



Niddah 45a

The William Davidson Talmud (Koren - Steinsaltz)



45a

- בשלמא לר' יוחנן כי היכי דאיכא תנא דקאמר יום אחד בשנה  
חשוב שנה הכי נמי איכא תנא דאמר ל' יום בשנה חשובין שנה

The Gemara asks: **Granted, according to the opinion of Rabbi Yoḥanan, just as there is a *tanna* who says that one day in a year is considered equivalent to a year, so too, there is a *tanna* who says that thirty days in a year are considered equivalent to a year.** The *baraita* states that according to Rabbi Meir, a girl two years and one day old is considered like a three-year-old, following the opinion that one day in a year is equivalent to a full year. Similarly, Rabbi Yoḥanan maintains that there is a second *tanna* who says that thirty days in a year are considered equivalent to a full year, and therefore a girl can be betrothed by intercourse from the age of two years and thirty days.



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אלא לר' ינאי קשיא קשיא 2

**But according to the opinion of Rabbi Yannai**, that Rabbi Meir requires a full three years, this *baraita* is **difficult**, as it explicitly states that in Rabbi Meir's opinion even a girl aged two years and one day can be betrothed by intercourse. The Gemara concludes: Indeed, this *baraita* is **difficult** according to the opinion of Rabbi Yannai.

פחות מכאן כנותן אצבע בעין איבעיא להו הני בתולין מיזל אזלי ואתו או דלמא אתצודי הוא דלא מתצדי עד לאחר ג' 3

§ The last clause of the mishna teaches that if the girl is **less than that** age, i.e., younger than three years and one day, the status of intercourse with her is **like placing a finger into the eye**. A **dilemma was raised before** the Sages: What happens to **this hymen**, i.e., to the hymen of a girl under three with whom a man engaged in intercourse? Does it

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§ The last clause of the mishna teaches that if the girl is **less than that** age, i.e., younger than three years and one day, the status of intercourse with her is **like placing a finger into the eye**. A dilemma was raised **before** the Sages: What happens to **this hymen**, i.e., to the hymen of a girl under three with whom a man engaged in intercourse? Does it **disappear and come back again later, or perhaps it is not removed at all until after** she reaches the age of three?

- למאי נפקא מינה כגון שבעל בתוך ג' ומצא דם ובעל לאחר שלש ולא מצא דם אי אמרת מיזל אזלי ואתו שהות הוא דלא הויא להו 4

The Gemara asks: **What difference is** there in *halakha* between these two suggestions? The Gemara answers that there is a practical



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- למאי נפקא מינה כגון שבעל בתוך ג' ומצא דם ובעל לאחר שלש  
ולא מצא דם אי אמרת מיזל אזלי ואתו שהות הוא דלא הויא להו 4

The Gemara asks: **What difference is** there in *halakha* between these two suggestions? The Gemara answers that there is a practical ramification in a case **where** a priest **engaged in intercourse** with a girl to whom he is married **within** her first **three** years, **and found blood** on her due to that intercourse, **and again engaged in intercourse** with her many times, including **after** she turned **three**, **but** on that occasion **he did not find blood**. **If you say** that after engaging in intercourse when the girl is younger than three, the hymen **disappears and comes** back again, here one can maintain that it disappeared due to the first time they engaged in intercourse and did not grow back because **there was not enough time** without intercourse **for it** to grow back.

- טלט טו טארת טחטודו דוט דלט אחטודו עד לטאר ג' דט טאר רט 5



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**was not enough time** without intercourse **for it** to grow back.

- אלא אי אמרת אתצודי הוא דלא מתצדי עד לאחר ג' הא אחר בא עליה מאי 5

**But if you say** that the hymen **is not removed** at all **until after** she reaches the age of **three**, the fact that **this** girl did not emit blood after three years must be because **another** man **engaged in intercourse with her** after she turned three, in which case she is classified as a *zona*, a woman who has engaged in sexual intercourse with a man forbidden to her by the Torah, and is forbidden to her husband the priest. The Gemara reiterates: **What**, then, is the resolution of the dilemma?

