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Niddah Daf 52

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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

Whatever is subject to the law of the first of the fleece (*sheep*) is also subject to that of the *Kohanic* gifts, but there is something (*cattle*) that is subject to the law of the *Kohanic* gifts and not to that of the first of the fleece.

Whatever is subject to the law of removal (*bi’ur - the produce of Shemittah may be kept as long as that produce is still available in the fields for the animals; afterwards, it may no longer remain in the house*) is also subject to the restrictions of *Shemittah*, but there is something (*a kind or produce*) that is subject to the restrictions of *Shemittah* and is not subject to the law of removal.

The *Gemora* explains that the first part of the *Mishna*, which states: Whatever is subject to the law of removal is also subject to the restrictions of *Shemittah*, refers to the leaves of the wild *luf* (*a kind of bean*) and of mint (*for they are not found in the fields during the winter*).

The *Mishna* continued: There is something (*a kind or produce*) that is subject to the restrictions of *Shemittah* and is not subject to the law of removal. This is referring to the root of the wild *luf* and the root of mint, since it is written: And for your animals and for the beasts that are in your land, shall all the produce be for food; as long as ‘the beasts’ are able to eat from the field, you may feed ‘your cattle’ in the house, but when the produce comes to an end for ‘the beasts’ in the field (*they are no longer available*), you must remove the produce for ‘your cattle’ which are in the house; but these (*the root of the wild luf and the root of mint*), surely have not come to an end.

All fish that have scales also have fins, but there are some that have fins but no scales. [*Those that have fins and scales are kosher, but those that have fins and no scales are nonkosher.*]

All animals that possess horns have split hooves (*for only kosher animals and beasts have horns*), but there are animals that have split hooves but do not possess horns (*such as a pig*).

The *Gemora* notes from the *Mishna* that any fish that has scales is kosher, and any fish that possesses fins but does not, however, have scales, are nonkosher.

The *Gemora* asks: But consider that we rely upon scales, the Torah then should have stated scales only (*as the kosher characteristic*) and not fins!

The *Gemora* answers: Had the Torah only stated scales and not fins, I might have thought that *kaskeses* (*the word for scales*) meant fins, and even nonkosher fishes would have been permitted; the Torah therefore stated fins as well as scales.

The *Gemora* asks: But even now that the Torah states fins as well as scales, from where do we know that the term *kaskeses* means the scales that cover the fish like a coat (*perhaps it means the fins*)?

The *Gemora* answers: It is because it is written: *And he was wearing a coat of kaskasim*.

The *Gemora* asks: If so, the Torah did not need to state fins at all but only scales!

Rabbi Avahu said, and so it was taught in the school of Rabbi Yishmael: He expands the Torah and glorifies it. [*Although it was*

not necessary, the Torah wanted to make certain that one would not eat fish unless it had fins and scales.]

Whatever requires a blessing after it requires one before it, but there are things that require a blessing before them but not after them.

The Gemora notes that the last clause of the Mishna includes vegetables (that due to their relatively insignificance, a blessing – even a borei nefashos - is not recited after eating them).

The Gemora notes further that according to Rabbi Yitzchak, who maintains that a blessing (borei nefashos) is recited after the eating of vegetables, the Mishna intended to include water. And according to Rav Pappa, who maintains that a blessing is recited after the drinking of water, the Mishna intended to include the performance of mitzvos (such as lulav, shofar, tzitzis and tefillin, which require a blessing only before their performance, and not afterwards).

The Gemora asks: But according to the Westerners (those who live in Eretz Yisroel), who after removing their tefillin (upon nightfall), recite the benediction of ‘... Who has sanctified us by His commandments, and has commanded us to keep his decrees’ (for the Rabbis had decreed that tefillin should not be worn at night), what is the Mishna coming to include?

The Gemora answers: It includes the blessing on fragrances (where there is no blessing recited afterwards).

[Yibum – levirate marriage - the act of the brother-in-law marrying his widowed sister-in-law, when the brother died without children; if he declines, she submits to chalitzah, i.e. she removes his shoe, spits before him and declares that he does not want to marry her.] If a (twelve year old) girl has grown two (pubic) hairs, she may either perform chalitzah or yibum, and she is under an obligation to perform all the commandments that are stated in the Torah. So also a boy (who is thirteen years of age), if he has grown two (pubic) hairs, is under an obligation to perform all the commandments stated in the Torah.

