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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

Consider! How many¹ are the days of cleanness?² Sixty-six.³ Deduct⁴ the third week⁵ in which the woman was required to perform [nightly] immersions⁶ there remain sixty minus one. Now, sixty minus one and thirty-five⁷ are ninety-four, how then is the number of ninety-five obtained? — Rabbi Yirmiyah of Difti replied: This is a case, for instance, where the woman⁸ made her appearance before us at twilight,⁹ so that (owing to the doubt) we impose upon her an additional immersion.¹⁰ According to Beis Hillel, however, who maintain that one who performed immersion on a long day requires no immersion [at the conclusion]¹¹ how is the number thirty-five obtained? — Twenty-eight, as has been explained, while

during the fifth week we require the woman to undergo immersion every night, since¹² it might be assumed [that each day¹³ is the] last of the days of her menstruation.¹⁴ What need was there for the mention of ten weeks seeing that eight and a half¹⁵ would suffice?¹⁶ — Since he had to mention half a week he mentioned all of it, and since he had to mention an unclean week¹⁷ he also mentioned a clean one.¹⁸

But are there [not also the additional] immersions¹⁹ due to the possibility of the woman's being a zavah?²⁰ They only count the immersions before intercourse²¹ but not those that follow.

¹ On the assumption that the birth was that of a female child.

² That follow the fourteen days of uncleanness, and the last day of which might be presumed to coincide with any of the days under discussion.

³ So that during the presumed days of cleanness no more than sixty-six immersions can be expected owing to the presumption that each might possibly be the eightieth day.

⁴ From these sixty-six days.

⁵ Which comprises the first seven of these.

⁶ On account of the same possibility that each was the eightieth day (in addition to her daily immersions necessitated by the possibility of her bearing in the condition of zivah).

⁷ Seven during the first week and fourteen during the second as well as during the third week ($7 + 2 \times 14 = 7 + 28 = 35$).

⁸ On her return.

⁹ Of the day preceding the one from which the counting begins. As twilight is a time of doubtful day and doubtful night it cannot be definitely regarded as either.

¹⁰ Immediately after her appearance. That day, however, owing to the doubtful nature of twilight cannot be counted among the days and nights under discussion.

¹¹ So that in the third week only seven immersions are to be performed, and these together with the fourteen of the second week and the seven of the first week only amount to twenty-eight.

¹² Owing to her' 'daily discharge during the fourth week.

¹³ Of the fifth week.

¹⁴ Which may have begun on any of the days of the fourth week each of which might have been preceded by the last of the days of cleanness.

¹⁵ In addition to the three clean weeks.

¹⁶ To make up the number 80: $3 + 8 \frac{1}{2} \text{ weeks} = 11 \frac{1}{2} \text{ weeks} = 11 \times 7 + 3 = 80 \text{ days}$.

¹⁷ The ninth; the first of each pair of alternate weeks, commencing with the first, being assumed to be an unclean one.

¹⁸ The tenth; being second of the last pair.

¹⁹ Every day after the fourth week.

²⁰ During the preceding unclean week. Only in the case of the fourth week which has been preceded by clean weeks could no such immersions be expected.

²¹ On the night preceding the thirty-fifth day.

But according to Beis Shammai who²² count also the immersions that follow intercourse, why was no mention made of the immersions that are due to the possibility of the woman's being a zavah? — They only deal with immersions that are occasioned by childbirth but do not discuss those that are due to zivah.

Is there then [no mention of the possibility that the woman might have] given birth to a child while she was in a condition of zivah?²³ — They do take note of the 'possibility of a birth in a condition of zivah, but no note is taken of zivah alone.

Why shouldn't the woman perform immersion in the daytime of each of the days of the first week after she appeared before us, seeing that it is possible that her counting²⁴ ended on that day?²⁵ — This is in agreement with Rabbi Akiva who ruled: It is required that the counting shall take place within our cognizance.²⁶

But why shouldn't she perform immersion at the end of the first week?²⁷ — They do not discuss one day of a week.

