

VI

BAVLI NIDDAH CHAPTER SIX

FOLIOS 48A-54B

6:1

- A. [If] the token [of puberty] below appeared before that above, [the girl] either carries out the rite of removing the shoe to abrogate a levirate connection [halisah] or she actually enters levirate marriage.
- B. [If] the upper token appeared before the lower one, even though it is not possible [for the upper to appear before the lower] —
- C. R. Meir says, “She does not carry out the rite of halisah and she does not enter into levirate marriage.”
- D. And sages say, “She either carries out the rite of halisah or enters into levirate marriage.”
- E. Because they have said, “It is possible for the lower token to appear before the upper one appears, but it is not possible for the upper one to appear before the lower one appears.”
- I.1** A. [If the token of puberty below appeared before that above, the girl either carries out the rite of removing the shoe to abrogate a levirate connection or she actually enters levirate marriage. If the upper token appeared before the lower one, even though it is not possible for the upper to appear before the lower — R. Meir says, “She does not carry out the rite of *halisah* and she does not enter into levirate marriage.” And sages say, “She either carries out the rite of *halisah* or enters into levirate marriage:”] ...even though it is not possible [for the upper to appear before the lower] — and lo, as a matter of fact the upper token appeared before the lower one!
- B. the upper token appeared before the lower one — from the perspective of R. Meir, but even though it is not possible [for the upper to appear before the lower] — from the perspective of sages.
- C. *Then the passage should be repeated in the language,* If the upper token appeared, R. Meir says, “She does not carry out the rite of *halisah* and she does not enter into levirate marriage.” And sages say, “She either carries out the rite of *halisah* or enters into levirate marriage.” *Then I should know that it is because it is not possible [in sages’ opinion] for that to happen.*

- D. *If the Tannaite framer of the passage had not stated, ...even though it is not possible [for the upper to appear before the lower], I should have supposed that for most women the lower sign appears prior to the upper, and in a minority the upper sign comes first, and R. Meir is consistent with principles he holds in general, since he maintains that we do take account of the case of the minority, while rabbis are likewise consistent with their view that we do not take account of the condition of a minority, and, further, that position on each side pertains to a case lacking particularization, but in a case in which an actual examination is held and the marks are not found, I might say that rabbis concur with R. Meir that the upper mark comes first. So we are informed to the contrary that it is not possible, and that the lower mark had certainly appeared earlier but had fallen off.*
- E. *Now with reference to R. Meir, there is no problem in that which is written, “Your breasts were fashioned and your hair had grown” (Eze. 16: 7), [for the upper marks of puberty may sometimes appear prior to the lower, as indicated in the cited verse], but from the perspective of rabbis, the contrary should order be required!*
- F. *This is the sense of the passage: “since the breasts were fashioned, it may be known for certain that your hair has grown.”*
- G. *Now with reference to R. Meir, there is no problem in that which is written, “When they from Egypt bruised your breasts for the bosom of your youth” (Eze. 23:21), but from the perspective of rabbis, the contrary should order be required!*
- H. *This is the sense of the passage: since your breasts have appeared, it may be known for certain that your “youth” has appeared as well.*
- I. *And if you prefer, I may say, “What is the meaning of the letters represented as ‘bosom’? The entire verse has been framed with reference to the beasts, and this is what the Holy One, blessed be he, had in mind to say to Israel: [48B] ‘Your breasts were swollen, but you did not repent, your breasts were dried up, but you did not repent.’”*
- I.2. A.** *In any event, all parties concur that we rely upon the appearance of the lower mark [to attest that the girl has reached puberty]. How do we know that fact?*
- B. *Said R. Judah said Rab, and so the Tannaite authority of the household of R. Ishmael [stated], “Scripture has said, ‘When a man or a woman shall commit any sin that men commit’ (Num. 5: 6) — Scripture thereby has treated a woman as equivalent to a man with respect to all of the sanctions that are in the Torah. Just as in the case of a man, we suffice with the appearance of a single puberty-sign, so with the case of a woman we suffice with the appearance of a single puberty-sign.”*
- C. *Might I then say that either one sign or the other would suffice [Slotki: the analogy between man and woman extending only as far as a single mark is concerned, that one mark, upper or lower, suffices to establish the majority of a woman, as one mark, the lower, establishes the majority of a man]?*
- D. *Just as in the case of a man, it is the appearance of the lower puberty sign and not the upper that is decisive, so in the case of a woman, it is the appearance of the lower puberty sign and not the upper that is decisive.*

- E. *So too it has been taught on Tannaite authority:*
- F. **Said R. Eliezer b. R. Sadoq, “This is how at Yavneh they explained and stated matters: ‘Once the lower sign has made its appearance, no further attention is paid to the upper one.’”**

I.3. A. *It has been taught on Tannaite authority:*

- B. **Rabban Simeon b. Gamaliel says, “In the case of girls in towns, the lower mark appears first, because they are accustomed to take baths; in the case of girls in villages the upper mark appears earlier, because they grind with millstones [exercising with the arms and distending the breasts].”**
- C. **R. Simeon b. Eleazar says, “In the case of rich girls the right hand side develops earlier, because it rubs against their scarves; among the poor girls the left hand side does, because they carry jars of water on them. *If you prefer, I might say, because they carry their younger siblings on their sides*” [T. [Nid. 6:9A-C](#)].**

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

- B. The left side develops before the right.
- C. R. Hanina, son of the brother of R. Joshua, says, “The left hand side never develops before the right hand side, except for the case of one woman who lived in my neighborhood, the left side of whom developed earlier than the right, which later on regained its normal strength.”

I.5. A. *Our rabbis have taught on Tannaite authority:*

- B. When any girl is examined, it is to be by women.
- C. And so did R. Eliezer hand over girls to his wife for examination, and R. Ishmael handed them over to his mother.
- D. R. Judah says, “Prior to the turning point [the age of eleven years and a day] and after the turning point [the age of twelve years and a day] women examine them, but during the turning point [the interval] women do not examine them, because a woman [certified as mature] is not to be permitted to marry on the evidence of women [that the puberty signs have appeared].”
- E. R. Simeon says, “Even during the turning point [from eleven years and a day through twelve years and a day], women examine them.”
- F. A woman is believed as a witness when it comes to making a strict ruling [that the marks have not appeared] but she is not believed when it comes to making a lenient ruling.
- G. What would this mean in fact? “She is an adult” — so that she should not have the right of refusal [of a husband chosen for her beforehand by her brothers or mother, who have no legal right conferred by the Torah to do so], “she is a minor,” so that she should not undergo the rite of removing the shoe.
- H. But she is not believed to state, “she is a minor” so that she may exercise the right of refusal, or, “she is an adult,” so that she may undertake the rite of removing the shoe.

I.6. A. A master has said, “R. Judah says, ‘Prior to the turning point [the age of eleven years and a day] and after the turning point [the age of twelve years and a day] women examine them, but during the turning point [the interval] women do not

examine them, because a woman [certified as mature] is not to be permitted to marry on the evidence of women [that the puberty signs have appeared].”

- B. *Now with respect to the period prior to the turning point, there has to be an examination, since, should the same hairs and no others be found afterward, they would be classified as a mole. But why in the world does there have to be an examination after the period? Has not Raba said, “A minor who has attained the age of her majority does not have to be examined, since it is assumed that she has produced the puberty signs”?*
- C. *When Raba made that statement, the presumption pertained in particular to the right of refusal, but as to whether or not the rite of removing the shoe should be undertaken, an examination has to be made during the year that marks the turning point.*
- D. *“but during the turning point [the interval] women do not examine them, because a woman [certified as mature] is not to be permitted to marry on the evidence of women [that the puberty signs have appeared]” — he is of the view that the span of time within the turning point of the twelfth year is classified as equivalent to the time after the turning point. But after the turning point, when Raba’s presumption does pertain, we rely on women, who may conduct the examination. During the year that marks the turning point, when the presumption of Raba does not pertain, we do not rely on women, and they are not to conduct the examination.*

I.7. A. R. Simeon says, “Even during the turning point [from eleven years and a day through twelve years and a day], women examine them.”

- B. *He is of the view that the span of time within the turning point of the twelfth year is classified as equivalent to the time prior to the turning point, and an examination is required, for if puberty signs should turn up after the year that marks the turning point, it will be classified as a mole.*

I.8. A. A woman is believed as a witness when it comes to making a strict ruling [that the marks have not appeared] but she is not believed when it comes to making a lenient ruling.

- B. *Who is responsible for this statement?*
- C. *If you wish, I shall say that it is R. Judah, and makes reference to the period within the year that marks the turning point,*
- D. **[49A]** *and if you wish, I shall say that it is R. Simeon, and makes reference to the period after the year that marks the turning point, for he does not affirm the presumption that is stated in the name of Raba.*

II.1 A. **Because they have said, “It is possible for the lower token to appear before the upper one appears, but it is not possible for the upper one to appear before the lower one appears:”**

- B. *What need do I have for this further statement of what the Tannaite framer has said at the outset anyhow [even though it is not possible for the upper to appear before the lower]? And if you should propose that the intent was to show that the anonymous statement of the rule stood for the opinion of rabbis, for when an individual is in contradiction to a majority, the decided law accords with the majority, that is perfectly obvious [and hardly required so loud a signal]!*

- C. *What might you have supposed? The reasoning of R. Meir is more acceptable, because there are verses of Scripture that sustain his opinion. Thus we are shown the contrary.*
- D. *And if you prefer, I shall say that it is because he wanted to use the language of Similarly [M. 6:2A].*

I.1 carries out an absolutely first-rate piece of required analysis of the language at hand, which, on the surface, is incomprehensible. No. 2. carries forward the analysis of the Mishnah-paragraph. Once the language is clarified, we ask about the sources. No. 3, 4, 5 form a complement to No. 2. No. 6, 7, 8 then take up items out of No. 5. II.1 makes an important observation on the language of the Mishnah.