[A stubborn and rebellious son (ben sorer u’moreh) is subject to stoning.] When does he become a ben sorer umoreh? From the time he produces two (pubic) hairs until a beard will grow around - the lower (pubic hair), and not the upper (beard) - the Sages spoke in a clean language (to avoid stating explicitly “the pubic hairs”).

[A girl whose father had died could be given in marriage while still a minor (under the age of twelve) by her mother or older brother. This marriage is only valid Rabbinically. As long as she has not attained the age of twelve, she may nullify the marriage by refusing to live with her husband. This act of refusal, referred to as mi’un nullifies the marriage retroactively.] Until when can a girl perform mi’un? She may do so until she grows two hairs. Rabbi Yehudah says: Until those hairs give an appearance in that area of more black (the hairs) than white (the skin).

The Gemora asks: But since we have learned in the Mishna that she (a girl who has grown two hairs) is under an obligation to perform all the commandments that are stated in the Torah, what need was there for the Mishna to state that she may either perform chalitzah or yibum?

The Gemora answers: It is to exclude a ruling of Rabbi Yosi, who stated: It is written ‘a man’ regarding chalitzah, but as to a woman, even if she is only a minor, her chalitzah is valid. It was therefore necessary to teach us that a woman is compared to a man (and even she needs to have reached adulthood), which is contrary to the opinion of Rabbi Yosi.

The Gemora asks similarly: But since we have learned in the Mishna that a boy (who produces two hairs) is like a girl, what need was there for the Mishna to state that he is under an obligation to perform all the commandments that are stated in the Torah? And you cannot answer that it was necessary to teach that he may become a ben sorer u’moreh at that time, for the question may be asked: Have we not learned this once already? When does he become a ben sorer umoreh? From the time he produces two (pubic) hairs until a beard will grow around - the lower (pubic hair), and not the upper (beard) - the

Sages spoke in a clean language (*to avoid stating explicitly “the pubic hairs”*).

The *Gemora* answers: This is so indeed; it is only because details were specified about a girl, those relating to a boy were also specified.

The *Mishna* had stated: Until when can a girl perform *mi'un*? She may do so until she grows two hairs. Rabbi Yehudah says: Until those hairs give an appearance in that area of more black (*the hairs*) than white (*the skin*).

Rabbi Avahu said in the name of Rabbi Elozar: The *halachah* is in agreement with Rabbi Yehudah. Rabbi Yehudah, however, agrees that if she cohabited after she had produced two hairs, she may no longer exercise the right of *mi'un*. [*This is because there was a valid marriage kinyan after she had attained her adulthood; only where no cohabitation had taken place after two hairs have grown does Rabbi Yehudah maintain his view. The Tanna Kamma, however, maintains that even if she allowed only one moment to pass after the producing of two hairs, irrespective of whether cohabitation did or did not take place, her right to mi'un is lost.*]

The colleagues of Rav Kahana desired to give a practical decision in agreement with the ruling of Rabbi Yehudah, although cohabitation had taken place, but Rav Kahana addressed them as follows: Didn't such an incident happen with the daughter of Rabbi Yishmael? She, namely, came to the schoolhouse to exercise the right of *mi'un* while her son was riding on her shoulder; and on that day were the views of Rabbi Yishmael mentioned at the study hall; and the Rabbis wept bitterly saying, 'Over a ruling which that righteous man¹ had laid down should his offspring stumble!' For Rav Yehudah citing Shmuel who had it from Rabbi Yishmael stated: And she be not seized, [then only]

¹ Rabbi Yishmael.

² To her husband.

³ If, for instance, a condition was attached to it and the condition remained unfulfilled, or if the marriage was with a minor (in the absence of her father) whose act (even with the consent of her mother) has no validity. In

is she forbidden,² but if she was seized she is permitted. There is, however, another class of woman who is permitted even if she was not seized. And who is that? A woman whose betrothal was a mistaken one,³ and who, even if her son sits riding on her shoulder, may exercise the right of *mi'un* and go away.⁴ Thereupon they took a vote and decided: Up to what age may a girl exercise the right of *mi'un*? Until that at which she grows two hairs. [On hearing this incident] they abstained and did not act as they first intended.

