

אפילו תימא בית שמאי, הכא במאי עסקינן – בגון שנדרה היא וקיים לה הוא. וקסברי בית שמאי: הוא נותן אצבע בין שיניה. ובית הלל סברי: היא נתנה אצבע בין שיניה.

The Gemara rejects this suggestion: **Even if you say that the mishna is also in accordance with the opinion of Beit Shammai, here we are dealing with a case where she made this vow and her husband ratified it for her by refraining from nullifying it. Beit Shammai maintain that in that case it is considered as if he had placed his finger between her teeth, i.e., he caused the vow to be in effect, meaning that in that case the responsibility lies with him. Since he declined the opportunity to nullify the vow, her obligation to nurse is canceled. Beit Hillel maintain that in that case she put her finger between her own teeth, i.e., she caused the vow to remain in effect. Consequently, although he ratified her vow, the responsibility rests on her, and for this reason her obligation is not annulled.**

ונפלו בכתובה בעלמא! ועוד, תנא בית שמאי אומרים: אינה מנקה אלא מחורתא, מתניתין דלא בבית שמאי.

The Gemara asks: If so, that the dispute is about who is responsible when a woman vows and her husband ratifies the vow, and it is not specifically about her obligation to nurse her child, then **let them dispute about a marriage contract in general**, with regard to whether or not a woman is entitled to payment for her marriage contract if she vows to prohibit her husband from deriving benefit from her. **And furthermore, it is taught in a baraita that Beit Shammai explicitly say with regard to all women, not specifically in the context of vows: She does not need to nurse if she does not want to. Rather, it is clear that the mishna is not in accordance with the opinion of Beit Shammai.**

”אם היה מכירה”

The Gemara above quotes a *baraita* where it is taught that if the baby **recognized her**, her husband can compel her to continue nursing even after she is divorced, but he must pay her for nursing.

Perek V
Daf 60 Amud a

עד כמה? אמר רבא אמר רב ירמיה בר אבא אמר רב: שלשה חדשים, ושמואל אמר: שלשים יום, ורבי יצחק אמר רבי יוחנן: חמשים יום, אמר רב שימי בר אבוי: הלכה כרבי יצחק שאמר משום רבי יוחנן. בשלמא רב ורבי יוחנן – כל חד תוד כי חורפיה. אלא לשמואל, כי האי גוונא מי משבחה לה?

The Gemara asks: **How old** does the child have to be^h so that one can assume that he already recognizes his mother? **Rava said that Rav Yirmeya bar Abba said that Rav said: Three months, and Shmuel said: Thirty days, and Rabbi Yitzhak said that Rabbi Yoḥanan said: Fifty days. Rav Shimi bar Abaye said: The halakha is in accordance with what Rabbi Yitzhak said in the name of Rabbi Yoḥanan.** The Gemara asks: **Granted, Rav and Rabbi Yoḥanan are in dispute with regard to the difference between fifty days and three months, as it is possible that each baby varies according to its intelligence, as one baby is sufficiently developed at fifty days, while another knows his mother at only three months. However, according to Shmuel, can you find a case like this, a one-month-old baby who recognizes his mother?**

כי אתא רמי בר יחזקאל אמר: לא תציתניהו להני כללי דבייל יהודה אחי משמיה דשמואל. הכי אמר שמואל: כל זמן שמכירה.

The Gemara relates: **When Rami bar Yeḥezkel came from Eretz Yisrael, he said: Do not listen to, i.e., do not accept, those principles that my brother Yehuda said in the name of Shmuel, as Shmuel did not establish a particular time with regard to this matter. Rather, this is what Shmuel said: Whenever he recognizes her,⁸ i.e., there is no fixed age at which this occurs. One must check each baby to see whether he recognizes his mother.**

BACKGROUND

Whenever he recognizes her – זמן שמכירה – There are several stages of human recognition observed among babies. According to contemporary studies, a newborn can recognize his mother's voice, a capability acquired in the womb, and his mother's scent. At the age of approximately one month an infant begins to demonstrate a certain level of recognition of other people. At about eight weeks a baby may demonstrate

signs of interest and affection toward people he recognizes, and his preference for his mother stands out significantly from about six months. These general parameters vary to some extent from child to child; some develop slightly earlier and some later. This type of recognition is present in blind children as well, primarily through the sense of smell.

