

# V

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## BAVLI NIDDAH CHAPTER FIVE

### FOLIOS 40A-48A

5:1-2

5:1

- A. As to that which goes forth from the side [delivered by Caesarean section] —
- B. they do not sit out the days of uncleanness and the days of cleanness on its account.
- C. And they are not liable for an offering [of childbirth].
- D. R. Simeon says, “Lo, this is like one that is born [naturally].”
- E. All women impart uncleanness [by reason of blood] in the outer house,
- F. as it is said, “And her issue [even while still] in her flesh will be unclean [blood]” (Lev. 15:19).”
- G. But the Zab and the one who has had an emission do not impart uncleanness until their uncleanness will [actually] come forth [through ejaculation].

5:2

- A. [If] one was eating heave offering and felt his limbs tremble,
  - B. he holds on to the penis and swallows the heave offering.
  - C. And they are made unclean by any amount [of discharge] at all,
  - D. even though it is like a grain of mustard,
  - E. and less than that.
- I.1** A. *Said R. Mani bar Patish, “What is the scriptural basis for rabbis position [that as to that which goes forth from the side [delivered by Caesarean section] — they do not sit out the days of uncleanness and the days of cleanness on its account, and they are not liable for an offering of childbirth]? Scripture has said, ‘When a woman conceives and bears a child’ (Lev. 12:2) — the rules pertain only if she gives birth via the place through which she conceives.”*
- B. And R. Simeon?
  - C. *That verse bears the sense that, only if she gives birth in the manner in which she conceives is the mother unclean by reason of childbirth.*

- D. *And as to R. Simeon, what is the scriptural basis for his position [that **this is like one that is born naturally**]?*
- E. Said R. Simeon b. Laqish, “Scripture has said, ‘she bear...,’ which serves to extend the law to one who is born through caesarean section.
- F. And rabbis?
- G. *They require that verse to encompass the infant lacking clear sexual traits and the androgyne, for one might have thought to say, what is written is “male” or “female,” meaning, one that is certainly male or one that is certainly female, and not the infant lacking clear sexual traits and the androgyne. So we are informed to the contrary.*
- H. And R. Simeon?
- I. *He derives that proposition from that which Bar Livai taught on Tannaite authority.*
- J. *For Bar Livai taught on Tannaite authority: “‘for a son’ (Lev. 12: 6) — for a son under any circumstances, ‘for a daughter’ — for a daughter under any circumstances.”*
- K. And rabbis?
- L. *They require that verse to impose an obligation for a sacrifice on the count of each and every son or daughter that is born.*
- M. And R. Simeon?
- N. *He derives that proposition from that which has been taught by a Tannaite authority before R. Sheshet:*
- O. *“‘This is the Torah for the one who gives birth’ (Lev. 12: 7) — this teaches that she has to bring an offering for many births.*
- P. *“Might one suppose that she should bring an offering simultaneously for a birth and for zibah-uncleanness?” But would a woman after childbirth who ate blood and a woman who ate forbidden fat suffice with a single offering?*
- Q. *Rather, “Might one suppose that a woman who has given birth bring an offering for having given birth before the completion of her clean days and for one that took place after the clean days were complete [Slotki: if a child is born after the completion of the eighty days, fourteen unclean and sixty-six clean ones, prescribed for the birth of a female child, the former was obviously born before their completion]?”*
- R. Scripture says, “This....”
- S. And rabbis?
- T. *Even though it is written, “This...,” it was also necessary for the text to state, “For a son or for a daughter” (Lev. 12: 6), for it might have entered your mind to suppose that that law [that one birth prior to the completion of the eighty days and one afterward require two separate offerings] applies to two distinct pregnancies, but in the case of a simultaneous conception, as in the case of Judah and Hezekiah, sons of R. Hiyya, a single offering suffices. So we are informed that that is not the case.*

**I.2.** A. Said R. Yohanan, “R. Simeon concedes that in the case of Holy Things [the body of an offspring that is born by caesarean section] is not deemed holy. *What is the*

*scripture basis for his position? He derives the rule governing 'birth' here from the meaning of 'birth' in the case of a firstling ['All the firstling males that are born' (Deu. 15:19)]. Just as in that passage, at issue is the firstling that opens the womb, so here we deal with that which opens the womb."*

- B. *But why not derive the rule governing "birth" from the case of "birth" with reference to a human being? Just as in the case of a human being [from Simeon's viewpoint] that which is born by caesarean section is deemed equivalent to a vaginal birth, so in the case of Holy Things the beast born by caesarean section is covered by the law.*
- C. *It is more reasonable to deduce the law from the case of the firstling, since "the dam" might also be deduced from "the dam." ["It shall be seven days under the dam" (Lev. 22:27), concerning Holy Things; "it shall be with its dam" (Exo. 22:29) on the firstling].*
- D. *To the contrary, it makes more sense to derive the law from the case of the human being, since an ordinary birth likewise would be deduced from an ordinary birth [a beast that is not firstling would follow the rule of a child that is not a firstborn son, which is the subject of Lev. 12:2, for that verse is not limited to the firstborn].*
- E. *Rather, the deduction should be made from the firstling, since in both cases "dam" is used, both are Holy Things, and the laws of abomination, remnant, and uncleanness apply to both.*
- F. *To the contrary, the rule should be derived by analogy from the human being, since [in the case of the child and the consecrated beast] both deal with an ordinary birth; neither is limited to the male sex; neither is sacred by nature; and neither is a priestly gift.*
- G. *[The five points of likeness between the Holy Thing and the firstling] are more numerous than [the four points of likeness between the beast and the human being].*

**I.3. A.** *Said R. Hiyya b. R. Huna in the name of Raba, "There is a Tannaite teaching that supports the position of R. Yohanan [that R. Simeon concedes that in the case of Holy Things the body of an offspring that is born by caesarean section is not deemed holy]." For it has been taught on Tannaite authority:*

- B. *R. Judah says, "'This is the Torah of the burnt offering, it is that which goes up' (Lev. 6:23) — lo, there are three exclusionary statements, [40B] thus meaning to exclude, first, a sacrifice that was slaughtered by night, one the blood of which has been burned up, and one the blood of which has been taken outside of the Temple veils. [These sacrifices are excluded from the law that holds that once a sacrifice has been placed on the altar, it may not be removed from the altar, so that,] in these cases, if an offering has gone up on the altar, it is to be removed from it."*
- C. *R. Simeon says, "From the word 'burnt offering' I know only that the law pertains to a valid offering. How do I know that the law encompasses the sacrifice that was slaughtered by night, one the blood of which has been burned up, and one the blood of which has been taken outside of the Temple veils, as well as the one that has been left over night, and the one that has been taken outside, and the one that has become unclean, and the one that was left over, and the one that was slaughtered by the officiating priest after he had formed the intention to toss the*

blood outside of its proper time or outside of its proper place, or one the blood of which has been received by unfit priests, or one the blood of which has been tossed in such a way that what was supposed to be tossed above the red line around the altar has been tossed below, and what was supposed to be tossed below the red line around the altar has been tossed above, and one the blood of which was supposed to be tossed inside that was tossed outside, and one the blood of which was supposed to be tossed outside that was tossed inside, and the Passover and the sin offering that the officiating priest has slaughtered not for the sake of those designated purposes at all? Scripture states, ‘This is the Torah of the burnt offering’ (Lev. 6:23). This serves to extend the rule, so that a single Torah applies to all manner of burnt offerings, so that if they should go up on the altar, they are not to be brought down from there.

- D. “Might I suppose that I should extend that same law to the animal that has committed an act of sexual relations with a woman or upon whom a man has committed an act of sexual relations, an animal designated as an offering to an animal and one that has actually been used for that purpose, the hire of a harlot and the price of a dog, a hybrid beast and a terefah-beast and one that has been born through caesarean section? Scripture to the contrary states, ‘This....’
- E. “And how come you encompass the one set and exclude the other?
- F. **[41A]** “Since Scripture has both extended the law and also stated matters in an exclusive way, you might say, ‘I shall encompass these, the invalidating aspect of which has taken place in the sanctuary, but I shall exclude those, the invalidating aspect of which did not come about within the sanctuary.’”
- G. *The upshot, in any event, is that it is taught here that the young beast that is born by caesarean section is not included within the scope of the law [and it is therefore not regarded as sacred to begin with]. Does that not refer to the beast born of caesarean section in the case of a consecrated beast [thus supporting Yohanan’s reading of Simeon’s concession]?*
- H. *Said R. Huna b. R. Nathan, “No, at issue is a beast born of caesarean section in the case of a firstling.”*
- I. *But the rule governing the beast born of caesarean section in the case of a firstling derives from the reference to “that opens the womb”!*
- J. *Then what? If you say that the reference is to a consecrated beast, then does this not derive from the deduction of the rule for “the dam” from references to “the dam” [as stated above]?*
- K. *If you hold that the reference is to a consecrate beast, then one can understand why two verses of Scripture are required [“This” and “the dam”], one to exclude the offspring of an unconsecrated beast born through caesarean section and then consecrated, the other to exclude the offspring of a consecrated beast born through caesarean section, since the framer takes the view that the offspring of Holy Things become sacred only after they have come into the world. But if you maintain that the reference is to a firstling, is this not deduced from “opens the womb”? And reason suggests the same. For on the list are such items as, the animal that has committed an act of sexual relations with a woman or upon whom a man has committed an act of sexual relations, an animal designated as an offering to an animal and one that has actually been used for that purpose, the hire of a*

harlot and the price of a dog, a hybrid beast and a terefah-beast and one that has been born through caesarean section, *and does the law concerning these classifications derive from this verse at all? Does it not derive from a different passage altogether, specifically as follows:*

- L. “When any man of you brings an offering to the Lord, you shall bring your offering of cattle from the herd or from the flock” (Lev. 1: 2) —
- M. “of cattle:” excludes the animal that has committed an act of sexual relations with a woman or upon whom a man has committed an act of sexual relations;
- N. “of the herd:” excludes an animal that has actually been used for idolatry;
- O. “of the flock:” excludes an animal designated as an offering.
- P. “or of the flock” excludes a boring animal.
- Q. *And is not the law covering a hybrid beast derived from here?*
- R. “when a bullock or sheep or goat is brought forth” (Lev. 22:27) —
- S. “a bullock:” excluding a hybrid;
- T. “or sheep:” excluding a beast that looks like a hybrid;
- U. *But two sets of verses were required there, one to cover the unconsecrated beast [consecrated by a human being], the other to cover one that has already been consecrated.*
- V. *In this case two, two sets of verses were required.*

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

- B. She who is in labor for three days but then the offspring was born by caesarean section —
- C. lo, this one has given birth while unclean by reason of flux uncleanness.
- D. And R. Simeon says, “This one has not given birth while unclean by reason of flux uncleanness.”
- E. And blood that issues from that place is unclean.
- F. And R. Simeon declares it clean.
- G. *Now there is no doubt that in the first of the two disputes [B-D], R. Simeon is consistent with his position in general, and sages are consistent with their position in general [so we know what is at stake]. But as to the second of the two disputes, what can possibly be at issue?*
- H. Said Rabina, “For example, a case in which the offspring came forth by caesarean section, **[41B]** but blood exuded through the womb, *and R. Simeon is consistent with his position in general, and sages are consistent with their position in general .*” [Slotki: As to rabbis: only in the case of a normal birth is the blood during labor exempt from flux-uncleanness.]
- I. *An objection was raised by R. Joseph, “First of all, the second clause then covers the ground of the first clause [so why repeat]! Second, ‘from that place’ means ‘from the place of birth’ [and not from the womb].”*
- J. *Rather, said R. Joseph, “This is a case in which the offspring and blood came out through the side, and at issue between the authorities is whether or not the interior of the uterus is unclean. One authority maintains that the interior of the uterus is unclean [Slotki: the blood that comes in contact with the uterus therefore causes uncleanness for a day until evening, even though when it issues through the*

caesarean cut it is not menstrual discharge, which is unclean for seven days], and the other authority maintains that the interior of the uterus is clean [Slotki: the blood that issued through the caesarean cut, though it has passed through the uterus, is therefore merely the blood of a wound, which conveys no uncleanness; should the blood issue through the womb, if there is no relief from pain prior to the birth, the blood is blood of labor and even in the zibah period would be clean because of the birth of the child, despite the child's emerges through the caesarean cut].”

