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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

MISHNAH: The daughters of the Cutheans¹ are regarded as niddos from their cradle; and the [male] Cutheans impart tumah to a couch underneath as to a cover above, since they cohabit with niddos because [their wives] continue [tumah for seven days] on account of a discharge of any blood.² On account of their [tumah,]³ however, no obligation⁴ is incurred for entrance into the Temple nor is terumah⁵ burnt on their account, since their tumah⁶ is only of a doubtful nature.⁷

GEMARA: How is this to be imagined? If they⁸ observed a discharge, then⁹ even our daughters also [should in such circumstances be regarded as tamei]; and if they have not observed any discharge, their daughters also should not be regarded as tamei, should they? — Rava son of Rav Acha son of Rav Huna citing Rav Sheishes replied: Here we are dealing with cases of which nothing definite is known, but since a minority exists that experience discharges, the possibility of such a discharge is taken into consideration.

And who is the Tanna that¹⁰ takes a minority into consideration? It is Rabbi Meir. For it was taught: A minor, whether male or female, may neither perform, nor submit to chalitzah, nor contract levirate marriage; these are the words of Rabbi Meir. They said to Rabbi Meir: You spoke well when you ruled that they ‘may neither perform, nor submit to chalitzah’, since in the Biblical section ‘man’ was written, and we draw a comparison between woman and man.¹¹ What, however, is the reason why they may not contract levirate marriage? He replied: Because a minor male might be found to be a saris;¹² a minor female might be found to be incapable of procreation; and thus the law of incest¹³ would be violated where no mitzvah is thereby performed. And the Rabbis?¹⁴ — Follow the majority of minor males and the majority of minors are not sarisim; follow the majority of minor females, and the majority of minor females are not incapable of procreation.

Might it not be suggested that Rabbi Meir was heard [to take a minority into consideration only where that] minority is

¹ The people of Cutha and other places of Assyria who were transported to Samaria after the destruction of the northern kingdom and who combined their former idol-worship with a belief in the God of Israel. Their descendants were for a time regarded as suspected Israelites and finally were entirely excluded from the community.

² Even blood that is tahor. Should a discharge of tahor blood on one day be followed by one of tumah on the following day, the Cuthean woman would count the seven days of tumah from the first day, regarding the second discharge as having occurred within the seven days of menstruation, so that on the eighth day she regards herself as tahor, while as a matter of fact her tumah began on the second day and continues for seven days, the last of which is the eighth from the first discharge on which she is still tamei as niddah.

³ If a person, for instance, covered himself with the tumah articles mentioned.

⁴ Of a sacrifice.

⁵ That came in contact with these articles.

⁶ Though Rabbinically valid as a preventive measure.

⁷ While a sacrifice and terumah are Pentateuchal. A Rabbinical rule can have no force where its observance involves interference with a Biblical ordinance.

⁸ The Cuthean women.

⁹ Since menstruation may begin at the earliest stage of life.

¹⁰ In respect of restriction.

¹¹ As the latter must be a grown-up man so must the former be a grown-up woman.

¹² One wanting in generative powers. Only one capable of having a child to succeed in the name of his brother is subject to the mitzvah of yibum.

¹³ Marriage with a brother's wife.

¹⁴ How in view of Rabbi Meir's reason can they maintain their view?

frequent; was he, however, heard [to maintain his view in regard to] an infrequent minority? — This also is a frequent minority, for it was taught: Rabbi Yosi stated, It happened at En Bol that the infant was made to undergo ritual immersion¹⁵ before her mother;¹⁶ and Rebbe stated, It once happened at Beis She'arim that the infant was made to undergo ritual immersion before her mother; and Rav Yosef stated, It once happened at Pumbedisa that the infant was made to undergo ritual immersion before her mother. One can well understand the incidents spoken of by Rav Yosef and Rebbe¹⁷ since [immersion was necessary as a protection for] the terumah¹⁸ of the Land of Israel; but why was that necessary in the case spoken of by Rav Yosef,¹⁹ seeing that Shmuel had laid down: The terumah of a country outside the Land of Israel is not forbidden unless [it came in contact] with a person whose tumah emanated from his body,²⁰ and this applies only to eating but not to contact? — Mar Zutra replied: This²¹ was required only in regard to anointing her with the oil of terumah;²² for it was taught: And they shall not profane the holy things of the children of Israel, which they set apart unto the Lord includes²³ one who anoints oneself or drinks.²⁴

But what need was there for a Scriptural text [for inclusion in the prohibition of] one who drinks, seeing that drinking is included in eating?²⁵ — Rather [say that the text was intended] to include one who anoints oneself [in the same prohibition] as one who drinks.