- מתקיף לה רב חייא בריה דרב איקא ומאן לימא לן דמכה שבתוך ג' אינה חוזרת לאלתר שמא חוזרת לאלתר והא אחר בא עליה 6

**Rav Ḥiyya, son of Rav Ika, objects to this** explanation of the practical





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**Rav Ḥiyya, son of Rav Ika, objects to this** explanation of the practical ramifications of the dilemma: **But** even if one maintains that the hymen of a girl younger than three disappears and grows back, one can still contend that this girl engaged in intercourse with another man, as **who will say to us that a wound that** was inflicted **within three years** of a girl's birth **is not restored** and healed **immediately? Perhaps it is restored immediately, and this** girl did not emit blood because **another man engaged in intercourse with her** previously, and she is therefore a *zona* who is forbidden to a priest.

- אלא נפקא מינה כגון שבעל בתוך ג' ומצא דם ובעל לאחר ג' ומצא דם אי אמרת מיזל אזלי ואתו האי דם בתולין הוא אלא אי אמרת 7



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- אלא נפקא מינה כגון שבעל בתוך ג' ומצא דם ובעל לאחר ג' ומצא דם אי אמרת מיזל אזלי ואתו האי דם בתולין הוא אלא אי אמרת אתצודי הוא דלא מתצדי אלא עד לאחר ג' האי דם נדה הוא מאי

**Rather**, the practical **difference** between the two suggestions relates to a case **where** the husband **engaged in intercourse** with this girl **within** her first **three** years, **and found blood**, and **engaged in intercourse** with her again **after** she turned **three**, and again **found blood**. **If you say** that the hymen **disappears and comes** back again, **this** blood emitted when she is less than three years old **is blood** from the tearing of **the hymen**, which does not render her impure. **But if you say** that the hymen **is not removed** at all **until after** she reaches the age of **three**, then **this** blood she emitted when she was younger than three **is menstrual blood**, which renders her impure. **What**, then, is the resolution of the dilemma?



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- אמר רב חסדא ת"ש פחות מכאן כנותן אצבע בעין למה לי למתני כנותן אצבע בעין לתני פחות מכאן ולא כלום מאי לאו הא קמ"ל מה עין מדמעת וחוזרת ומדמעת אף בתולין מיזל אזלי ואתי

**Rav Ḥisda said: Come and hear the mishna: If the girl is less than that age of three years and one day, intercourse with her is like placing a finger into the eye. Why do I need the mishna to teach: Like placing a finger into the eye? Let it teach simply: If she is less than that age, intercourse with her is nothing. What, is it not correct that this is what the mishna teaches us, by its comparison to an eye: Just as placing a finger in an eye causes it to tear and tear again, when another finger is placed in it, so too after the intercourse of a girl under three the hymen disappears and comes back again?**

- ת"ר מעשה ביוסטני בתו של אסוירוס בן אנטנינוס שבאת לפני רבי





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- ת"ר מעשה ביוסטני בתו של אסוירוס בן אנטונינוס שבאת לפני רבי אמרה לו רבי אשה בכמה ניסת אמר לה בת ג' שנים ויום אחד 9

§ **The Sages taught** in a *baraita*: There was an incident involving a gentile woman called **Yusteni, the daughter of Asveirus, son of Antoninus**, a Roman emperor, **who came before Rabbi Yehuda HaNasi. She said to him: My teacher, at what age is a woman fit to marry**, i.e., at what age is it appropriate for a woman to engage in intercourse, which would therefore be the appropriate time to marry? **Rabbi Yehuda HaNasi said to her: She must be at least three years and one day old.**

- ובכמה מתעברת אמר לה בת י"ב שנה ויום אחד אמרה לו אני נשאתי בשש וילדתי בשבע אוי לשלש שנים שאבדתי בבית אבא 10

Yusteni further inquired: **And at what age is she fit to become**



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- ובכמה מתעברת אמר לה בת י"ב שנה ויום אחד אמרה לו אני נשאתי בשש וילדתי בשבע אוי לשלש שנים שאבדתי בבית אבא 10

Yusteni further inquired: **And at what age is she fit to become pregnant?** Rabbi Yehuda HaNasi **said to her:** When she is at least **twelve years and one day old. She said to him: I married when I was six, and gave birth a year later, when I was seven. Woe for those three years,** between the age of three, when I was fit for intercourse, and the age of six, when I married, **as I wasted those years in my father's house** by not engaging in intercourse.