- K. Said R. Simeon b. Laqish, “In the opinion of the one who declares the blood to be unclean, the woman also is unclean; in the opinion of the one who declares the blood to be clean, the woman also is clean.”
- L. And R. Yohanan said, “Even the one who declares the blood to be unclean declares the woman to be clean.”
- M. *R. Yohanan is consistent with views expressed elsewhere, for R. Yohanan has said in the name of R. Simeon b. Yohai, “How on the basis of Scripture do we know that a woman is not unclean unless the discharge comes out of its normal channel? ‘And if a man shall lie with a woman having her menstrual discharge and shall uncover her nakedness — he has made naked her fountain’ (Lev. 20:18) — this teaches that a woman is not unclean unless the discharge comes out of her ‘nakedness’ [vagina].”*
- N. Said R. Simeon b. Laqish in the name of R. Judah Nesiah, “If the uterus was detached and fell to the ground, the woman is unclean, as it is said, ‘Because your filthiness was poured out and your nakedness uncovered’ (Eze. 16:36).”
- O. *In what context? If we say, in respect to uncleanness for seven days as a menstruant, has not the All-Merciful referred in the context of menstrual uncleanness to blood, not to a solid piece?*
- P. Rather, it is uncleanness until evening.
- Q. Said R. Yohanan, “If the uterus yielded two pearl-drops [of white and clear fluid], the woman is unclean.”
- R. *In what context? If we say, in respect to uncleanness for seven days as a menstruant? Is it not the fact that only five types of blood in a woman are unclean, and no more than that?*
- S. Rather, it is uncleanness until evening.
- T. *And it is specifically that there were two drops, but if there was only one drop, then we may take for granted it originated somewhere else [not from the uterus].*

**II.1 A. All women impart uncleanness [by reason of blood] in the outer house, as it is said, “And her issue [even while still] in her flesh will be unclean [blood] (Lev. 15:19):”**

- B. What is the outer house?
- C. Said R. Simeon b. Laqish, “It is the whole of that part which is exposed when a young girl sits.”
- D. Said to him R. Yohanan, “That place is entirely visible to a creeping thing.” [Slotki: if the latter came in contact with that place, uncleanness is conveyed to the



woman though contact with an internal organ conveys no uncleanness; now since the place is deemed to be expected, how can he apply to it the expression “in her flesh” and regard it as internal?]

E. Rather, said R. Yohanan, “It is as far as the glans [the vagina].”

**II.2.** A. *The question was raised:* is the area of the vagina classified as inside or outside?

B. *Come and take note:* For R. Zakkai repeated as a Tannaite version, “The region up to the vagina and between the glands is classified as inside.”

C. *In a Tannaite formulation it was repeated:* “the place of threshing.”

D. *What is* “the place of threshing”?

E. Said R. Judah, “It is the place in which the ‘attendant’ [penis] threshes.”

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

B. “in her flesh” (Lev. 15:19) — this teaches that a menstruating woman contracts uncleanness inside as outside.

C. I know only that that is true of a menstruating woman. How do I know that it is equally true of a woman afflicted with flux-uncleanness?

D. Scripture says, ““Her flux in her flesh” (Lev. 15:19).

E. How do I know that the same rule applies to one who has a seminal emission?

F. It is stated explicitly, “will be” (Lev. 15:19).

G. R. Simeon says, “It is sufficient for her to be unclean in the way in which one who has sexual relations with her is unclean. Just as the one who has sexual relations with her imparts uncleanness only when the unclean fluid has come forth, so she is not subject to uncleanness unless the unclean fluid has come forth.”

H. *But does R. Simeon really take the view that* it is sufficient for her to be unclean in the way in which one who has sexual relations with her is unclean? *And has it not been taught on Tannaite authority:*

I. “They shall both wash themselves in water and be unclean until the evening” (Lev. 15:18). Said R. Simeon, “And what does this come to teach us? If it is concerning the matter of one who has had contact with semen [the woman], lo, this has already been spelled out in what follows, ‘or from whomever the flow of seed goes out’ (Lev. 22: 4) [indicating that a woman who has external contact with semen is unclean]. Rather, since the uncleanness derives from the privy parts [where contact with the semen is internal, not external], and uncleanness in the privy parts under other circumstances does not convey uncleanness, it was necessary for Scripture to make that point in particular in this case.” [Slotki: from this it is evident that, according to Simeon, though a man is not subject to an uncleanness arising in an unexposed region of the body, a woman is subject to such uncleanness. How then could it be maintained that according to Simeon, it is sufficient for her to be unclean in the way in which one who has sexual relations with her is unclean?]

J. *That poses no problem. Here [in the cited passage] we deal with one who has sexual relations [at which point the semen is received], while there we deal with one who ejected semen later on [and in that case, it is sufficient for her to be unclean in the way in which one who has sexual relations with her is unclean.]*

- K. *If it is a case in which the semen is ejected, then she should be unclean by reason of just now having had sexual relations!*
- L. *It is a case in which she had immersed by reason of her having had sexual relations [and then the ejection of the semen took place].*
- M. *[Since the law that a woman is “unclean until evening” (Lev. 15:18) applies to one who has had intercourse,] this then bears the implication that one who has had intercourse suffices to be unclean until evening. But has Raba not said, “She who has sexual relations may not eat priestly rations for three days, for it is not possible for her not to emit a drop of semen during that interval”?*
- N. *Here with what sort of case do we deal [in Simeon’s ruling]? It is with a case in which she immersed after sexual relations with her bed [and did not move her body, so she may avoid ejecting semen].*
- O. *Is that to imply that Raba’s rule spoke of a case in which the woman herself went on foot and immersed? But perhaps she ejected semen while she was walking along! [42A] And should you maintain that perhaps some of the semen remained, then should it not have been said, “we take account of the possibility that some of it has remained”?* Rather, from Raba’s perspective too, we deal with a case in which she immersed after sexual relations with her bed [and did not move her body, so she may avoid ejecting semen]. And there still is no contradiction, since one ruling [that of Raba] speaks of a case in which she turned over after immersion [so it is impossible for her not to emit a drop of semen during that interval], while the other ruling [Simeon’s] addresses a case in which she did not turn over [so the uncleanness ends in the evening].
- P. *And Raba’s position stands on a verse of Scripture, and this is the sense of his statement: “When Scripture stated, ‘they shall both wash themselves in water and be unclean until evening’ (Lev. 15:18), that rule pertains to a case in which the woman did not turn over. But if she turned over, then all three days following, she is forbidden to eat priestly rations, for it is not possible for her not to emit a drop of semen during that interval.”*

- II.4.** A. R. Samuel bar Bisna raised this question of Abbaye: “Is a woman who ejects semen classified as one who produces a discharge or as one who comes into contact with a discharge externally? The upshot is whether or not she renders void previously counted clean days and whether or not she imparts uncleanness by means of any trivial amount at all [which would be the case if she is classified as having produced unclean fluid, but not as having had contact with unclean fluid], and whether or not she imparts uncleanness internally as well as externally [which would be the case if she is classified as having produced unclean fluid, but not as having had contact with unclean fluid].”
- B. *But [to make sense of the question,] what do you want by way of a choice [for it really comes down to the same thing]? If [Samuel bar Bisna] had heard the Tannaite teaching on the matter [specifically rabbis say, “in her flesh’ (Lev. 15:19) — this teaches that a menstruating woman contracts uncleanness inside as outside, and the same rule applies to one who has a seminal emission; R. Simeon says, “It is sufficient for her to be unclean in the way in which one who has sexual relations with her is unclean. Just as the one who has sexual relations with her imparts uncleanness only when the unclean fluid has come forth, so she is not*



subject to uncleanness unless the unclean fluid has come forth”], then from the viewpoint of rabbis, she is classified as one who produces a discharge, and from the viewpoint of R. Simeon, she is classified as one who comes into contact with a discharge externally. *And if he has not heard the Tannaite teaching on the matter, then it would stand to reason that* she is classified as one who comes into contact with a discharge externally.

- C. *In point of fact, he had indeed heard the Tannaite ruling on the matter, and he did not raise the question with reference to the position of rabbis. When he raised the question, it was with reference to the position of R. Simeon. And he did not raise the question with regard to whether or not she contracts uncleanness inside as outside, but when he raised the question, it was with reference to the matters, specifically, of whether or not she renders void previously counted clean days and whether or not she imparts uncleanness by means of any trivial amount at all [which would be the case if she is classified as having produced unclean fluid, but not as having had contact with unclean fluid]. Now what he asked is this: when R. Simeon made the statement, “It is sufficient for her to be unclean in the way in which one who has sexual relations with her is unclean. Just as the one who has sexual relations with her imparts uncleanness only when the unclean fluid has come forth, so she is not subject to uncleanness unless the unclean fluid has come forth,” that ruling was so as to declare her unclean inside as much as outside. But as to the matters of whether or not she renders void previously counted clean days and whether or not she imparts uncleanness by means of any trivial amount at all [which would be the case if she is classified as having produced unclean fluid, but not as having had contact with unclean fluid], is she classified as equivalent to one who has produced an unclean discharge? Or perhaps there is no difference?*
- D. *There are those who say, in point of fact, he had not heard the Tannaite ruling on the matter, and this is what he wanted to know: since the All-Merciful at Sinai has imposed a strict rule on those who have had a seminal emission [Exo. 19:15 prohibits sexual relations prior to the revelation at Sinai. Slotki: this shows that the emission of semen is subject to a higher degree of uncleanness than contact with a dead creeping thing, which did not subject one to that restriction], is she classified as one who has produced unclean fluid, or perhaps we do not derive the law from the case of Sinai, since that was an innovation for the occasion, for lo, those afflicted by flux and by the skin ailment, which are in general subject to a most stringent form of uncleanness, were not subjected to a strict ruling on that occasion by the All-Merciful?*
- E. He said to him, “She is classified as one who has produced a discharge of unclean fluid.”
- F. *He came and asked the same question to Raba, who said to him, “She is classified as one who has produced a discharge of unclean fluid.”*
- G. *He came and asked the same question to R. Joseph, who said to him, “She is classified as one who has produced a discharge of unclean fluid.”*
- H. *He came back to Abbayye and said to him, “All you guys spit in the same spittoon.”*
- I. *He said to him, “People have answered you quite properly. R. Simeon held the position, ‘it is sufficient for her to be unclean in the same way in which her lover is*

unclean' only so far as imparting uncleanness inside as outside, but as to the matter of the uncleanness's causing the loss of clean days already counted, and as to the matter of her imparting uncleanness in any small amount, she is classified as one who has produced unclean fluid."

**III.1 A. But the Zab and the one who has had an emission do not impart uncleanness until their uncleanness will [actually] come forth.**

- B. *Our rabbis have taught on Tannaite authority:*
- C. A menstruant [after she has produced blood one time during her menstrual days], a woman afflicted by flux-uncleanness, a woman who has had a single flux and counts day against day [so that if she counts a clean day for the unclean one, she is then clean] and a woman after childbirth all impart uncleanness internally [as soon as the discharge has made its way into the vagina (Slotki)] as well as externally.
- D. *Now the first three of these cases pose no problems, but how are we to make sense of the reference to the woman after childbirth? If the birth takes place during the days of her menstrual cycle, then she is unclean as a menstruant, and if it takes place during the zibah-days, then the rules governing the one afflicted by flux-uncleanness apply [so why list her at all]?*
- E. *It was necessary to include her on the list to deal with a case in which the one [after the unclean period following the birth of a child] went down into an immersion pool to immerse on account of an uncleanness so as to enter the period of cleanness [the thirty-three or sixty-six days in which all blood is classified as clean], and this is in accord with that which R. Zira said R. Hiyya bar Ashi said Rab said, "A woman who [after the unclean period following the birth of a child] went down into an immersion pool to immerse on account of an uncleanness so as to enter the period of cleanness [the thirty-three or sixty-six days in which all blood is classified as clean], and from whose body some blood was detached, if this was while she was going down into the immersion pool, she is unclean, but if this was when she was coming up from the pool, she is clean [since her clean period has now begun]." [The passage then refers to the time that she was going down into the immersion pool, and she is unclean in line with what Zira has said.]*
- F. *Said R. Jeremiah to R. Zira, "If this took place when she was going down into the immersion pool, why should she be unclean anyhow? This is merely blood that has absorbed uncleanness [Slotki: which cannot convey uncleanness either through contact or through being carried. Granted that a discharge of menstrual blood or flux causes a woman to be unclean even while it is still absorbed in the vagina, how can this blood, which is neither menstrual blood nor flux, and which if it had come into external contact with the woman could have caused only one day's uncleanness, convey uncleanness to the woman while it is absorbed in her body?]"*
- G. *He said to him, "Go, ask R. Abin, to whom I have explained this matter in the house of study, for he nodded his head to me [agreeing with what I said]."*
- H. *He went and asked R. Abin, who said to him, "This matter has been treated in the classification of the carrion of a clean bird, which imparts uncleanness to the clothing of the one who is eating it when it is in the esophagus. [This then is an absorbed uncleanness. Even though if someone touched it, it would not convey*

uncleanness to the man's garments, if he eats it, when it is in the esophagus, it does make him so unclean that he makes his clothing unclean.]"