6:2-3

6:2

- A. **Similarly:**
- B. **Any clay utensil that will let in a liquid will let it out.**
- C. **But there is one which lets out a liquid and does not let it in.**
- D. **Every limb which has a claw on it has a bone on it, but there is that which has a bone on it and does not have a claw on it.**

6:3

- A. **Whatever is susceptible to midras uncleanness is susceptible to corpse uncleanness,**
- B. **but there is that which is susceptible to corpse uncleanness and is not susceptible to midras uncleanness.**

- I.1** A. A utensil with a hole that lets in liquid is unfit for use in collecting purification-water, and it is unfit on grounds of being a defective utensil [so it cannot contract uncleanness].
- B. One that lets out water is valid for use in collecting purification-water, but it still is unfit on grounds of being a defective utensil [and so cannot contract uncleanness].
- C. Said R. Ashi, "They repeat: 'A clay utensil — the measure of a hole that renders the utensil unfit for use in collecting purification-water is sufficient to let liquid in; one that will let a liquid flow out is mentioned only in regard to whether or not it is a defective utensil.'"
- D. *What is the operative consideration?*
- E. Said Mar Zutra b. R. Nahman, "It is because people do not say, 'Bring a defective utensil for another defective utensil'" [Slotki: that the former should receive the leakage from the latter; a defective utensil may be so used under an otherwise sound one, since the latter is not discarded on account of a very small hole. When such a hole occurs in a defective utensil, it is completely discarded and therefore loses its status]."

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

- B. How do people examine a clay utensil to see whether or not it is so perforated as to allow water to flow in? One brings a trough full of water and puts the pot into

it. If it admits water, it is then clear that it is so perforated as to admit water, and if not, it is then certain that it merely allows water to flow out.

- C. **[49B]** R. Judah says, “One inverts the handles of the pot into the tub [while the pot is empty] and allows water to float over it. If water flows in, then it is certain that the pot will let liquids in, but if not, then it is certain that it only lets liquids out.
- D. Alternatively, one puts the pot on a fire. If the fire stops the leakage, it is then clear that the pot will only let liquids out, but if not, it is then clear that it also will let liquid in.
- E. R. Yosé says, “One does not actually put it on a fire, since the fire will stop it up, but it is put on the embers. If the embers stop it up, it is clear that it only lets liquids out, but if not, it is clear that it also lets liquids in.
- F. If it drops drop by drop, it is certain that it lets liquids in.
 - G. *What is at stake between the initial Tannaite statement and that of R. Judah?*
 - H. *Said Ulla, “At issue is a case in which the pot absorbs liquid under pressure.”*

II.1 A. Every limb which has a claw [nail] on it has a bone on it, but there is that which has a bone on it and does not have a claw on it:

- B. If [a redundant finger] grows a nail, it imparts uncleanness when it is touched or when it is carried and when it is in the tent.
- C. If it has a bone but no nail, it imparts uncleanness when it is touched or when it is carried, but it does not impart uncleanness in a tent.
- D. Said R. Hisda, “This matter did Our Chief Rabbi state — may the Omnipresent be his support! — ‘A redundant finger that has a bone but no nail imparts uncleanness if it is touched or carried but it does not impart uncleanness in a tent.’”
- E. Said Rabbah b. b. Hannah said R. Yohanan, “[Slotki:] That is so only when it is not counted in the row of the fingers of the hand.”

III.1 A. Whatever is susceptible to midras uncleanness is susceptible to corpse uncleanness, but there is that which is susceptible to corpse uncleanness and is not susceptible to midras uncleanness:

- B. Whatever is suitable to contract midras-uncleanness contracts corpse-uncleanness, but there are things that are suitable to contract corpse-uncleanness but not midras-uncleanness.
- C. *What is encompassed by that statement? What is encompassed is a seah-measure and a tarqab-measure, for it has been taught on Tannaite authority:*
- D. “And he who sits on any thing” (Lev. 15: 6) — might one suppose that if one turned over a seah-measure and sat down on it, or a tarqab-measure and sat down upon it, it will be unclean?
- E. Scripture states, “On which he who has an issue has sat” (Lev. 15: 6), meaning, that which is designated as an object for sitting, which then excludes something concerning which people may say, “Get up and let us do our work with that object.”

I.1 clarifies what is at issue in the Mishnah's opening rule. No. 2 complements No. 1. II.1 amplifies the rule of the Mishnah and shows what is at stake, and the same is so at III.1.

6:4A

A. Whoever is worthy to judge capital cases is worthy to judge property cases and there is one who is worthy to judge property cases and is not worthy to judge capital cases.

I.1 A. *Said R. Judah, "This serves to encompass a mamzer."*

B. *Have we not learned this Tannaite formulation another time:*

C. *All are valid to judge monetary cases, but all are not valid to judge capital cases. In this regard we reflected: to encompass whom? and said R. Judah, "This serves to encompass a mamzer."*

D. *One serves to encompass a proselyte, the other to encompass a mamzer, and it was necessary to make both points, for had we inferred only the case of the proselyte, the operative consideration would be that such a one is suitable to enter the congregation, but a mamzer, who is not suitable to enter the congregation, I might have thought was not subject to the rule.*

E. *And had we been given the statement only concerning the mamzer, I might have supposed that the operative consideration is that, in any event, he derives from valid semen, but a proselyte, who derives from invalid semen, I might have said that to him the rule does not apply. So both statements are necessary.*

The clarification of the Mishnah presents no surprises.

6:4B

B. Whoever is suitable to judge is suitable to give testimony, but there is one who is suitable to give testimony but is not suitable to judge.

I.1 A. *What classification of persons is encompassed by this statement?*

B. *Said R. Yohanan, "It is meant to encompass someone who is blind in one of his eyes."*

C. *And who is the authority behind this statement? [50A] It is R. Meir, for it has been taught on Tannaite authority:*

D. *R. Meir says, "What is the meaning of the verse of Scripture, 'According to their words shall every controversy and every leprosy be' (Deu. 21:5)? What have controversies [about civil matters] to do with [considerations of] leprosy? Scripture links civil suits to decisions on leprosy [to make the following points]. Just as decisions on the status of lepers are made by day, as it is written, 'And in the day on which the raw flesh appears in him' (Lev. 13:14), so decisions in civil suits are taken by day.*

E. *"And just as decisions on leprosy cannot be made by blind men, as it is written, 'Wherever the priest looks' (Lev. 13:12), so civil suits may not be decided by blind men.*

F. *"The text further links decisions on leprosy to decisions on civil suits [imposing on the former rules governing the latter], thus, just as civil suits may not be tried by relatives, so decisions on leprosy may not be made by relatives.*

- G. “Should you further propose that, just as civil suits must be decided by three judges, so decisions on matters of leprosy must be settled by three priests,
- H. “— and it is a matter of logic: if a person’s property is disposed of by three, should not the status of his own body all the more so be settled by three? —
- I. “to forestall this conclusion, Scripture states, ‘When he shall be brought to Aaron, the priest, to one of his sons, the priests’ (Lev. 13: 2), in which you learn that even a single priest may inspect leprosy-signs.”

- I.2.** A. *There was a blind man in the vicinity of R. Yohanan, who would judge cases, and R. Yohanan did not object in any way.*
- B. *How could he have done so, for has not R. Yohanan stated, “The decided law is in accord with the Mishnah when it is stated anonymously [not in the name of a specific authority]”?*
- C. *And we have learned in [an anonymous passage] of the Mishnah: **Whoever is suitable to judge is suitable to give testimony, but there is one who is suitable to give testimony but is not suitable to judge [M. Nid. 6:4G]?***
- D. *And we said, “To encompass what classification of persons?” And R. Yohanan stated, “That statement serves to encompass one who is blind in one eye [who can give testimony but not judge a case].”*
- E. *R. Yohanan took note of a different passage of the Mishnah, one that is given anonymously, namely: **In property cases they try the case by day and complete it by night [M. San. 4:1J].***
- F. *What makes one anonymous Mishnaic rule more reliable than some other?*
- G. *If you like, I shall say that an anonymous statement of the law that conforms to collective opinion is preferable [to one which, we know from other evidence, speaks only for an individual. Meir’s view and the anonymous version of Meir’s view therefore must take second place.]*
- H. *And if you like, I shall propose that the framer of the Mishnah has cited the [anonymous version of the law in accord with the opposition to Meir] in the context of laws on the conduct of trials [and not merely incidentally].*

We follow the established pattern of exegesis and then pursue a secondary amplification of the same matter.

