.3. A. *Said R. Hanina bar Pappa, “Shila of the village of Tamarta presented three expositions of Tannaite statements and two expositions of traditions with respect to the measure of a handbreadth.”*

- B. *Two? But it is only one!* [Slotki: the one on the spine of the lulab cited in the name of Yohanan; the others are not traditions but Tannaite statements.]
- C. *Said Abbaye, “Say: ‘said R. Hiyya, “The bundle of the hyssop must be a handbreadth.”’”*
- D. And are there no more? And lo, there is the following: **A cubic handbreadth introduces uncleanness or interposes against uncleanness** [M. **Oh. 3:7A**].
- E. *We spoke of a handbreadth, not of a squared handbreadth.*
- F. And lo, there is the following: **A stone that projects from the baking oven is deemed connected to the oven if it projects by a handbreadth, or, from a stove, by three fingers** [M. **Kel. 5:2H-I**].
- G. *When we made our statement, it was with reference to cases in which a size less than a handbreadth is invalid; here the law applies all the more to such a case where the size is of less than a handbreadth!*
- H. And lo, there is **[26B]** the case of ovens the size of a handbreadth [used for toys], for we have learned in the Mishnah: **A baking oven — it begins to receive uncleanness when it reaches four handbreadths in height, and its remnants continue to receive uncleanness if they are of that height,** the words of R. Meir. And sages say, “Under what circumstances? In the case of a large one. But in the case of a small one, it begins to be susceptible to uncleanness is at

any height at all, and its remnants to remain susceptible to uncleanness must be the larger part of the dimensions of the original oven” [M. Kel. 5:1A-E]. And how much is “any height at all”? Said R. Yannai, “A handbreadth, for that is the size of ovens that people do make.”

- I. *The statement that we made does not pertain to arguments at all.*
- J. *Now that you have reached that point, then the law cited above about the stone that projected from the stone also happens to be subject to a dispute, for at the end of the same passage it is taught: Said R. Judah, “The handbreadth was stated only with reference to the space between the oven and the wall” [M. Kel. 5:2M].*
- K. *But lo, there is also “a border of a handbreadth” (Exo. 25:25)!*
- L. *The statement does not pertain to sizes that are set forth in Scripture.*
- M. *But lo, there is also the rule that the ark-cover has to be a handbreadth thick [Exo. 25:17]!*
- N. *The statement does not pertain to Holy Things.*
- O. *But lo, there is also “the cross beam that marks a fictional gateway for purposes of establishing a single domain for carrying on the Sabbath suffices if it is only a handbreadth wide”!*
- P. *The statement does not pertain to rules made solely on the authority of rabbis. It addressed only matters that are discussed in Scripture and in regard to which no sizes have been specified.*

- I.4.** A. *R. Isaac bar Samuel bar Marta was in session before R. Kahana, and, going into session, he stated, “Said R. Judah said Rab, ‘Throughout the first three days after the birth of a child, the placenta [afterbirth] is attributed to the child. From that point onward, they take account of the possibility that it derived from the birth of another child [crushed within the placenta, who might have been a female (Slotki)].”*
- B. *He said to him, “But has Rab made such a statement? And has not Rab said, ‘Once one child has been born, another child is not at all detained,’ [so how could he have ruled that after three days had passed, the placenta might derive from a second child]?”*
 - C. *He fell silent.*
 - D. *He said to him, “Perhaps one statement [Throughout the first three days after the birth of a child, the placenta [afterbirth] is attributed to the child] refers to the case of an abortion, the other [Once one child has been born, another child is not at all detained] to the birth of a viable offspring?”*
 - E. *He said to him, “You have stated Rab’s traditions, for Rab has explicitly stated the matter. This is what Rab said: ‘If a woman gave birth to an abortion and afterward she gave birth to a placenta, throughout the first three days after the birth of a child, the placenta [afterbirth] is attributed to the child. From that point onward, they take account of the possibility that it derived from the birth of another child [crushed within the placenta, who might have been a female]. If she gave birth to a viable offspring and afterward she produced the placenta, even ten days later, we do not take account of the possibility that it was a second offspring.”*

- I.5.** A. *Samuel and the disciples of Rab and R. Judah were in session. R. Joseph b. R. Menassia of Devil came rushing toward them. He said, "Here is coming toward us somebody whom we can toss around with a piece of straw, and he would be thrown about and pushed out."*
- B. *Meanwhile he came along. Samuel said to him, "What did Rab said about the placenta?"*
- C. *He said to him, "This is what Rab said: 'The placenta is assigned only to a viable offspring.'"*
- D. *Samuel addressed the same question to all the disciples of Rab, and all of them said the same thing. Then he gazed upon R. Judah with anger [who had not earlier told him about this ruling].*

- I.6.** A. *R. Yosé b. Saul asked Rabbi, "She who aborts a foetus in the form of a raven and a placenta as well — what is the rule?"*
- B. *He said to him, "The placenta is assigned only to an embryo in the species of which the placenta is one of their organs [and birds are therefore excluded (Slotki)]."*
- C. *"If the placenta is tied to [the raven-shaped object], what is the law?"*
- D. *"You have asked about something that does not exist."*
- E. *An objection was raised: She who aborts something in the form of a domesticated beast or a wild beast or a bird, and there is a placenta with them, when the placenta is tied to them, we do not take account of the possibility of yet another offspring. If the placenta is not tied to them, we do take account of the possibility that another child was born with them [but crushed in the womb]. Lo, I assigned on their account [27A] the restrictions of both births [the two embryos, thus male and female restrictions alike], for I say, "lest the foetus of the placenta may have been crushed, and the placenta of the foetus was crushed."*
- F. *That is a solid refutation.*

- I.7.** A. *Said Rabbah bar Shila said R. Mattenah said Samuel, "There was a case in which they assigned the placenta to the offspring as late as ten days after the birth of the offspring."*
- B. *But have they not stated, "They assign the placenta only in the case of an placenta that came immediately after the offspring?"*

- I.8.** A. *Said Rabbah bar bar Hannah said R. Yohanan, "There was a case in which they assigned the placenta to the offspring even twenty-three days after the birth of the offspring."*

- B. *Said to him R. Joseph, "What you said to us was, 'twenty-four days.'"*

- I.9.** A. *Said R. Aha b. R. Avira said R. Isaac, "There was a case in which the embryo was delayed for thirty-three days after the birth of the predecessor."*

- B. *Said to him R. Joseph, "What you said to us was, 'thirty-four days.'"*

- C. *That ruling poses no problem to him who maintains that a woman who bears at nine months does not necessarily complete the entire term of nine months, since under such conditions it may be that the features of one embryo was completed in seven months and those of the other embryo at the start of the ninth month. But in the view of him who holds that a woman who bears at nine months does complete the full term, what is there to be said?*

- D. *Reverse the statements:* three days for the placenta, twenty-three days for the embryo.

I.10. A. Said R. Abin bar R. Ada said R. Menahem of Shearim, and some say, of Beth Shearim, “There was a case in which one offspring delayed emerging for three months after its fellow, and lo, they are in session before us in the house of study! *And who are they?* They are Judah and Hezekiah, sons of R. Hiyya.”

- B. And lo, said a master, “A woman cannot become pregnant and then go and become pregnant again [prior to giving birth to the offspring conceived first]”?
C. Said Abbaye, “There was a single drop of sperm, and it was divided into two. The formation of the features of the first was completed at the beginning of the seventh month, and the formation of the features of the second was completed at the end of the ninth month.”

II.1 A. **If] there is a placenta in a house, the house is unclean.**

- B. *Our rabbis have taught on Tannaite authority:*
C. **“If the placenta is in the house, the house is unclean. Not that the placenta is the child, but because there is no placenta which does not contain part of the child,”** the words of R. Meir.
D. **R. Judah and R. Yosé and R. Simeon say, “The house is clean.”**
E. **They said to R. Meir, “Do you not agree that if she brought it out in a bowl to the outer house, that is clean?”** [Slotki: should then the first house be unclean?]
F. **He said to them, “True enough, but why? It is because it has been mashed in water and is annulled in the outer house.”**
G. **They said to him, “Just as it is annulled in the outer house, so in the inner one it is not a valid birth” [T. Nid. 4:13A-E].**
H. He said to them, “What has been mashed once is not like that which has been mashed twice” [Slotki: 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].