But why shouldn't she perform immersion on the first day she comes to us, seeing that it is possible that she is awaiting

a day for a day?²⁸ — They deal with a major zavah²⁹ but not with a minor one.³⁰

Three rulings may thus be inferred: It may be inferred that it was Rabbi Akiva who ruled that the counting³¹ must take place within our cognizance; and it may be inferred that it was Rabbi Shimon who stated, 'The Sages have truly laid down that it is forbidden to do so since thereby she might be involved in a doubtful uncleanness'; and it may also be inferred that it is a mitzvah to perform immersion at the proper time.³²

Rabbi Yosi the son of Rabbi Yehudah, however, ruled: It suffices if one immersion is performed after the final [period of uncleanness], and we do not uphold the view that it is a mitzvah to perform immersion at the proper time.³³

MISHNAH: If a woman miscarried on the fortieth day,³⁴ she need not take into consideration the possibility of a valid childbirth; but if on the forty-first day, she must continue [her periods of uncleanness and cleanness as] for both a male and a female³⁵ and as for a niddah.³⁶ Rabbi Yishmael ruled: [If she miscarried on] the forty-first day she continues [her periods of uncleanness and cleanness as] for a male³⁷ and as for a niddah, but if on the eighty-first day she must continue [these periods as] for a male and a female and a niddah;

²² Giving the number as ninety-five.

²³ Of course there is. How then could it be maintained that immersions due to zivah are not discussed?

²⁴ Of the seven days of menstruation.

²⁵ Why then was it stated that she performs immersion in the nights only?

²⁶ No valid counting, therefore, is possible before a week had passed from the date of her return.

²⁷ The seventh day after her return, when the counting did take place within our cognizance.

²⁸ A clean day for an unclean one, sc. she might be within the period of the eleven days of zivah that intervene between the menstrual periods, during which she must perform immersion on the clean day following the one on which she experienced a discharge.

²⁹ The result of discharges on three consecutive days within the eleven days period.

³⁰ Due to a discharge on one or two days only.

³¹ Of the seven days of menstruation.

³² I.e., at the earliest possible moment.

³³ I.e., at the earliest possible moment.

³⁴ After presumed conception.

³⁵ I.e., since it is possible that the abortion was the embryo of a child either male or female, the restrictions of both are imposed upon her but none of the relaxations of either.

³⁶ It being possible that the embryo was neither male nor female so that there was no valid childbirth.

³⁷ I.e., seven days of uncleanness even if there was no bleeding at the miscarriage.

because a male is fully fashioned on the forty-first day and a female on the eighty-first day. The sages, however, maintain that both the fashioning of the male and the fashioning of the female take the same course, each lasting forty-one days.

GEMARA: Why was male mentioned? If in respect of the days of uncleanness, female was mentioned,³⁸ and if in respect of the days of cleanness,³⁹ wasn't niddah mentioned?⁴⁰ — In order that if the woman observed a discharge on the thirty-fourth day⁴¹ and then observed one on the forty-first day⁴² she⁴³ shall remain unclean until the forty-eighth day.⁴⁴ And so also in respect [of the possible birth of] a female⁴⁵ [the last word had to be mentioned] so that if she observed any blood on the seventy-fourth day and these again on the eighty-first day she shall remain unclean until the eighty-eighth day.

Rabbi Yishmael ruled: [if she miscarried on] the forty-first day she continues [her periods of uncleanness and cleanness as] for a male and as for a niddah etc. It was taught: Rabbi Yishmael stated, Scripture prescribed uncleanness⁴⁶ and

cleanness⁴⁷ in respect of a male⁴⁸ and it also prescribed uncleanness⁴⁹ and cleanness⁵⁰ in respect of a female,⁵¹ as in the case of the former⁵² his fashioning period⁵³ corresponds to his unclean and clean periods so also in the case of the latter her fashioning period⁵⁴ corresponds to her unclean and clean periods. They replied: The duration of the fashioning period cannot be derived from that of uncleanness. Furthermore, they said to Rabbi Yishmael, A story is told of Cleopatra the queen of Alexandria that when her handmaids were sentenced to death by royal decree they⁵⁵ were subjected to a test⁵⁶ and it was found that both [a male and a female embryo] were fully fashioned on the forty-first day. He replied: I bring you proof from the Torah and you bring proof from some fools! But what was his 'proof from the Torah'? If it was the argument, 'Scripture prescribed uncleanness and cleanness in respect of a male and it also prescribed uncleanness and cleanness in respect of a female etc.', have they not already replied, 'The duration of the fashioning period cannot be derived from that of uncleanness'? — The Scriptural text says, She bear,⁵⁷

³⁸ Whose fourteen days of uncleanness obviously absorb the seven unclean days of a male birth.

³⁹ Sc. that she is only entitled to the thirty-three clean days of the male and not to the sixty-six days of the female.