6:5

- A. Whatever is liable for tithes is susceptible to the uncleanness pertaining to foods,**
- B. but there is that which is susceptible to the uncleanness pertaining to foods and is not liable for tithes.**

I.1 A. *To encompass what classification of foods?*

B. *To encompass meat, fish, and eggs [which are not subject to tithing].*

The reading of the Mishnah is consistent throughout.

6:6

- A. Whatever is liable for peah is liable for tithes, but there is that which is liable for tithes and is not liable for peah.**

I.1 A. *To encompass what classification of foods?*

- B. *To encompass fig trees and vegetables, which are not subject to the obligation to designate peah. For we have learned in the Mishnah: They stated a general principle concerning the requirement of designation of produce as peah: Whatever is: (1) edible, (2) privately owned, (3) grown from the ground, (4) harvested as a crop, (5) and can be preserved in storage, is subject to designation as peah, Grain and legumes are included in this general principle [M. Peah 1:4].*
- B. *edible: to exclude aftergrowths of woad and madder;*
- C. *privately owned: to exclude ownerless crops;*
- D. *grown from the ground: to exclude morils and truffles;*
- E. *harvested as a crop: to exclude a fig tree;*
- F. *and can be preserved in storage: to exclude vegetables.*

Composite on the Obligations of Tithing

- G. *In respect to tithes, we have learned in the Mishnah: A general principle they stated concerning tithes: anything which is (1) food, (2) cultivated, (3) and which grows from the earth is subject to [the law of] tithes. And yet another general principle they stated: anything which at its first [stage of development] is food and which at its ultimate [stage of development] is food [e.g., greens] — even though [the farmer] maintains [its growth] in order to increase the food [it will yield] — is subject [to the law of tithes whether it is] small or large [at all points in its development]. But anything which at its first [stage of development] is not food, yet which at its ultimate [stage of development] is food [e.g., the fruit of trees] is not subject [to the laws of tithes] until it becomes food [M. Maaserot 1:1A-H].*
- H. *Now the details, (4) harvested as a crop, (5) and can be preserved in storage, are not repeated here!*
- I. *If garlic or onions grew among them, they are subject to peah. For we have learned in the Mishnah: Seed onions are subject to [designation as] peah. But R. Yosé declares them exempt. [As regards] plots of onions [sown] between [plots of] vegetables — R. Yosé says, “[The farmer designates] peah from each and every one [of the plots of onions].” But sages say, “[He designates peah] from one [plot] on behalf of all [of the plots together]” [M. Peah. 3:4A-E].*
- I.2. A.** *Said Rabbah b. b. Hannah said R. Yohanan, “Endives that were originally sown for cattle-fodder, and then the farmer changed his mind and decided to use them for human consumption [50B] must be subjected to that intention after they have been plucked up.”*
- B. *He takes the view that the formation of an intention as to the disposition of a crop while the crop is still attached to the ground has no effect at all.*
- C. *Said Raba, “We also have learned that principle on Tannaite authority: Thirteen matters regarding the carrion of the clean bird — and this is one of them — It requires intention [for use as food] and does not require preparation [to be made susceptible to uncleanness] [M. Toh. 1:1A-B]. It*

therefore follows that the formation of intentionality concerning that which is yet alive is null. And here too, the formation of intentionality concerning that which is yet attached to the ground is simply null."

- D. *R. Zira said, "Here we deal with the case of a pigeon that dropped from on high, so that it was not in our possession in such a way that we might form any intentionality in its regard at all [which explains why only after it was carrion it requires intention for use as food and does not require preparation [to be made susceptible to uncleanness]."* [Slotki: if a live animal was intended for use as food, no further intention is necessary after it has been killed.]
- E. *Said to him Abbaye, "What then is to be said about the case of the hen of Yavneh [which the owner had in hand before it died, and it was regarded as food, simply because Samaritans living there planned to use it for food after it died]?"*
- F. *He said to him, "It was a wild cock [which people do not usually eat, so intentionality for eating it is required]."*
- G. *They laughed at him: "A wild cock is an unclean bird, and an unclean bird does not convey the uncleanness that carrion of a clean bird does, that is, when in the esophagus]."*
- H. *Said Abbaye to them, "This is a major authority, and when a major authority makes a statement, do not laugh at him. It was a case of a hen that had run away, and as to the meaning of 'wild,' it turned wild so far as the master was concerned."*
- I. *R. Pappa said, "It was a field hen."*
 - J. *R. Pappa is consistent with views expressed elsewhere, for R. Pappa ruled, "A field cock is forbidden, and a field hen is permitted, and your mnemonic is, 'a male Ammonite but not a female Ammonite.'"*
 - K. *Maremar expounded, "A field hen is forbidden."*
 - L. *Our rabbis noted, "It stamps on its prey when eating it, and this bird is called a giruta."*

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

- B. **[A general rule did they state in connection with clean [foods]: Whatever is set aside for human consumption — it is susceptible to uncleanness until it is unfit for food for a dog. And whatever is not set aside for human consumption-it is insusceptible to uncleanness until it is designated for man. How so?] A young pigeon which fell into the winepress, and one gave thought to it to bring it up for a gentile — it is susceptible to uncleanness. And if one gave thought to bring it up for a dog — it is insusceptible to uncleanness. R. Yohanan b. Nuri declares it susceptible to uncleanness. [If a deaf-mute, an imbecile, or a minor gave thought to it, it is insusceptible to uncleanness. If they brought it up, it is susceptible to uncleanness, for they have the power of deed, but they do not have the power of effective intention] [M. Toh. 8:6A-H].**
- C. *Said R. Yohanan b. Nuri, "It is an argument a fortiori: if the pigeon conveys a most severe form of uncleanness even without intentionality [that is, when the man was unaware that he was eating that particular pigeon, the pigeon nonetheless*

imparts uncleanness to the person and to the clothing that he is wearing], should it not impart a minor form of uncleanness without intentionality [that is, uncleanness of food and drink when it is in contact with them]?”

- D. They said to him, “No. If you have invoked the uncleanness of a most severe form, which never descends to them, will you make the same statement of a less severe form of uncleanness, which descends to that?”
- E. He said to them, “The hen of Yavneh proves my point, for it descends to that, and they declared it unclean even without an act of intentionality to use the hen for food.”
- F. They said to him, “Is there any proof from that case? They are Samaritans, and they had given thought to eating it.”

G. *Now with what sort of case do we deal? If it is a case involving big cities, what need is there for intentionality at all, for we have learned in the Mishnah: **The carrion of an unclean beast located anywhere, and the carrion of clean fowl in the villages require intention but do not require preparation. The carrion of a clean beast located anywhere, and the carrion of clean fowl, and fat in the markets do not require intention or preparation [M. Uqsin 3:3A-G].***

H. *Now if you should propose that we deal with that which is in villages, is there any authority who maintains that in that case intentionality is required, since we have learned in the Mishnah above: **The carrion of an unclean beast located anywhere, and the carrion of clean fowl in the villages require intention but do not require preparation?***

I. Said R. Zeira bar Hanina, “In point of fact it is a case involving a city, but the reason the rabbis require an act of intentionality is that the wine press caused the pigeon to be objectionable and not suitable for consumption, and so in this case they treated the town to be treated as equivalent to the village.”

I.4. A. Said R. Yohanan b. Nuri, “It is an argument a fortiori: if the pigeon conveys a most severe form of uncleanness even without intentionality [that is, when the man was unaware that he was eating that particular pigeon, the pigeon nonetheless imparts uncleanness to the person and to the clothing that he is wearing], should it not impart a minor form of uncleanness without intentionality [that is, uncleanness of food and drink when it is in contact with them]?”

B. They said to him, “No. If you have invoked the uncleanness of a most severe form, which never descends to them, will you make the same statement of a less severe form of uncleanness, which descends to that?”

I.5. A. What is the meaning of “which descends to that”?

B. *Said Raba, “This is the sense of what they said: ‘No, if you have made that statement [51A] with reference to a most severe form of uncleanness, which does not then cause uncleanness of the same grade [if a carcass, which is a generative source of uncleanness, imparts to a person, the person then does not impart uncleanness to*

another person], will you say the same of uncleanness of a lesser order, which does then cause uncleanness of the same grade?”

- C. *Said to him Abbaye, “This is indeed a matter of an argument a fortiori: if a most severe form of uncleanness, which is the lesser in that it does not then cause uncleanness of the same grade, imparts uncleanness even where there is no intentionality in play, a lesser form of uncleanness, which is in point of fact the weightier matter in that it does cause uncleanness of the same grade, surely should impart uncleanness without an act of intentionality!”*
- D. *Rather, said R. Sheshet, “This is the sense of what he said: ‘No, if you have made that statement [that an act of intentionality is not necessary] with respect to a most severe form of uncleanness, in which case there is no need to effect susceptibility to uncleanness at all, will you say the same of a less severe form of uncleanness, which does require an act of preparation to effect susceptibility to uncleanness?’”*
- E. *But is it really the fact that an act of rendering susceptible to uncleanness is required, and have we not learned on Tannaite authority: **Thirteen matters regarding the carrion of the clean bird: it requires intention [for use as food] ...and it impart uncleanness only when it is in the esophagus, and it does not require preparation [M. Toh. 1:1A, D, B].***
- F. *While, to be sure, it does not require preparation in such wise that contact with a dead creeping thing will render it unclean [for the uncleanness in that context is automatic], it does have to be rendered susceptible to uncleanness by means of being wet down [like any other foodstuff, and if it is not wet down, it cannot become unclean at all].*
- G. *And why is it the case that it does not require preparation in such wise that contact with a dead creeping thing will render it unclean [for the uncleanness in that context is automatic]?*
- H. *The answer is in accord with that which was taught by the Tannaite authority of the household of R. Ishmael.*
- I. *But if the answer is in accord with that which was taught by the Tannaite authority of the household of R. Ishmael, then it also should not require being rendered susceptible to uncleanness by means of being wet down!*
- J. *For the Tannaite authority of the household of R. Ishmael [stated], “‘Upon any sowing seed which is to be sown’ (Lev. 11:37) — just as seeds, which ultimately will not ever contract uncleanness of a most severe sort, have to be rendered susceptible, by being wet down, to uncleanness, so anything which will not ultimately become susceptible to uncleanness of a most severe sort requires being rendered*

susceptible, by being wet down, to uncleanness — thereby excluding the carrion of clean fowl, which ultimately will contract uncleanness of a most severe sort [such that it imparts uncleanness to a human being and to the clothing that he is wearing], which does not require being rendered susceptible to uncleanness.”