HALAKHA

How old does the child have to be – עד כמה: If a child has begun to nurse from his mother, one cannot separate him from her due to the possible danger involved. There is no precise stage at which this applies, as it depends on whether the child recognizes his mother, in accordance with the opinion of Shmuel as quoted by Rami bar Yeḥezkel. There are, however, authorities who rule in accordance with Rabbi Yitzhak, following the ruling of the Gemara (Rif; Rosh). The Rema writes that some authorities maintain that if a child began to nurse from a wet nurse, she can be compelled to continue to nurse him if he recognizes her and resists nursing from another woman (Rambam *Sefer Nashim, Hilkhot Ishut* 21:16; *Shulḥan Arukh, Even HaEzer* 82:5).

ההיא דאתאי לקמיה דשמואל. אמר
ליה לרב דימי בר יוסף: זיל בדק. אול,
אותבה בדרי דנשי, ושקליה לברה
וקמהדר ליה עליהו. כי מטא לגבה –
הות קא מסוי לאפה, כבשתנהי לעינה
מיניה. אמר לה: נטף עיניך, קום דרי
ברוך. סומא מנא ידע? אמר רב אשי:
בריחא ובטעמא.

תנו רבנן: יונק תינוק והולך עד עשרים
וארבעה חדש, מכאן ואילך – כיונק
שקץ. דברי רבי אליעזר. רבי יהושע
אומר: אפילו ארבע וחמש שנים, פירש
לאחר עשרים וארבעה חדש, וחור –
כיונק שקץ.

אמר מר: מכאן ואילך כיונק שקץ.
ורמינה: יכול יהא חלב מהלכי שתים
טמא, ודין הוא: ומה בהמה, שהקלת
במגע, החמרת בחלבה – אדם,
שהחמרת במגעו – אינו דין שתחמיר
בחלבו?

The Gemara relates: A certain divorcée came before Shmuel,^p as she did not wish to nurse her son. He said to Rav Dimi bar Yosef: Go and check her, i.e., verify whether the child recognizes his mother. He went, placed her in a row of women, and took her son in his arms and passed him near them to see how the child would react. When the child reached her, he looked at her face with joy, and she averted her eyes from him, as she did not want to look at him. He said to her: Lift up your eyes, get up and take your son, as it is obvious that he knows you. The Gemara asks: If this is so, then how does a blind^h baby know and recognize his mother? Rav Ashi said: Through smell and through the taste of her milk.

Ⓢ Apropos the period of time during which a child nurses, the Gemara continues to debate different aspects of this matter. The Sages taught in a *baraita*: A child may continue to nurse^h until the age of twenty-four months, and from this point forward, if he continues to nurse, he is like one who nurses from a non-kosher animal, as a woman's milk is forbidden to anyone other than a small child; this is the statement of Rabbi Eliezer. Rabbi Yehoshua says: A child may continue to nurse even for four or five years, and this is permitted. However, if he ceased,^h i.e., was weaned, after twenty-four months and then resumed nursing, he is like one who nurses from a non-kosher animal.

The Master said in the *baraita*: From this point forward he is like one who nurses from a non-kosher animal. The Gemara raises a contradiction from a *baraita*: One might have thought that the milk of bipeds, i.e., humans, would be non-kosher like that of a non-kosher animal, based on a logical derivation: Just as with regard to a non-kosher animal, where you were lenient with regard to its contact, meaning that it does not render people or items impure through contact when it is alive, you were stringent with regard to its milk, which is prohibited, even more so should this be true with regard to a person. An *a fortiori* inference would indicate that with regard to a person, where you were stringent about contact, as people can render other people and objects impure even when they are alive, one should be stricter. So isn't it logical that you should be stringent with regard to his milk?

PERSONALITIES

Shmuel – שמואל: Shmuel was a first-generation *amora* who was born and ultimately passed away in Neharde'a. A child prodigy, he was famous not only for his Torah knowledge, but for his secular learning as well. The Gemara is replete with stories of his expertise in such areas as language, medicine, astronomy, and the natural sciences.

Shmuel traveled to Eretz Yisrael to study with the students of Rabbi Yehuda HaNasi. The Gemara records that he treated Rabbi Yehuda HaNasi's eye ailment there, and that Rabbi Yehuda HaNasi regretted that he was unable to find an opportunity to ordain him. After his return to Babylonia, Shmuel was appointed as one of the judges of the community in the Diaspora.

Together with his colleague Rav, Shmuel raised the standard of Torah study in Babylonia to an advanced level that prompted thousands of students to remain there rather than travel to attend the academy in Eretz Yisrael. Shmuel viewed Babylonia as second in sanctity to Eretz Yisrael and ruled that it is prohibited to leave it to travel to other locations in the Diaspora. He also established a close friendship with King Shapur I of Persia, a benevolent monarch who was tolerant of religious diversity in his kingdom.