⁴⁰ Whose discharges of blood are invariably unclean whatever the day.

⁴¹ When she is held to be unclean on account of possible menstruation, though the day is only (34 — 7 = 27) the twenty-seventh of the thirty-three clean days prescribed for a male birth.

⁴² Which is the eighth day after the discharge on the thirty-fourth.

⁴³ Despite the previous assumption of menstruation on the thirty-fourth day, which would put the forty-first day outside the seven days of the menstruation period (when the observation of a discharge necessitates the waiting of no more than one single day).

⁴⁴ It being assumed that the miscarriage was a male and that the thirty-fourth day was therefore still within the thirty-three clean days prescribed for a male birth, so that the second discharge on the forty-first day was the first menstrual one after the completion of the thirty-three clean days in consequence of which she must

wait another seven days to complete the menstruation period. Her ritual immersion, therefore, cannot take place before (41 + 7 = 48) the forty-eighth day.

⁴⁵ I.e., the restrictions on account of this possibility imposed in our Mishnah.

⁴⁶ Seven days.

⁴⁷ Thirty-three days.

⁴⁸ Totalling forty days.

⁴⁹ Fourteen days.

⁵⁰ Sixty-six days.

⁵¹ Totalling eighty days.

⁵² Lit., 'when it prescribed uncleanness and cleanness in respect of the male'.

⁵³ Forty days.

⁵⁴ Eighty days.

⁵⁵ Having forfeited their lives and being at her mercy.

⁵⁶ Fertilization and subsequent operation.

⁵⁷ By the superfluous expression of 'she bear' the omission of which could in no way have affected the sense of the text.

Scripture thus added another kind of birth⁵⁸ in the case of a female.⁵⁹

But why [should the test spoken of by the Rabbis be described as] ‘proof from some fools’? — It might be suggested that the conception of the female preceded that of the male by forty days.⁶⁰ And the Rabbis?⁶¹ — They⁶² were made to drink⁶³ a scattering drug.⁶⁴ And Rabbi Yishmael?⁶⁵ — Some constitution is insusceptible to a drug.⁶⁶

Rabbi Yishmael then said to them: A story is told of Cleopatra the Grecian⁶⁷ queen that when her handmaids were sentenced to death under a government order they were subjected to a test and it was found that a male embryo was fully fashioned on the forty-first day⁶⁸ and a female embryo on the eighty-first day. They replied: No one adduces proof from fools. What is the reason?⁶⁹ — It is possible that the handmaid with the female delayed [intercourse] for forty days and that it was only then that conception occurred.⁷⁰

⁵⁸ In which the embryo is fashioned. Lit., ‘added to her . . . another birth’, sc. forty days in addition to the forty days during which a male embryo is fashioned.

⁵⁹ Which proves that the fashioning period of a female embryo is (40 + 40 =) 80 days.

⁶⁰ And that this was the reason why in the Cleopatra test both were found to be fully fashioned.

⁶¹ How could they rely upon such inconclusive evidence?

⁶² Cleopatra's handmaids.

⁶³ Before they were experimented on.

⁶⁴ I.e., destroying the semen in the womb.

⁶⁵ What objection then could he have put forward against the proof of the Rabbis?

⁶⁶ It was quite possible, therefore, that despite the drug the conception of the female took place forty days prior to that of the male.

⁶⁷ Egypt in Cleopatra's reign was under the influence of Greek institutions and Greek culture.

⁶⁸ After conception.

⁶⁹ Why the incident cited should not be accepted as proof.

⁷⁰ The ‘eighty-first day’ was, therefore, in reality the forty-first one.

And Rabbi Yishmael?⁷¹ — They were placed in the charge of a warden.⁷² And the Rabbis?⁷³ — There is no guardian against promiscuity; and the warden himself might have intercourse with them. But⁷⁴ is it not possible that if a surgical operation had been performed on the forty-first day the female embryo also might have been found in a fully fashioned condition like the male? — Abaye replied: They⁷⁵ were equal as far as these distinguishing marks were concerned.⁷⁶

The sages, however, maintain that both the fashioning of the male and the fashioning of the female etc. Is not the ruling of the Sages identical with that of the first Tanna?⁷⁷ And should you reply that the object⁷⁸ was to indicate that the anonymous Mishnah represented the view of the Rabbis because when an individual is opposed by many the halachah is in agreement with the many, is not this⁷⁹ obvious?⁸⁰ — It might have been presumed that Rabbi Yishmael's reason is acceptable since it is also supported by a Scriptural text,

⁷¹ How in view of this possibility can he maintain that the incident provides the required proof?