K. Rather, said Raba, and some say, R. Pappa, ““The reference to the argument of rabbis is to a major uncleanness in general and to a minor uncleanness in general.” [Slotki: In the case of the former, susceptibility is never required; hence it is that no intention is required either. In the case of the latter, susceptibility is usually required, though not in the particular case of the bird; hence it is that intention also is necessary.]

- I.6.** A. [Reverting to No. 2 above:] Said Raba, “But R. Yohanan [who stated earlier that the formation of an intention as to the disposition of a crop while the crop is still attached to the ground has no effect at all.] concedes in respect to tithe that an act of intentionality that concerns produce attached to the ground is entirely valid.”
- B. *Said Raba, “How do I know it? For we have learned in the Mishnah: [Coriander which is sown in a courtyard — the householder plucks one leaf at a time and eats without incurring the obligation to tithe. But if he gathers the plucked leaves together, he is required to tithe them]. Savory, or sweet marjoram or thyme which are [growing] in a courtyard — if they were being cultivated, they are subject [to the law of tithes] [M. Maaserot 3:9A-K]. Now how shall we interpret the case at hand? If they were sown to begin with for use by a human being, is it necessary to make that statement at all? Rather, is it not a case in which the farmer sowed the seed for fodder for cattle? And it has been stated, if they were being cultivated, they are subject [to the law of tithes]. [It follows that the intentionality that has affected these plants while they are still in the ground is affective.]”*
- C. *Said R. Ashi, “Here we are dealing with a courtyard in which these plants sprouted on their own, in which case we take for granted that the plants were meant for human consumption, and here is the sense of the passage: if they were being cultivated for the produce as it grows, the herbs are subject to tithe, and otherwise they are exempt.”*
- D. *Objected R. Ashi [to the statement of Raba, that R. Yohanan, who stated earlier that the formation of an intention as to the disposition of a crop while the crop is still attached to the ground has no effect at all, concedes in respect to tithe that an act of intentionality that concerns produce attached to the ground is entirely valid], “Whatever is liable for tithes is susceptible to the uncleanness pertaining to foods, but there is that which is susceptible to the uncleanness pertaining to foods and is not liable for tithes. Now if there were any validity [in Raba’s view of R. Yohanan’s opinion,] lo, there are these instances in which there is liability to tithe, but in which there is no susceptibility to the uncleanness that affects food!”*

- E. *Said Raba, "This is the sense of the passage: 'Any species that is liable to tithe contracts uncleanness by reason of being food.' And that reading of matters stands to reason, since the concluding clause of the same passage states, **Whatever is liable for the law of the first of the fleece is liable for the priestly gifts, but there is that which is liable for the priestly gifts and is not liable for the first of the fleece** [M. 6:7, below]. Now if it were so [that a general statement includes every individual case, as it the premise of Ashi's objection], lo, there is the case of the terefah-animal, which is still liable to the law of the first of the fleece, but which is not liable for the priestly gifts."*
- F. *Said Rabina, "Who is the authority here? It is R. Simeon, for we have learned on Tannaite authority: R. Simeon exempts the terefah-beast altogether from the law of the first of the fleece' [so no proof can be adduced from the Mishnah-paragraph that a general rule refers to the entire species (Slotki)]."*
- G. *Said R. Shimi b. Ashi, "Come and take note: He who declared his vineyard to be ownerless property, but then went and got up in the morning and cut its grapes, he is liable to leave the single grapes dropped during the cutting to the poor; he is liable to the rule of gleanings, the forgotten sheaf, and the corner of the field. But he is exempt from having to tithe the crop. Now have we not learned in the Mishnah, **Whatever is liable for peah is liable for tithes, but there is that which is liable for tithes and is not liable for peah?** So does that not imply that the reference was to the entire species [and Raba's position is confirmed]?"*
- H. *That is conclusive proof.*
- I.7.** A. *There it has been taught in the Mishnah: [One who reaps [the ripe portions] of his field and leaves the unripe stalks. R. Aqiba says, "He designates a separate portion of produce as] peah from each and every [area, as he harvests it." But sages say, "He designates peah from one area on behalf of all of the areas together."] And sages concede to R. Aqiba regarding one who sows dill or mustard in two or three places, that he designates [a separate portion of produce as] peah from each and every [plot] [M. **Peah. 3:2A-D**].*
- B. **[51B]** *Now lo, dill, which is liable to peah, also is liable to tithe, for we have learned in the Mishnah: **Whatever is liable for peah is liable for tithes, but there is that which is liable for tithes and is not liable for peah.***
- C. *Since it is liable to tithe, it also should be susceptible to the uncleanness attaching to foods. It follows that anything that is used to impart a flavor contracts uncleanness as food, for lo, dill is used as a flavoring.*
- D. *And an objection then is to be raised from the following: "Costus, and amomum, and the principal spices, crowfoot, and asafoetida and black pepper, and lozenges of safflower are purchased with money of [second] tithe, but do not receive uncleanness as food," the words of R. Aqiba. Said to him R. Yohanan b. Nuri, "If they are purchased with money of [second] tithe, then why do they not receive uncleanness as food? If they do not receive uncleanness as food, then they also should not be purchased with the money of [second] tithe" [M. **Uqs. 3:5A-D**]. And in this regard said R. Yohanan b.*

Nuri, “They took a vote and decided that they are not to be purchased with money that has been designed as tithe, and they do not contract uncleanness by reason of being food.” [Slotki: Now how is this passage, from which it follows that flavoring spices are not susceptible to uncleanness as food, to be reconciled with the inference drawn from the passage at M. **Peah 3:2** cited just now?]

- E. *Said R. Hisda, “When that rule [of Peah] was taught, it was with reference to dill intended as an ingredient for milk sauce [where dill serves as food].”*
- F. *Said R. Ashi, “I stated the following tradition before R. Kahana: Do not say, ‘it was with reference to dill intended as an ingredient for milk sauce [where dill serves as food],’ from which it would follow that, ordinarily, it is used as flavoring. Rather, dill is ordinarily planned as an ingredient of milk sauce. For we have learned: **The dill, once it has imparted its flavor in the cooking pot, is no longer subject to heave offering and does not receive uncleanness as food [M. Uqsin 3:4A].** It then follows that before it has imparted flavor to a dish, it is subject to the restrictions of heave offering and it is susceptible to uncleanness as food. But if you were to suppose that ordinarily it is used for flavoring, then even if it had not imparted flavor to a dish, should it not be free from restrictions that affect food, since, as a rule, it is used for flavoring? Then it must follow, must it not, that ordinarily it is used as an ingredient for milk sauce?”*
- G. *That is conclusive proof.*

I.1 once more amplifies the Mishnah’s rule and then expands upon its discussion. It seems to me the amplification is somewhat richer than is required for the purpose at hand. No. 2 is tacked on, for no reason that is clear to me. Clearly, No. 3 was joined to No. 2 because of a general interest in whether or not intentionality to use something for food is required for that thing to be classified under the rules governing food. No. 4, 5, 6, then carry forward the exposition of the materials of No. 3. No. 7 reverts to the amplification of our Mishnah’s rule and harmonizes our Mishnah-passages with what appears to be a contradictory rule.

6:7-8

6:7

- A. **Whatever is liable for the law of the first of the fleece is liable for the priestly gifts,**
- B. **but there is that which is liable for the priestly gifts and is not liable for the first of the fleece.**

6:8

- A. **Whatever is subject to the requirement of removal is subject to the law of the Seventh Year,**
- B. **and there is that which is subject to the law of the Seventh Year and is not subject to the requirement of removal.**

I.1 A. For example, leaves of arum and milt waste [which are not liable to the law of removal but are subject to the law of the Seventh Year].

II.1 A. **and there is that which is subject to the law of the Seventh Year and is not subject to the requirement of removal:**

- B. For example, root of arum and root of miltwaste, as it is written, “And for your cattle and for the beasts that are in your land, shall all the increase thereof be for food” (Lev. 25: 7) — so long as the beasts eat in the field, you may feed your beast in the household. When the crop has ceased from the field for the wild beasts, then it comes to an end for your cattle in the household.
 - C. *These [roots, however] surely have not come to an end.*
- The glossing of the Mishnah is routine.