Shmuel lived to an advanced age, leaving behind two daughters, both of whom were famous for their wisdom and modesty.

HALAKHA

A blind baby – סומא: Even if a child is blind, one does not separate him from his mother, as he is able to recognize her by taste and smell, according to the statement of Rav Ashi (Rambam *Sefer Nashim*, *Hilkhot Ishut* 21:16; *Shulhan Arukh*, *Even HaEzer* 82:5).

A child may continue to nurse – יונק תינוק והולך: If a child continues to nurse and does not cease at any point during this time, he may nurse until he is four years old if he is healthy, or five years old if he is weak. This ruling is in

accordance with the opinion of Rabbi Yehoshua (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:5; *Shulhan Arukh*, *Yoreh De'a* 81:7).

If he ceased – פירש: If a child weans before the age of twenty-four months, he may be returned to nursing, even if he had been weaned for a lengthy period. However, after twenty-four months, he cannot be returned to nursing after weaning (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:4; *Shulhan Arukh*, *Yoreh De'a* 81:7).

Milk of bipeds – חלב מהלכי שתיים: Human milk that has been removed into a vessel is permitted for consumption. According to the Rema, who cites the *Beit Yosef*, it is permitted even if it has been removed into one's hand. However, an adult who nursed directly from a woman's breast is like one who nursed from a non-kosher animal. He receives lashes for rebelliousness, according to the Gemara's conclusion (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 3:4; *Shulhan Arukh, Yoreh De'a* 81:7).

Human blood – דם: If human blood has been removed from the body, it is prohibited to eat it due to the appearance of transgression. Consequently, if one bit into a loaf of bread and blood came out of his mouth onto the bread, he must scrape the blood off the bread and throw it away; the bread can then be eaten. However, if there is blood between one's teeth, since it has not yet been removed from the body, it can be sucked and swallowed (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 6:2; *Shulhan Arukh, Yoreh De'a* 66:10).

תלמוד לומר: "את הגמל כי מעלה גרה הוא" – הוא טמא, ואין חלב מהלכי שתיים טמא, אלא טהור. יכול אוציא את החלב שאינו שנה בכל, ולא אוציא את הדם שהוא שנה בכל – תלמוד לומר "הוא" הוא טמא, ואין דם מהלכי שתיים טמא, אלא טהור.

This is as the verse states: "But this you shall not eat, of those that only chew the cud, or of those that only part the hoof; the camel, because it chews the cud but does not part the hoof, it is impure for you" (Leviticus 11:4). The somewhat superfluous word "it" teaches that it alone is impure, but the milk of bipeds^H is not impure; rather, it is kosher. Furthermore, one might have thought that I should exclude the milk of humans from the prohibition against consumption, as this issue does not apply equally to everyone, since only women produce milk, but I should not exclude from the prohibition human blood,^H which does apply equally to everyone. Consequently, the verse states "it" with regard to a camel, to say that it alone is impure, whereas the blood of bipeds^N is not impure, but rather is kosher.

ואמר רב ששת: אפילו מצות פרישה אין בו!

And Rav Sheshet said about this ruling: There is not even a rabbinic command to refrain^N from consuming human milk. Therefore, this presents a contradiction to the statement that a child who nurses beyond a certain age is like one who nurses from a non-kosher animal.

לא קשיא; הא – דפריש, הא – דלא פריש.

The Gemara answers: This is not difficult, as this statement that the milk is permitted is referring to when it has been removed from the woman's body, and that statement, that the milk is forbidden, is referring to when it has not been removed.^N Fundamentally, human milk is a permitted substance. However, it is prohibited by rabbinic law for anyone other than a very young child to nurse directly from a woman's breasts, and one who does so is considered like one who consumes milk from a non-kosher animal.

וחלופא בדם. כדתנא: דם שעל גבי בכר – גוררו ואכלו, שבין השנים – מוצצו ואינו חושש.

And the opposite applies to blood: Human blood that has been removed from the body is forbidden, but if it has not yet been removed, it is permitted. As it is taught in a *baraita*: If some human blood was on a loaf of bread, one scrapes off the blood and then he may eat the bread. Since the blood was detached from the body, it is forbidden by rabbinic law, but if blood was between the teeth, he may suck it and swallow it without concern, as the blood is permitted if it has not been removed from the body.