- I. *But are the cases really parallel? [42B] In that case, there is no uncleanness that is conveyed when the carrion is outside of the body, but here, when the blood is emitted, it imparts uncleanness [Slotki: from which it is evident that it is like other kinds of uncleanness. Why should it be different from those in conveying uncleanness even while it is absorbed?]*
- J. *Here too we deal with a case in which it has been emitted outside of the body [Slotki: if the blood was detached before immersion, the woman becomes unclean after but not before it has completely emerged].*
- K. *If we deal with a case in which the discharge has in fact emerged from the body, why mention the case at all [since obviously if the unclean blood emerges from the body, it imparts uncleanness]!*
- L. *What might you have said? Since immersion is effective in respect to the blood that is inside, it should also prove effective in regard to this blood as well? Thus we are informed that that is not the case [and the immersion is null for the latter].*
- M. *As to our cited version [in Zira's name, E], one may well solve the problem. But how about the woman after childbirth? If the birth takes place during the days of her menstrual cycle, then she is unclean as a menstruant, and if it takes place during the zibah-days, then the rules governing the one afflicted by flux-uncleanness apply [so why list her at all]?*
- N. *With what sort of case do we deal here? It is with a dry birth [so the question of menstrual or flux-blood simply does not arise].*
- O. *If we deal with a dry birth, then what consideration of her imparting uncleanness inside and outside can there be anyhow? [There is no blood, so what uncleanness is at issue?]*
- P. *For example, if the offspring put out its head from the outer room [and then drew it back]. [Slotki: although the head is now inside, the woman is unclean as if the embryo had actually been born, that is, were outside.] And this accords with the ruling of R. Oshaia, for said R. Oshaia, "The ruling [that the projection of the head of the embryo is regarded as birth, so that the midwife is unclean for seven days if she touched a dead embryo before it was extracted, though the mother remains clean until the extraction has been effected] is a decree, to take account of the possibility that the offspring will put its head outside of the outer room [but pentateuchally, the offspring, as an absorbed uncleanness, would not convey uncleanness]."*
- Q. *The ruling accords with the case which follows: someone came before Raba and said to him, "What is the rule as to performing a circumcision on the Sabbath?"*
- R. *He said to him, "It is quite proper." After he left, Raba said, "Can it enter one's mind that that man did not know that it is permitted to conduct a circumcision on the Sabbath?"*
- S. *He went after him and said to him, "Tell me the substance of the case."*

- T. *He said to him, "I heard the child cry late on the eve prior to the advent of the Sabbath [before dark on Friday evening], but the child was not born until the Sabbath."*
- U. *He said to him, "Then this is the case of a child who put his head out of the outer room, and the circumcision [on any day but the following Friday, which is the eighth day of the birth] would be a circumcision not at the proper time, and any circumstance that is not at the proper time does not carry the right to violate the restrictions of the Sabbath on that account."*

**III.2.** A. *The question was raised: "Is that 'place' [the vagina] of a woman classified as an absorbed place or as a hidden place? The upshot involves a case in which her friend inserted into that place an olive's bulk of carrion. If you classify that place as 'absorbed,' then this is absorbed uncleanness and does not convey uncleanness, but if you classify that place as 'a hidden place,' then, while the carrion does not impart uncleanness when it is touched [since it cannot be touched where it now is], it certainly does convey uncleanness, nonetheless, when it is carried."*

- B. Abbaye said, "It is classified as an absorbed place."
- C. Raba said, "It is classified as a hidden place."
- D. *Said Raba, "On what basis do I take that position? It is on account of that which has been taught on Tannaite authority: since the uncleanness derives from the privy parts [where contact with the semen is internal, not external], and uncleanness in the privy parts under other circumstances does not convey uncleanness, it was necessary for Scripture to make that point in particular in this case."*
- E. *And Abbaye?*
- F. *The sense of that passage is as follows: there is one reason and yet another. First of all, she is clean because it is an absorbed uncleanness, and, further more, even if you should propose that it is uncleanness in the privy parts, still it does not impart uncleanness except by reason of a decree of Scripture.*

**III.3.** A. *The question was raised: is the place in which the carrion of a clean bird imparts uncleanness to a human being, that is, the esophagus, classified as an absorbed place or as a hidden place? So what difference does it make? The upshot involves a case in which one's fellow stuffed a piece of carrion the size of an olive's bulk down into one's mouth [so the victim did not touch the carrion with his hands or not]. If you classify that place as 'absorbed,' then this is absorbed uncleanness and does not convey uncleanness, but if you classify that place as 'a hidden place,' then, while the carrion does not impart uncleanness when it is touched [since it cannot be touched where it now is], it certainly does convey uncleanness, nonetheless, when it is carried."*

- B. Abbaye said, "It is classified as an absorbed place."
- C. And Raba said, "It is classified as 'a hidden place.'"
- D. *Said Abbaye, "On what basis do I make that statement? It is in accord with that which has been taught on Tannaite authority: Might one suppose that when located in the esophagus, the carrion of a beast should impart uncleanness such that the person makes the clothing that he is wearing unclean? Scripture states*

explicitly, ‘That which dies of itself or is torn by beasts he shall not eat to defile himself therewith’ (Lev. 22: 8) — only that which is subject to uncleanness only through the medium of eating [which is carrion of a clean bird] conveys uncleanness through the medium of the esophagus, but this is excluded, since it conveys uncleanness even before one has eaten of it.”

- E. *Why not derive that proposition [that the carrion of a beast conveys uncleanness through the medium of the esophagus] from an argument a fortiori, based upon the rule governing the carrion of a clean bird, as follows: if the carrion of a clean bird, which is not subject to uncleanness outside, is subject to uncleanness inside [when it is swallowed], this, which is subject to uncleanness outside, surely should be unclean inside!*
- F. Scripture has made the matter explicit: “[That which dies of itself or is torn by beasts he shall not eat to defile himself] therewith’ (Lev. 22: 8) — “therewith” and not with any other [so only if someone swallowed carrion of a clean bird do the garments become unclean].
- G. If so, then why does Scripture say, “and he who eats [carrion of a beast]” (Lev. 11:40)?
- H. It is to define the prescribed measure for the case of one who touches or carries carrion as the same as one who eats it. Just as one who eats carrion is unclean only if he eats at least an olive’s bulk, so one who touches or carries carrion is unclean only if he touches or carries at least an olive’s bulk of it.”

- III.4.** A. Said Raba, “[If one holds] a dead creeping thing in a fold of the body [e.g., the armpit] — the man is clean. If carrion is in a fold of one’s body, he is unclean.
- B. “[If one holds] a dead creeping thing in a fold of the body [e.g., the armpit, the man is clean — *a dead creeping imparts uncleanness only when it is actually touched, and the private places of the body are not subject to the rule of contracting uncleanness through touching at all.*
  - C. “If carrion is in a fold of one’s body, he is unclean — *granting that, through contact, it does not impart uncleanness, through being carried, nonetheless, it does impart uncleanness.*”
  - D. “If someone held a dead creeping thing in a fold of his body and people put him into the contained airspace of an oven, the oven is unclean.”
  - E. *That is self-evident!*
  - F. *What might you have thought?* “into the inside of which...” (Lev. 11:33) is what the All-Merciful has said, **[43A]** but not inside of the inside [of the oven, that is, inside an arm pit which is inside the oven.] *So we are informed that that is not a valid conception.*

- III.5.** A. Said R. Simeon b. Laqish, “If a reed is in the armpit of a person afflicted by flux, and with the reed he shook a clean person, the clean person remains clean. If a reed is in the arm pit of a clean person and with it he shook a person afflicted with flux, he is unclean.
- B. *“What is the scriptural basis for this ruling?* Scripture has said, ‘And whoever he who is unclean with flux touches, without having washed his hands in water’ (Lev. 15:11) — this speaks of conveying uncleanness through shaking, *which is a medium for imparting uncleanness that we do not find anywhere else in the Torah*

*except in his regard. And the All-Merciful has expressed this mode of conveying uncleanness in the language of touching, so as to make the point that the shaking and the touching must be carried out with a part of the body that is analogous to the hands: just as the hands are exposed, so any other part of the body must be exposed so as to convey uncleanness through shaking or touching."*

**IV.1 A. But the Zab and the one who has had an emission do not impart uncleanness until their uncleanness will [actually] come forth [through ejaculation]:**

- B. As to the Zab: "When any man has an issue out of his flesh" (Lev. 15: 2) — the uncleanness takes place only when the flux emerges from his flesh.
- C. As to the one who has had a seminal emission: "And if the flow of semen go out from a man" (Lev. 15:16).

**V.1 A. [If] one was eating heave offering and felt his limbs tremble, he holds on to the penis and swallows the heave offering:**

- B. *He holds on to his penis? But has it not been taught on Tannaite authority:*
- C. R. Eliezer says, "Anyone who holds onto his penis when he urinates is as though he brought the flood upon the world."
- D. Said Abbaye, "[One may nonetheless do so] with a thick rag."
- E. *Raba said, "You may even maintain that it is with a soft rag, since, once the semen has been detached, it is ejaculated [and the subsequent touch does no longer matter (Slotki)]."*
- F. *And Abbaye? He takes account of the possibility that through improper handling one may add to the flow.*
- G. *And Raba does not take account of the possibility that through improper handling one may add to the flow.*
- H. *Does he not now? And has it not been taught on Tannaite authority:*
- I. Lo, to what may this be compared? To one who puts one's finger in his eye. So long as the finger is in the eye, the eye continues to tear and flow.
- J. And Raba? [He takes the position that] cases in which one gets aroused and again gets aroused in the same instant are uncommon.

**V.2. A. Said Samuel, "Any seminal emission that is not felt throughout the body does not cause uncleanness."**

- B. *What is the scriptural basis for that view?*
- C. *The All-Merciful has said, "The flow of seed" (Lev. 15:16), meaning, such as is suitable to produce seed.*
- D. *An objection was raised: **He who dreams erotic dreams by night and arose and found his flesh [penis] heated is [assumed to be] unclean [M. Miq. 8:3B].***
- F. *R. Huna explained this passage to address the case of a man who dreamt of having sexual intercourse, since it is not possible to have sexual relations without feeling the sensation.*
- G. *Another version of the same matter:*
- H. Said Samuel, "Any emission of semen that does not shoot out like an arrow does not impart uncleanness."



- I. *What is at issue between this version and the earlier one?*
- J. *At issue between them is the case in which the semen was felt when it was detached, but was not felt when it was emitted.*
- K. *A matter that was self-evident to Samuel caused problems for Raba.*
- L. *For Raba raised the question, "If the semen was felt when it was detached, but was not felt when it was emitted, what is the law?"*
- M. *Come and take note of the following: A person who has had an emission who immersed and did not first urinate when he does urinate is unclean. R. Yosé says, "In the case of a sick or old man, he is unclean. In the case of a boy or a healthy man, he is clean."* [M. **Miq. 8:4D-F**].
- N. *That case is exceptional, for the ejaculation of most of the semen was perceived.*
- O. *There is yet another version of the matter:*
- P. Said Samuel, "Any emission of semen that does not shoot out like an arrow does not fructify."
- Q. *Thus it is only fructification that it does not bring about, but lo, it does impart uncleanness, for it is said, "If there be among you any man who is not clean because of that which has happened to him" (Deu. 23:11) — even a chance emission, of any kind whatsoever.*

- V.3.** A. *Raba raised the following question: "A gentile who had sexual fantasies [Slotki: as a result of which semen had been detached but did not emerge] and then went down to immerse [for the purpose of converting to Judaism] — what is the law?*
- B. *"If you take the route that we follow the status of matters after the semen has been detached, then does that ruling pertain only to impose a strict rule [thus, uncleanness] but not here where a lenient rule is involved? Or perhaps there is no difference?"*
- C. *The question stands.*

- V.4.** A. *Raba raised the following question: "A woman afflicted by flux whose urine was detached from the source and who went down and immersed [so as to free herself from uncleanness, and who then urinated] — what is the law? [Slotki: is she unclean because at the time of the detachment she was unclean, or is she clean because the urine came out when she had already become clean?]*
- B. *"If you take the route that we follow the status of matters after the urine has been detached, then does that rule apply only to semen, which cannot be held in, but as to urine, which can be held in, a different rule pertains, or is there no difference?"*
- C. *The question stands.*

- V.5.** A. *Raba raised the following question: "A gentile woman afflicted by flux the urine of whom was uprooted from the source, [43B] and who then went down to immerse [to convert to Judaism] — what is the law?*
- B. *"If you take the route that we follow the status of matters after the urine has been detached, even where the woman can hold in the discharge, then does that rule apply only to an Israelite woman, whose uncleanness derives from Scripture, but not to a gentile who was unclean by flux, the uncleanness of whom derives only from rabbinical authority, or is there no difference?"*

C. *The question stands.*

**VI.1 A. And they are made unclean by any amount [of discharge] at all, even though it is like a grain of mustard, and less than that:**

B. Said Samuel, “The discharge of flux of a zab, to constitute a sufficient volume to impart flux-uncleanness, must be enough to stop up the hole of the penis, as it is said, ‘or his flesh be stopped from his issue’ (Lev. 15: 3).”