- ומי מעברה והתני רב ביבי קמיה דרב נחמן ג' נשים משמשות במוך קטנה מעוברת ומניקה 11

The Gemara asks: **And can a minor of that age become pregnant? But didn't Rav Beivai teach a *baraita* before Rav Nahman: Three women**



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- ומי מעברה והתני רב ביבי קמיה דרב נחמן ג' נשים משמשות במוך קטנה מעוברת ומניקה 11

The Gemara asks: **And can** a minor of that age **become pregnant? But didn't Rav Beivai teach a *baraita* before Rav Nahman: Three women may engage in intercourse while using** a contraceptive absorbent **cloth**, a soft fabric placed at the entrance to the womb to prevent conception, despite the fact that this practice generally is prohibited. They are **a minor; a pregnant woman; and a nursing woman.**

- קטנה שמא תתעבר ותמות מעוברת שמא תעשה עוברה סנדל מניקה שמא תגמול את בנה וימות 12

The *baraita* specifies the reason for allowing these women to use contraceptive absorbent cloths: **A minor, lest she become pregnant and perhaps die** from this pregnancy; **a pregnant woman, lest she be**



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conception, despite the fact that this practice generally is promoted.

They are a **minor**; a **pregnant woman**; and a **nursing woman**.

- קטנה שמא תתעבר ותמות מעוברת שמא תעשה עוברה סנדל 12  
מניקה שמא תגמול את בנה וימות

The *baraita* specifies the reason for allowing these women to use contraceptive absorbent cloths: **A minor, lest she become pregnant and perhaps die** from this pregnancy; **a pregnant woman, lest she be impregnated a second time and her older fetus become deformed** into the shape of a **sandal fish**, by being squashed by the pressure of the second fetus; and **a nursing woman, lest she become pregnant and her milk dry up**, in which case **she weans her son** too early, thereby endangering him, **and he dies**.

- ואיזוהי קטנה מבת י"א שנה ויום אחד ועד י"ב שנה ויום אחד פחות 13  
מראו או יחר על רב משמשות והולדת דרבי ר"א



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- 13 ואיזוהי קטנה מבת י"א שנה ויום אחד ועד י"ב שנה ויום אחד פחות מכאן או יתר על כן משמשת והולכת דברי ר"מ

The *baraita* continues: **And who is considered a minor?** It is a girl from the age of eleven years and one day until the age of twelve years and one day. If she was younger than that or older than that, she may go ahead and engage in intercourse in her usual manner, i.e., without contraception. This is the statement of Rabbi Meir. Since it is assumed that a minor who is less than eleven years old cannot become pregnant, she is considered to be in no danger.

- 14 וחכ"א אחת זו ואחת זו משמשת כדרכה והולכת ומן השמים ירחמו שנאמר (תהלים קטז, ו) שומר פתאים ה'

**And the Rabbis say: Both** in this case of a minor girl who can become





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pregnant, she is considered to be in no danger.

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שנאמר (תהלים קטז, ו) שומר פתאים ה'

**And the Rabbis say: Both** in this case of a minor girl who can become pregnant **and** in that case of a minor girl who cannot become pregnant, she **may go ahead and engage in intercourse in her usual manner, and Heaven will have mercy upon her and prevent any mishap, as it is stated: "The Lord preserves the simple"** (Psalms 116:6). In light of the statement of Rabbi Meir, how could Yusteni have become pregnant at age seven?