אמר ר' רבי יהושע אומר: אפילו ארבע וחמש שנים. והתנא, רבי יהושע אומר: אפילו חבילתו על כתפיו! אידי ואידי חד שיעורא הוא. אמר רב יוסף: הלכה ברבי יהושע.

The Master said in the aforementioned *baraita*: Rabbi Yehoshua says: A child may continue to nurse even for four or five years. But isn't it taught in a different *baraita*: Rabbi Yehoshua says: Even if he can carry his package on his shoulder he can continue to nurse? The Gemara answers: This is not a contradiction, since both this and that are one, the same, measure, and the difference between them is only semantic. Rav Yosef said: The *halakha* is in accordance with the opinion of Rabbi Yehoshua.

NOTES

Blood of bipeds – דם מהלכי שתיים: Most commentaries accept the version of the text that appears in *Torat Kohanim*, which does not mention human blood but rather flesh. According to that version, the *baraita* teaches that human flesh is kosher. The early authorities discussed this matter at length. It seems that one of the principles behind the dispute on this matter is, as described in the *Hatam Sofer*, a general question whether man is viewed as a type of animal, as he too is called a "living soul" like the animals (see Genesis 1:24, 2:7); if he is an animal, since he does not have the identifying signs that distinguish kosher animals, he is not kosher. Conversely, it could be argued that the Torah delineated the defining signs of kosher animals with regard to various categories of creatures, e.g., quadrupeds, birds, and fish, and since man is not included in any of these categories, there is no prohibition against consuming human flesh.

The Rambam maintains that there is no prohibition against consuming human flesh, but there is a positive mitzva derived from the verse: "These are the living things that you may eat" (Leviticus 11:2), which excludes human beings. The Ramban questions this opinion, both because this derivation is not in the Talmud and also because if there were a prohibition against eating human flesh, then human milk and blood should also have been included in the prohibition, just as is the case with

non-kosher animals. Therefore, he argues that it is permitted to consume flesh from a living person, but he concedes that for other reasons there is a prohibition against eating or deriving any benefit from the flesh of a human corpse and that this prohibition is accepted by all authorities.

Rabbeinu Crescas Vidal writes that there are differences of opinion with regard to human flesh. Some say that it is prohibited to eat it, since a person is not ritually slaughtered (see Ri HaLavan). Others saying it is permitted, since humans do not require ritual slaughter. The Ritva, also quoted in the *Nimmukei Yosef*, accepts the version in the *Torat Kohanim*, according to which human flesh is excluded from the prohibition against consuming non-kosher meat, but he writes that this is prohibited other reasons: There is a prohibition against deriving benefit from a dead person, and flesh from a living person is prohibited due to the prohibition against eating the limb of a living animal. Only in specific cases, such as fish and locusts, which the Torah specifically permitted, does the prohibition against eating the limb of a living animal not apply.

Rabbi Aharon HaLevi writes that the version in our Gemara is the correct version, according to which the exemption derived from the verse is referring only to human blood, whereas with regard to flesh, the fundamental prohibition based on the *a fortiori* inference delineated in the Gemara remains in force.

He maintains that there are two exclusions in Leviticus 11:4, based on the words "this" and "it," to exclude the blood and milk of humans, but flesh remains prohibited by the *a fortiori* inference. According to this opinion, there is no principle that the blood, milk, or other objects that come from a non-kosher animal are not kosher. These *halakhot* are learned from specific derivations in each case, and they refer only to animals and not to human beings.

There is not even a rabbinic command to refrain – אפילו מצות פרישה אין בו: Rashi explains the statement of Rav Sheshet in relation to human milk. The Rivan explains that it indicates that it is permissible to swallow one's own blood that may have come out from in between the teeth, as there is no requirement to refrain from consuming blood that has not been removed from the body.

That statement is referring to when it has not been removed – הא דלא פריש: The Sages ruled that it is prohibited for anyone other than a small infant to drink a woman's milk directly from her body. If it were permitted, people might mistakenly conclude that the milk of a non-kosher animal is also permitted. However, once the milk has been removed and it is no longer obvious where it came from, it is permitted (Rivan; *Talmidei Rabbeinu Yona*).

PERSONALITIES

Naḥum of Galia – נחום איש גליא: This sage is mentioned only here and it seems that he was one of the later *tanna'im*. Based on his moniker it appears that he was from Gaul, a region in southern Europe that stretched from the northern part of Italy through France and that included parts of present-day Belgium, Luxembourg, Netherlands, Switzerland and Germany.