C. *But have we not learned in the Mishnah: [If one was eating heave offering and felt his limbs tremble, he holds on to the penis and swallows the heave offering.] And they are made unclean by any amount [of discharge] at all, even though it is like a grain of mustard, and less than that?*

D. *He takes the position that R. Nathan does, for it has been taught on Tannaite authority:*

E. R. Nathan in the name of R. Ishmael says, “The discharge of flux of a zab, to constitute a sufficient volume to impart flux-uncleanness, must be enough to stop up the hole of the penis.”

F. But others did not concede his position.

G. *What is the scriptural basis for the position of R. Ishmael?*

H. As it is written, “or his flesh be stopped from his issue’ (Lev. 15: 3).”

I. *And rabbis?*

J. *They require that statement to make the point that the flux imparts uncleanness when it is wet but not when it is dry.*

K. *And R. Ishmael?*

L. He derives that fact from the reference to “run with his issue” (Lev. 15: 3).

M. *And rabbis?*

N. They require that clause to indicate the number of distinct occasions of flux that impart uncleanness at various levels, specifically, “his flux” (Lev. 15: 3) means, one flux; “his flesh run” (Lev. 15: 3), means, two fluxes; “with his issue” (Lev. 15: 3) refers to yet a third occasion of flux. So it was taught concerning a person made unclean by flux that if he suffers three occasions of flux, he is liable to bring an offering.

O. “Or his flesh be stopped from his issue, it is his uncleanness” Lev. 15: 3) — he is unclean by reason of even part of the number of fluxes that he produces, which teaches that a person afflicted with flux-uncleanness who produced only two such discharges still imparts uncleanness to the bed on which he lies and the chair on which he seats.

P. *And as to R. Ishmael, how does he deduce the number of fluxes that is required to designate uncleanness in these several levels?*

Q. *It is in accord with the view of R. Simai. For it has been taught on Tannaite authority:*

R. R. Simai says, “Scripture has counted two occasions of flux and called the man unclean [‘When any man has an issue out of his flesh’ (Lev. 15: 2); ‘his issue be unclean’ (Lev. 15: 2), thus one and two]; and it also enumerates three issues and describes him as unclean (This shall be his uncleanness in his issue’ (Lev. 15: 3).]

How so? If he has two occasions of flux, then he is unclean, and if he has a third, he is liable also to bring the required offering.

- S. *And from the perspective of the person who deduce both numbers from “This shall be his uncleanness in his issue” (Lev. Lev. 15: 3), what interpretation is to attach to the verse, “When any man has an issue out of his flesh, his issue be unclean” (Lev. 15: 2)?*
- T. *[Rabbis] require that verse to prove that uncleanness commences only when the discharge actually emerges from one’s flesh.*
- U. *And what need is there to say, “his issue be unclean? (Lev. 15: 2)?*
- V. *It teaches that the flux itself [not only the man who produces it] is unclean.*

**VI.2.** A. Said R. Hanilai in the name of R. Eleazar b. R. Simeon, “Semen imparts uncleanness to the one who produces it in any amount whatsoever, but to the one who touches it, it imparts uncleanness only in the measure of a lentil.”

B. *But have we not learned in the Mishnah: **And they are made unclean by any amount [of discharge] at all?***

C. *Does this not refer to the one who touches it?*

D. *No, it refers to one who produces it.*

E. *Come and take note:*

F. **There is a more it in regard to the dead creeping thing than in regard to semen, and in regard to semen than in regard to the dead creeping thing. The more stringent trait in regard to the dead creeping thing is that the creeping things’ uncleanness is undivided, but the semen’s uncleanness is divided. The more stringent trait in regard to semen is that semen renders unclean in any quantity, but the creeping thing renders unclean only in the quantity of a lentil [T. Kel. B.Q. 1:1A-C].**

G. *Does this not refer to the one who touches it?*

H. *No, it refers to one who produces it.*

I. *Lo, has it not been taught by way of comparison with the dead creeping thing? Just as the dead creeping thing imparts uncleanness through contact, so the semen imparts uncleanness through contact!*

J. *Said R. Adda b. Ahbah, “The ruling speaks of the dead creeping thing in general and to semen in general [so speaking of the form of transferring uncleanness that pertains to each.” [Slotki: A dead creeping thing can never convey uncleanness unless its bulk is of the prescribed size, while semen, when it concerns the man who has emitted it, may convey uncleanness in any small volume whatsoever.]”*

K. *But does a dead creeping thing not convey uncleanness when it is of any size whatsoever? Have we not learned in the Mishnah: **The limbs have no limit. Even less than about an olive’s bulk from the corpse, and less than about an olive’s bulk from carrion, and less than about a lentil of a creeping thing convey their uncleanness [M. Oh. 1:7A-B].** [A dead creeping thing thus conveys uncleanness in any volume at all.]*

L. *The member of the body is exceptional, since the whole of it is of the size of a lentil, since if any part of it were missing, would the limb have conveyed*

*uncleanness at all? [Slotki: obviously not, which shows that it is only on account of its importance that the force of conveying uncleanness as a piece of the prescribed size was imparted to it; any other part of the body is subject to the prescribed minimum.]*

M. *[Reverting to F, above,] what is the meaning of the phrase **but the semen's uncleanness is divided?***

N. *If we mean that the distinction is between that of an Israelite and that of a gentile, there is indeed such a distinction in the dead creeping thing between the standing as to uncleanness of the sea mouse and that of the land mouse [the former not being unclean]. Rather, it means, there is a distinction between a minor's and an adult's semen.*

**VI.3. A.** *Said R. Pappa, "[Hanilai's view that semen less than the quantity of a lentil in bulk does not convey uncleanness if it is touched] covers the ground of a dispute among Tannaite authorities." For it has been taught on Tannaite authority:*

B. *"How on the basis of Scripture do we know that uncleanness encompasses one who touches semen? Scripture states, "or whoever" (Lev. 22: 5).*

C. *And there is a Tannaite dispute on the pertinent matter, for there are those who maintain that one derives a deduction through in all aspects [Slotki: all that applies to the case from which deduction is made is also application to the case deduced], and others hold that a deduction is limited only to the case deduced and not promiscuously]. In the view of him who says, "one derives a deduction through in all aspects," as a dead creeping thing imparts uncleanness through contact, so semen conveys uncleanness through contact, and so, as a dead creeping thing conveys uncleanness only when it is the bulk of a lentil, so semen conveys uncleanness only when it is of the bulk of a lentil. In the view of him who says that a deduction is limited only to the case deduced, as a dead creeping thing conveys uncleanness through touch, so semen conveys uncleanness through touch, but we limit the analogy to that alone, so as semen uncleanness uncleanness to the man who emitted it in any small volume whatsoever, does it convey uncleanness to the man who touches it in any small volume whatever.*

D. *Said R. Huna b. R. Nathan to R. Pappa, "How do you know that including in uncleanness of one who touched semen is by deduction from the language, "or whosoever" which speaks of a dead creeping thing [Lev. 22: 5]? Perhaps it derives from the expression, 'or from whoever the flow of seed goes out' (Lev. 22: 4), and all may concur that we carry through a deduction in all respects?"*

E. *The question was addressed to the Tannaite authorities. Some Tannaite authorities repeated matters in accord with R. Pappa, and some Tannaite authorities repeated matters in accord with R. Huna b. R. Nathan.*

I.1 commences with the usual inquiry into the scriptural basis for the positions of the Mishnah's disputants. No. 2 clarifies Simeon's position and provides a scriptural proof for it. No. 3 forms a complement to No. 2. No. 4 moves in a fresh direction, complementing our Mishnah's rules in light of those in the previous chapter. II.1 glosses the Mishnah, defining its principal term. No. 2 is a footnote to No. 1. No. 3 then shows what lies behind the question raised at No. 1, providing a scriptural foundation for the rule of the Mishnah. No. 4 complements

No. 3, referring to its materials. III.1 complements the Mishnah by providing analysis of a variety of cases that fall within the opposite rule from that of the Mishnah: those who impart uncleanness even though the unclean fluid has not actually been emitted, contrary to the male cases that the Mishnah lists. The theoretical questions of Nos. 2, 3, following the same pattern as II.4, have not been worked out in response to any problem in our Mishnah-paragraph, but do intersect with materials that have been introduced in the context of amplifying the Mishnah's rule. So these beautifully matched pieces form appendices to the foregoing, formulated in their own terms but usefully tacked on. No. 3 ends with D; the rest is simply part of the formulation to which Abbayye has made reference. Nos. 4, 5 are continuous with the prior items. IV.1 provides a scriptural basis for the Mishnah's rule. V.1 goes over familiar ground. Nos. 2, 3, 4, 5 follow the established pattern of providing information that is relevant to the Mishnah's topic, but that does not respond to a question that the Mishnah's rule has made urgent. VI:1 identifies the issues and scriptural basis for the position at hand. No. 2 raises a secondary but important question of clarification, following upon Samuel's ruling at No. 1. No. 3 carries forward the discussion of No. 2, now with reference to Hanilai's view that semen less than the quantity of a lentil in bulk does not convey uncleanness if it is touched.

### 5:3

- A. A girl one day old [who sees a drop of blood] (1) is made unclean as a menstruant.
  - B. A girl ten days old [who passed the first seven days as a menstruant and then had a flow on the next three consecutive days] (2) becomes unclean through zibah.
  - C. A boy one day old (3) becomes unclean through zibah,
  - D. (4) becomes unclean through plagues,
  - E. (5) becomes unclean through corpse uncleanness.
  - F. And he imposes the requirement of levirate marriage,
  - G. frees [a sister-in-law] from the requirement of levirate marriage,
  - H. makes it permissible for one to eat heave offering,
  - I. makes it impermissible for one to eat heave offering,
  - J. [44A] inherits,
  - K. and causes to inherit.
  - L. And he who kills him is liable.
  - M. And lo, he is like his father and his mother and all his relatives as a full bridegroom.
- I.1** A. *What is the scriptural basis for this rule [that a girl one day old who sees a drop of blood is made unclean as a menstruant]?*
- B. *It is in accord with that which has been taught on Tannaite authority:*
  - C. "...a woman..." (Lev. 15:19) — I know only that a woman [is subject to the law of menstrual uncleanness. How do I know that the same law pertains even to an infant a day old, that she too may be subject to menstrual uncleanness?

- D. Scripture says, "and if a woman..." [Therefore it follows that when Scripture included a child, it was one even one day old.]

**II.1 A. A girl ten days old [who passed the first seven days as a menstruant and then had a flow on the next three consecutive days] (2) becomes unclean through zibah:**

- B. *What is the scriptural basis for this rule?*  
C. *It is in accord with that which has been taught on Tannaite authority:*  
D. "...woman..." (Lev. 15:25) [with reference to flux] — I know only that a woman is subject to the uncleanness of flux.  
E. How do I know that a female child ten days old also is subject to the possibility of uncleanness by reason of flux?  
F. Scripture states, "and if a woman..."

**III.1 A. A boy one day old (3) becomes unclean through zibah:**

- B. *What is the scriptural basis for this rule?*  
C. *It is in accord with that which has been taught on Tannaite authority:*  
D. "'A man, a man' (Lev. 15:2) [with reference to the laws concerning flux uncleanness] — what is the intent of Scripture here in repeating the reference to 'a man'? It serves to extend the law to an infant male a day old, who can contract uncleanness through flux," the words of R. Judah.  
E. R. Ishmael son of R. Yohanan b. Beroqah says, "Proof of that sort is hardly required, since Scripture explicitly stated, 'whether it be a man or a woman' (Lev. 15:33). 'Whether it be a man' [means] of any age at all, a male, whether adult or minor. '...or a woman...' likewise means, of any age at all, a female, whether adult or minor. Then why has Scripture said, 'a man, a man'? It is because Scripture utilizes the forms of common speech." [It follows that Scripture encompasses the infant a day old.]