II.2. A. *R. Pappa was in session, sitting behind R. Bibi in the presence of R. Hamnuna, and in session he remarked, “What is the operative consideration behind the position of R. Simeon? He is of the view that any uncleanness with which something of a different classification of uncleanness is mixed is neutralized.”*

- B. *Said to him R. Pappa, “That is also the operative consideration for the positions of R. Judah and R. Yosé.”*
C. *They ridiculed him, [saying,] “What difference can there be? It is perfectly obvious that the same reasoning applies!”*
D. *Said R. Pappa, “Even a matter such as this should one state and not remain silent before his master, on the count of the verse, ‘If you have done foolishly, you are lifting up yourself, but if you have planned devices, lay your hand upon your mouth’ (Pro. 30:32).”*
E. *R. Simeon is consistent with views expressed elsewhere, for it has been taught on Tannaite authority:*

- F. A ladleful of corpse-mould into which some earth fell — the mould remains unclean.
- G. But R. Simeon declares it clean.
- H. *What is the operative consideration for the ruling of R. Simeon?*
- I. *Said Rabbah, "I happened upon the rabbis of the household of Rab, who were in session and stating, 'It is not possible that somewhere in the mixture, two particles of earth to one of corpse-mould should not represent the larger portion [and since in that part of the mixture at least, the corpse mould is neutralized and loses its uncleanness], something lacking [from the prescribed minimum of a ladleful, and the whole mixture therefore is clean (Slotki)].' And I said to them, 'To the contrary! It is not possible that two pieces of corpse matter somewhere in the mixture should not represent a part greater than [27B] one particle of earth, so that the quantity is increased.'"*
- J. *Rather, said Rabbah, "This is the operative consideration for the ruling of R. Simeon: The final stage in the disintegration of the corpse into corpse matter is treated as equivalent to the first stage: just at its first stage, when the corpse is buried, any other matter that is mixed up with the decaying corpse becomes its antidote [the smallest piece of material buried with a corpse neutralizes the uncleanness of the mould], so also in the final stage, when the corpse is already converted into mould, any other matter becomes its antidote."*
 - K. *And where is that law set forth [about the first stage in the process]? It is as has been taught on Tannaite authority:*
 - L. **And what is the sort of corpse that produces corpse-mould [Bavli: and what is the sort of corpse that does not produce corpse-mould]? That which is buried naked in a stone sarcophagus on a marble floor or table. [Bavli: and what is the sort of corpse that does not produce corpse-mould]? That which is buried in its shroud and in a wooden coffin on dirt does not produce corpse mould. [And he that takes dirt from under it — that is dirt of graves: "a ladleful and a bit more." A mixture that is found in the grave, the character of which one does not know, lo, this is dirt of graves: "a ladleful and a bit more"] [T. [Ah. 2:3A-E](#)].**
 - M. Sages have spoken of the uncleanness of corpse-mould only with reference to one who died of natural causes, *excluding a person who has been killed, who is not subject to that law.*

II.3. A. *Reverting to the exposition of a component of the preceding text:*

- B. A ladleful of corpse-mould into which some earth fell — the mould remains unclean.
- C. But R. Simeon declares it clean.
- D. **A ladleful of corpse mould that was scattered around the house — the house is unclean. And R. Simeon declares it clean [M. [Oh. 3:2A-C](#)].**
- E. *And both statements of the matter are required. If we had learned the first one alone [concerning earth mixed with corpse mould], it is specifically in that case in which rabbis take the position that*

they do, for the corpse mould is gathered together, but where it was scattered, they would agree with R. Simeon, since if we have a succession of overshadowing of less than the prescribed minimum of corpse mould, we do not join together that succession of overshadowings to make up the requisite volume so as to convey corpse uncleanness through overshadowing. And if we had learned the second one along [the one involving scattered corpse mould], it is in that case in particular that R. Simeon takes the position that he does, because if we have a succession of overshadowing of less than the prescribed minimum of corpse mould, we do not join together that succession of overshadowings to make up the requisite volume so as to convey corpse uncleanness through overshadowing. We supposed that he concurs with rabbis. So both cases were required.

- F. *We have further learned in the Mishnah: **A ladleful and a bit more of grave dirt is unclean. R. Simeon declares it clean [M. Oh. 2:2L-M].***
- G. *What is the operative consideration behind the position of rabbis? It is that it is not possible to have “**a ladleful and a bit more of the earth of a graveyard**” in which there is not a ladleful of corpse-mould.*
- II.4. A. *Now that you have said, “This is the operative consideration for the ruling of R. Simeon: The final stage in the disintegration of the corpse into corpse matter is treated as equivalent to the first stage: just at its first stage, when the corpse is buried, any other matter that is mixed up with the decaying corpse becomes its antidote [the smallest piece of material buried with a corpse neutralizes the uncleanness of the mould], so also in the final stage, when the corpse is already converted into mould, any other matter becomes its antidote,” then with reference to the placenta [if there is a **placenta in a house, the house is unclean, not that the placenta is the child, but because there is no placenta which does not contain part of the child. R. Simeon says, “The child was mashed before the afterbirth came out”], what is his operative consideration [where this comparison is not pertinent]?***
- B. *Said R. Yohanan, “It is because of the fact that the rule of the nullification of a quantity in a large volume of some other substance has applied in this case [Slotki: as the blood of labor, which is the larger volume, is clean, the lesser quantity, the mashed embryo, is neutralized in it and is therefore clean].”*
- C. *R. Yohanan is consistent with opinions stated elsewhere, for R. Yohanan has said, “R. Simeon and R. Eliezer b. Jacob have made the same statement. R. Simeon is as we have just now said. And as for R. Eliezer, it is in line with that which we have learned in the Mishnah: [This is the general principle: [In the case of] any [beast] of which it is known that it has given birth, the priest has nothing whatsoever here. And [in the case of] any beast [of which it is known] that it has not given birth, lo, this goes to the priest. If it is a matter of doubt, let it be eaten by the owner when it is blemished.] R. Eliezer b. Jacob says, “A large beast*

which discharged a clot of blood — lo, this [the clot] is to be buried. And it is exempted from the law of the firstling” [M. Bekh. 3:10-S].

- D. *And R. Hiyya repeated as a Tannaite version in this regard: “It does not impart uncleanness either through contact or through being carried. Then if it does not impart uncleanness either through contact or through being carried, why should it be buried? It is so as to make it clear that the beast is exempt from the law of the firstling.”*
- E. Therefore it follows that entirely valid offspring.
- F. *And why did R. Hiyya repeat as a Tannaite version in this regard: “It does not impart uncleanness either through contact or through being carried”?*
- G. Said R. Yohanan, “It is because of the fact that the rule of the nullification of a quantity in a large volume of some other substance has applied in this case [Slotki: as the blood of labor, which is the larger volume, is clean, the lesser quantity, the mashed embryo, is neutralized in it and is therefore clean].”

II.5. A. Said R. Ammi said R. Yohanan, “[With reference to our Mishnah-paragraph, if there is a placenta in a house, the house is unclean, not that the placenta is the child, but because there is no placenta which does not contain part of the child. R. Simeon says, “The child was mashed before the afterbirth came out”] R. Simeon concurs that the mother is unclean by reason of childbirth.”

- B. *A certain old man said to R. Ammi, “I will spell out for you the scriptural basis for the position of R. Simeon: Scripture has said, ‘If a woman conceive seed and bears a man child’ (Lev. 12:23) — even if she bore in the same manner only as she conceived seed, she still is unclean by reason of having given birth.”*

II.6. A. R. Simeon b. Laqish said, “A sac that was beaten up in its fluid is treated as a corpse the shape of which was destroyed [and was burned and scattered; such human remains do not convey uncleanness (Slotki)].”

- B. Said R. Yohanan to R. Simeon b. Laqish, “As to a corpse the shape of which was destroyed [and was burned and scattered], *how do we know that the remains are clean? Should one say that it derives from the following statement, which R. Shabbetai said R. Isaac Magdelaah said, and some said, said R. Isaac Magdelaah said R. Shabbetai, ‘A corpse that was burned up, and the backbone of which is in tact, is unclean; and there was a case in which, on account of such a corpse, the large doors [of the house in which it lay] were declared unclean [28A] [since the corpse can be carried intact through them (Slotki)], small doors were declared clean [since the corpse cannot be carried intact through them (Slotki)],’ lo, the operative consideration for the ruling that the big doors were declared unclean is that the shape of the corpse was still in tact. But if it had not been in such a condition, the doors would have been clean,*’ — *if that is the argument for the derivation of the rule — then it would be answered, we may draw only the following inference: it was because the shape was intact that the small doors were declared clean, but otherwise, the small doors would have been unclean, since each one of them is suitable for carrying the corpse out limb by limb.*”
- C. *Said Rabina to R. Ashi, “In accord with whom has R. Yohanan made his ruling? It is in accord with R. Eliezer. For we have learned in the Mishnah: The ash of*

burned corpses — R. Eliezer says, ‘Its measure [to be sufficient in volume to impart uncleanness] is a quarter-qab.’ And sages declare clean [M. Oh. 2:21-K].”