LANGUAGE

Weeds [*kashkashin*] – קשקשין: These weeds, which are usually removed by weeding and uprooting, *kishkush* in Hebrew, consist of stubble and plants. Some commentaries explain that they are grass roots.

תניא, רבי מרינוס אומר: גונח יונק חלב בשבת. מאי טעמא – יונק מפרק בלאחר יד, ובמקום צערא – לא גזרו רבנן. אומר רב יוסף: הלכה כרבי מרינוס.

תניא, נחום איש גליא אומר: צינור שעלו בו קשקשין – ממעיכון ברגלו בצענא בשבת ואינו חושש. מאי טעמא – מתקן בלאחר יד הוא, ובמקום פסידא לא גזרו בה רבנן. אומר רב יוסף: הלכה כנחום איש גליא.

פירש לאחר עשרים וארבעה חדש, וחרו – ביונק שקץ. וכמה? אומר רב יהודה בר חביבא אומר שמואל: שלשה ימים. איבא דאמרי תני רב יהודה בר חביבא קמיה דשמואל: שלשה ימים.

תני רבנן: מינקת שמת בעלה בתוך עשרים וארבעה חדש – הרי זו לא תתארס, ולא תינשא.

On the same topic it is taught in a *baraita*: Rabbi Marinos says: One who is coughing due to an illness that requires milk but did not have milk available may suck milk directly from an animal's udders^H on Shabbat, although milking is a prohibited labor on Shabbat. What is the reason? Sucking the milk in this way constitutes an act of extracting^N in an unusual manner. Although milking is an example of the labor of extracting, a subcategory of the primary category of threshing, it is prohibited by Torah law only when the labor is performed in its typical manner. One who nurses from an animal is extracting the milk in an unusual manner. Such labor is prohibited by rabbinic law, but in a situation involving pain, like one who is coughing, the Sages did not issue a decree. Rabbi Yosef said: The *halakha* is in accordance with the opinion of Rabbi Marinos.

A ruling similar to the previous *halakha* is taught in a *baraita*: Naḥum of Galia^P says: If a drainage pipe is blocked by weeds [*kashkashin*]^{LH} and grass, preventing water from running through the pipe, one may crush them with his foot in private on Shabbat without concern that he is performing the labor of preparing a vessel. The Gemara explains: What is the reason for this leniency? This is an example of repairing a vessel in an unusual manner, since it is uncommon to fix an item without using a tool or one's hands. Performing labor in an unusual manner is ordinarily prohibited by rabbinic decree, but in a situation involving financial loss, the Sages did not issue a decree. Rabbi Yosef said: The *halakha* is in accordance with the opinion of Naḥum of Galia.

The Gemara continues discussing the aforementioned *baraita*, which states: If the child ceased nursing after twenty-four months and then resumed, he is like one who nurses from a non-kosher animal. The Gemara asks: How long must he cease nursing to be considered weaned?^H Rav Yehuda bar Ḥaviva said that Shmuel said: Three days. There are those who say that this was not an amoraic statement, but rather a *baraita* that is taught by Rav Yehuda bar Ḥaviva before Shmuel: Weaning takes effect after three days.

§ The Gemara discusses other *halakhot* relating to nursing. The Sages taught: A nursing woman whose husband died within twenty-four months of her child's birth may not be betrothed and may not get married

HALAKHA

One who is coughing may suck milk directly from an animal's udders – גונח יונק חלב: One who is coughing and needs to drink milk is permitted to nurse from an animal on Shabbat, as in situations of pain the Sages did not prohibit this. Rabbeinu Tam, the Rosh, and the *Tur* maintain that if one has no ailment other than hunger pangs, it is prohibited to nurse from an animal on Shabbat, in accordance with the opinion of Abba Shaul in tractate *Yevamot* that this is permitted only on a Festival (Rambam *Sefer Zemanim, Hilkhot Shabbat* 21:14; *Shulhan Arukh, Orah Hayyim* 328:33).

If a drainage pipe is blocked by weeds – יונק שעלו בו: If a pipe that conveys water from the roof becomes clogged up with weeds and grass that prevent the water from flowing out, and consequently the water stays on the roof and leaks into the house, one may crush the obstructions with his foot in private. Some say that although it is preferable to crush the weeds in private, if this is not possible it may even be done

publicly (*Beur Halakha*). Since this is a rabbinic prohibition and it is being done in an unusual manner, the Sages made an exception in a case where loss is involved, in accordance with Naḥum of Galia and Rav Yosef's ruling (*Shulhan Arukh, Orah Hayyim* 336:9).