**IV.1 A. ...(4) becomes unclean through plagues:**

- B. As it is written, "When an Adam shall have in the skin of his flesh" (Lev. 13:2)  
C. — an Adam of any age.

**V.1 A. ...(5) becomes unclean through corpse uncleanness:**

- B. As it is written, "And upon the persons that were there" (Num. 19:18)  
C. — persons of any age.

**VI.1 A. And he imposes the requirement of levirate marriage:**

- B. As it is written, "If brothers shall dwell together" (Deu. 25:5) — brothers who were alive at the same time [without limit as to age].

**VII.1 A. ...frees [a sister-in-law] from the requirement of levirate marriage:**

- B. "and has no child" (Deu. 25:5), the All-Merciful has said,  
C. *but this man [the father of the child] does have a child.*

**VIII.1 A. ...makes it permissible for one to eat heave offering:**

- B. As it is written, "And such as are born in his house may eat of his bread" (Lev. 22:11) —  
C. [the word for "may eat"] should be read, "may cause to eat of his bread."



**IX.1 A. ...makes it impermissible for one to eat heave offering:**

B. “and have no child” (Lev. 22:13) is what Scripture has said, but this woman has a child [and so is no longer eligible to eat priestly rations in her father’s household].

**IX.2.** A. *Why specify “a child” since the same pertains also to an embryo, as it is written, “as in her youth” (Lev. 22:13), excluding one who is pregnant [from eating priestly rations].*

B. *It was necessary [to make both points explicitly, as Scripture does in the two distinct statements of the matter], for if the All-Merciful had made reference only to “and have no child” (Lev. 22:13), that might be because to begin with there was a single body, but now there are two bodies [that is, the pregnant woman], but here, where to begin with there is only a single body and now too there is only a single body, I might say that she may continue to eat priestly rations. That is why Scripture found it necessary to state as well, “as in her youth” (Lev. 22:13).*

C. *And if Scripture had made reference only to “as in her youth” (Lev. 22:13), that would have been because to begin with her body was empty, but not that it is a full woman, the rule might be so; but here, where her body to begin with was empty and now also is empty, I might have supposed that she may well eat the priestly rations. Accordingly it was necessary to introduce the matter in two distinct verses of Scripture.*

D. *I may then say that you have shown the necessity of the several verses of Scripture, but as to the formulation of the Mishnah, why was it necessary to express matters in terms of a boy-child a day old, since even an embryo would produce the same effect [just as in the case of the girl-child]?*

E. *Said R. Sheshet, “Here with what sort of a case do we deal? It is with a priest who has two wives, one a divorcee [to whom he should not be married] and the other not, and he has sons from the one who is not a divorcee, and a son a day old from the one who is a divorcee. The birth of the one a day old from the divorcee invalidates the father’s slaves from eating priestly rations [after the father has died, should he and his brothers jointly inherit those slaves, on account of his share in them].”*

F. *That serves also to set aside the opinion of R. Yosé, who has said, “The embryo [in the womb of a divorced woman married to a priest, under the circumstances described at E] also invalidates the slaves of the father from eating priestly rations [if the father dies, should he and his brothers jointly inherit those slaves, on account of his share in them].” So we are informed that that is the rule for a child a day old, but it does not pertain to an embryo.*

**X.1 A. ...inherits and causes to inherit:**

B. *From whom does he inherit? From his father. And whom does he cause to inherit? His brothers on his father’s side.*

C. *But if they wanted, could not these inherit from their father, and if they wanted, could they not inherit from him [and of course they could, since the child’s estate would revert to the father if he should die, and the brothers then would inherit that estate! So what is the point of the formulation at hand?]*

D. *Said R. Sheshet, “**He inherits** the estate of the mother, so as to **cause to inherit** his brothers on his father’s side.”*

- E. *And it is specifically the case only when he is one day old, but not if he is an embryo.*
- F. *What is the reason?*
- G. The embryo is presumed to die first [before the mother], and a son [44B] once in the grave cannot inherit the estate of his mother in such a way as to cause his brothers on his father's side to inherit the estate.
- H. *Is that really true? And lo, there was the case in which the embryo made three convulsive movements [after the mother had died]?*
- I. *Said Mar b. R. Ashi, "These were only reflexes, like those of the tail of a lizard, which convulses even after it has been cut off [and that is not a sign of life]."*

- X.2.** A. Mar b. R. Joseph in the name of Raba said, "The statement [inherits and causes to inherit] indicates that he diminishes the share that is set aside for the birthright." [Slotki: if there were two brothers other than the boy in question and one was firstborn, the estate is divided not into three portions, two for ordinary portions of the two brothers and one for the birthright, but into four. Each brother, including the child, receives one such portion, and the firstborn receives the additional fourth portion as the birthright. The firstborn receives a quarter of the estate and not a third, as would have been the case if the child were excluded].
- B. And said Mar b. R. Joseph in the name of Raba, "A son born after the death of the father does not diminish the share that is set aside for the birthright. *What is the scriptural basis for that view?* 'They shall have born to him' (Deu. 21:15) is what Scripture has said [so the child that is born has a share in the estate and so diminishes the birth right, but one that is merely an embryo does not cause diminution of the portion of the birthright]."
- D. *In Sura that is how the matter was repeated, but in Pumbedita this is how it is set forth:*
- E. Mar b. R. Joseph in the name of Raba said, "A son born after the death of the father does not take a double portion in the estate. *What is the scriptural basis for that view?* 'He shall acknowledge' (Deu. 21:17) — *is what is required, and [he] is not there to acknowledge.*"
- F. *And the decided law accords with these several versions that are given by Mar b. R. Joseph in the name of Raba.*

**XI.1 A. And he who kills him is liable:**

- B. For it is written, "And he who smites any man mortally" (Lev. 24:17) — under any and all circumstances.

**XII.1 A. And lo, he is like his father and his mother and all his relatives as a full bridegroom:**

- B. *To what concrete law is this statement pertinent?*
- C. Said R. Pappa, "To the matter of mourning."
- D. *And in accord with what authority does our passage make its rule? It is not in accord with* Rabban Simeon b. Gamaliel, who has said, "Any human offspring that survived for thirty days is not classified as a miscarriage,"
- E. *lo, if it did not survive for that long, it is a matter of doubt.*

- F. *Here with what sort of case do we deal? With a case of one that has been shown to have fulfilled the months of his pregnancy [so the child is surely viable, and Simeon's statement concerns the doubt that applies to a premature birth]."*
- I.1 commences with the standard inquiry into the scriptural foundations for the Mishnah's facts. II.1, III.1, IV.1, V.1, VI.1, VII.1, VIII.1, IX.1 follow suit. No. 2 proceeds to a secondary question of development. X.1 raises a fresh question, remaining well within the limits of the Mishnah. No. 2 raises an intersecting but independent problem of its own. XI.1 reverts to the established approach. XII.1 raises an obvious question and provides an important answer. If the Talmud were a Mishnah-commentary, it would be made up principally of this kind of composition.

## 5:4

- A. **A girl three years and one day old is betrothed by intercourse.**
  - B. **And if a levir has had intercourse with her, he has acquired her.**
  - C. **And they are liable on her account because of the law [prohibiting intercourse with] a married woman.**
  - D. **And she imparts uncleanness to him who has intercourse with her [when she is menstruating] to convey uncleanness to the lower as to the upper layer.**
  - E. **[If] she was married to a priest, she eats heave offering.**
  - F. **[If] one of those who are unfit [for marriage] has intercourse with her, he has rendered her unfit to marry into the priesthood.**
  - G. **[If] one of all those who are forbidden in the Torah to have intercourse with her did so, they are put to death on her account.**
  - H. **But she is free of responsibility.**
  - I. **[If] she is younger than that [age], [intercourse with her] is like putting a finger in the eye.**
- I.1** A. *Our rabbis have taught on Tannaite authority:*
- B. "A girl three years old may be betrothed through an act of sexual intercourse," the words of R. Meir.
  - C. And sages say, "Three years and one day old."
  - D. *What is the practical difference between these rulings?*
  - E. *Said the household of R. Yannai, "At issue between them is the day prior to the first day of the fourth year." [Slotki: Meir holds she attains the prescribed age on that day; rabbis have her attain it the next.]*
  - F. *And R. Yohanan said, "At issue between them is whether or not thirty days of a year are counted as the full year." [Slotki: according to Meir the prescribed age is attained as soon as thirty days of the third year have passed, while accord to rabbis it is not attained until the first day of the fourth year.]*
  - G. *An objection was raised: "A girl three years old, and even one two years and one day old, may be betrothed through an act of sexual intercourse," the words of R. Meir.*
  - H. And sages say, "One that is three years and one day old."

I. **[45A]** *Now from the viewpoint of R. Yohanan, there is no problem, for just as there is a Tannaite version that maintains that a single day is equivalent to a year, so there is a Tannaite authority who maintains that thirty days of a year are counted as a full year. But from the viewpoint of R. Yannai, is this not a problem?*

J. *It is indeed a problem.*

**II.1 A. [If] she is younger than that [age], [intercourse with her] is like putting a finger in the eye:**

B. *The question was raised: to the virginity-signs go their way and then come back, or perhaps they are not completely destroyed until after the third year of age?*

C. *What is the practical consequence of the answer to that question?*

D. *A case in which one had sexual relations during the first three years of the girl's life and produced blood, and then had sexual relations after the first three years and found no blood. If you take the view that the virginity-signs go their way and then come back, then one might suppose that the reason there was no blood is that there was not sufficient time for the virginity-signs to come back. But if you maintain that they are not completely destroyed until after the third year of age, lo, it would then be obvious that a third party had had sexual relations with her [after she turned three, and she would be classified as a harlot]. What is the rule?*

E. *R. Hiyya b. R. Iqa objected to this matter, "And who will tell us that the wound that was made during the three years is not immediately healed, since it is possible that it has healed, and then it would be obvious that a third party had had sexual relations with her [after she turned three, just as before]! Rather, at issue in the answer to that question is a case in which one had sexual relations during the first three years of the girl's life and produced blood, and had sexual relations after the age of three and produced blood. If you take the view that the virginity-signs go their way and then come back, then one might suppose that this is blood of virginity, but if you maintain that they are not completely destroyed until after the third year of age, then this [blood that appeared when she was less than three years old] would be menstrual blood. What is the rule?"*

F. *Said R. Hisda, "Come and take note: **If she is younger than that age, intercourse with her is like putting a finger in the eye.** Now what need do I have for the language, **intercourse with her is like putting a finger in the eye?** The passage could as well state, 'If she is younger than this, it is null.' Does this not therefore present the proposition that, just as the eye tears and may tear again, so the features of virginity disappear and then come back?"*

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

B. *There was the case of Justinia, daughter of Asseverus, son of Antonius, who came before Rabbi and said to him, "My lord, at what age is a woman married?"*

C. *He said to her, "At three years and one day."*

D. *"And at what age does she become pregnant?"*

E. *He said to her, "At twelve years and one day."*

F. *She said to him, "I got married at six and bore a child at seven. Woe for the three years that I lost in the household of my father!"*

- G. *And can a woman ever become pregnant at the age of six? And has it not been taught on Tannaite authority by R. Bibi before R. Nahman:*
- H. **Three classes of women have intercourse with a contraceptive device: a girl under age, a pregnant woman, and a nursing mother. A girl under age — lest she become pregnant and die. [Bavli inserts here: a pregnant woman, lest she make the foetus into a sandal; a nursing mother, lest she kill her infant]. “What is a girl under age? From eleven years and one day until twelve years and one day. One younger than that or older than that — one has intercourse in the normal way. Therefore one has intercourse in the normal way and does not scruple,” the words of R. Meir.**
- I. **And sages say, “One has intercourse in the normal way, and the Omnipresent will look out for him, as it is said, ‘the Lord guards the innocent’ (Psa. 116: 6)” [T. **Nid. 2:6A-E**].**
- J. *If you wish, I shall say, “Whose flesh is the flesh of asses” (Eze. 23:20) and if you wish, “Whose mouth speaks falsehood and their right hand is a right hand of lying” (Psa. 144: 8). [The gentile woman’s story is simply not to be believed.]*

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

- B. There was case of a woman who came before R. Aqiba. She said to him, “My lord, I was forced to have sexual relations [with a person disqualified for the priesthood] during my first three years. Am I permitted now to marry into the priesthood?”
- C. He said to her, “You are valid to marry into the priesthood.”
- D. She said to him, “My lord, I will give you a comparison. To what may the matter be likened? To the case of a child who stuck his finger into honey. The first time and the second he cries about it, but the third time, he sucks it.”
- E. He said to her, “If so, you are unfit for marriage into the priesthood.”
- F. He noticed that the disciples were looking in amazement at one another. He said to them, “Why should this matter appear so problematic to you?”
- G. They said to him, “Just as the whole Torah represents law handed down to Moses from Sinai, so the rule that a girl who had sexual relations with an improper person prior to the age of three years remains valid for marriage into the priesthood is also a law handed down to Moses from Sinai.”
- H. But even R. Aqiba made such a statement only as a means of sharpening the wits of the disciples.
- I.1 simply develops an inquiry into a detail of the Mishnah, its definition of the category under discussion. II.1 asks a question that clarifies the given of the Mishnah’s statement. Nos. 2, 3 seem to me pertinent in only a general way, a thematic complement.