- D. *Now how are we to imagine the case in which the corpse was burned but the shape remained intact?*
- E. Said Abbaye, “For example, a case in which one burned the corpse on a leather spread [which held the remains together].”
- F. Raba said, “For example, if one burned it on a hard cemented substance [Slotki].”
- G. *Rabina said, “For example, where it was only charred [so the body held together].”*

II.7. A. Our rabbis have taught on Tannaite authority:

- B. She who aborted a shaped hand [with defined fingers] or a shaped foot — the mother is unclean by reason of child birth, and we do not take account of the possibility that these have come from an otherwise-shapeless body [which would not have the status of an offspring].
- C. *R. Hisda and Rabbah bar R. Huna both said, “They do not assign to her days of purifying. Why not? I say that the birth took place some time again [since the embryo aborted in parts, and we do not know when the birth of the greater part occurred, by the time the hand or foot was aborted, the prescribed period of uncleanness may have passed (Slotki)].”*
- D. *R. Joseph objected: “**She who aborts and what it is is not known [masculine or feminine] — let her sit [out the days of uncleanness and cleanness] for both male and female.** Now if you should imagine that in a case such as this, we invoke the conception that the birth took place some time again, then the passage should read, and the days of uncleanness for menstruation [Slotki: the days of uncleanness should extend not only for the fourteen days for the female, whether or not blood was observed, but for any subsequent discharge of blood, which in the case of a normal birth is clean, since this may be regarded as menstrual blood].”*
- E. *Said Abbaye, “If reference had been made to the days of uncleanness for menstruation, I might have supposed that she brings an offering but it is not eaten. So we are informed that the offering may be eaten.”*

- II.8. A.** Said R. Huna, “If the embryo put out its hand and brought it back in, the mother is unclean by reason of childbirth, as it is said, ‘And it came to pass, when she bore, that one put out a hand’ (Gen. 38:23).”
- B. R. Judah objected, “If the embryo put out its hand, its mother need not take account of any further possibilities of restriction at all” [Slotki: so how could Huna maintain that a woman in such circumstances is subject to the uncleanness of childbirth?]
 - C. *Said R. Nahman, “The matter was explained to me by R. Huna in this way: the woman certainly does not have to take account of the possibility [that it is a valid birth], but we do not accord to her the clean days, unless the greater part of the embryo has come forth.”*
 - D. *But the language that has been used is “its mother need not take account of any further possibilities of restriction at all”!*

E. Said Abbayye, “...its mother need not take account of any further possibilities of restriction at all’ so far as the rules of the Torah are concerned, but as to the rules of rabbis, she does indeed take account of possibilities [such as were just now outlined].

F. *And lo, a passage of Scripture has been adduced in evidence?*

G. *The ruling derives from rabbis, and the verse of Scripture provides some further evidence in the matter.*

A simple pattern governs through: the Tosefta’s complement to the Mishnah, then analysis of the Tosefta’s and not the Mishnah’s presentation on the shared theme. I.1 presents but does not analyze a Toseftan complement to our Mishnah. Nos. 2 and 3 proceed to write a footnote to the detail that the placenta must be a handbreadth in size, or it is not taken into account. No. 4 then turns to our Mishnah-paragraph’s theme, the placenta and the rules that pertain to it. The problem of No. 4 is not generated by any detail of our Mishnah. No. 5 continues No. 4. No. 6 continues the general theme and utilizes the now-established principles, but it too does not revert to the exposition of our Mishnah-paragraph. Nos. 7, 8, 9, 10, review various cases of multiple births and how the placenta is to be classified in such cases. II.1 cites Tosefta’s amplification of the Mishnah’s rule and language. No. 2 continues the exposition of the cited passage. The exposition really never intersects with our Mishnah-paragraph or even its theme, let alone its problem. No. 3 forms a footnote to the foregoing. Then No. 4 reverts to the discussion of No. 2 and takes up the analysis of the Mishnah. No. 5 continues the discussion of the Mishnah-paragraph begun at No. 4. No. 6 proceeds to an ancillary matter. Nos., 7, 8 are tacked on, because, in the case of the former, we have a secondary case pertinent to our Mishnah-paragraph, and, in the case of the latter, we have an appendix to the foregoing; but my sense is that No. 8 would have better served the Mishnah-paragraph that follows.

3:5

- A. **She who produces a tumtom [an offspring without discernible sexual characteristics] or an androgyne [an offspring with the traits of both sexes]**
—
- B. **let her sit [out the days of uncleanness and cleanness] for both male and female.**
- C. **[If she bore twins,] a tumtom and a male child, an androgyne and a male child —**
- D. **let her sit [out the days of uncleanness] for both male and female.**
- E. **[If she bore] a tumtom and a female, an androgyne and a female —**
- F. **— let her sit [out the days of uncleanness] for a female only.**
- G. **[If] it emerged in pieces or feet foremost — once the greater part of it has gone forth, lo, it is as if it were fully born.**
- H. **[If] it came forth in the normal way, [it is not deemed born] until the greater part of its head has come forth.**
- I. **And what is the greater part of its head?**
- J. **Once its forehead has come forth.**

- I.1 A.** [She who produces a *tumtom* or an androgyne — let her sit [out the days of uncleanness and cleanness] for both male and female. If she bore twins, a *tumtom* and a male child, an androgyne and a male child — let her sit out the days of uncleanness for both male and female. If she bore a *tumtom* and a female, an androgyne and a female — let her sit out the days of uncleanness for a female only:] *Now if in the case of the woman who gave birth to a tumtom alone, or to an androgyne alone, the rule states that she is to sit out the days of uncleanness and purifying for a male and a female, why should it be a question of what she should do if she gave birth to a tumtom and a male or an androgyne and a male [in which case she obviously she sit out the days of uncleanness and purifying for both a male and a female]?*
- B. *It was indeed necessary to specify these cases. For what might you otherwise have thought? Since R. Isaac [bar Ammi] said, “If the woman reaches orgasm first, she will bear a male child, and if the male reaches orgasm first, she bears a female child,” I might have thought that, since the one is a male, the other also must be a male. So we are informed that that is not the correct inference, for I take the view that both of them reached orgasm at the same moment, on which account this one is a male and that one is a female.*
- I.2. A.** Said R. Nahman said Rab, “A *tumtom* or an androgyne that produced a drop of white excretion or a drop of red excretion — neither is liable on account of entering the Temple [since they are not deemed unclean, e.g., by reason of the zibah-uncleanness described at Lev. 15 or by reason of menstruation], nor on their account do they burn priestly rations [that they may have touched after producing the excretion]. If, however, they should produce a drop of white excretion and of red simultaneously, while they still are not liable for entering the Temple, they do on their account burn priestly rations that they have touched, since it is said, ‘Both male and female [28B] you shall put out of the camp [if they are unclean]’ (Num. 5: 3) — one that is unambiguously a male or unambiguously a female, excluding a *tumtom* or an androgyne.” [The exegesis resumes at 3.A.]
- B. *May one say that the following supports his view? [Supply: for it has been taught on Tannaite authority:]*
- C. A *tumtom* or an androgyne that produced a drop of white excretion or a drop of red excretion — neither is liable on account of entering the Temple [since they are not deemed unclean, e.g., by reason of the zibah-uncleanness described at Lev. 15 or by reason of menstruation], nor on their account do they burn priestly rations [that they may have touched after producing the excretion]. If, however, they should produce a drop of white excretion and of red simultaneously, while they still are not liable for entering the Temple, they do on their account burn priestly rations that they have touched.
- D. *What is the scriptural basis for this rule? Is it not because it is said, “Both male and female you shall put out of the camp [if they are unclean]” (Num. 5: 3) — one that is unambiguously a male or unambiguously a female, excluding a tumtom or an androgyne?*
- E. *Said Ulla, “Not at all. Who is the authority for this version? It is R. Eliezer. For we have learned in the Mishnah: R. Eliezer says, “‘A creeping thing... and it be hidden from him’ (Lev. 5: 2) — one is liable if the creeping thing goes out*

of mind, but he is not liable if the fact that he was in the sanctuary goes out of mind.” R. Aqiba says, “‘And it be hidden from him and he be unclean’ — On account of the uncleanness’s passing out of mind he is liable, but he is not liable on account of the sanctuary’s passing out of mind.” R. Ishmael says, “‘Shall be hidden’ [Lev. 5: 2]... ‘shall be hidden’... [Lev. 5: 3], thus the phrase is two times — once to impose liability for the uncleanness’s passing out of mind, and once for the sanctuary’s passing out of mind” [M. [Shebu. 2:5A-D](#)]. *And we said in that connection: ‘what is at issue among them?’ And Hezekiah said, ‘At issue among them are the matters of a dead creeping thing and carrion, for R. Eliezer says that we require that the person know whether he has contracted uncleanness through a dead creeping thing or through the carcass of carrion, and R. Aqiba says that we do not impose such a requirement [for the liability to an offering to be incurred]. Now is it not the case that, just as R. Eliezer has said in that case, we require that the person know whether it was through a dead creeping thing that he has contracted uncleanness or through carrion that he has contracted uncleanness, so here we require that he know whether it was through a drop of white excretion that he has been made unclean [as a zab] or through a drop of red excretion that he was made unclean [as a menstruant], but, so far as R. Aqiba is concerned, who has said, ‘He is liable on the count of having been unclean [under the specified circumstances], here too, it is on account of having been unclean that he is liable.’*