How long must he cease nursing to be considered weaned – פירש... כמה: A child who is older than twenty-four months and did not nurse for three days may not be returned to nursing, according to the Gemara's conclusion. This *halakha* applies if he stopped nursing while healthy. But if he stopped due to an illness that prevented him from nursing, he may be returned to nursing. If there is some danger involved, he may be returned to nursing, even if he had been weaned for a long time (Rosh, based on Jerusalem Talmud; Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 3:5; *Shulhan Arukh, Yoreh De'a* 81:7).

NOTES

Extracting – מפרק: The labor of extracting is not enumerated among the thirty-nine labors prohibited on Shabbat. Rashi explains that extracting is a subcategory of threshing, as it involves removing edible contents from an inedible container. *Tosafot* question this interpretation, based on the Gemara elsewhere (*Shabbat* 75a), where it says that the labor of threshing

applies only to objects that grew from the ground. Because of this question, Rabbeinu Tam explains that the extracting discussed in the case of milking is actually a subcategory of the labor of smoothing (see *Tosafot on Shabbat* 73b), and Rabbi Shimshon of Saens explains that it is a subcategory of shearing.

עד עשרים וארבעה חדש, דברי רבי מאיר. ורבי יהודה מתיר בשמונה עשר חדש. אמר רבי נתן בר יוסף: הן הן דברי בית שמאי, הן הן דברי בית הלל. שביית שמאי אומרים: עשרים וארבעה חדש, ובית הלל אומרים: שמונה עשר חדש.

אמר רבן שמעון בן גמליאל: אני אכריע; לדברי האומר עשרים וארבעה חדש – מותרת לינשא בעשרים ואחד חדש, לדברי האומר בשמונה עשר חדש – מותרת להנשא בחמשה עשר חדש, לפי שאין החלב נגבר אלא לאחר שלשה חדשים.

אמר עולא: הלכה כרבי יהודה. ואמר מר עוקבא: לי התיר רבי חננא לשאת לאחר חמשה עשר חדש. אריסיה דאביי אתא לקמיה דאביי, אמר ליה: מהו ליארס בחמשה עשר חדש? אמר ליה: חדא – דרבי מאיר ורבי יהודה הלכה כרבי יהודה, ועוד: בית שמאי ובית הלל – הלכה כבית הלל, ואמר עולא: הלכה כרבי יהודה, ואמר מר עוקבא: לי התיר רבי חננא לשאת לאחר חמשה עשר חדש, כל שכן דאת ליארס.

כי אתא לקמיה דרב יוסף אמר ליה: רב ושמואל דאמרי תרוניה: צריכה להמתין עשרים וארבעה חדש, חוץ מיום שגולד בו וחוץ מיום שנתארסה בו. והט בתריה תלתא פרסי, ואמרי לה: פרסא בחלא, ולא אדרכיה.

until twenty-four months from the day the child was born. The reason for this decree is to protect the child. If she remarries she may become pregnant and may not be able to continue nursing, but her second husband will not be obligated to support the child who is not his son. This is the statement of Rabbi Meir. And Rabbi Yehuda permits getting married after eighteen months. Rabbi Natan bar Yosef said: These words are the same as the statement of Beit Shammai, and those words are the same as the statement of Beit Hillel, i.e., this is an ancient dispute, as Beit Shammai say: Twenty-four months, and Beit Hillel say: Eighteen months.

Rabban Shimon ben Gamliel said: I will decide. According to the one who says twenty-four months, she may marry after twenty-one months, since even if she gets pregnant, for the first three months of pregnancy she can still continue to nurse. According to the one who says eighteen months, she may marry after fifteen months, since the milk becomes spoiled due to pregnancy^b only after three months.

Ulla said: The *halakha* is in accordance with the opinion of Rabbi Yehuda. And Mar Ukva said: Rabbi Ḥanina allowed me to marry a nursing woman after fifteen months. It is related that Abaye's tenant farmer came before Abaye^c to ask a question. He said to him: What is the *halakha* with regard to betrothing a nursing woman after fifteen months? Abaye said to him: One reason it is permitted is that in disputes between Rabbi Meir and Rabbi Yehuda, the *halakha* is in accordance with Rabbi Yehuda. And furthermore, this is actually a dispute between earlier *tanna'im*, and when Beit Shammai and Beit Hillel dispute, the *halakha* is in accordance with Beit Hillel. And in addition, Ulla said: The *halakha* is in accordance with Rabbi Yehuda. And Mar Ukva said: Rabbi Ḥanina allowed me to marry after fifteen months, and therefore all the more so you are permitted to betroth her, as you are only betrothing and not marrying her.