6:9

- A. **Whatever has scales has fins, but there is that which has fins and does not have scales.**
 - B. **Whatever has horns has hooves, and there is that which has hooves and does not have horns,**
- I.1** A. **Whatever has scales has fins:** a clean fish.
- B. **but there is that which has fins and does not have scales:** an unclean fish.
 - C. *Since we rely upon the presence of scales, why did Scripture have to make mention of fins at all?*
 - D. *If Scripture had not made reference to fins, I might have supposed that the word translated as scales refers to fins, so even an unclean fish would be permitted. It was necessary for the All-Merciful to refer explicitly to both fins and scales.*
 - E. *Since the All-Merciful has written both fins and scales, how do we know that the word translated scales actually means a covering?*
 - F. As is written, “And he has clad with a coat of mail” (1Sa. 17: 5).
 - G. *So why should the All-Merciful not have written simply that word, and there would have been no need to make mention of fins at all?*
 - H. Said R. Abbahu, and so did a Tannaite authority of the household of R. Ishmael [state], ““To make the teaching great and glorious”” (Isa. 42:21).

The glossing is consistent in intent with what has gone before.

6:10

- A. **Whatever requires a blessing after it requires a blessing before it,**
 - B. **but there is that which requires a blessing before it and does not require a blessing after it.**
- I.1** A. *What is encompassed [by the statement, but there is that which requires a blessing before it and does not require a blessing after it]?*
- B. *Encompassed are vegetables.*
 - C. *And in the view of R. Isaac, who says a blessing over vegetables, what is encompassed by that statement?*
 - D. *What is encompassed is water.*
 - E. *And in the view of R. Pappa, who says a blessing over water, what is encompassed by that statement?*
 - F. *To encompass the performance of commandments [where a blessing is said in advance of the deed but not after the doing of it].*

- G. *And from the perspective of the people of the West, who say blessings after they remove their tefillin, "...who has sanctified us by his commandments and has commanded us to keep his statutes," what is encompassed by that statement?*
- H. *It is meant to encompass [52A] pleasant smells.*
- The glossing presents no surprises.

6:11

- A. **A girl who has produced two pubic hairs [after twelve years and one day] either performs the rite of *halisah* or enters into levirate marriage,**
- B. **and she is liable for all the commandments which are stated in the Torah.**
- C. **And so a boy who has produced two pubic hairs is liable for all the commandments which are stated in the Torah.**
- D. **And he is appropriate to be subjected to the law of the rebellious son**
- E. **from the time that he produces two hairs until he has grown an encircling beard —**
- F. **(the lower and not the upper [is meant], but the sages spoke in chaste language).**
- G. **A girl who has produced two pubic hairs no longer is able to exercise the right of refusal.**
- H. **R. Judah says, "Until the dark [hair] predominates, [she may exercise the right of refusal]."**
- I.1** A. *Now since we have repeated in the Mishnah, and she is liable for all the commandments which are stated in the Torah, what need was there to state, either performs the rite of *halisah* or enters into levirate marriage?*
- B. *It was meant to exclude the position of R. Yosé, who has said, "In the biblical passage concerning the rite of removing the shoe, what is written is 'man' (Deu. 25: 7), so that, so far as a woman is concerned, the law applies whether she is adult or minor."*
- C. *So we are informed that if she had produced two pubic hairs, the law applies, if not, it does not.*
- D. *What is the operative consideration?*
- E. *A woman is treated as equivalent to a man.*
- I.2.** A. *And since it is repeated on Tannaite authority, **And so a boy who has produced two pubic hairs, what need was there to state, is liable for all the commandments which are stated in the Torah?** And should you say that it was because the framer of the passage further wished to add, **And he is appropriate to be subjected to the law of the rebellious son,** that is a statement that we have already learned as a Tannaite version on another occasion: **A rebellious and incorrigible son— at what point [does a child] become liable to be declared a rebellious and incorrigible son? From the point at which he will produce two pubic hairs, until the 'beard' is full — (the lower [pubic], not the upper [facial] beard, but the sages used euphemisms), as it is said, "If a man has a son" (Deu. 21:18) — a son, not a daughter; a son, not an adult man, And a minor is exempt, since he has not yet entered the scope of the commandments [M. Sanh. 8:1A-E].***

- B. *That is indeed the case, but since the framer of the passage proposed to spell out matters having to do with girls, he went on to spell out also matters having to do with boys.*

II.1 A. A girl who produced two pubic hairs no longer is able to exercise the right of refusal:

- B. Said R. Abbahu said R. Eleazar, “The decided law accords with the position of R. Judah.
- C. “But R. Judah concurs that if the girl had sexual relations after she had produced two pubic hairs, she may no longer exercise the right of refusal.”
- D. *The colleagues of R. Kahana planned to make a practical decision in accord with the position of R. Judah, and that was even though she had had sexual relations.*
- E. Said to them R. Kahana, “Was this not the case in connection with the daughter of R. Ishmael, who came to the school house to exercise the rite of refusal, with her child riding on her shoulder, and on that day the ruling of R. Ishmael was recalled in the school house, and she cried out with a great cry in the school house.
- F. “They said, ‘In a matter in which that righteous man made a ruling, his offspring stumbles!’”
- G. “For said R. Judah said Samuel in the name of R. Ishmael, “‘And she be not seized’ (Num. 5:13) — then she is forbidden. Lo, if she had been seized, she would have been permitted. But there is another class of women who are permitted even if not seized. And who might that be? It is a woman whose betrothal was in error [Slotki: if for example, a condition was attached to the betrothal and not fulfilled, or if the marriage was with a minor, in the absence of her father, whose act has no validity in such a case the woman may leave her husband without a letter of divorce and is classified as a woman who had never been married]. For even though her child is riding on her shoulder, she has the right to exercise refusal and to go her way.
- H. “‘And sages took counsel and voted: “To what point may a girl exercise the right of refusal? Until she produces two pubic hairs.’””
- I. *So they refrained and did not carry out the intended action.*

II.2. A. R. Isaac and the disciples of R. Hanina carried out a decision in accord with the position of R. Judah, and that was even though she had had sexual relations.

- B. *R. Shemen bar Abba went and reported it before R. Yohanan. R. Yohanan went and stated the matter before R. Judah Nesiah. He sent gendarmes and took her away [from the second husband and restored her to the first].*

III.1 A. [With reference to the statement, R. Judah says, “Until the dark hair predominates, she may exercise the right of refusal,”] Said R. Hisda said Mar Uqba “It is not that the dark actually must predominate, but so that, when two hairs lie flat, it appears as if the black predominates over the white.”

- B. Raba said, “Two hairs that reach from rim to rim.”
- C. Said R. Helbo said R. Huna, “The two hairs of which they have spoken [Slotki:] must have follicles at their roots.”
- D. R. Malkio said R. Ada bar Ahbah [said], “Follicles, even though there are no hairs.”

- E. Said R. Hanina b. R. Iqa, "The rulings on a spit, bondwomen, and follicles were laid down by R. Malkio, and the rulings on the forelock, wood-ash, and cheese were stated by R. Malkia."
- F. *R. Pappa said, "If the statement pertained to a Mishnah-passage or to some other Tannaite version, then the authority is R. Malkia, but if it concerns traditions, then it is R. Malkio, and your mnemonic is, 'The Mishnah is the queen.'"*
- G. *What is the practical issue at stake?*
- H. *The practical difference is the statement on the bondwoman [Slotki: which is recorded in a Mishnah. According to Pappa the comment on it must be that of Malkia, while according to Hanina, it is Malkio's.]*

III.2. A. *Said R. Ashi, "Said to me Mar Zutra, 'There is this difficulty to be considered, as formulated by R. Hanina of Sura: [if follicles alone, without the actual appearance of hair, were sufficient to establish puberty], would not a single Tannaite authority in the entire Mishnah go out of his way to set forth the rule governing follicles [as sufficient evidence by themselves]?'"*

- B. *Had we been given the law that follicles on their own suffice, I might have reached the supposition that puberty is established only if there were two hairs in two follicles, and so we are informed by the reference to two hairs alone that it suffices if there are two hairs in a single follicle.*
- C. *And is there the possibility of such a thing [that there can be two hairs in a single follicle]?*
- D. *And has it not been written, "He that would break me with a tempest and multiply my wounds without cause" (Job. 9:17), in connection with which Raba said, "Job. blasphemed by mentioning a tempest, so it was with a tempest that he got his answer."*
- E. *It was with a tempest that he blasphemed: "Lord of the world, perhaps a tempest passed before you and caused you to confuse the name of Job. with the word for enemy [since the same letters occur in both words]?"*
- F. *So it was with a tempest that he got his answer: "Then the Lord answered [52B] Job. out of the whirlwind and said (Job. 38: 1) to him, 'Oh you stupid fool! I have created many hairs in a man's head, and for every hair I created a distinct follicle, so that two should not derive nourishment from the same follicle, for if two were to suck from the same follicle, they would impair the sight of man. I have never confused one follicle with another, and am I going to confuse the words Job. and enemy ?!'"*
- G. *There really is no contradiction. The one statement [that of our Mishnah-paragraph] speaks of the body of a man, the other [in the story about Job] speaks of the hair on the head.*

III.3. A. Said R. Judah said Samuel, "The two hairs of which they have spoken are such even if one is on the crest and the other on the testes."