- F. *And how does Rab differentiate the matter of coming into the sanctuary? Is it because it is written, “Both male and female you shall put out of the camp [if they are unclean]” (Num. 5: 3) — one that is unambiguously a male or unambiguously a female, excluding a tumtom or an androgyne? But if that is the operative consideration, then priestly rations should not be burned by reason of contact with these persons under the stated circumstances, since it is written, “And of those who have an issue, whether it be a man or a woman” (Lev. 15:33), — [which implies, as before] one that is unambiguously a male or unambiguously a female, excluding a tumtom or an androgyne!*
- G. *But that verse is required to make the point that R. Isaac makes. For R. Isaac has said, “‘Both male and female you shall put out of the camp [if they are unclean]’ (Num. 5: 3) — ‘both male’ — to encompass a male afflicted with the skin-ailment of Lev. 13-14 in respect to not only his body-uncleanness but also his sources of fluid, such as his spit; ‘and female’ — to encompass a female afflicted with the skin-ailment of Lev. 13-14 in respect to not only her body-uncleanness but also her sources of fluid, such as spit.”*
- H. *But is not the cited verse [“Both male and female you shall put out of the camp [if they are unclean]” (Num. 5: 3)] required also to make this point: “[The commandment to expel from the Temple, to which Num. 5:3 makes reference,] applies only to him who may gain cleanness through immersion in an immersion-pool, excluding a clay pot [which can be made clean from cultic uncleanness only by being broken],” the words of R. Yosé. [So how can Rab have derived his proof from that same verse anyhow?]*
- I. *If so, the All-Merciful ought to have written, “Adam,” [which would have included both sexes and implied the deduction (Slotki)]. And should you answer,*

if the All-Merciful had written only “Adam,” *I might have supposed that a metal utensil need not be sent out [Slotki: and that it is for this reason that Scripture specified ‘both male and female,’ in order to indicate, by specifically mentioning the two sexes, that the deduction must have a reference to a law that applied to both sexes, that is, those who can be cleaned in an immersion pool, and metal vessels also should be included, since they too can be cleaned of cultic uncleanness by immersion in an immersion pool], that conclusion can have been reached from the statement, “Whatsoever is unclean by the dead” (Num. 5: 2) [which includes metal utensils also], then I may say: why was it necessary to specify “male and female”?* *It is obviously in order to yield the ruling that Rab has set forth.*

- J. *Then might I say that the entire purpose of the verse was to make the point that Rab has maintained it makes? [Slotki: and if so whence is the deduction made that the same law applies to all who attain cleanness in an immersion pool?]*
- K. *If so, Scripture should have written, “male and female.” Why has it stated, “both male and female”? Use of “both” serves to encompass everything that can achieve cleanness through immersion in an immersion pool.*
- L. *If so, [as Rab has said, “A tumtom or an androgyne that produced a drop of white excretion or a drop of red excretion — neither is liable on account of entering the Temple since they are not deemed unclean, e.g., by reason of the zibah-uncleanness described at Lev. 15 or by reason of menstruation, nor on their account do they burn priestly rations [that they may have touched after producing the excretion, since it is said, ‘Both male and female you shall put out of the camp [if they are unclean]’ (Num. 5: 3) — one that is unambiguously a male or unambiguously a female, excluding a tumtom or an androgyne” — who are not sent out of the Temple by reason of a red or a white discharge], when they are made unclean by reason of uncleanness of any other sort, they also should not be sent out of the Temple!*
- M. Scripture has said, “Both male...,” meaning, an uncleanness that is discharge by a male [excluding one who has contracted uncleanness not from his own bodily excretions but from some other source].
- I.3.** A. *And is it the fact that wherever Scripture states, ‘Both male and female,’ the purpose is to exclude a tumtom or an androgyne? And lo, there is the matter of valuations, at which it is stated, “The male” (Lev. 27: 3), in connection with which it has been taught on Tannaite authority:*
 - B. “The male” (Lev. 27: 3) — and not a tumtom or an androgyne.
 - C. Might one suppose that a man would be subject to a vow of valuation, but a woman should not be subject to a vow of valuation?
 - D. Scripture states, “The male...and if it be a female” (Lev. 27: 4) — one that is unambiguously a male or unambiguously a female, excluding a tumtom or an androgyne.
 - E. *The operative consideration, then, is that it is written, “The male...and if it be a female” (Lev. 27: 4). Lo, the language, “both male and female” used alone would not have excluded either the tumtom or the androgyne!*

- F. [The cited language on valuations, The male...and if it be a female” (Lev. 27: 4)] *is required* [29A] to distinguish between the valuation of a man and the valuation of a woman.

II.1. A. **If it emerged in pieces or feet foremost — once the greater part of it has gone forth, lo, it is as if it were fully born. [If it came forth in the normal way, it is not deemed born until the greater part of its head has come forth. And what is the greater part of its head? Once its forehead has come forth]:**

- B. Said R. Eleazar, “Even if the head was with [the pieces, **it is not deemed born until the greater part of its head has come forth**].”
- C. And R. Yohanan said, “This teaching has been repeated only for the case in which the head is not with the [pieces][, but if the head is with them, [the birth is deemed complete].”
- D. *May one say that they disagree in regard to that which has been stated by Samuel, for Samuel said, “The appearance of the head [of a twin, if it was drawn back after having emerged] does not exempt [the other twin, born first, from the duty of being redeemed from the priest in line with Num. 18:15-16] in the case of a miscarriage”? [Slotki: does Eleazar accept Samuel’s principle, Yohanan reject it?]*
- E. *Where the foetus was whole, all parties concur [that if the head has come out, even though it was withdrawn, birth has taken place]. Where they differ, it is in particular in a case in which it was in pieces, with one master taking the view that it is in particular when the birth is whole that the appearance of the head is taken into account, but if the foetus is in pieces, it is not taken into account, while the other master maintains that even though the foetus is in pieces, it also is taken into account.*
- F. *There are those who repeat on Tannaite authority this same tradition as a free-standing dispute, as follows:*
- G. Said R. Eleazar, “The head is not the equivalent of the greater part of the limbs [so if it has emerged, it does not mark the completion of the birth].”
- H. And R. Yohanan said, “The head is the equivalent of the greater part of the limbs [so if it has emerged, it does mark the completion of the birth].”
- I. And the dispute concerning that which Samuel has stated.

II.2. A. *We have learned in the Mishnah: **If it emerged in pieces or feet foremost — once the greater part of it has gone forth, lo, it is as if it were fully born.** Since the framer of the passage has said, “feet foremost,” it follows that the reference to **in pieces** is to a baby in the normal position. But then it states, **If it came forth in the normal way, it is not deemed born until the greater part of its head has come forth**, and this presents a problem to R. Yohanan!*

- B. *R. Yohanan may say to you, “Read: issued in pieces **and** in a reversed position.”*
- C. *But does not the text explicitly say, **or**?*
- D. *This is the sense of the passage: if it emerged in pieces or whole, in either case feet foremost, once the greater part of it has gone forth, lo, it is as if it were fully born.*

II.3. A. *Said R. Pappa, “At issue [with reference to Yohanan’s view] is the same matter that is subject to dispute among the following Tannaite versions:*

- B. “If it emerged in pieces or feet foremost, once the greater part of it has gone forth, lo, it is as if it were fully born.
- C. “R. Yosé says, ‘Only if it has come forth in the normal way.’”
- D. *What does the latter phrase mean?*
- E. *Said R. Pappa, “This is the sense of that phrase: ‘If it came forth in pieces and feet first, when the larger part of the foetus has come forth, lo, it is as if it were fully born.’ Lo, if it came forth in the proper direction [head first], the head alone exempts the twin from the law of the first born. R. Yosé says, ‘Once the greater part has come forth, when it comes forth in the normal way.’”*
- F. *R. Zebid objected, “Does that then bear the implication that if it came feet first, then the appearance of the greater part of the body also does not exempt [the twin from the law of the first born]? Lo, as a matter of fact we have it as an established principle that the greater part of the body is equivalent to the whole of it.”*
- G. *Rather, said R. Zebid, “This is the sense of that phrase: ‘If it came forth in pieces and feet first, then, once the greater part of the body has come forth, lo, this is as if it were fully born. Lo, if it came forth in the proper direction, then the appearance of the head by itself suffices to exempt the twin from the law of the firstborn. R. Yosé says, ‘Once it has come forth in the right direction alive [the twin is exempt].’”*
- H. *So too it has been taught to the same effect on Tannaite authority:*
- I. If the foetus came forth in pieces feet first, once the greater part of the body has come forth, lo, this is deemed fully born. Lo, if it came forth in the right direction, then the appearance of the head serves to exempt the twin from the law of the first-born.
- J. R. Yosé says, “Once it has come forth in the right direction alive.”
- K. And what is the definition of its having come forth in the right direction alive?
- L. When the greater part of the head has come forth.
- M. And what is the definition of the emergence of the greater part of the head?
- N. R. Yosé says, “The emergence of the temples.”
- O. Abba Hanan in the name of R. Joshua said, “The emergence of the forehead.”
- P. Some say, “The emergence of the corners of the head.”