When Abaye came before Rav Yosef and told him of the incident, Rav Yosef said to him in response: Rav and Shmuel both say: She must wait twenty-four months^d before even becoming betrothed, excluding the day that the child was born and excluding the day she became betrothed. When Abaye heard this, he ran three parasangs after his tenant farmer, and some say that he ran one parasang [*parsa*]^e through sand. He wanted to inform him that he should not rely on the leniency, but rather he should act in accordance with Rav and Shmuel, who prohibited the betrothal, but he did not succeed in catching up to him.

PERSONALITIES

Abaye – אביי: One of the outstanding Sages of the Talmud, Abaye was a fourth-generation Babylonian *amora*. It is possible that his real name was Nahmani or Kilil and that Abaye was a nickname.

Abaye was orphaned at an early age and raised by his paternal uncle, Rabba. Abaye's foster mother, who was the nursemaid who assisted his uncle in raising him, impressed upon him many life lessons that he quotes in her name. There are several incidents related in the Gemara that illustrate his intelligence even as a child, including some where Rabba tests his knowledge. Although Rabba was a priest and the head of his yeshiva, he lived in poverty, as did Abaye.

Abaye was the primary student of Rabba and also of Rav Yosef. After Rav Yosef's death, Abaye succeeded him as the head of the yeshiva in Pumbedita. He celebrated the study of Torah and would announce a celebration for the scholars whenever one of them completed a tractate. Growing up in his uncle's home, he was aware of the difficulties of scholars who were without financial means.

The Gemara in tractate *Berakhot* (35b) relates that he testified that many were successful following the path of Rabbi Yishmael, who instructed his students to plow, plant, and harvest in the appropriate time, and that only very few were successful following the path of Rabbi Shimon bar Yoḥai, who taught that one should devote himself entirely to Torah and ignore worldly concerns. In addition to Abaye's prominence as a Torah scholar, he was known for his righteousness and his acts of kindness.

Abaye's exchanges and halakhic arguments with Rabba and, even more so, with Rav Yosef, can be found throughout the Talmud. However, his disputes with his colleague Rava are especially significant. Their disputes, known as the discussions of Abaye and Rava, are examples of profound and edifying disputes, and they are among the foundations of the Babylonian Talmud. In these disputes, with six exceptions, the *halakha* is ruled in accordance with the opinion of Rava.

BACKGROUND

The milk becomes spoiled due to pregnancy – עָשָׂרִים וָאַרְבָּעָה נֶגְבָּר: During pregnancy, different hormones are released in a woman's body. Besides prolactin, which induces milk production, there are also other hormones, progesterone and estrogen, that suppress its production, and were once used to curb milk production in women who did not want to nurse. These hormones generally lead to a reduction or even cessation of milk production in pregnant women, although this does not happen in all cases. Additionally, one must take into account that as long as the fetus is growing, the mother's body gives it precedence in terms of allocating the available resources. Consequently, if a woman is not eating a rich diet, her milk may cease shortly after the onset of pregnancy.

HALAKHA

She must wait twenty-four months – צְרִיכָה לְהִמָּתִין – עָשָׂרִים וָאַרְבָּעָה חֳדָשׁ: The Sages decreed that one should not marry or betroth a woman who is pregnant with or nursing another man's child, until the child is twenty-four months old, excluding the day of birth and the day of betrothal (*Beit Yosef*). The Rema cites the glosses of the Mordekhai, in which it is stated that these months follow the pattern of the year, whether they are full months or incomplete months. Some say that one must add the extra month in a leap year (*Terumat HaDeshen*; see *Pitḥei Teshuva*; Rambam *Sefer Nashim*, *Hilkhot Geirushin* 11:25–26; *Shulḥan Arukh*, *Even HaEzer* 13:11).

LANGUAGE

Parasang [*parsa*] – פִּרְסָא: In the ancient world, this was the word for a Persian mile, a measurement that was adopted in a number of languages, including Greek, Syriac, and, in this case, the Jewish dialect of Aramaic. Apparently, the word comes from the Middle Iranian *frasax*. In the talmudic system of measurement, one *parsa* equals four *mil*, approximately 5 km.