- B. *So too it has been taught on Tannaite authority:*
- C. **"The two hairs of which they have spoken are such even if one is on her back and the other on her belly, one on the joints of the fingers of her hand and**

the other on the joints of her toes,” the words of R. Simeon b. Judah of Kefar Akko in the name of R. Ishmael [cf. T. **Nid. 6:7A-D**].

D. Said R. Hisda, “The two hairs must be located in a single spot.”

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

B. **Until what time may a girl exercise the right of refusal?**

C. **“Until she produces two public hairs,”** the words of R. Meir.

D. **And R. Judah says, “Until the black will multiply over the white.”**

E. **R. Simeon [Bavli: Yosé] says, “Until the crest of the genitals begins to flatten.”**

F. **Ben Shelaqit says, “Until she will have a full crown of hair around the pudenda” [T. **Nid. 6:5A-F**].**

G. And said R. Simeon, “I found R. Hanina b. Hakhinai in Sidon and he said, ‘When you come to R. Aqiba say to him, **“Until what time may a girl exercise the right of refusal?”** If he should say to you, **“Until she produces two public hairs,”** say to him, “Did not Ben Shelaqit give testimony in the presence of all of you at Yavneh, **“Until she will have a full crown of hair around the pudenda”**? And you never said a word to him to the contrary!’

H. “And when I came to R. Aqiba, he said to me, ‘As to this matter of **a full crown of hair around the pudenda**, I know nothing about it, and as to this Ben Shelaqit, I know nothing of him, but in point of fact, **Until what time may a girl exercise the right of refusal? Until she produces two public hairs.**’”

We commence at I.1, 2, with another analysis of the language of the Mishnah, once more asking why each detail was required. II.1 amplifies the topic of the Mishnah. No. 2 provides yet another example of a practical ruling. III.1 goes on to clarify the details of the Mishnah. No. 2 works on the same theme, now contributing a different form of Mishnah-criticism. No. 3, 4 proceed with the same work of definition.

6:12

A. **The two hairs which are mentioned in connection with the [red] cow and in connection with plagues and which are stated in every regard —**

B. **“[they have to be so long] that their tip can be bent to their root,”** the words of R. Ishmael.

C. **R. Eleazar says, “So long that one can cut it off by the fingernails.”**

D. **R. Aqiba says, “So long that they can be taken off with scissors.”**

I.1 A. Said R. Hisda said Mar Uqba said, “The decided law is in accord with all parties so as to impose a more stringent decision.”

The gloss is negligible.

6:13

A. **She who sees a bloodstain [on her garment] — lo, she is in disarray.**

B. **“And she takes account of the possibility that she is unclean because of zibah-flux,”** the words of R. Meir.

C. **And sages say, “Bloodstains are not subject [to the law of uncleanness] because of zibah-flux.”**

- I.1** A. *Who are the sages of this passage? They stand for the view of R. Hanina b. Antigonus. For it has been taught on Tannaite authority:*
- B. R. Hanina b. Antigonus says, “Bloodstains are not subject [to the law of uncleanness] because of zibah-flux.
- C. “But there are occasions on which bloodstains may lead to the decision that a woman is unclean by reason of flux. How is this so? If [during the eleven zibah-days, when an appearance of a drop of blood marks a woman as unclean by reason of flux uncleanness but not as unclean as a menstruant] a woman put on three garments that had been examined earlier and found a bloodstain on each one of them, or if she produced a drop of blood on two successive days and had a garment on which there was a bloodstain, this would be a case in which bloodstains would yield a decision that a woman is unclean by reason of flux-uncleanness.”
- D. *Now if it suffices for the bloodstain to appear on the three garments, which would then not be a blood stain that derives from an appearance on her body itself, for us to take account of the bloodstain as a mark of flux-uncleanness, what need was there also to introduce the case of her producing blood on her body two successive days and on a garment on one day?*
- E. *What might you have supposed [without inclusion of the second case]? In any instance such as this [where there were two actual discharges and a bloodstain], a woman brings a sacrifice that may be eaten [in the assumption that the one was confirmed as unclean with flux-uncleanness]? So we are informed [that we take account of the possibility, not only of the certainty, that she is unclean with flux-uncleanness].*
- I.2.** A. *Said Raba, “In this matter R. Hanina b. Antigonus overrode the position of the rabbis. For why is it that when a bloodstain of a size of less than three beans in one spot is not taken into consideration as to the possibility of flux-uncleanness? For we say that it is the result of blood-flows on two days [but zibah-uncleanness is established only through discharge on three consecutive days]. Then if a stain the size of three beans was in a single spot, why not assume that the discharge was from her body only to the extent of two and a half beans in size, while the rest is blood of a louse, due to filth?”*
- B. *And rabbis?*
- C. *Since there is the possibility of dividing the stain into parts the size of a bean and into the parts that have flowed on a given day [so that on each day there may have been a new stain of the prescribed size (Slotki)], we do not ascribe it to any external cause.*
- D. *And as to R. Hanina b. Antigonus, is it only when we have a stain the size of three beans in a single location that we do not take the possibility of zibah-uncleanness into consideration, but if it is in three different places [on the same garment] the possibility is taken into consideration? And have you not said that this rule applies only to stains on three different garments, from which it follows that it does not apply to stains in three spots of a single garment?*
- E. *[Hanina, as set forth by Raba] spoke within the premises of rabbis, saying to them, “From my perspective, if there is a bloodstain on three garments, then we*

do take account of the possibility of flux-uncleanness, but if it is on three spots of a single garment, we do not. But even from your perspective you must concur with me, nonetheless, that in a case in which she produced three drops of blood of the size of a bean in a single place, we may well claim that two and a half beans' amount of blood derive from her body, but the rest from the uncleanness of the blood of a louse."

F. *And rabbis?*

G. *Since it is possible to divide up the bloodstain into parts from day to day, we do not ascribe the blood to any external cause.*

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

B. She who produces a blood stain, if it is of sufficient size to be divided into areas of three beans, each a bit bigger than a bean, then she has to take into consideration the possibility of flux-uncleanness; otherwise she does not have to take into consideration the possibility of flux-uncleanness.

C. She who produces a blood stain, if it is of sufficient size to be divided into areas of three beans, each a bit bigger than a bean, then she has to take into consideration the possibility of flux-uncleanness; otherwise she does not have to take into consideration the possibility of flux-uncleanness.

D. R. Judah b. Agra says in the name of R. Yosé, "All the same as this case and that case: she does have to take into consideration the possibility of flux-uncleanness."

E. **[53A]** Said Rabbi, "The opinion of R. Judah b. Agra appears to me preferable in a case in which the woman has not examined herself, and the opinion of sages, in a case in which the woman has examined herself."

F. *What is the meaning of* in a case in which the woman has not examined herself, *and what is the meaning of*, in a case in which the woman has examined herself?

G. *Said Raba, "I found rabbis of the household in session and stating, 'Here with what sort of case do we deal [in the dispute of Judah b. Agra and rabbis]? It is a case in which she examined herself but did not examine her garment [which was examined for the first time on the third day, when a stain the size of two beans was discovered. It is unknown when the stain was made. We have to take into consideration the possibility that there may have been a discharge at the twilight of each day or at least one of the two days, and since a discharge at twilight counts as two, one for the passing day, the other for the coming, she has experienced no less than three discharges on three consecutive days (Slotki)]; and even herself she examined only at dusk as defined by R. Judah [Slotki: which extends after sunset for a time during which one can walk a distance of a thousand cubits], but at dusk as defined by R. Yosé [which lasts no longer than the wink of the eye, beginning and ending later than Judah's twilight] she did not examine herself. Rabbis take the view that dusk as defined by R. Yosé is classified as night [so the question of whether or not she has incurred flux-uncleanness does not arise] for she has examined herself at twilight as defined by R. Judah [and had ascertained that on that day she was clean. Any subsequent discharge at the twilight as defined by Yosé then is counted as the following day. The total of her fluxes is no more than two (Slotki)]. R. Yosé follows his established position, for he has said, the period at dusk is subject to doubt [Slotki: as it is possible that there was a discharge at*

that time, which counts as possibly day, possibly night, the woman must be treated as if she had experienced two discharges, one on the passing day, one on the incoming day, in addition to the discharge on the other day in question, thus making a total of three discharges]. Now I said to them, ‘If her hands had been in her “eyes” [=vagina] throughout twilight, you would have made a valid statement [since it would have been established that during the passing day, no discharge had occurred]. *But now, it is possible that, when she had removed her hands, she had experienced a discharge [during twilight, and that would count as two]!’ They said to me, ‘When we ruled as we did, it was for a case in which she had kept her hands in her “eyes” throughout twilight.’”*