I.1 remains within the limits of the Mishnah’s rule and explains why it provides the range of examples of a single principle that its framer deems required. No. 2 then introduces an exposition of the implications of the interstitial status of the tumtum and androgyne. No. 3 carries forward the interest of No. 2. II.1 addresses an underlying issue, not particular to our Mishnah-paragraph, linking our rule to another rule through a common principle. No. 2 continues the exposition, but reverts to a close reading of the Mishnah and should be read in its own terms. No. 3 follows suit.

- A. She who aborts and what it is is not known [masculine or feminine] —
- B. let her sit [out the days of uncleanness and cleanness] for both male and female.
- C. [If] it is not known whether or not it was a human foetus,
- D. let her sit [out the days of uncleanness and cleanness] for a male and for female and also for menstruation.

I.1 A. Said R. Joshua b. Levi, “If a woman was crossing a river and produced an abortion, she presents an offering, which may be eaten. We follow the rule covering the majority of women, and the majority of women give birth to perfectly valid foetuses.”

B. *We have learned in the Mishnah, by contrast, [If] it is not known whether or not it was a human foetus, let her sit [out the days of uncleanness and cleanness] for a male and for female and also for menstruation. But why should that be the case that she should also sit out also days of menstruation? Should one not invoke the principle that we follow the rule covering the majority of women, and the majority of women give birth to perfectly valid foetuses?*

C. *Our Mishnah-rule refers to a case in which the woman had not been confirmed as pregnant, and R. Joshua b. Levi’s statement refers to a case in which the woman had been confirmed as pregnant.*

D. *Come and take note:*

E. If a beast went out to the field full [pregnant] and came back empty, the young that is born afterward is classified as a firstling that is subject to doubt as to its exact status [Slotki: since it is unknown whether it came after the birth of a developed embryo, in which case it is not a firstling, or the abortion of an inflated sac, in which case this is a valid firstling]. *But why should that be the rule? Should one not invoke the principle that we follow the rule covering the majority of beasts, and the majority of beasts produce perfectly valid offspring? So this one too is a perfectly common beast [not one subject to doubt as to its possible status as a firstling].*

F. *Said Rabina, “The reason is that one may claim, ‘The majority of beasts bear offspring that are exempt from the law of the firstling, and a minority of beasts bear offspring that are not exempt from the law of the firstling, but all that bear offspring secrete [a day before they deliver], and since this one did not secrete, the applicability of the rule that governs the majority of cases has been impaired.’”*

G. *If all those that give birth secrete [and this one did not], lo, since it did not secrete, the offspring is a perfectly valid firstling [so why should it be subject to doubt at all]? Rather, I may state matters as follows: The majority of those that give birth secrete, and in the case of this one, since it did not secrete, the applicability of the rule that governs the majority of cases has been impaired.”*

I.2. A. *When Rabin came, he said, “R. Yosé b. R. Hanina objected, but I do not know what contrary evidence he presented in the case of the forgetful woman who does not know on which date she produced the child.”*

B. *What was it?*

- C. *It was in accord with that which was taught on the basis of Tannaite authority:*
- D. **[29B]** “A woman who went forth full [pregnant] and returned empty [having given birth, but was unaware of when the child was born], and under our supervision observed three clean weeks [without discharge, from the moment of her arrival under court supervision], and another ten weeks, one of them unclean and one clean [having had a discharge on each of seven days of weeks one, three, five, seven, and nine], may have sexual relations on the night prior to the thirty-fifth day [after her arrival, that is, the final night of the fifth week], and she immerses herself ninety-five times,” the words of the House of Shammai.
- E. The House of Hillel say, “Thirty-five times.”
- F. R. Yosé b. R. Judah says, “It is sufficient if she immerses only one time, after the final spell of uncleanness.” [All of this is spelled out presently.]
- G. [Now addressing the question of the objection raised by Rabina:] *now* during the first week, the woman may not have sexual relations, *for I say that* she may have given birth to a male; nor during the second week, *for I say that* she may have given birth to a female; nor during the third week, for she may have given birth to a female while she was unclean by reason of flux [as specified at Lev. 15, that is, during the eleven days between menstrual periods, at which time any discharge is in the status of flux]. [Slotki: since it is possible that she experienced painless discharges on three consecutive days during this period, she must wait a period of another seven clean days in addition to the fourteen days after giving birth to a female, and that is whether or not she observed any discharge during the fourteen days; then she is clean.] *But as to the fourth week, even though she may have produced blood, should she not be able to have sexual relations, since this is blood of purifying [and clean]? Is it not because we follow the status of the majority* [and, in line with Joshua b. Levi’s position, most women give birth to normal children. She was known to have been pregnant before she left. We assume she gave birth to a normal child. Since the fourth week is excluded from the unclean periods that follow child birth and is included in the thirty-three clean days prescribed for a male, there is no reason, within Joshua’s position, for her not to have sexual relations.] *Is the premise therefore not that we do not follow the status of the majority?*
- H. *Now what is the sense of the statement, “but I do not know what contrary evidence he presented in the case of the forgetful woman who does not know on which date she produced the child”?*
- I. *I might say that she had given birth some time earlier* [Slotki: and her clean blood period has terminated long before the fourth week. There would then be no objection against the position of Joshua b. Levi, since the tenability of his appeal to the rule governing the majority in no way affects the uncleanness of the fourth week, while, as regard to the imposition upon the woman of the obligation of the sacrifice prescribed for the woman after childbirth, the rule is upheld even in this case].
- I.3.** A. *But why should she not have sexual relations during the fifth week [not only on the night prior to the final day of the fifth week, as was specified]?*
- B. *In the fourth week [on every day of which she had a discharge, as specified earlier], every day is subject to doubt, since it might or might not*

mark the conclusion of the clean days prescribed for childbirth and the commencement of the menstrual period, so that the twenty-eighth day [the last day of the fourth week] itself might be supposed to be the first day of the menstrual period, and she may therefore continue her uncleanness for seven days in regard to menstruation [Slotki: and that period begins on the last day of the fourth week and ends on the sixth day of the fifth week. Hence the permissibility of marital duty 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 flux of the previous unclean week before cleanness is attained.]

- C. *But why not have sexual relations on the twenty-first day [after she returned]?* [Slotki: This is the last day of the third week. It must be a clean day. For even if the woman had been delivered on the very day of her return, her period of childbirth uncleanness will have terminated, even in the case of a female child, on the fourteenth day, while the seven days following would be counted as the prescribed seven days following a period of flux, on the last of which she is permitted to immerse and attain cleanness for the rest of the day].
- D. [The prohibition of sexual relations on the twenty-first day] accords with the position of R. Simeon, who has said, "It is forbidden [to have sexual relations on the twenty-first day], lest she become subject to doubt." [She may not have sexual relations on the twenty-first day, for she may suffer a discharge later in that day, after she has sexual relations. Then she would be subject to doubt as to whether or not she is unclean by reason of flux. A discharge on the seventh day at the end of a zibah-period nullifies the prior clean days, since seven clean days must have passed; she will not have had seven complete clean days, only six and a fraction (Slotki)].
- E. Then why should she not be permitted to have sexual relations on the evening following the twenty-first day [which meets the stated objection, seven clean days having passed]?
- F. This is a case in which she observed the discharge in the evening [following the twenty-first day, and the same rule pertains to all of the alternative unclean weeks; the discharges occurred in the evenings].
- G. [Now let us move on to the next detail,] "and she immerses herself ninety-five times:"
- H. *during the first week [after she comes back], she is immersed every night, since I say that seven days previously,] she may have given birth to a male [and each day of the first week after her return may mark the termination of the unclean days, and one has to immerse immediately after the unclean spell has ended]; during the second week after her return, she immerses every night, for I say, she may have given birth to a female; and every day, since it may further be possible that she gave birth to a male child while during her zibah-days; during the third week, she is immersed by day, since it is possible that she gave birth to a female-child during her*

zibah-days, and she is immersed every night, for the house of Shammai maintain that one who has performed immersion on a protracted day must again immerse at the conclusion of that protracted day. [Slotki: 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 priestly rations, are regarded as one long day, on which immersion had been performed and sunset is awaited; sunset is represented by the sunset on the eightieth day after childbirth; this then completes the process and ends all traces of uncleanness. Now on the night following the eightieth day and preceding the eighty-first one, she has to immerse. As every day of the third week might possibly be the eightieth, immersion must be performed on every night of that week.]