Rabbi Yitzchak and the disciples of Rabbi Chanina gave a practical decision in agreement with Rabbi Yehudah, though the girl had been subjected to intercourse. Rav Shemen bar Abba proceeded to tell it in the presence of Rabbi Yochanan; Rabbi Yochanan proceeded to tell it in the presence of Rabbi Yehudah Nesi'ah and the latter sent a constable who took her away.⁵

Rav Chisda citing Mar Ukva stated: The meaning is not that the black must actually predominate but that it shall be such as, when two hairs lie flat, has the appearance⁶ of the black predominating over the white. Rava stated: Two hairs that reach from rim to rim.

Rabbi Chelbo citing Rav Huna stated: The two hairs of which the Rabbis spoke must⁷ have follicles at their roots. Rav Malkiyu citing Rav Adda bar Ahavah ruled: Follicles suffice even in the absence of hairs.

Said Rav Chanina the son of Rav Ikka: The rulings concerning a spit (that has been used for the roasting of meat on a festival, although it is deemed to be *muktza*, may be placed in a corner in an unusual manner), maidservants (even if a woman brings one hundred maids into the marriage, her husband can force her to knit, as her having nothing to do could lead to promiscuity) and pores (that these, even without pubic hairs growing from

such a case the woman may leave her husband without a letter of divorce and she has the status of a woman who had never before been married.

⁴ Since the marriage had no validity.

⁵ From her second husband who had married her in reliance on her *mi'un*.

⁶ Owing to the length of the hairs.

⁷ If they are to be taken as a mark of puberty.

them, are sufficient indication of puberty) were authored by Rav Malkiyo; but those concerning locks of hair (an Israelite trimming the hairs of an idolater must withdraw his hand at a distance of three finger's breadth on every side of the forelock to avoid assisting them in servicing their idols), ashes (are forbidden to be spread on a wound in order to heal it because it gives the appearance of a tattoo), and cheese (made by idolaters are forbidden since they smear it with lard) were authored by Rav Malkiya.

Rav Pappa, however, said: If the statement is made concerning a Mishna or a braisa, the author is Rav Malkiya, but if it is concerning an Amora's statement, the author is Rav Malkiyo. And your mnemonic is: A Tannaic statement is a queen. (A statement issued by a Tanna is more authoritative than a statement from an Amora. Malkiya, whose name closely resembles queen, is to be associated with the Mishna and the braisa that are designated queen.)

The Gemora asks: What is the practical difference between them?

The Gemora answers: It is the statement concerning maidservants (which is recorded in a Mishna in Kesuvos; according to Rav Pappa, the statement concerning it must be that of R. Malkiya, while according to Rav Nachman, it is included among the statements attributed to R. Malkiyo).

Rav Ashi stated: Mar Zutra told me that Rabbi Chanina of Sura felt about this the following difficulty: Would not a single Tanna⁸ go out of his way to teach us the law of the follicles? — If one had informed us of the law of the follicles it might have been presumed that [puberty is not established] unless there were two hairs in two follicles respectively, hence we were informed⁹ that even two hairs in one follicle are sufficient. But is there such

a phenomenon?¹⁰ Is it not in fact written in Scripture: He that would break me with a tempest, and multiply my wounds without cause in connection with which Rava remarked: Iyov blasphemed with the mention of tempest and he was answered with a tempest. He 'blasphemed with the mention of se'arah', saying to Him, 'Sovereign of the world, perhaps a se'arah has passed before Youe, and caused You to confuse "Iyiv" with "enemy"?' 'He was answered with a se'arah': Then the Lord answered Iyov out of the se'arah, and said to him, 'Most foolish man, I have created many hairs in a man's head and for every hair I have created a separate follicle, so that two should not suck from the same follicle, for if two were to suck from the same follicle they would impair the sight of man. I did not confuse one follicle with another, would I confuse "Iyov" and "enemy"?'¹¹ — This is no difficulty since one¹² refers to the body while the other¹³ refers to the head.