**5:5**

- A. A boy nine years and one day old who had intercourse with his deceased childless brother’s widow has acquired her.**
- B. But he does not give her a writ of divorce until he comes of age.**

- C. And he is made unclean by a menstruating woman, to convey uncleanness to the lower as to the upper layer.
- D. And he disqualifies a priest's daughter from eating priestly rations, but [if he was a priest, by his act of sexual relations, he] does not render [a woman] qualified to eat heave offering.
- E. And [by an act of bestiality] he spoils a beast for use on the altar.
- F. And it is stoned on his account.
- G. And if he had intercourse with any of all the prohibited relationships stated in the Torah, they are put to death on his account.
- H. But he is free of responsibility.

**I.1** A. **But he does not give her a writ of divorce until he comes of age** — *But at that time is that sufficient? And has it not been taught on Tannaite authority:*

- B. The law has treated as equivalent the act of sexual relations of a boy nine years old and an act of bespeaking [in which a deceased childless widow's brother declares his intent of consummating the levirate marriage with the widow] in the case of an adult. Just as an act of bespeaking in the case of an adult necessitates a writ of divorce in respect to his act of bespeaking and the rite of removing the shoe in regard to the marital bond that is present by reason of the levirate connection, so in the case of a boy nine years old who has had sexual relations, an act of bespeaking necessitates a writ of divorce in respect to his act of bespeaking and the rite of removing the shoe in regard to the marital bond that is present by reason of the levirate connection.
- C. *Said Rab, "This is the sense of the passage, [45B] 'When he comes of age, he shall have sexual relations with her and then give her a writ of divorce [since he is now her lawful husband].'"*

I.1 provides an important clarification of the law at hand.

## 5:6

- A. A girl eleven years and one day old — her vows are examined.
- B. A girl twelve years and one day old — her vows are confirmed.
- C. And they examine throughout the twelfth year.
- D. A boy eleven years and one day old — his vows are examined.
- E. A boy thirteen years and one day old — his vows are confirmed.
- F. And they examine through the thirteenth year.
- G. Before this time, even though they have said, "We know before Whom we have vowed," "for Whose [sanctity] we have sanctified" — their vows are not vows, and that which they have sanctified is deemed not sanctified.
- H. After this time, even though they said, "We do not know before Whom we have vowed," "for Whose [sanctity] we have sanctified" — their vow is a vow, and that which they have sanctified is deemed sanctified.

**I.1** A. *Since the Tannaite formulation has stated, A girl eleven years and one day old — her vows are examined, why was it also necessary to state, A girl twelve years and one day old — her vows are confirmed?*



- B. *It might have entered your thought to suppose that henceforth the vows must always be subjected to an examination [Slotki: and that the age of eleven years and a day is only the limit below which even an examination does not establish the validity of a vow]. So we are informed to the contrary.*
- C. *And since the Tannaite formulation has stated, **A girl twelve years and one day old — her vows are confirmed**, why was it necessary to state, **And they examine throughout the twelfth year?***
- D. *It might have entered your thought to suppose that since a master has said, “Thirty days are tantamount to an entire year, “ in a case in which we have examined her vows during a period of thirty days and the girl did not know how to spell out their full significance [so showing that she did not have the capacity to vow properly], we do not have to examine her any further during that year. So we are informed that that is not the case.*
- E. *Then how about stating the last two cases in this language:*
- F. **A girl twelve years and one day old — her vows are confirmed. And they examine throughout the twelfth year.**
- G. *What need do I have to make reference to the clause, “**A girl eleven years and one day old — her vows are examined?**”*
- H. *It was, in point of fact, necessary to make that statement. It might have entered your mind to say that in general examination is required in the twelfth year but it is unnecessary in the eleventh, though if we see that a girl is unusually intelligent, she might also be examined in the eleventh year. So to the contrary we are told here that the period of examination in the case of a vow always begins at the age of eleven years and one day.*
- I. *Then why was it necessary also to state the language, **Before this time, [even though they have said, “We know before Whom we have vowed,” “for Whose [sanctity] we have sanctified” — their vows are not vows, and that which they have sanctified is deemed not sanctified.] After this time, [even though they said, “We do not know before Whom we have vowed,” “for Whose [sanctity] we have sanctified” — their vow is a vow, and that which they have sanctified is deemed sanctified]?***
- J. *It might have entered your mind to maintain that these rules apply only when the children on their own say nothing [Slotki: they do not claim, “we know” when they are under the age limit, or “we do not know” when they are above that limit], but where they on their own make such a statement spontaneously, we rely on them. Thus we are informed that even what the young people themselves state has no bearing upon the fixed age limits.*

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

- B. These [specifications of the age limits] represent the opinion of Rabbi.
- C. R. Simeon b. Eleazar says, “Those statements that are made with reference to a girl apply to a boy, and those statements that have been made with reference to a boy apply to a girl. [The boy matures earlier than the girl.]”
- D. *Said R. Hisda, “What is the scriptural basis for the opinion of Rabbi? It is written, ‘And the Lord God built the rib’ (Gen. 2:22), [and since the word for built and the word for understanding use the same consonants, it follows that] this*

teaches that the Holy One, blessed be he, gave to the woman greater understanding than he gave to the man.”

- E. *And the contrary view?*
- F. *That verse of Scripture is required for another purpose altogether, specifically, in accord with the interpretation given to it by R. Simeon b. Laqish.*
- G. For R. Simeon b. Laqish in the name of R. Simeon b. Menassia said, “‘And the Lord God built the rib which he took from the man into a woman, and he brought her to the man’ (Gen. 2:22) — this teaches that the Holy One, blessed be he, first plaited Eve’s hair and then brought her to Adam. For so in the seashore villages they call ‘net-work’ by a word that uses the consonants for the word for ‘built.’”
- H. *And what is the reason for the position of R. Simeon b. Eleazar?*
- I. Said R. Samuel b. R. Isaac, “Since a boy frequents the house of his master, his wit develops sooner.”

- I.3.** A. *The question was raised:* Is the intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] classified as prior to the specified period or posterior to the specified period?
- B. *What practical difference does it make? If it has to do with vows, that period of time is classified neither as the period prior or posterior to that time. Rather, the practical difference has to do with the matter of penalties* [Slotki: and in the case in which the boy or girl has produced the marks of puberty. In the absence of puberty signs, even one of age is exempt from penalties.] *What is the rule?*
  - C. *Rab and R. Hanina both maintain,* “The intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] is classified as prior to the specified period.”
  - D. *R. Yohanan and R. Joshua b. Levi both maintain,* “The intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] classified as posterior to the specified period.”
  - E. Said R. Nahman bar Isaac, “And the suitable mnemonic is, ‘Now this was the custom in former time in Israel’ (Ruth 4: 1).”
  - F. *R. Hamnuna objected [to the position that the intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] classified as posterior to the specified period]:* “**After this time, even though they said, “We do not know before Whom we have vowed,” “for Whose [sanctity] we have sanctified” — their vow is a vow, and that which they have sanctified is deemed sanctified.** Then it must follow that during the specified interval is classified as equivalent to prior to the specified interval!”
  - G. *Said to him Raba,* “**Let me then cite the opening clause: Before this time, even though they have said, “We know before Whom we have vowed,” “for Whose [sanctity] we have sanctified” — their vows are not vows, and that which they have sanctified is deemed not sanctified.** Then it must follow that

during the specified interval is classified as equivalent to posterior to the specified interval!”

- H. *But that is really not the case, for Raba erred, thinking that R. Hamnuna drew his inference from the apparent superfluity of the rulings of the Mishnah, so he argued that instead of drawing our inference from the final clause, we might as well have drawn our inference from the first clause. But that is not so. R. Hamnuna draw his inference from the actual language of the Mishnah. This is how he worked matters out: precisely how may we understand the language, **After this time?** If the one has not yet produced puberty signs, then he must be classified as a minor. So is it not the case that he has produced puberty signs? [46A] And the operative conclusion therefore is that it is specifically after the specified time that the young person has met all the necessary requirements [age and puberty signs]. So it must follow that during the specified interval is classified as equivalent to prior to the specified interval.*
- I. *A further objection [to the position that the intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] classified as posterior to the specified period] was raised by R. Zira: ““When a man shall clearly utter a vow, the vow of...” (Num. 6: 2) — Why then does Scripture refer to “a man”? It encompasses a boy thirteen years and a day old, to indicate that even though he does not know how to articulate the reason for his vow, still, his vow is valid.’ Now to what sort of case can this proof-text refer? If it is to one who has not produced the signs of puberty, then he is still a minor. So is it not a reference to one who has produced puberty signs? And the point is that it is specifically a boy who is thirteen years and a day old who falls into the classification of a man. Lo, it must follow that the intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] classified as prior to the specified period].”*
- J. *That is a valid refutation.*
- K. *Said R. Nahman, “This represents a dispute among Tannaite authorities.”*
- L. *A boy aged nine who produced two puberty-hairs — these are classified as a mere mole; from the age of nine years to twelve years and one day, they are classified as a mere mole.*
- M. *R. Yosé b. R. Judah says, “They are classified as a mark of puberty.”*
- N. *From thirteen years and one day onward, all parties concur that they are classified as a mark of puberty.*
- O. *Now in the body of the statement there is a contradiction. You have said, “from the age of nine years to twelve years and one day, they are classified as a mere mole.” Lo, at the age of thirteen years, then, they are a mark of puberty. And then you have gone and repeated, “From thirteen years and one day onward, all parties concur that they are classified as a mark of puberty.” Lo, at the age of thirteen itself, the mark is classified as a mole.*
- P. *So do we not have a Tannaite dispute, for one authority takes the view that the intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy*

respectively (Slotki)] classified as posterior to the specified period], *and the other authority maintains that* the intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] classified as prior to the specified period]?

- Q. *No, all parties concur that* the intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] classified as prior to the specified period, *and both clauses speak of a girl, with the first formulation sustaining the view of Rabbi, and the second, that of R. Simeon b. Eleazar.*
- R. *And if you prefer, I shall say, both statements refer to a boy, and the initial statement sustains the view of R. Simeon b. Eleazar, and the concluding one, that of Rabbi.*
- S. *And if you prefer, I shall say, both statements represent the view of Rabbi, the one with reference to a boy, the other to a girl.*
- T. *And if you prefer, I shall say, both statements represent the view of R. Simeon b. Eleazar, with the first statement speaking of a boy, the second of a girl.*

**I.4.** A. R. Yosé b. R. Judah says, “They are classified as a mark of puberty.”

B. Said R. Kerespedai b. R. Shabbetai, “This rule pertains only when the two hairs are still on him [when he turned thirteen. If they fell off, they are only a mole.]”

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

D. A boy nine years and a day old who produced two pubic hairs — these are classified as a mole. If he was from nine years to twelve years and a day old, and they are still on him, they are classified as a mole.

E. R. Yosé b. R. Judah says, “They are classified as a sign of puberty.”

**I.5.** A. *Said Raba, “The decided law is that* the intervening spell [from the age of eleven years and a day to twelve years and a day, or twelve years and a day to thirteen years and a day, for a girl and a boy respectively (Slotki)] classified as prior to the specified period.”