- I. **[30A]** *Now [assuming that it had been a female child,] how many days of purifying [following the fourteen days of uncleanness, and the last day of each might be presumed to coincide with any of the days under discussion (Slotki)] were there? There were sixty-six. Deduct from the sixty-six the third week [the first seven of these days], in which the woman was required to immerse nightly, and there are fifty-nine left. Fifty-nine plus thirty-five immersions [Slotki: seven during the first week, fourteen during the second and the third weeks, thus thirty-five in all], are ninety four. So whence ninety-five?*
- J. Said R. Jeremiah of Difti, "It would be in a case in which she came before us at twilight [of the day preceding the one from which the counting begins, and we do not know whether that is day or night]. We therefore assign to her an additional immersion."
- K. *And from the viewpoint of the House of Hillel, who have said, "One who has awaited sunset for a protracted day [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 priestly rations, are regarded as one long day, on which immersion had been performed and sunset is awaited; sunset is represented by the sunset on the eightieth day after childbirth; this then completes the process and ends all traces of uncleanness] does not require an additional immersion, how do they reach the number of thirty-five?*
- L. *Twenty-eight immersions are required as we have already explained; during the fifth week the woman is immersed each night, since it is possible that each day marked the end of her period of menstruation. [Slotki: She discharges daily during the fourth week. Each day of the fifth week may have marked the end of her menstrual period. Each of these might then have been preceded by the last of the days of cleanness.]*
- M. *And what was the point of referring to ten weeks, when it would have sufficed to speak of eight and a half [in addition to the three clean weeks]? [Eight and a half weeks in addition to the three clean weeks would have sufficed to make up the number of eighty, that is, three clean weeks and eight and a half weeks, $11 \times 7 + 3 =$ eighty days (Slotki)].*

- N. *Since the Tannaite framer of the passage had to make reference to half a week, he mentioned the whole of it, and since he mentioned an unclean week [the ninth, the first of each pair of alternate unclean, then clean weeks] he also included the tenth and clean one.*
- O. *And how about the possibility of requiring further immersions [every day after the fourth week], by reason of the possibility that the woman is afflicted with the flux [of Lev. 15] [Slotki: 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]?*
- P. *[The House of Hillel} take account only of immersions prior to sexual relations, but not those that follow.*
- Q. *And from the viewpoint of the House of Shammai, who do take account of the immersions that are imposed after sexual relations, should we not take account here also of the immersions by reason of the flux?*
- R. *The House of Shammai count only the immersions that are necessitated by her having given birth, but they do not take account of those that are required by reason of flux.*
- S. *And lo, there is the case of the woman who gives birth while afflicted with flux!*
- T. *They reckon with the possibility of her having given birth while afflicted with flux, but they do not take account of the flux alone.*
- U. *Now as to each of the days of the first week after she has come before us, why not require the woman to immerse in the day-time of each of those days, since it is possible that her counting of the seven days of menstruation came to an end on any one of those days [so why have we specified that she immerses by night alone]?*
- V. *Lo, who is the authority of the passage? It is R. Aqiba, who has said, "We require the counting [of the menstrual days, all seven] to take place under our authority."*
- W. *But why should she not immerse at the end of the first week [Slotki: the seventh day after her return, since now the counting has taken place under our supervision]?*
- X. *The passage does not deal with one day of a week.*
- Y. *But why should she not immerse on the first day on which she comes under our supervision, since it is possible that she is in the status of "waiting a day for a day" [the a clean day for an unclean one; that is, she might be within the period of eleven zibah-days that intervene between menstrual periods, during which she has to immerse on the clean day following the one on which she had a discharge (Slotki)]?*
- Z. *We deal here with a major flux but not with a minor one [the major flux is one that is marked by discharges on three consecutive days within the eleven day zibah-period, and the minor one is a discharge on one or two days only (Slotki)].*
- AA. *Three rulings then are to be inferred from this passage:*

- BB. *We infer first that it is R. Aqiba's view, for he has said, "We require that the counting be carried out under our supervision."*
- CC. *We infer second that it is R. Simeon's view, for he has said, "It is forbidden [to have sexual relations on the twenty-first day], lest she become subject to doubt." [She may not have sexual relations on the twenty-first day, for she may suffer a discharge later in that day, after she has sexual relations. Then she would be subject to doubt as to whether or not she is unclean by reason of flux. A discharge on the seventh day at the end of a zibah-period nullifies the prior clean days, since seven clean days must have passed; she will not have had seven complete clean days, only six and a fraction (Slotki)].*
- DD. *We infer, third, that it is a religious duty to perform immersion at the required time [the earliest possible moment].*
- EE. [Concluding our analysis of the passage, we end with the following:] R. Yosé b. R. Judah says, "It is sufficient if she immerses only one time, after the final spell of uncleanness."
- FF. *We do not rule, therefore, that it is a religious duty to perform immersion at the required time [the earliest possible moment].*

I.1 raises a necessary question, which is the application of the principle that we resolve matters of doubt by appeal to the prevailing facts of the matter. No. 2 supplements No. 1. Slotki/Rashi clarifies all the details, and the character of the whole, as an appendix, is perfectly clear. No. 3 then supplements No. 2.

3:7

- A. **She who miscarries on the fortieth day does not take account of the possibility that it is a human foetus.**
- B. **[If this takes place] on the forty-first day [after intercourse], however, [she does take account of that possibility, and so] let her sit [out the days of uncleanness] for a male, for a female, and for menstruation.**
- C. **R. Ishmael says, "[If it takes place] on the forty-first day, let her sit [out the days of uncleanness] for the male and for menstruation.**
- D. **"If it takes place on the eighty-first day, let her sit [out the days of uncleanness] for male, for female, and for menstruation,**
- E. **"for the male is completed on the fortieth day, and the female on the eighty first."**
- F. **And sages say, "All the same is the process of the formation of the male and female — both are completed on the forty-first day."**
- I.1** A. **[She who miscarries on the fortieth day does not take account of the possibility that it is a human foetus. If this takes place on the forty-first day after intercourse, however, she does take account of that possibility, and so let her sit out the days of uncleanness for a male, for a female, and for menstruation:] [Since the female offspring involves fourteen days of uncleanness and sixty-six of cleanness, and the male offspring seven and thirty-three,] why [at B] make mention of the male at all? Should one propose that it is on account of uncleanness, lo, the female is mentioned, and should one propose that it is on**

account of the days of purifying [so that the mother is entitled to only the thirty-three clean days of the male, not to the sixty-six of the female (Slotki)], *[during which all the blood that exudes is classified as clean in any event]*, **[30B]** *lo, the menstruant is mentioned [and all the discharges of blood are unclean, whatever the day]*.

- B. **It is so that, if the woman should produce a discharge on the thirty-fourth day, [Slotki: On the thirty-fourth day she is unclean on account of the possibility of menstruation, though the day is only the twenty-seventh of the thirty-three clean days prescribed for a male birth, that is, $34-7=27$], and then should do so again on the forty-first [the eighth day after the thirty-fourth], she should be in disarray [and unclean] until the forty-eighth. [Slotki: it is assumed that the miscarriage was male and the thirty-fourth day was still within the thirty-three clean days prescribed for a male birth; 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 cannot take place before her menstruation period is over, hence not before the forty-eighth day, that is, $41+7=48$.]**
- C. **And so with respect to a female, should she produce blood on the seventy-fourth day, and then again on the eighty-first day, she shall remain in disarray [and unclean] until the eighty-eighth day [T. Nid. 4:16A-G].**

II.1 A. R. Ishmael says, “[If it takes place] on the forty-first day, let her sit [out the days of uncleanness] for the male and for menstruation. If it takes place on the eighty-first day, let her sit [out the days of uncleanness] for male, for female, and for menstruation, for the male is completed on the fortieth day, and the female on the eighty first.”

- B. *It has been taught on Tannaite authority:*
- C. R. Ishmael says, “[The Torah] has declared a period of uncleanness and then cleanness with reference to a male, and it has also declared a period of uncleanness and cleanness with reference to a female. Just as, in the case of the male, when the Torah has declared a period of uncleanness and of cleanness, the periods correspond to the time in which he is fashioned [that is, the seven unclean days and the thirty-three clean days], so, when the Torah has declared a period of uncleanness and of cleanness, the periods correspond to the time in which she is fashioned [the fourteen unclean days and the sixty-six clean days].”
- D. They said to him, “The period in which a foetus is fashioned is not to be derived from the period of uncleanness.”
- E. They said to R. Ishmael, “There was the case of Cleopatra, queen of Alexandria, whose slave-girl was condemned by the state to death. They examined her and found that both the male and the female were formed by the forty-first day.”
- F. He said to them, “I present proof to you from the Torah, and you present proof to me from idiots.”
- G. *Now what was the proof that derived from the Torah? If we say it was the argument, “[The Torah] has declared a period of uncleanness and then cleanness with reference to a male, and it has also declared a period of uncleanness and*

cleanness with reference to a female. Just as, in the case of the male, when the Torah has declared a period of uncleanness and of cleanness, the periods correspond to the time in which he is fashioned [that is, the seven unclean days and the thirty-three clean days], so, when the Torah has declared a period of uncleanness and of cleanness, the periods correspond to the time in which she is fashioned [the fourteen unclean days and the sixty-six clean days]" *have they not already replied to him*, "The period in which a foetus is fashioned is not to be derived from the period of uncleanness"?