Rav Yehudah citing Shmuel ruled: The two hairs of which they spoke [establish puberty] even if one is on the crest and the other on the testicles. So it was also taught: The two hairs of which they spoken [establish puberty] even if one grows 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; so Rabbi Shimon ben Yehudah of Kefar Akko who cited it in the name of Rabbi Shimonl. And as for the Rabbis, Rav Chisda said: Unless the two hairs are in one place.¹⁴

Our Rabbis taught: Up to what age may a girl exercise the right of mi'un? Until she grows two hairs; so said Rabbi Meir. Rabbi Yehudah ruled: Until the black predominates. Rabbi Yosi ruled: Until a ring is formed around the nipple. Ben Shalkus ruled: Until she grows her hair in profusion. In connection with this Rabbi Shimon stated: Chanina ben Chachinai once met me at Sidon and said to me, 'When you arrive at Rabbi Akivba's ask him "until what age may a girl exercise the right of mi'un". If he tells

⁸ If follicles alone, in the absence of hairs, sufficed to establish puberty.

⁹ By the mention of two hairs only.

¹⁰ Two hairs in one follicle.

¹¹ From which it is obvious that two hairs can never grow from the same follicle. How then could it be maintained that two hairs may sometimes grow from the same follicle?

¹² The case of the hairs mentioned in our Mishnah.

¹³ The hairs mentioned in connection with Iyov,

¹⁴ It is not a sign of puberty.

you, "Until she grows two hairs", ask him this: Did not Ben Shalkus testify in the presence of all of you at Yavneh, "Until she grows her hair in profusion", and you did not say to him a word to the contrary?' When I arrived at Rabbi Akiva's the latter told me, 'I do not know anything about the growing of hair in profusion, and I do not know Ben Shalkus; a girl may exercise the right of mi'un until the age when she grows two hairs'.

MISHNAH: The two hairs spoken of in regard to the red heifer and in regard to tzaraas as well as those spoken of anywhere else¹⁵ must be long enough for their tips to be bent to their roots; so said Rabbi Yishmael. Rabbi Eliezer ruled: long enough to be grasped by a finger-nail. Rabbi Akiva ruled: long enough to be taken off with scissors.

GEMARA: Rav Chisda citing Mar Ukva stated: The halachah is in agreement with the views of all these in that the law is thereby invariably restricted.¹⁶

MISHNAH: A woman who observed a blood-stain¹⁷ is in an unsettled condition¹⁸ and must take into consideration the possibility that it was due to zivah; so said Rabbi Meir. But the sages ruled: in the case of blood-stains there is no [need to consider the possibility of their being] due to zivah.

GEMARA: Who are the sages? — Rabbi Chanina ben Antigonus. For it was taught: Rabbi Chanina ben Antigonus ruled: In the

case of blood-stains there is no [need to consider the possibility of their being] due to zivah, but sometimes blood-stains do lead to zivah. How so? If a woman¹⁹ put on three shirts that she had previously examined and then found a blood-stain on each of them, or if she²⁰ observed a discharge²¹ on two days and [a blood-stain on] one shirt,²² these are the blood-stains that lead to zivah. But since in the case of three shirts, where she observed no direct discharge from her body, the possibility of zivah is taken into consideration, why was it necessary to mention²³ that of 'two days and one shirt'? — It might have been presumed that in any instance like this²⁴ the woman brings a sacrifice which may be eaten,²⁵ hence we were informed [that only the possibility²⁶ of zivah is taken into consideration].²⁷

Rava observed: In this matter Rabbi Chanina ben Antigonus vindicated his case against the Rabbis. For why is it [that when a bloodstain] less than three beans in size is in one spot we do not take into consideration the possibility of zivah? [Presumably] because we assume that it is the result of observations on two days.²⁸ But then why should we not, even if a stain of the size of three beans was in one spot, similarly assume that only to the extent of the size of two and a half beans the discharge was from her body while the rest is the blood of a louse due to the filth?²⁹ — And the Rabbis?³⁰ — Since the stain³¹ can be divided up into parts of the size of a bean and over for each day³² we do not ascribe it to any external cause. As to Rabbi Chanina ben Antigonus, is it only when a stain of the

¹⁵ In regard to the marks of puberty.