- I.4.** A. “Said Rabbi, ‘The opinion of R. Judah b. Agra appears to me preferable in a case in which the woman has not examined herself, and the opinion of sages, in a case in which the woman has examined herself.’”
- B. *What is the meaning of “has not examined herself”?*
- C. *If we should say that she examined herself within the twilight as defined by R. Judah but did not examine herself within the twilight as defined by R. Yosé, then it would follow that R. Judah takes the view that even though she examined herself at both times, we do take account of the possibility of her having suffered a flux. But lo, she has examined herself!*
- D. *So it is obvious that she has not examined herself either within the twilight as defined by R. Judah nor within the twilight as defined by R. Yosé. Then if she had examined herself within the twilight as defined by R. Judah, but did not examine herself within the twilight as examined by R. Yosé, we do not take account of the possibility that she is unclean with flux-uncleanness. Therefore it follows that twilight as defined by R. Yosé is clarified by Rabbi as nothing other than night.*
- E. *But then I call attention to the concluding part of his statement: and the opinion of sages, in a case in which the woman has examined herself. Now what can be the meaning of in which the woman has examined herself? If we say that she had examined herself at the twilight as defined by R. Judah, but did not examine herself at the twilight as defined by R. Yosé, it must follow that rabbis take the view that even though she did not examine herself at twilight as defined by both parties, we do not take account of the possibility of her being unclean with flux-uncleanness. But lo, she has not examined herself at all! Rather, it is self evident, she examined herself at the twilight, whether that defined by R. Judah or that defined by R. Yosé. But if she had examined herself at the twilight as defined by R. Judah and did not examine herself at the twilight as defined by R. Yosé, then we do take account of the possibility that she may be unclean with flux-uncleanness. It therefore follows that the status of twilight as defined by R. Yosé is a matter of doubt in the mind of Rabbi, in which case we have a contradiction between one statement of Rabbi and another statement of Rabbi!*
- F. *This is the sense of his statement:* The opinion of R. Judah b. Agra appears to me preferable to that of rabbis in a case in which the woman did not examine herself at all, neither at the twilight as defined by R. Judah nor at the twilight as defined by R. Yosé, for even sages differed from him only in a case in which she examined herself at the twilight as defined by R. Judah but did not examine herself at the

twilight as defined by R. Yosé. But in a case in which she did not examine herself at all, then they concur with him.

- G. *An objection was raised on the basis of the following: “She who produced a substantial bloodstain must take into account the possibility of a discharge at twilight [which counts as two], but if it was a small bloodstain, she does not take account of the possibility of a discharge at twilight,” this being the statement of R. Judah b. Agra which he said in the name of R. Yosé.*
- H. *Said Rabbi, “I heard from [Yosé] that all the same are the one and the other: we do take account of the possibility of a discharge at twilight. He said to me, ‘This is the reason: if she had been menstruating, but had not made a clear distinction of the beginning of the period at which she was clean, that is, from twilight and onwards at the end of the seventh day after the beginning of her menstrual period, would she not have been assumed to be still unclean? [Slotki: of course she would, and in consequence, she would not be allowed to undergo immersion in the evening. Thus it follows that in the absence of an examination the possibility of a discharge is considered. Similarly in the case of the stain under discussion, since no examination was held at twilight, the possibility of a discharge that must be counted as two must be taken into consideration.] And his opinion seems to me entirely sound in a case in which she has examined herself.”*
- I. *Now what is the meaning here of “she has examined herself”?*
- J. *If we should say that she examined herself within the twilight as defined by R. Judah but did not examine herself within the twilight as defined by R. Yosé, then it would follow that R. Judah b. Agra takes the view that even though she did not examine herself either at twilight as defined by R. Judah or at twilight as defined by R. Yosé, we do not take account of the possibility of her having suffered a flux. But lo, she has examined herself!*
- K. *So it is obvious that she has examined herself both within the twilight as defined by R. Judah and within the twilight as defined by R. Yosé. Then it follows that R. Judah b. Agra takes the view that if she examined herself within twilight as defined by R. Judah but did not examine herself at twilight as defined by R. Yosé, we do not take account of the possibility that she has suffered flux-uncleanness. It follows that twilight as defined by R. Yosé in the opinion of R. Judah b. Agra is classified as night. But then there is a contradiction between one statement of R. Judah b. Agra and another statement of R. Judah b. Agra.*
- L. *Now, to be sure, without Rabbi’s interpretations, there would be no problem, since in the one case, she had examined herself in accord with the definition of twilight by R. Judah but did not examine herself in accord with the definition of twilight by R. Yosé, and here she has examined herself also in accord with the definition of twilight by R. Judah and in accord with the definition of twilight by R. Yosé. But with Rabbi’s interpretations in hand [which yield the conclusion that according to the first ruling, Judah b. Agra treats twilight as defined by Yosé as subject to doubt, while according to his second ruling, he treats twilight as defined by Yosé as definitely night], there really is a problem.*
- M. *We are dealing with two Tannaites’ versions of the opinion of R. Judah b. Agra. The first Tannaite version takes the view that the twilight as defined by R. Judah comes to an end [53B] and then begins twilight as defined by R. Yosé, and the*

other Tannaite version maintains that the twilight as defined by R. Yosé is encompassed within the twilight as defined by R. Judah.

I.5. A. *Our rabbis have taught on Tannaite authority:*

- B. “She who produces a blood stain imparts uncleanness retroactively to both herself [so that she loses the clean days she has counted] and also Holy Things [that she has touched in the prior span of time],” the words of Rabbi.
- C. R. Simeon b. Eleazar says, “To Holy Things she imparts uncleanness, but to herself she does not impart uncleanness, so that a bloodstain of hers is not more stringently treated than her actually producing a drop of blood [in which case uncleanness is retroactive for only twenty-four hours, and not for the entire time backward to the point at which her garment, on which the bloodstain was discovered, was last washed].”
- D. But lo, we find that her bloodstain then is treated more stringently in respect to Holy Things!
- E. *Rather, this is how the Tannaite passage should be repeated:*
- F. R. Simeon b. Eleazar says, “Even to Holy Things she does not impart uncleanness, so that a bloodstain of hers is not more stringently treated than her actually producing a drop of blood for any purpose whatsoever.”

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

- B. “If a woman first produced a bloodstain and afterward she produced a drop of blood, then for a period of twenty-four hours she assigns her bloodstain to the drop of blood that she has produced [so that her uncleanness does not extend retroactively to the time that the garment had been washed, but the span of twenty-four hours of retroactive uncleanness begins only at the time that the stain was found],” the words of Rabbi.
- C. R. Simeon b. Eleazar says, ““It is only during that same day.” [Slotki: It is only where the stain was observed on the same day as the discharge of the blood that the former may be ascribed to the latter; but if the stain was discovered in the daytime while the blood was not observed until after sunset, though this book place within twenty-four hours, the former cannot be ascribed to the latter.]
- D. Said Rabbi, “His opinion is preferably to mine, for he improves her situation, while I make it worse.”
- E. “he improves her situation” — *in point of fact he makes it worse for her!* [Slotki: he reduces the period of twenty-four hours.]
- F. *Said Rabina, “Reverse the statement [of Rabbi, and have Rabbi claim his view is preferable to the other].”*
- G. R. Nahman said, “Under no circumstances should you reverse matters, for [Rabbi’s statement means,] ‘he improves her situation in respect to the laws of zibah-uncleanness, and I make her position worse in regard to the laws of zibah-uncleanness.’” [Slotki: According to Rabbi, who for a period of twenty-four hours ascribes the stain to the observation of the blood, the woman is deemed to have been unclean on the day of her observation as well as on the previous day. If therefore she were to observe some blood on the next day afterward, she would be regarded confirmed as unclean with flux-uncleanness, while according to Simeon, who ascribes a stain to blood observed during the same day, the woman would be

unclean on one day only and could not become confirmed as unclean with flux-uncleanness unless blood was observed on the two following days also.]

- I.7.** A. *R. Zira asked R. Assi, “As to bloodstains [Slotki: according to Rabbi, who attributes a stain to an observation of blood, if the latter took place within twenty-four hours and who does not regard the woman’s uncleanness as having begun at the time the article on which the stain was found had last been washed], is it necessary that there intervene a spell of cleanness or not? [Slotki: Must the woman have examined herself between the time the article was washed and the discovery of the stain?]”*
- B. *He remained silent and said nothing at all to him. Once [Zira} found [Assi] in session and stating, “If a woman first produced a bloodstain and afterward she produced a drop of blood, then for a period of twenty-four hours she assigns her bloodstain to the drop of blood that she has produced [so that her uncleanness does not extend retroactively to the time that the garment had been washed, but the span of twenty-four hours of retroactive uncleanness begins only at the time that the stain was found],” the words of Rabbi. In this connection said R. Simeon b. Laqish, “That is so only where she has examined herself [near the time she discovered the bloodstain, within twenty-four hours; but if twenty-four hours passed between the last examination and the discovery of the bloodstain, the woman is unclean retroactively from the time of the examination].” R. Yohanan said, “Even though she did not examine herself.” [Slotki: Even if she did not examine herself near the examination between which an interval of twenty four hours had been allowed to pass to the discovery of the stain; despite this interval the woman’s uncleanness is not retrospective, since less than twenty-four hours have passed between the time the article had been washed and the discovery of the stain on it. As the uncleanness in such a case is not retrospective to the time of the washing of the article, it is equally not retrospective over the twenty-four hour period.]*
- C. *So [Zira] said to [Assi], “It follows that as to bloodstains [Slotki: according to Rabbi, who attributes a stain to an observation of blood, if the latter took place within twenty-four hours and who does not regard the woman’s uncleanness as having begun at the time the article on which the stain was found had last been washed], it is necessary that there intervene a spell of cleanness.”*
- D. *He said to him, “True enough.”*
- E. *“And lo, many times I asked you that very question, but you did not say a word to me! It seems that in the flow of your review, the conception has come to you.”*
- F. *He said to him, “Yes, it came to me in the flow of my reviewing of my studies.”*

I.1 clarifies the authority and therefore the issues of the Mishnah-paragraph. No. 2 carries forward the program of No. 1. No. 3 proceeds to yet another Tannaite formulation, closely related to the foregoing, and subjects it to analysis. No. 4 is a further clarification of No. 3. No. 5, 6, 7 continue the same theme, but introduce new problems.