- H. Scripture states, "She shall bear" (Lev. 12: 5), thus Scripture has [Slotki:] added to the ante-natal period [in which the embryo is fashioned], doubling the span of time for a female.
- I. *And what is the proof that derived from idiots? I might say that the female was conceived forty days prior to the male.*
- J. *And rabbis?*
- K. *[Cleopatra's slave-girls] were made to drink a spermicide [so that the slave-girl cannot have become pregnant prior to the point at which the experiment began].*
- L. And R. Ishmael?
- M. *There are some people who are not affected by such a spermicidal drink.*
- N. **Said to them R. Ishmael, "There was the case of Cleopatra, the Greek queen, whose slave-girls were sentenced to death by the government, and they examined them and found that the male was formed in forty-one days and the female in eighty-days."**
- O. **They said to him, "Proof cannot be presented from the case of fools" [T. Nid. 4:17A-B].**
- P. *How come? The one that bore the female may have delayed having sexual relations for forty days, and it was only at that point that she became pregnant.*
- Q. And R. Ishmael?
- R. They had handed her over to a guard [to make sure that that did not happen].
- S. *And rabbis?*
- T. There is no possibility of setting up a trustee when it comes to sex. *For I say that the guard himself had sexual relations with her.*
- U. *And maybe if they had opened up the one bearing the female on the forty-first day, the embryo might have been fully fashioned in the form of a male [only afterward taking on the traits of the female]?*
- V. *Said Abbaye, "The male and female are the same as to their distinguishing traits [in that the male on the fortieth day is like the female on the eighty-first]."*

III.1 A. And sages say, "All the same is the process of the formation of the male and female — both are completed on the forty-first day:"

- B. *The position of sages is the same as that of the initial authority! And if you should propose that the intent was to show that the anonymous statement of the rule stood for the opinion of rabbis, for when an individual is in contradiction to a majority, the decided law accords with the majority, that is perfectly obvious [and hardly required so loud a signal]!*

- C. *What might you have supposed? The position of R. Ishmael is compelling as to reason, for it is supported by Scripture? So we are informed that, even in this case, the decided law accords with rabbis.*

Composition on the Character of the Foetus

- III.2.** A. R. Simlai gave the following exposition: “To what may the foetus be likened in the mother’s womb? To a writing tablet that is folded up. Its hands are resting on its two temples, its two elbows on its two legs, its two heels against its buttocks. Its head lies between its knees. Its mouth is shut. Its navel is open. It eats what the mother eats and drinks what the mother drinks but does not excrete, for if it did, it would kill the mother. When it comes forth to the world’s breathing space, what is closed is opened, and what is open is closed, for otherwise it could not live for even a single hour.
- B. “A light flickers above its head, and it gazes and perceives from one end of the world to the other, as it is said, ‘When his lamp shined above my head, and by his light I walked through darkness’ (Job. 29: 3).
- C. “And do not be surprised, for lo, someone can sleep in one place here [in the land of Israel] and dream about what is happening in Spain.
- D. “And you have no time in a person’s life so full of well-being as those days: ‘O that I were as the months of old, as in the days when God watched over me’ (Job. 29: 2). Now what are ‘the days’ that make up ‘months’ but not years’ They are, of course, the months of pregnancy.
- E. “And the foetus is taught the entire Torah, as it is said, ‘And he taught me and said to me, Let your heart hold fast my words, keep my commandments and live’ (Pro. 4: 4), and it is said, ‘When the converse of God was upon my tent’ (Job. 29: 4).
- F. *“Why add the second verse? In case you might argue that it was only the prophet who said that [in his own respect], take note of the verse, ‘When the converse of God was upon my tent’ (Job. 29: 4).*
- G. “As soon as the foetus comes out into the world’s air, an angel comes and slaps it on the mouth and makes it forget the entire Torah: ‘Sin crouches at the door’ (Gen. 4: 7).
- H. “But it does not leave [the womb] before it is made to take an oath: ‘To me every knee shall bow and every tongue shall swear’ (Isa. 45:23).
- I. “‘every knee shall bow:’ this refers to the day of death: ‘All those who go down to the dust shall kneel before him’ (Psa. 22:30).
- J. “‘and every tongue shall swear:’ this refers to the day of birth: ‘He who has clean hands and a pure heart, who has not taken my name in vain [that is, by swearing a false oath] and has not sworn deceitfully’ (Psa. 24: 4).
- K. “And what is the nature of the oath that is imposed [on each infant when it emerges from the womb]? ‘Be a righteous person and do not be a wicked person. And even if the entire world say to you, “You are righteous,” in your own eyes be as a wicked person. And know that the Holy One, blessed be he, is pure, and those who minister to him are pure, and the soul that he has placed in you is pure. If you keep it in its purity, well and good, and if not, lo, I shall take it from you.”’

- L. *A Tannaite authority of the household of R. Ishmael [taught]: “The matter may be compared to a priest who handed over priestly rations [to be kept in a condition of cultic cleanness] to a commoner [who did not protect priestly rations in a condition of cultic cleanness], and said to him, “If you keep it in a state of cleanness, well and good, but if not, lo, I shall burn it in your very presence.”*
- M. Said R. Eleazar, **[31A]** *“What is the scriptural proof [that an oath is imposed]? ‘From my mother’s womb you are he who took me’ (Psa. 71: 6). What is the proof that the letters that spell ‘he who took me’ mean ‘swearing’? It is written with the same letters, ‘Swear concerning your Naziriteship and cast away’ (Jer. 7:29).”*
- N. And said R. Eleazar, “What is the foetus like in the mother’s womb? A nut floating in a bowl of water. If someone would put his finger on it, it would sink on one side or on the other.”

III.3. A. *Our rabbis have taught on Tannaite authority:*

- B. In the first three months, the foetus dwells in the lowest chamber, in the middle three months, the foetus dwells in the middle chamber, and in the last three months it dwells in the uppermost chamber. And when its time has come to go forth, it turns over and emerges, and that is the cause of the woman’s travail.
- C. *That is in line with that which has been taught on Tannaite authority:*
- D. The travail of a woman in giving birth to a female-child is more abundant than the travail for a male.
- E. *And said R. Eleazar, “What is the verse of Scripture that indicates that fact? ‘When I was made in secret and curiously wrought in the lowest parts of the earth’ (Psa. 139:15). What is written is not ‘dwell’ but ‘curiously wrought’ [Slotki: implying the inception of the embryo, and this is stated to be ‘in the lowest parts’].”*
- F. *And how come* the travail of a woman in giving birth to a female-child is more abundant than the travail for a male?
- G. The one emerges in the position that is taken during sexual relations, and the other emerges in the position taken during sexual relations. Therefore the one [the female] has to turn over, and the other does not have to turn over.

III.4. A. *Our rabbis have taught on Tannaite authority:*

- B. In the first three months, sexual relations are hard for the woman and also for the foetus; in the middle three months they are hard for the woman but good for the foetus; in the final three months they are good for the woman and good for the foetus, for on account of sexual relations the offspring will be [Slotki:] well-formed and of strong vitality.

III.5. A. *A Tannaite authority [stated,] “He who has sexual relations on the ninetieth day is as though he had shed blood.”*

- B. *How does anyone know this [that is, when the ninetieth day after conception is]?*
- C. Said Abbaye, “One goes along having sexual relations, and ‘the Lord preserve the simple’ (Psa. 116: 6).”

III.6. A. *Our rabbis have taught on Tannaite authority:*

- B. Three form a partnership in the creation of a human being, the Holy One, blessed be he, one's father and one's mother. The father contributes the semen, from which the bones and sinews and nails and brain and white of the eyes come; the mother provides the red [blood] from which the skin, flesh, hair, blood, and dark of the eye come; and the Holy One, blessed be he, supplies the breath of life and the soul, the identifying features, eyesight, power to hear, ability to speak, and walk, understand and discern.
- C. And when one's time comes along to take leave of the world, the Holy One, blessed be he, takes back his share, and the share of the father and mother he leaves with them.
- D. *Said R. Pappa, "That is what people say: 'Shake off the salt [soul] and throw the meat to the dog.'"*

III.7. *A. Our rabbis have taught on Tannaite authority:*

- B. *R. Hinena b. Papa gave the following exposition: "What is the meaning of this verse, 'Who does great things, past finding out, yes, marvelous things without number' (Job. 9:10).*
- C. *"Come and notice how the traits of mortals are not like the traits of the Holy One, blessed be he. A mortal puts something into a skin bottle, with the hole tied up and the hole turned upwards, and it is a matter of doubt whether or not the thing will be properly contained [and not fall out]. But the Holy One, blessed be he, forms an embryo in the womb of its mother, which is open, and the hole of which faces downwards, and the thing will assuredly be properly contained.*
- D. *"Another matter: when a person puts things on the scale of a balance, the heavier they are, the lower the scale goes down, but the Holy One, blessed be he, [does things in such a way that] the heavier the foetus, the higher it rises [going from the lowest chamber to the highest]."*