B. *R. Samuel bar Zutra repeated as a Tannaite version the tradition of Raba in the following language: “Said Raba, ‘As to a minor girl, for her first twelve years she may at any time exercise the right of refusal [of a husband assigned to her by her mother or brothers, who do not have the legal right to betroth her], From that point onward, she may not exercise the rite of refusal, and [if her husband died childless] she also does not enter the rite of removing the shoe.”*

C. *There is a contradiction in the formulation of that statement, for you have said, “she may not exercise the rite of refusal,” from which it follows that she is classified as an adult; and if she is an adult, she should have the right to enter into the rite of removing the shoe! And if you should allege that the framer of the passage is in doubt as to the matter, is it indeed the fact that he is in doubt at all? And has not Raba stated, “A minor girl who reached the age of majority does not have to be examined [as to whether or not she has produced the puberty marks], in the assumption that she has produced the puberty marks.”*

- D. *That rule pertains only in cases lacking all further articulation but here, in which case she has been examined and the marks were not found, that rule does not apply.*
- E. *If that were the case, then she should be able to exercise the right of refusal!*
- F. *We take account of the possibility that the hair having made its appearance has fallen out [in which case she is no longer a minor and has no right to refuse the husband any more].*
- G. *That explanation poses no problem to him who says that we take account of such a possibility, but from the viewpoint of him who says that we do not take account of such a possibility, what is there to be said?*
- H. *For it has been stated:*
- I. R. Pappa said, “We do not take account of the possibility that the puberty-hairs have fallen out.”
- J. R. Pappi said, “We do take account of the possibility that the puberty-hairs have fallen out.”
- K. *That issue pertains in particular to the matter of going through the rite of removing the shoe, but as to the matter of exercising the right of refusal, we do take account of the possibility that the hair has fallen out.*
- L. *It must follow, then, that the one who maintains that we take account of that possibility holds that she enters into the rite of removing the shoe, and lo, we take account of that possibility in general is all that he has said. So it must follow that the girl has not been examined, and we do take account of the possibility that she has lost the pubic hairs so far as determining whether or not she goes through the rite of removing the shoe.*
- M. *And when Raba made his statement concerning the prevailing assumption, it had to do with her exercising her right of refusal, but as to the matter of going through the rite of removing the shoe, she does have to be examined.*
- N. *Said R. Dimi of Nehardea, “The decided law is that we do take account of the possibility that the pubic hairs have fallen out, and that rule applies in a case where one had betrothed her [via the mother or brothers] during the intervening period but had sexual relations only afterward, since a doubt on the authority of the Pentateuch is involved [Slotki: cohabitation, which is a Pentateuchal form of acquisition in marriage, having taken place at an age when she may well be presumed to have attained her majority] but not to the original betrothal alone.”*

**II.1 A.** [Supply: **After this time, even though they said, “We do not know before Whom we have vowed,” “for Whose [sanctity] we have sanctified” — their vow is a vow, and that which they have sanctified is deemed sanctified:**] Said R. Huna, “A [child] who consecrated food and then ate it [Slotki: while exempt from sanctions in other cases] is subject to a flogging. For it is said, ‘When a man...shall clearly utter a vow’ (Num. 6: 2), ‘he shall not break his word’ (Num. 30: 3). Whoever is able ‘clearly to utter a vow’ is liable to the prohibition,



‘he shall not break his word’ (Num. 30: 3). And whoever is not able ‘clearly to utter a vow’ is not liable to the prohibition, ‘he shall not break his word’ (Num. 30: 3).”

- B. *An objection was raised by R. Huna b. R. Judah in respect to the position of R. Huna, [46B] “Since we find that Scripture has treated the minor as equivalent to an adult in the matter of deliberately taking a presumptuous oath, a self-imposed prohibition, and the rule not to break one’s word, we might have supposed that he should also incur the liability of a sacrifice for eating what he has dedicated. So it was made explicit: ‘This is the thing’ (Num. 30: 1) [= ‘this’ and no other].”*
- C. *In any event has it not been stated here that guilt is incurred for infringing upon a self-imposed prohibition and for violating one’s word [but since such a negative precept may be punished by flogging, Huna’s ruling finds support in this ruling (Slotki)].*
- D. *Read: “the prohibition against breaking one’s word” [without incurring a flogging].*
- E. *“The prohibition not to break his word.” what choice is there? If an intelligent minor who is near adulthood is forbidden by the law of the Torah to break his word, then he should also be flogged, and if an intelligent minor approaching adulthood is not pentateuchally forbidden to break his word, then even the violation of a mere prohibition is not at stake here!*
- F. *“The prohibition not to break his word” applies to those who are responsible for him [but not to the minor himself].*
- G. *That implies that if a minor eats carrion, it is the duty of the court to take it away from him.*
- H. *Here with what sort of case do we deal? It is one in which a minor consecrated food, and others ate it.*
- I. *That poses no problems to him who has said that if a minor consecrated food, and others ate it, they are flogged. But from the viewpoint of the one who has said that they are not flogged, what is to be said?*
- J. *For it has been stated:*
- K. *If a minor consecrated food and others ate it —*
- L. *R. Kahana said, “They are not flogged.”*
- M. *R. Yohanan and R. Simeon b. Laqish both say, “They are flogged.”*
- N. *The prohibition not to break the vow [in Kahana’s view] is only on the authority of rabbis, and the Scripture text serves as secondary support.*

## **II.2.** A. *Reverting to the body of the prior text:*

- B. *If a minor [who does not have the power of intentionality required actually to consecrate] consecrated food and others ate it —*
- C. *R. Kahana said, “They are not flogged.”*
- D. *R. Yohanan and R. Simeon b. Laqish both say, “They are flogged.”*
- E. *What is at issue here?*
- F. *One authority [Yohanan and Simeon b. Laqish] takes the view that what is articulated as a vow by a minor approaching adulthood enjoys the status of a valid vow by the law of the Torah, and the other authority [Kahana]*



*maintains that what is articulated as a vow by a minor approaching adulthood enjoys the status of a valid vow only by the authority of rabbis.*

- G. *R. Jeremiah objected, “‘An orphan-girl who took, a vow — her husband has the right to annul it.’ Now if you maintain that what is articulated as a vow by a minor approaching adulthood enjoys the status of a valid vow only by the authority of rabbis, that explains why the relationship of marriage, which in this case rests solely on the authority of rabbis [since by the law of the Torah only the minor’s father may give her away in marriage], brings the right correspondingly to nullify vows that enjoy the status of vows only on the authority of rabbis. But if you maintain that what is articulated as a vow by a minor approaching adulthood enjoys the status of a valid vow by the law of the Torah, can a relationship of marriage that rests solely on the authority of rabbis suffice to permit the husband to nullify vows that enjoy the status of vows on the authority of the Torah?’”*
- H. Said R. Judah said Samuel, “Her husband has the right to remit her vow one way or the other. If the minor’s obligation under the vow rests on the authority of rabbis, then the entire transaction rests on the authority of rabbis. If the minor’s obligation derives from the Torah’s law, then we have a case of a minor who is eating carrion, in which case the court is not obligated to take it away from him.”
- I. *But lo, when the girl grows up, she would be continuing to eat in reliance upon the original act of remission?*
- J. Said Rabbah bar Livai, “Her husband has the right to remit a vow that she takes at any time whatsoever [even after she has become an adult].”
- K. But that rule applies only in a case in which he has had sexual relations with her [after she attained adulthood; that is the point at which the marriage is pentateuchally sanctioned, in which case the husband may likewise disallow a vow that has a Pentateuchal sanction (Slotki)]?
- L. But lo, the vow cannot disallow vows that she took prior to the marriage [Slotki: so how can he disallow a vow that was made by a minor before her subsequently-pentateuchally valid marriage]?
- M. *The rule accords with the principle of R. Phineas in the name of Raba, for said R. Phineas in the name of Raba, “Any case in which a woman takes a vow, it is in the assumption of the knowledge and consent of her husband that she takes that vow.” [Slotki: as the minor was at least rabbinically married when her vow was made, its validity is entirely dependent on her husband’s pleasure. Only where a woman was not married at all at the time of her vow was made is her subsequently married husband precluded from disallowing it.]*
- N. **Said Abbayye, “Come and take note: A minor who has not produced two pubic hairs — R. Judah says, ‘That which he separates is [valid] heave offering.’ R. Yosé says, ‘If [he**

separated heave offering] before he reached the age of vows, that which he has separated is not [valid] heave offering. But [if he separated heave offering] after he reached the age of vows, that which he has separated is [valid] heave offering' [M. Ter. 1:3A-C]. In the assumption that R. Yosé takes the view that at the present time [after the destruction of the Temple], the separation of heave-offering rests on the authority of the Torah, then, if you maintain that what is articulated as a vow by a minor approaching adulthood enjoys the status of a valid vow by the law of the Torah, it is quite reasonable that one who is subject to a Pentateuchal obligation may well render fit, by separating heave offering, what is in the status of untithed produce likewise upon the authority of the Torah. But if you maintain that what is articulated as a vow by a minor approaching adulthood enjoys the status of a valid vow only by the authority of rabbis, can someone who is subject only to the authority of rabbis come along and render fit food that from the authority of the Pentateuch is cultically unprepared?"

- O. No, R. Yosé takes the view that separating heave offering at the present time derives from the authority of the rabbis only.
- P. But is it really true that R. Yosé takes the view that separating heave offering at the present time derives from the authority of the rabbis only? And has it not been taught on Tannaite authority in Seder Olam:
- Q. "...which your fathers possessed, and which you shall possess" (Deu. 30: 5) —
- R. [the duplicated verb, possess, refers] to a first act of possession and a second act of possession that the Israelites will have, but they will have no need for a third act of possession [Slotki: since the second sanctification remained valid for all time; as the land remained sacred, the Pentateuchal obligation of separating heave offering also obviously remained in force].
- S. And said R. Yohanan, "Who is the Tannaite authority behind Seder Olam? It is R. Yosé."
- T. True enough, R. Yosé repeated the document, but R. Yosé did not maintain this particular view [although he bore general responsibility for the document as a whole.]
- U. That indeed stands to reason, for it has been taught on Tannaite authority:
- V. "Ordinary, unconsecrated dough that had become mixed with heave-offering or that was leavened with leaven in the classification of heave offering [47A] nonetheless is liable for the separation of dough offering, though it is not rendered unfit by the touch of a person who has immersed on the selfsame day and awaits sunset for the completion of

his process of purification,” the words of R. Meir and R. Judah.

- W. R. Yosé and R. Simeon declare it exempt from the obligation to separate dough-offering.
- X. *In the assumption that one who maintains that separating heave offering at this time rests on the authority of the Torah, separating dough offering likewise is on the authority of the Torah; and that one who maintains that separating heave offering at this time derives from the authority of rabbis holds that separating dough offering likewise is on the authority of rabbis,*
- Y. *now if you maintain that R. Yosé maintains that separating dough offering at this time derives from the authority of rabbis, then it makes sense that the consideration of a mixture of ordinary produce and heave offering, which derives solely from the authority of rabbis, comes along and remits the obligation of setting aside dough offering, which is likewise based upon the authority of rabbis. But if you maintain that separating dough offering rests on the authority of the Torah, then is it really the case that the consideration of a mixture of heave offering and ordinary food, which is a consideration that rests solely on the authority of rabbis, will come along and set aside the obligation to designate dough offering, which rests on the authority of the Torah? [Surely not!]*
- Z. *But perhaps R. Yosé takes the position that separating heave offering at this time rests on the authority of the Torah, while the obligation to designate dough offering derives only from rabbis.*
- AA. *And that is what was stated as a reply by R. Huna b. R. Joshua. For said R. Huna b. R. Joshua, “I found the household rabbis in session, saying, ‘Even in the opinion of him who says that separating heave offering at this time rests only on the authority of rabbis, designating dough offering, nonetheless, is on the authority of the Torah, for lo, during the seven years in which they conquered the Land of Israel and the seven years in which they divided it up, they were subject to the obligation to designate dough offering, while they were not subject to the obligation to separate tithes.’ And I said to them, ‘Even in the opinion of one who maintains that separating heave offering in the present day rests upon the authority of the Torah, the designation of dough offering derives only from the authority of rabbis.’ For it has been taught on Tannaite authority: Since Scripture has said, “When you come” (Num. 15:18, referring to designating dough offering],*

might one suppose that once the two or three spies had entered the land, the obligation is incurred? Scripture says, “When you come,” meaning, the arrival of all of you is what I meant, and not the arrival of only some of you.’ *But when Ezra brought them back up to the land, not all of them went up with him.*”

I.1 clarifies the language of the Mishnah, which appears to contain contradictions. This is a fine piece of Mishnah-exegesis. No. 2 enriches our understanding of what is at issue in the age-specification of the Mishnah. No. 3 moves on to the clarification of an open issue of the Mishnah’s law. The issue is a substantive one and is pursued in a very sustained and important way. It is included here because of the reference to the language of our Mishnah-paragraph, but it is a free-standing discussion and is not to be treated as Mishnah-commentary. No. 4 is a footnote to No. 3. No. 5 reverts to the problem of No. 3. At II:1 we proceed to a fresh treatment of the Mishnah’s rule. No. 2 forms a footnote to No. 1.