6:14

- A. **She who sees [blood] — [1] on the eleventh day at twilight, [2] at the beginning of her menstrual period, [3] or at the end of her menstrual period,**

[4] at the beginning of her period of [those days on which the appearance of blood is classified as the blood of flux, or zibah, and not as menstrual blood], [5] or at the end of the period of [those days on which the appearance of blood is classified as the blood of flux, or zibah, and not as menstrual blood], [6] on the fortieth day [of cleanness] for the male child, [7] or on the eightieth day of cleanness of the female child —

B. at twilight in [the case of] all of them —

C. lo, these err.

D. Said R. Joshua, “Before you repair the affairs of the foolish women, repair those of the intelligent ones.”

I.1 A. ...at the beginning of her menstrual period, or at the end of her menstrual period? *Should it not be* at the beginning of her menstrual period or at the end of the period of [those days on which the appearance of blood is classified as the blood of flux, or zibah, and not as menstrual blood]?

B. *Said R. Hisda, “This is the sense of the passage: She who sees [blood] — on the eleventh day at twilight, which is, as a matter of fact, possibly at the beginning of her menstrual period and the end period of zibah, or on the seventh day of her menstrual period, which is the end of her menstrual period and also the beginning of her period of [those days on which the appearance of blood is classified as the blood of flux, or zibah, and not as menstrual blood].”*

II.1 A. Said R. Joshua, “Before you repair the affairs of the foolish women, repair those of the intelligent ones:”

B. **[54A]** *Are these really foolish women? All they are are women who are in a state of disarray!*

C. *Rather, repeat the item as “women in disarray”.*

D. *for it has been taught on Tannaite authority:*

E. If a woman is unclean on one day and clean on the next [with no discharge at night], she may have sexual relations on the eighth day, [counting from the one on which her first discharge took place; on the eighth day her cleanness is established beyond doubt, since her unclean period of menstruation ended with the seventh, and the eighth day is one of her alternate, clean days], and with its night with it [since she produces no blood by night]. and also on four nights out of every eighteen days [Slotki: again counting from the day of the first discharge. As she never discharges on three consecutive days, she can never become unclean as confirmed with flux-uncleanness, which would require seven clean days to pass. When she discharges on the ninth day, one of the alternative unclean days, as a person afflicted with minor flux uncleanness, having had a discharge on one of the eleven days in which the appearance of blood is classified as flux, she has to allow a clean day to pass, which is the tenth, and she may have sexual relations on the night following. Then if there is a discharge on the eleventh day, one of the alternate unclean days, she allows the twelfth day to pass, and has sexual relations on the following night, and so too with the fourteenth and the sixteenth. So when eighteen days have passed, with the sunset of the eighteenth day, she has in addition to the eighth day and night following it the four nights that follow the

tenth, twelfth, fourteenth, and sixteenth days, respectively. The night following the eighteenth day is again one in which performance of sexual relations is allowed, but it belongs to the next cycle.]

- F. If, however, she produced blood by night, she may have sexual relations only on the eighth day alone. [Slotki:she has sexual relations on the eighth day after her first discharge. On the day she is definitely clean, since her discharge does not appear until evening. The previous night she is clean, since with the day preceding it, the seventh, her unclean, menstrual period had ended. During the first seven days then she is unclean as a menstruant, and in the night following the eighth, one of the alternative, unclean nights, she is unclean with a minor flux-uncleanness, and must allow one day, the ninth, to pass. On the night following the ninth, another of the alternate unclean nights, she is again unclean with a minor flux-uncleanness, so she has to allow a day to pass, the tenth, and so to the end of eighteen days, when a new cycle of the same number of days begins, in which she is allowed marital relations on the eighth day and the night preceding it only.]
- G. If the pattern involves two days as unclean followed by two days as clean, she has sexual relations on the eighth day, the twelfth, the sixteenth, and the twentieth.
- H. *But why not have sexual relations on the nineteenth also?*
- I. Said R. Sheshet, "The prohibition refers to that 'gluttony' of which we have learned in the Mishnah [**If she immersed on the day after it and had intercourse and afterward saw a drop of blood — the House of Hillel say, "Lo, such a one is a glutton" (M. Nid. 10:8D, F)**], and shows that it is forbidden."
- J. *R. Ashi said, "[Gluttony is not forbidden at all.] While the eleventh day [of the period in which the flow of blood is classified as flux, the eighteenth in the cycle] requires no watching [so that a clean day must pass before cleanness is attained], the tenth day [the seventeenth in the cycle, which is also one of the two unclean days (Slotki)] most certainly does regard such watching."*
- K. If the woman is unclean for three days and clean for three days, she has sexual relations for two days, and then she does not have sexual relations any more during a given cycle]. [Slotki: after the twelfth day she will not attain cleanness. The thirteenth, fourteenth, and fifteenth, three of the alternative three unclean days, will be unclean days within her zibah-period that subject her to the restrictions of major flux-uncleanness, so she must have seven clean days, but with the alternative unclean days, she will not have a full period of seven clean days].
- L. If she has four unclean days and four clean days in alternation, she may have sexual relations on one day, and then she does not have sexual relations any more during a given cycle].
- M. If she has five unclean days and five clean days, she has sexual relations for three days, and then she does not have sexual relations any more during a given cycle].
- N. If she has six unclean days and six clean days, she may have sexual relations for five days, and then she does not have sexual relations any more during a given cycle].
- O. If she has seven unclean days and seven clean days, she may have sexual relations a quarter out of every twenty-eight days [seven out of twenty-eight] [Slotki: made

up as follows: seven unclean days of menstruation, seven days of cleanness in which sexual relations are permitted, seven days of uncleanness as confirmed with flux-uncleanness, seven clean days that must be noted, and so with each cycle of twenty-eight days].

- P. If she has eight unclean days and eight clean days, she has sexual relations for fifteen days out of every forty-eight.
- Q. *But should it not be fourteen?* [Slotki: since the forty-eighth day should be excluded? It is now assumed that in the sixth group of eight days five clean days only are available for the prescribed counting, since the first three days of the group completed a menstruation period that began on the fifth day of the fifth group, and since seven clean days have not yet passed, the forty-eight, as the day following it, should be equally forbidden for marital intercourse.]
- R. Said R. Adda b. Isaac, "That bears the implication that the in her menstrual days on which she observes no flow of blood, the days are reckoned in the counting out of the seven days." [Slotki: Since the counting thus begins with the first day of the sixth group of eight days, it terminates on the seventh. On the eighth day, the forty-eighth of the cycle, the woman having attained cleanness and immersed on the preceding night, marital intercourse is permitted.]
- S. *The question was raised: [54B]* As to the days after childbirth on which the woman observes no discharge of blood, are these reckoned in the counting prescribed for her zibah-days [Slotki: so that at the conclusion of seven days and after immersion, she is exempt from the restrictions that are imposed upon one unclean with flux-uncleanness]?
- T. Said R. Kahana, "Come and take note: If a woman produced a discharge on two days, and then on the third day she had a miscarriage but did not know what she had miscarried, lo, this is a case on which she may or may not be unclean by reason of flux-uncleanness and she may or may not be unclean by reason of having given birth, and she has to bring a sacrifice [on account of having given birth], but the sacrifice is not eaten, and the days that follow childbirth on which she produces no flow of blood are counted toward the clean days that are needed to conclude her uncleanness by reason of flux [since she is subject to the restrictions of flux-uncleanness because she may have bled along with the miscarriage; it follows that the days succeeding childbirth on which no discharge is observed are counted toward the clean days that are needed to mark the end of the period of flux-uncleanness]."
- U. *Said R. Pappa, "That case is exceptional, since one may claim that she gave birth to a male child, and the extra seven days that we impose on her may be reckoned in the counting prescribed for the clean days to end her period of flux-uncleanness [for after the birth of a male, she is unclean for only seven days]."*
- V. *Said R. Huna b. R. Joshua to R. Pappa, "Does the doubt concern only whether or not she has given birth to a male, and is there no doubt as to the possibility that she has given birth to a female? The fact is that you may infer from the cited case that the days in question may be reckoned."*
- W. *That proves the point.*

- Z. If she was unclean for nine days and clean for nine days, she may have sexual relations for eight days out of every eighteen.
- AA. If she was unclean for ten days and then clean for ten days, she may have sexual relations for the same number of days as her zibah-days, and so for a hundred, and so for a thousand.

I.1 raises a fundamental problem in the interpretation of the Mishnah's language. II.1 then spells out in rich detail the problem to which the Mishnah-paragraph has referred. The clarification of the details in the opening cases suffices for our purpose. The reader is referred to Slotki's excellent presentation of the rest.