And if you prefer I might reply: The prohibition²⁶ is derived from here: And it is come into his inward parts like water, and like oil into his bones. But if so shouldn't our daughters also

[be tamei from their cradle]? — For us who make a deduction of the use of 'and if a woman' instead of 'a woman' and [our daughters,] when observing any discharge are kept away, the Rabbis enacted no preventive measure; but as regards the Cutheans who do not make any deduction from the use of 'and if a woman' instead of 'a woman', and [their daughters] when observing any discharge are not kept away, the Rabbis enacted the preventive measure.

What is the exposition of 'a woman', 'and if a woman'? — It was taught: [If it had been written,] 'A woman', I would only know that a woman [is subject to the restrictions of menstrual tumah], from where could it be deduced that an infant one day old is also subject to the restrictions of niddah? Hence it was explicitly stated, 'And if a woman'. Thus it is evident that in including a child Scripture included even one who is one day old. May not, however, an incongruity be pointed out: [If Scripture had only written,] 'the woman' I would only know [that the restriction applies to] a woman, from where could it be derived that a child who is three years and one day old [is equally under the restrictions] in respect of cohabitation? Hence it was explicitly stated, 'The woman also'? — Rava replied: These are traditional laws but the Rabbis tacked them on to Scriptural texts.

Which one [can be deduced from] the Scriptural text and which is only a traditional law? If it be suggested that the law relating to an infant one day old is traditional and that the one relating to such as is three years and one day old is deduced from a Scriptural text, isn't the text [it may be retorted] written in general terms?²⁷ — Rather say: The law relating to one who is three years and one day old is

¹⁵ To protect any terumah which may come in contact with her.

¹⁶ Whose immersion is performed on the fourteenth day. That of the niddah takes place on the seventh.

¹⁷ Both of which occurred in Israel towns.

¹⁸ Which is rendered unfit through contact with a niddah.

¹⁹ Which occurred in a Babylonian town.

²⁰ A zav, for instance, or a niddah.

²¹ The immersion of the infant spoken of by Rav Yosef.

²² Anointing being forbidden like eating.

²³ In the prohibition.

²⁴ Which proves that anointing is forbidden like eating.

²⁵ And since eating was forbidden drinking also was obviously forbidden.

²⁶ Of anointing.

²⁷ And, since there is no reason why the age of three years and one day should be meant rather than that of two or of four years, the lowest possible age. vis., that of one day, should obviously be the one intended.

traditional and the one derived from the text is that concerning an infant who is one day old.

But since the former law is traditional, what was the purpose of the Scriptural text? — To exclude a man from the tumah of a red discharge.²⁸

But consider the following Baraisa: From the term of ‘woman’ I would only infer that a woman [is subject to the restriction of zivah], from where, however, could it be deduced that a female child that is ten days old is also subject to the restrictions of zivah? Hence it was explicitly stated, And if a woman. Now, what need was there for this text, seeing that the law could have been inferred from that of niddah? — It was necessary. For if the All Merciful had written the law in regard to a niddah only it might have been presumed that it applied only to the niddah, since even if she observed a discharge on one day only she must continue tumah for seven days, but not to a zavah for whom, if she observed a discharge on one day, it suffices to wait only one day corresponding to it;²⁹ hence the necessity for the second text. Then why should not the All Merciful write the law in regard to a zavah and there would be no need to give it again in regard to a niddah, since one knows that there can be no zavah unless she was previously a niddah? — That is so indeed. Then what was the need for the Scriptural text? — To exclude a man from the tumah of a red discharge. But was he not already once excluded? — One text serves to exclude him from the tumah of a discharge of red semen and the other from that of blood.

The same law applies also to males. For it was taught: ‘A man, a man’, what need was there for the repetition of ‘man’? To include a male child one day old who also is to be subject to the tumah of zivah; these are the words of Rabbi Yehudah.

²⁸ Of semen which is similar in nature to the discharge dealt with in the text under discussion. Only a woman's is subject to tumah but not that of a man.