### 5:7

- A. **Sages have made a parable in regard to the woman: (1) an unripe fig, (2) a ripening fig, and (3) a fully ripe fig.**
- B. **An unripe fig — she is still a little girl.**
- C. **And a ripening fig — these are the days of her girlhood.**
- D. **In both periods her father is entitled to keep as his own whatever she finds and to retain her wages and to annul her vows.**
- E. **A fully ripe fig — once she has grown up, her father has no further right over her.**

### 5:8

- A. **What are her tokens?**
- B. **R. Yosé the Galilean says, “When the wrinkle appears beneath the breast.”**
- C. **R. Aqiba says, “When the breasts hang down.”**
- D. **Ben Azzai says, “When the ring around the nipple will turn dark.”**
- E. **R. Yosé says, “[When the breast is so grown] that one puts his hand on the nipple which [then] sinks and delays rising.”**

#### **I.1 A. An unripe fig — she is still a little girl:**

- B. So it has been written, “The fig tree puts forth her green figs” (Son. 2:13).

#### **II.1 A. And a ripening fig — these are the days of her girlhood:**

- B. *As we have learned in the Mishnah: From what time is fruit subject to the law of tithes? Figs — when they have begun to ripen [M. Ma. 1:2A-B].* And in this connection said Rabbah bar bar Hannah said Rab, “It is when their tips grow white.”
- C. *But if you prefer, I shall derive the same fact from the following verse of Scripture: “For my soul became impatient of them and their soul also loathed me” (Zec. 11: 8).*

#### **II.2. A. And a ripening fig:**

- B. as one would say, “It has come forth complete”

**III.1 A. What are her tokens? R. Yosé the Galilean says, “When the wrinkle appears beneath the breast:”**

B. Said Samuel, “It is not that the wrinkle must actually make an appearance, but it is such that, when she puts her hands behind her, the wrinkle beneath the breast seems to appear.”

**III.2. A. Samuel examined his slave-girl, but he paid her four zuz for the indignity.**

B. *Samuel is consistent with views held in general, for* Samuel said, “‘Of them you may make slaves for ever’ (Lev. 25:46) — it is for work that I have given them over to you, but not for humiliation.”

C. Samuel assigned permanent husbands to them.

D. R. Nahman would interchange them.

E. *R. Sheshet gave them to Arabs but told them, “Be warned against having sexual relations with Israelites.”*

**IV.1 A. R. Yosé the Galilean says, “When the wrinkle appears beneath the breast:”**

B. *What is the meaning of the word translated “nipple”?*

C. Said Samuel, “The nipple of the breast.”

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

B. **What are the tokens of maturity?**

C. **R. Eleazar b. R. Sadoq says, “Once her breasts are firm.”**

D. **R. Yohanan b. Beroqa says, “Once the head of the nose turns white.”**

E. **R. Yosé says, “When a ring forms around the nipple.”**

F. **R. Simeon says, “When the *mons veneris* grows lower.”:**

G. **[47B] And so did R. Simeon say, “Just as they listed three tokens on top, so they listed three tokens on the bottom. If she is an unripe fig on the top, she has not brought tokens below at all. If she is a ripening fig on top, she has brought tokens on the bottom as well. If she is a fully ripe fig on the top, the *mons veneris* has grown lower” [T. Nid. 6:4A-F].**

H. What is the meaning of *mons veneris* ?

I. Said R. Huna, “There is a place like an apple on top of that place, and when the girl matures, it grows lower and lower.”

**IV.3. A. They asked Rabbi, “In accord with which authority is the decided law?”**

B. He sent to them, “It accords with the opinion of all of them when it comes to imposing a strict ruling.”

C. *R. Pappa and R. Hinena b. R. Iqa — one repeated that statement in connection with the present matter, while the other repeated it in connection with the law of the Tyrian courtyard. For we have learned in the Mishnah: What type of courtyard is subject to [the law of] tithes [what kind of courtyard renders liable to tithes produce brought within it]? R. Ishmael says, “A Tyrian courtyard, for household wares are kept [safely] within it.”*

D. *What is the meaning of “a Tyrian courtyard”?*

E. Said Rabbah bar bar Hannah said R. Yohanan, “Since in Tyre they put a watchman at the door of a courtyard [the sense is, a guarded courtyard].”

- F. R. Aqiba says, “Any [courtyard] which one [householder] opens but another locks up is exempt [from the law of tithes].”
  - G. R. Nehemiah says, “Any [courtyard] in which a man eats unselfconsciously is subject [to the law of tithes].”
  - H. R. Yosé says, “Any [courtyard] into which [one] enters and no one inquires, ‘What do you want?’, is exempt [from the law of tithes].”
  - I. R. Judah says, “[If there are] two courtyards, one within the other, the inner [courtyard] is subject [to the law], while the other [courtyard] is exempt [from the law]” [M. Ma. 3:5A-E].
  - J. They asked Rabbi, “In accord with which authority is the decided law?”
  - K. He sent to them, “It accords with the opinion of all of them when it comes to imposing a strict ruling.”
- I.1, II.1, 2, III.1, and IV.1 all provide Mishnah-commentary of a simple sort. IV.2 then introduces Tosefta’s complement. No. 3 completes the matter.

### 5:9

- A. A girl twenty years old who has not produced two pubic hairs —
  - B. let her bring evidence that she is twenty years old and she is then declared sterile:
  - C. she does not perform the act of halisah [removing the shoe to sever a levirate connection] and does not enter into levirate marriage.
  - D. A boy twenty years old who has not produced two pubic hairs —
  - E. let him bring evidence that he is twenty years old, and he is declared a eunuch.
  - F. He does not perform halisah [removing the shoe to sever a levirate connection] and does not enter into levirate marriage.
  - G. These are the words of the House of Hillel.
  - H. The House of Shammai say, “Both rules apply to one who is eighteen years old.”
  - I. R. Eliezer says, “The rule for the male is in accord with the opinion of the House of Hillel, and the rule for the female is in accord with the opinion of the House of Shammai, for the woman matures before the man.”
- I.1** A. *An objection was raised on the basis of the following:* It is all the same to me whether it is a boy nine years and a day old and someone twenty years old who has not produced two pubic hairs [the same rule applies, and such a person is still a minor. What basis then is there to introduce a new legal status that takes effect at twenty?]
- B. Said R. Samuel bar R. Isaac said Rab, “This rule [of the Mishnah-paragraph before us] applies only if the marks of a eunuch appeared in him.”
  - C. *Said Raba, “A close reading of the passage will yield the same point, for it has been stated on Tannaite authority: let him bring evidence that he is twenty years old, and he is declared a eunuch.”*
  - D. *That is a decisive proof.*



- I.2.** A. But if the marks of a eunuch did not appear in him, how long [is he regarded as a minor]?
- B. *R. Hiyya repeated on Tannaite authority: "Until he has passed the greater number of his years."*
- C. *When cases came of that sort before R. Hiyya, he would say to them if the youth was emaciated, "Fatten him up first," and if he was fat, he would say, "Let him lose weight first," for these symptoms may appear because of emaciation or because of obesity.*
- I.3.** A. *Said Rab, "The decided law throughout the chapter is that [Slotki:] age is calculated from one point of time to another point of time." [Slotki: the age of twenty, for instance, is deemed to have been attained at the completion of full twenty years of life and not merely at the beginning of the twentieth calendar year.]*
- B. *And Ulla said, "In passages in which we have learned that fact on the basis of an explicit statement of the Mishnah, then we have learned that fact on the basis of an explicit statement of the Mishnah, but if we have not learned that fact on the basis of an explicit statement of the Mishnah, then we have not."*
- C. *Now with respect to the position of Ulla, that is why we have learned on Tannaite authority in the present instance, "one day," while in some other aspect, that is not stated. But according to Rab, why is this "and one day" not stated at all?*
- D. *And further, it was taught on Tannaite authority: R. Yosé b. Kipper says in the name of R. Eliezer, "The twentieth year in which thirty days have passed is equivalent to the entirety of the twentieth year for every purpose."*
- E. *So too Rabbi gave instructions in Lydda, "The eighteenth year in which thirty days have passed is equivalent to the entirety of the eighteenth year for every purpose."*
- F. *Now so far as what Rabbi and R. Yosé b. Kipper are concerned, there is no problem, for the former [in regard to eighteen years] accords with the House of Shammai, and the latter [on twenty years] is in accord with the House of Hillel. But from the viewpoint of Rab, there is a real contradiction!*
- G. *What we have in hand is a dispute among Tannaite versions, for it has been taught on Tannaite authority:*
- H. *The year that is stated with reference to Holy Things, that is stated with reference to walled cities, the two years that are stated with reference to a field of possession, the six years that are stated with reference to the Hebrew servant, the years in the age of a son and a daughter — all are to be calculated [Slotki:] from one point of time to another point of time.*
- I. *How do we know the rule concerning the year that is mentioned in connection with Holy Things?*
- J. *Said R. Aha bar Jacob, "Said Scripture, 'a lamb of its year' (Lev. 12: 6), meaning, 'its own year, not a calendar year.'"*
- K. *How do we know the rule concerning the year that is mentioned in connection with houses in walled cities?*
- L. *Scripture has said, "Until the end of his year of sale" (Lev. 25:29) — only his year of sale, not a calendar year.*

- M. *How do we know the rule concerning the two years mentioned in connection with the two years of the field of possession?*
- N. Scripture has said, "According to the number **[48A]** of the years of the crops he shall sell to you" (Lev. 25:15), meaning, there are times that you sell three crops in two years.
- O. *How do we know the rule concerning the six years of the Hebrew slave?*
- P. Scripture has said, "Six years he shall serve, and in the seventh" (Exo. 21: 2), meaning, in the seventh calendar year he shall also serve.
- I.4.** A. *For what purpose is the law concerning the years in the age of a son and a daughter?*
- B. Said R. Giddal said Rab, "It has to do with assessing vows of valuation."
- C. R. Joseph said, "It has to do with the ages mentioned in the chapter, **As to that which goes forth from the side [delivered by Caesarean section] [M. 5:1A].**"
- D. *Said to him Abbaye, "Do you then disagree?"*
- E. *He said to him, "No. He said one thing and I said another, but we really do not disagree."*
- F. *And that stands to reason, for if you suppose that there is a point at issue between them, then the one who has said, "It has to do with assessing vows of valuation," would not maintain the view of him who said, "It has to do with the ages mentioned in the chapter, **As to that which goes forth from the side [delivered by Caesarean section] [M. 5:1A],**" and has not Rab said, "The decided law throughout the chapter is that [Slotki:] age is calculated from one point of time to another point of time"?*
- G. *But then as to the one who has said, "It has to do with assessing vows of valuation," not said, "It has to do with the ages mentioned in the chapter, **As to that which goes forth from the side [delivered by Caesarean section] [M. 5:1A]**"?*
- H. *The reference [A girl twenty years old...A boy twenty years old] must be similar to the items enumerated earlier. Just as those items [holy things, houses in walled cities, and the like] all were ones that were mentioned in Scripture, so these items [the girl, the boy] should be those recorded in Scripture [Slotki: hence his reply that the reference was to valuations, which are also recorded in Scriptures, though he fully agrees that the same principle applies also to the years in the ages dealt within the present chapter, which are not scriptural but merely traditional].*
- I. *And the other party?*
- J. *The language that should have been used then is not "the age of a boy or a girl" but "the age of a male or a female" [which is the kind of language Scripture uses in regard to valuations, as at Lev. 27: 3f.]*
- K. Said R. Isaac bar Nahmani said R. Eleazar, "The decided law is in accord with that which R. Yosé b. Kipper said in the name of R. Eliezer."
- L. *Said R. Zira, "May I have the merit of going up to the Land of Israel and learning that tradition straight from the mouth of the master."*

- M. *When he went up, he fought R. Eleazar and said to him, “Have you said, ‘The decided law is in accord with that which R. Yosé b. Kipper’?”*
- N. *He said to him, “What I said was, ‘it stands to reason,’ since throughout the chapter ‘one day’ was explicitly added, while in this case, it was not mentioned, so it may be inferred that the decided law accords with him.”*

I.1 raises an important question of clarification. No. 2 glosses No. 1, and No. 3, 4 continue the process of clarification.