III.8. *A. R. Yosé the Galilean gave the following exposition: "What is the meaning of this verse, 'I will give thanks to you, for I am fearfully and wonderfully made; wonderful are your works, and that my soul knows full well' (Psa. 139:14)? Come and notice how the traits of mortals are not like the traits of the Holy One, blessed be he. A mortal plants seeds in a bed; every one grows up in accord with its species. But the Holy One, blessed be he, forms a foetus in the womb of the mother, and all of them develop in a single species.*

- B. *"Another matter: a dyer puts different components into a boiler, and all form a single color, but the Holy One, blessed be he, so forms the embryo in the mother's womb that each component develops in its own way [bones, sinews, nails, skin, flesh, and the like, from the semen and the blood, respectively]."*

III.9. *A. R. Joseph gave the following exposition: "What is the meaning of this verse, 'I give thanks to you, O Lord, for though you were angry with me, your anger is turned away, and you comfort me' (Isa. 12: 1)? Concerning what does Scripture speak? It refers to two men who went out to do business. A thorn embedded itself into one of them. He began to curse and blaspheme. After some days he heard that his fellow's ship had sunk in the sea. He began to give thanks and praise. That is in line with the verse: 'I give thanks to you, O Lord, for though you were angry with me, your anger is turned away, and you comfort me' (Isa. 12: 1)."*

- B. This is along the lines of what R. Eleazar said, “What is the meaning of this verse, ‘Who does wondrous things alone, and blessed be his glorious name forever’ (Psa. 72:18-19)? Even the one for whom a miracle is done does not discern the miracle that has been done for him.”

III.10. A. R. Hanina bar Pappa gave the following exposition: “What is the meaning of this verse, ‘You measure my going about and my lying down and are acquainted with all my ways’ (Psa. 139: 3)? This teaches that a human being is not formed from the entire drop of semen, but only from the choicest part of it.”

- B. *A Tannaite authority of the household of R. Ishmael [taught],* “The matter is like that person who was winnowing in the threshing floor and takes up the edible part and leaves the chaff.”

- C. That accords with R. Abbahu, for R. Abbahu contrasted verses: “‘You have winnowed me from strength’ (2Sa. 22:40), ‘The God who girds me with strength’ (Psa. 18:33). Said David before the Holy One, blessed be he, ‘Lord of the world, you have winnowed me and you have girded me with strength.’”

III.11. A. R. Abbahu gave the following exposition: “What is the meaning of this verse, ‘Who has counted the dust of Jacob or numbered the stock of Israel’ (Num. 23:10)? This teaches that the Holy One, blessed be he, sits and patiently counts the stock of Israel. [He asks,] ‘When will the drop come from which the righteous one will be formed?’ And on this account he blinded the eye of the wicked Balaam, for he said, ‘Would he who is pure and holy, and whose ministers are pure and holy, look upon such a thing?’ His eye was blinded: ‘and the saying of the man whose eye is closed’ (Num. 24: 3).”

- B. *That is in line with what R. Yohanan said,* “What is the meaning of this verse, ‘And he lay with her in that night’ (Gen. 30:16)? This teaches that the Holy One, blessed be he, helped in that deed. For it is said, ‘Issachar is a large boned ass’ (Gen. 49:14) — it is the ass [on which Jacob rode, which stopped at Leah’s tent] that brought about the birth of Issachar.”

III.12. A. R. Isaac said R. Ammi said, “If the woman reaches orgasm first, she will bear a male child, and if the male reaches orgasm first, she bears a female child, as it is said, ‘If a woman bears semen and produces a male child’ (Lev. 12: 2).”

- B. *Our rabbis have taught on Tannaite authority:*

- C. Earlier people would say, “If the woman reaches orgasm first, she will bear a male child, and if the male reaches orgasm first, she bears a female child.”

- D. But sages did not articulate the basis for saying so, until R. Sadoq came along and spelled out out: “‘These are the sons of Leah, whom she bore to Jacob in Paddan-aram with his daughter Dinah’ (Gen. 46:15). In this way Scripture makes the males depend upon the females, and the females upon the males.”

III.13. A. “And the sons of Ulam were mighty men of valor, archers; and they had many sons and sons of sons” (1Ch. 8:40) — but does a person have the power to increase the number of sons and sons of sons?

- B. Rather, since **[31B]** in having sexual relations, they held themselves back in the womb so that their wives would reach orgasm first so that their children would be male, Scripture credits them as though they were the ones to increase the number of sons and sons of sons.

- C. That is in line with what R. Qattina said, "I can make all my children male."
- D. Said Raba, "One who wants all his children to be male should have sexual relations and then do it again."

III.14. A. And said R. Isaac said R. Ammi, "A women becomes pregnant only right before her menstrual period, as it is said, 'Behold, I was brought forth in iniquity' (Psa. 51: 7)."

- B. And R. Yohanan said, "It is right after her immersion in an immersion-pool: 'and in cleansing did my mother conceive me' (Psa. 51: 7). *Now how do we know that the letters translated 'cleansing' actually bear that meaning? Those same letters occur in the verse, 'and he will clean the house' (Lev. 14:52) and are translated into Aramaic to mean, 'and so he shall purify the house.' And if you like, I may say the following, in which the same letters occur: 'purge me with hyssop and I shall be clean' (Psa. 51: 9)."*

III.15. A. And said R. Isaac said R. Ammi, "When a male comes into the world, peace comes into the world: 'Send a gift for the ruler of the land' (Isa. 16: 1), and the letters of the word for male is made up of letters that can yield the meaning, 'this is a gift' [and gifts foster peace (Slotki)]."

- B. And said R. Isaac said R. Ammi, "When a male comes into the world, he brings his bread with him, for the letters for the word male yield the meaning, 'this is provision,' in line with the verse, 'and he prepared a great provision for them' (2Ki. 6:23). But a female has nothing with her; for the letters for female bear the meaning, 'she comes with nothing.' Unless she demands her food, nothing is given to her: 'Demand from me your wages and I will give it' (Gen. 30:28) [and the word for demand uses the same letters as the word for female]."

III.16. A. His disciples asked R. Simeon b. Yohai, "On what account has the Torah said that a woman after child birth must bring an offering?"

- B. He said to them, "When she kneels down to give birth, she leaps to swear that she will not have sexual relations with her husband again. Therefore the Torah has said that she should bring an offering."
- C. *To this proposition R. Joseph objected, "But lo, does she not do it on purpose, so releasing the oath requires her regretting having taken the oath [so why should there be a sacrifice at all]? Furthermore, what she should bring is the offering that is required on account of an oath, which is a lamb or a goat, and not the bird that she is required to present]!"*
- D. [His disciples asked R. Simeon b. Yohai,] "On what account has the Torah said that a male involves seven unclean days, and a female, fourteen?"
- E. "In the case of the birth of a male, on account of which everyone is happy, she will regret her oath after only seven days, but on the occasion of the birth of a female, on account of which everybody is distressed, she will regret her oath only after fourteen days."
- F. [His disciples asked R. Simeon b. Yohai,] "On what account has the Torah said that the circumcision takes place on the eighth day?"
- G. "It is so that after the birth the guests will not enjoy themselves [at the celebration meal of the circumcision] while the father and mother are distressed [since they

cannot have sexual relations during the first seven days after the birth of a male child].”

III.17. A. *It was taught on Tannaite authority:*

- B. R. Meir would say, “On what account has the Torah said that the menstrual period is for seven days? It is because the husband will take the wife for granted and find her repulsive, so the Torah has said that she should be unclean for seven days, so that she should be desirable to her husband as she was when she came into the marriage canopy.”

III.18. A. His disciples asked R. Dosetai b. R. Yannai, “On what account does the man make the rounds in search of a wife, and the woman does not make the rounds in search of a husband?”

- B. “The matter may be compared to one who suffered a loss. Who makes the rounds for what? It is the owner of the lost object that makes the rounds in search of what he has lost.”
- C. [And further his disciples asked R. Dosetai b. R. Yannai,] “On what account does the man face downward and the woman upward toward the man [during sexual relations]?”
- D. “He looks downward at the elements from which he was created, and she looks toward what from which she was created.”
- E. [His disciples asked R. Dosetai b. R. Yannai,] “On what account is a man appeased, but a woman is not appeased?”
- F. “He [gets his traits] from the place from which he was created, and she gets hers from the place where she was created” [the earth yields, the rub does not yield (Slotki)].
- G. [His disciples asked R. Dosetai b. R. Yannai,] “On what account is a woman’s voice sweet, and a man’s voice is not sweet?”
- H. “He [gets his traits] from the place from which he was created, and she gets hers from the place where she was created” [if you beat on the earth, there is no note, but a bone will yield notes (Slotki)].

The critical reading of the Mishnah’s language at I.1 has Tosefta’s expansion explain why reference is made to a category that we should assume is encompassed within another; both require specification. II.1 follows suit for Ishmael’s position. III.1 spells out why it was necessary to restate the opening proposition, again a close reading of the Mishnah. III.2-18 proceed to expand on the general theme that has already been introduced. These items form a topical anthology, moving along from topic to topic or from attribution to attribution or both, as is self-evident.