Rabbi Yishmael son of Rabbi Yochanan ben Berokah said: This is not necessary, for, surely, Scripture says, Whether it be a man or a woman, ‘whether it be a man’ implies anyone who is man, whether adult or infant; ‘or a woman’ implies anyone who is a female irrespective of whether she is adult or minor. If so, why was it expressly stated, ‘a man, a man’? The Torah used an ordinary form of speech. Thus it is evident that in including a child Scripture included even an infant one day old.

Doesn’t, however, an incongruity arise: [If Scripture had only written] ‘a man’ I would only know [that the law applied to] a man, from where could it be derived that it also applies to a child who is nine years and one day old? Hence it was explicitly stated, And a man? — Rava replied: These are traditional laws but the Rabbis found support for them in Scriptural texts.

Which one is only a traditional law and which can be deduced from the Scriptural text? If it be suggested that the law relating to an infant one day old is traditional and that relating to a child who is nine years and one day old is deduced from a Scriptural text, is not the text [it could be objected] written in general terms? — Rather say: The law relating to a child who is nine years and one day old is traditional and the one relating to an infant one day old is derived from the Scriptural text. But, since the former is a traditional law, what was the purpose of the Scriptural text? — To exclude a woman from the tumah of a white discharge.

What need was there for Scripture to write [an additional word and letter] as regards males and females respectively? — These were necessary. For if the All Merciful had written the law in respect of males only it might have been presumed that it applied to them alone since they become tamei by

²⁹ And if she observed a discharge on the second day also, she need only wait one day, after which she is clean. Only a discharge that continued for three consecutive days would subject her to the tumah of a confirmed zavah.

[three] observations³⁰ [on the same day] as by [three observations on three successive] days, but not to females who do not become tamei by [three] observations [on the same day] as by [three observations on three successive] days. And if the All Merciful had written the law in respect of females alone, it might have been presumed to apply to them only, since they become tamei even if a discharge was due to a mishap but not to males who do not become tamei when a discharge is due to a mishap. [The additional letters and words were, therefore,] necessary.

The Cutheans impart tumah to a couch underneath as to a cover above: What is meant by ‘a couch underneath as a cover above’? If it be suggested to mean that if there were ten spreads³¹ and he sat upon them they all become tamei, isn’t this [it could be retorted] obvious seeing that he exercised pressure upon them? — The meaning rather is that a couch underneath one who had intercourse with a niddah is subject to the same law of tumah as the cover above a zav.³² As the cover above a zav imparts tumah to foods and drinks only so does the couch underneath one who had intercourse with a niddah impart tumah to foods and drinks only.

From where is the law concerning the cover above a zav deduced? — From the Scriptural text, And whoever touches anything that was under him shall be tamei. For what could be the meaning of ‘under him’? If it be suggested: Under the zav [it could be objected: This] is derived from, And whoever touches his bed. Consequently it must mean: Whoever touches anything under which the zav was’; and this is the cover above the zav, Scripture segregated it from a grave tumah and transferred it to a lighter tumah in order to tell you that it imparts tumah to foods and drinks only.

The Gemara asks: Might it not be suggested that Scripture segregated it from the grave tumah only in order that it shall

not impart tumah to a man and thereby also impart tumah to his clothes, but that it does impart tumah to a man or to clothes? — Scripture said: Shall be tamei, which implies a tumah of a lighter character. And from where is the law concerning the couch beneath one who had intercourse with a niddah deduced? — From what was taught: And her impurity be upon him. As it might have been presumed that he is released from his tumah as soon as he is released, it was explicitly stated, He shall be tamei seven days. Then why was it explicitly stated, ‘And her impurity be upon him’? As it might have been presumed that he imparts no tumah to man or earthenware, it was explicitly stated, ‘And her impurity be upon him’, as she imparts tumah to man and to earthenware so does he impart tumah to man and earthenware. In case it might be suggested: As she causes a couch or a seat to become tamei so as to impart tumah to a man and thereby also impart tumah to his clothes, so does he also cause his couch and seat to impart tumah to man and thereby impart tumah to his clothes, it was explicitly stated: And every bed whereon he lies shall be tamei. For it should not have been stated: ‘and every bed on which he lies shall be tamei’, then why was it written, ‘And every bed on which etc.’? Scripture has, thereby, segregated it from a grave tumah and transferred it to a lighter tumah, to tell you that it imparts tumah to foods and drinks only.

³⁰ Of discharges.

³¹ One above the other.

³² And not as the couch under him which imparts tumah to human beings also.