¹⁶ Sc. as soon as the hairs grow to the smallest length mentioned in our Mishnah she is no longer regarded as minor and the right of mi'un is denied to her, while chalitzah may not be performed until the hairs grew to the maximum of the lengths mentioned, when her majority is beyond all doubt.

¹⁷ On her underclothing.

¹⁸ Lit., 'damaged', sc. the calculations (that enable her to determine in which days she is liable to niddah and in which she is susceptible to zivah) are upset since she is unable to ascertain when exactly the discharge (of which the blood-stain is the result) had occurred.

¹⁹ On three consecutive days respectively during the period in which she is susceptible to zivah,

²⁰ In the zivah period.

²¹ An actual flow of blood.

²² That was previously duly examined.

²³ That zivah must be taken into consideration.

²⁴ Two actual discharges and one blood-stain.

²⁵ Sc. that the sacrifice is deemed to be valid as in the case of certain zivah.

²⁶ But not the certainty.

²⁷ So that the sacrifice is of a doubtful nature. As the method of killing that is prescribed for a bird sacrifice renders an unconsecrated bird neveilah and forbidden to be eaten, the bird sacrifice offered in this case must (on account of its doubtful nature) be forbidden to be eaten.

²⁸ While zivah cannot be established unless discharges occurred on three consecutive days.

²⁹ Of menstruation; so that there was no zivah at all.

³⁰ How can they maintain their ruling in view of this argument?

³¹ Being of generous dimensions and rather larger than the size of three beans.

³² So that on each day there may have been a new stain of the size prescribed.

size of three beans in one spot that we do not take the possibility of zivah into consideration, but if it is in three different places³³ the possibility is taken into consideration? But did you not say that this³⁴ applies only to stains on three shirts,³⁵ from which it follows that it does not apply to stains in three spots?³⁶ — He spoke to them on the line of the view of the Rabbis. As far as I am concerned, he said in effect, it³⁷ applies only to three shirts and not to three spots; but according to your view, agree with me at least that, where she had observed a stain of the size of three beans in one spot, we assume that to the extent of two and a half beans the discharge came from her body while the rest is the blood of a louse due to the filth. And the Rabbis? — Since the stain³⁸ can be divided up into parts of the size of a little more than a bean for each day,³⁹ we do not ascribe it to any external cause.

Our Rabbis taught: If a woman observed a blood-stain, if it is big enough to be divided into parts corresponding respectively to three beans, each of which being slightly bigger than the size of a bean, she must take into consideration the possibility of zivah; otherwise, she need not take this possibility into consideration. Rabbi Yehudah ben Agra citing Rabbi Yosi ruled: In the one case and in the other⁴⁰ the possibility must be taken into consideration.⁴¹

Rebbe stated: Rabbi Yehudah ben Agra's ruling is acceptable where she did not examine and the ruling of the Sages where she did examine. What is meant by 'she did examine' and by 'she did not examine'? — Rava replied: I found the Rabbis of the study hall sitting at their studies and discoursing thus: 'Here we are dealing with the case of a woman who examined herself, but did not examine her shirt; and even her own body was examined by her only at the twilight of Rabbi Yehudah, while at the twilight of Rabbi Yosi she did not examine herself. In such a case,

the Rabbis being of the opinion that at the twilight of Rabbi Yosi it is already night, [the question of zivah does not arise] since she had examined herself at the twilight of Rabbi Yehudah, and Rabbi Yosi follows his own view, he having stated that twilight is a doubtful time'. But I said to him: 'Had her hands been kept in her eyes throughout the twilight you would have spoken well, but now, is it not possible that she experienced a discharge as soon as she had removed her hands?' They then told me, 'We only spoke of a case where the woman had her hands in her eyes throughout the twilight'.

³³ Though on the same shirt.

³⁴ That the possibility of zivah is taken into consideration.

³⁵ One stain on each.

³⁶ On the same shirt.

³⁷ That the possibility of zivah is taken into consideration.

³⁸ Being of generous dimensions and rather larger than the size of three beans.

³⁹ So that on each day there may have been a new stain of the size prescribed.

⁴⁰ Sc. even if the stain was no bigger than the size of two beans.

⁴¹ Since it is possible that at least one of the stains was due to a discharge at twilight which counts as two.