- איבעית אימא (יחזקאל כג, כ) אשר בשר חמורים בשרם ואיבעית  
אימא (תהלים קמד, ח) אשר פיהם דבר שוא וימינם ימין שקר

The Gemara answers: **If you wish**, say that Yusteni was able to become



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- איבעית אימא (יחזקאל כג, כ) אשר בשר חמורים בשרם ואיבעית אימא (תהלים קמד, ח) אשר פיהם דבר שוא וימינם ימין שקר 15

The Gemara answers: **If you wish**, say that Yusteni was able to become pregnant at such a young age because she was a gentile, and the verse states with regard to gentiles: **“Their flesh is the flesh of donkeys”** (Ezekiel 23:20). **And if you wish, say** instead that Yusteni was lying when she said she became pregnant at age seven, as it is stated with regard to gentiles: **“Whose mouth speaks falsehood, and their right hand is a right hand of lying”** (Psalms 144:8).

- ת"ר מעשה באשה אחת שבאת לפני ר"ע אמרה לו ר' נבעלתי בתוך שלש שנים מה אני לכהונה אמר לה כשרה את לכהונה 16

The Sages taught in a *baraita*: There was an incident involving a certain woman who came before Rabbi Akiva and said to him: My



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- ת"ר מעשה באשה אחת שבאת לפני ר"ע אמרה לו ר' נבעלתי בתוך שלש שנים מה אני לכהונה אמר לה כשרה את לכהונה 16

The Sages taught in a *baraita*: There was an incident involving a certain woman who came before Rabbi Akiva and said to him: My teacher, I engaged in intercourse within three years of my birth; what is my status with regard to marrying into the priesthood? Rabbi Akiva said to her: You are fit to marry into the priesthood.

- אמרה לו רבי אמשול לך משל למה הדבר דומה לתינוק שטמנו לו אצבעו בדבש פעם ראשונה ושניה גוער בה שלישית מצצה אמר לה אם כן פסולה את לכהונה 17

She said to him: My teacher, I will tell you a parable; to what is this matter comparable? It is comparable to a baby whose finger one forcibly dipped in honey. On the first time and the second time, he



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**She said to him: My teacher, I will tell you a parable; to what is this matter comparable? It is comparable to a baby whose finger one forcibly dipped in honey. On the first time and the second time, he moans at his mother for doing so, but on the third occasion, once he is used to the taste of honey, he willingly sucks the finger dipped in honey. She was insinuating to Rabbi Akiva that she engaged in intercourse several times, and although the first couple of times were against her will, the third incident was with her consent. Rabbi Akiva said to her: If so, you are disqualified from marrying into the priesthood.**

- ראה התלמידות אחרות זה רזה אמר להם למה הדרר משנה 18



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- ראה התלמידים מסתכלים זה בזה אמר להם למה הדבר קשה בעיניכם [אמרו ליה] כשם שכל התורה הלכה למשה מסיני כך פחותה מבת שלש שנים כשרה לכהונה הלכה למשה מסיני ואף רבי עקיבא לא אמרה אלא לחדד בה את התלמידים

Rabbi Akiva saw his students looking at each other, puzzling over this ruling. He said to them: Why is this matter difficult in your eyes? They said to him: Just as the entire Torah is a *halakha* transmitted to Moses from Sinai, so too this *halakha* of a girl who engaged in intercourse when she was less than three years old, i.e., that she is fit to marry into the priesthood, is a *halakha* transmitted to Moses from Sinai, and it applies whether she engaged intercourse against her will or with her consent. The Gemara notes: And even Rabbi Akiva did not say to the woman that she was unfit to marry into the priesthood because that is the *halakha*: rather, he did so **only to sharpen** the minds





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say to the woman that she was unfit to marry into the priesthood because that is the *halakha*; rather, he did so **only to sharpen** the minds of his **students with** his statement, to see how they would respond.

- מתני' בן תשע שנים ויום אחד שבא על יבמתו קנאה ואין נותן גט עד שיגדיל <sup>19</sup>

**MISHNA:** In the case of a boy, **nine years and one day old**, whose brother had died childless, **who engaged in intercourse with his yevama**, his brother's widow, the status of the intercourse is that of halakhic intercourse and **he acquires her** as his wife; **but he cannot give her a bill of divorce**, if he chooses to end the marriage, **until he reaches majority**.

- ומטמא בנדה לטמא משכב תחתון כעליון <sup>20</sup>