⁷² Whose duty it was to prevent all intercourse except on one particular day.

⁷³ How in view of this safeguard could it be suggested that the conception of the female was delayed for forty days?

⁷⁴ Since the test in respect of the female took place on the eighty-first day.

⁷⁵ The male and the female.

⁷⁶ Those of the male embryo on the fortieth day were like those of the female on the eighty-first.

⁷⁷ Who earlier in the Mishnah ruled that ‘if on the forty-first day she must continue . . . for both a male and a female and for a niddah’ from which it follows that a female also is fully fashioned on the forty-first day.

⁷⁸ Of repeating in the name of the Sages an earlier anonymous ruling.

⁷⁹ That the anonymous ruling is the view of the Rabbis.

⁸⁰ Of course it is, since all anonymous rulings generally represent the views of the majority of Sages and the halachah is in agreement with them.

hence we were informed⁸¹ [that the halachah is in agreement with the Sages].⁸²

Rav Simlai delivered the following discourse: What does an embryo resemble when it is in the bowels of its mother? Folded writing tablets. Its hands rest on its two temples respectively, its two elbows on its two legs and its two heels against its buttocks. Its head lies between its knees, its mouth is closed and its navel is open, and it eats what its mother eats and drinks what its mother drinks, but produces no excrements because otherwise it might kill its mother. As soon, however, as it sees the light⁸³ the closed organ⁸⁴ opens and the open one⁸⁵ closes, for if that had not happened the embryo could not live even one single hour. A light burns above its head and it looks and sees from one end of the world to the other, as it is said, then his lamp shined above my head, and by His light I walked through darkness. And do not be astonished at this, for a person sleeping here⁸⁶ might see a dream in Spain. And there is no time in which a man enjoys greater happiness than in those days,⁸⁷ for it is said: O that I were as the months of old, as in the days when God watched over me; now which are the days' that make up 'months'⁸⁸ and do not make up years? The months of pregnancy of course.⁸⁹ It is also taught all the Torah from beginning to end, for it is said: And he taught me, and said to me: 'Let your heart hold fast my words, keep my commandments and live', and it is also said: When the converse of God was upon my tent. Why the addition of 'and it is also said'? — In case you might say that it was only the prophet who said that,⁹⁰ come and hear 'when the converse of God was upon my tent. As soon as it, sees the light an angel approaches, slaps it on its mouth and causes it to forget all the Torah completely, as it is said, Sin couches at the door. It

does not emerge from there before it is made to take an oath, as it is said: That to Me every knee shall bow, every tongue shall swear; 'That to Me every knee shall bow' refers to the day of dying of which it is said: All they that go down to the dust shall kneel before Him; 'Every tongue shall swear' refers to the day of birth of which it is said: He that has clean hands, and a pure heart, who has not taken My Name in vain, and has not sworn deceitfully.

What is the nature of the oath that it is made to take? Be righteous, and be never wicked; and even if all the world tells you, You are righteous', consider yourself wicked. Always bear in mind that the Holy One, Blessed be He, is pure, that his ministers are pure and that the soul which He gave you is pure; if you preserve it in purity, well and good, but if not, I will take it away from you.

The school of Rabbi Yishmael taught: This may be compared to the case of a Kohen who handled over some terumah to an am ha-aretz and told him, 'If you preserve it under conditions of cleanness, well and good, but if not, I will burn it in your presence'. Rabbi Elozar observed: What is the Scriptural proof? From my mother's womb You are gozi. What is the proof that 'gozi' implies 'swearing'? — Because it is written, Swear [gozi] concerning your nezirus and cast away.

⁸¹ By repeating the anonymous Mishnah in the name of the Sages.

⁸² Despite Rabbi Yishmael's argument and text.

⁸³ Lit., 'went out to the air space of the world'.

⁸⁴ Its mouth.

⁸⁵ Its navel.

⁸⁶ Babylon.

⁸⁷ Lit., 'and you have no days in which a man dwells in more happiness than in these days'.

⁸⁸ Lit., 'in which there are the months' (of bearing).

⁸⁹ Lit., 'be saying, these are the months of bearing'.

⁹⁰ So that it does not apply to other men.