NOTES

Even an egg in *kutah* – אֶפְיֵלוֹ בִּיעֵתָא בְּכוּתְהָא – *Kutah* was a type of popular Babylonian dip made from sour milk and bread crumbs. The Rivan understands that the issue under discussion is simply whether one may eat an egg in *kutah*. However, *Tosafot* and several other early authorities cite and endorse the explanation of the *Arukh* that this does not refer to ordinary eggs, as everyone knows that there is no prohibition against eating eggs with milk, but rather to fully formed eggs found inside a chicken after it was slaughtered. Although these eggs were inside the chicken at the time of slaughter, they are not considered meat and may be eaten with dairy foods. Some question this interpretation: If that is what the Gemara meant, the matter is not simple, and this case should not be cited as a paradigm of a simple question. The Ritva answers that this *halakha* was commonly known at the time, as is apparent from tractate *Beitza*.

BACKGROUND

Kutah – כּוּתָא: *Kutah* was a dip made from sour milk and bread crumbs and eaten on bread or as an appetizer. This food was particularly popular in Babylonia and was therefore known as Babylonian *kutah*. It was made with moldy bread, whey, and salt.

Exilarch – רִישׁ גְּלוּתָא: The Exilarch, who was descended from the kings of the house of David, was recognized by the Jews as the heir to the throne of Judah (see Genesis 49:10) and entrusted with broad official powers. He was the leader of the Jews of the Persian Empire and their representative to the authorities, who regarded him as a member of a royal dynasty. Consequently, the Exilarch was held in high esteem within the Persian court. During various periods, he even ranked third in the royal hierarchy.

אָמַר אָבִי: הָאֵי מִילְתָּא דְאָמַר רַבְנֵי: אֶפְיֵלוֹ בִּיעֵתָא בְּכוּתְהָא לֹא לִישְׂרֵי אִינִישׁ בְּמִקּוּם רַבִּיהֵ – לֹא מְשׁוּם דְּמִיחּוּ כְּאַפְקִירוּתָא, אֶלְא מְשׁוּם דְּלֹא מְסַתֵּיעָא מִילְתָּא לְמִמְרָא. דְּהָא אָנָּא הוּא גְּמִירְנָא לֵיהּ לְהָא דְרַב וְשְׂמוּאֵל, אֶפְיֵלוֹ הָכִי – לֹא מְסַתֵּיעָא לִי מִילְתָּא לְמִימְרָא.

תָּנוּ רַבְנֵי: נִתְּנָה בְּנֵה לְמִינְקָתָא, אוּ גְּמֵלְתָּ, אוּ מֵת – מוֹתֶרֶת לִינִישָׁא מִיָּד. רַב פֶּפְאֵ וְרַב הוּנָא בְּרִיהּ דְּרַב יְהוֹשֻׁעַ סְבוּר לְמִיעֵבַד עוֹבְדָא כִּי הָא מְתַנִּיעָא. אָמְרָה לְהוּ הָאֵי סְבָתָא: בְּדִידֵי הוּא עוֹבְדָא, וְאֶסְרֵי לִי רַב נַחְמָן.

אִינִי? וְהָא רַב נַחְמָן שְׂרָא לְהוּ לְבִי רִישׁ גְּלוּתָא! שְׂרָאֵי בִי רִישׁ גְּלוּתָא, דְּלֹא הֲדָרִי בָּהּ.

אָמַר לְהוּ רַב פֶּפִּי: וְאֵתוּן לֹא תְּסַבְרוּהּ מִהָא דִּתְנִינָא: הָרִי שְׁהִיְתָה רְדוּפָה לִילְךָ לְבֵית אָבִיךָ, אוּ שְׁהִיְתָה לָהּ כְּעַם בְּבֵית בַּעֲלָהּ, אוּ שְׁהִיְתָה בַּעֲלָהּ חֲבוּשׁ בְּבֵית הָאֶסְרוּיָן, אוּ שְׁהִלְךְ בַּעֲלָהּ לְמִדִּינַת הַיָּם, אוּ שְׁהִיְתָה בַּעֲלָהּ זָקֵן אוּ חוֹלָה, אוּ שְׁהִיְתָה עֶקְרָה, וְזִקְנָה, אִיִּלּוּנִית, וְקִטְנָה, וְהַמְּפֹלֶת אַחַר מִיתַת בַּעֲלָהּ, וְשְׂאִינָה רְאוּיָה לִילְד – בּוֹלָן צְרִיכוֹת לְהַמְתִּין שְׁלִישָׁה חֳדָשִׁים, דְּבְרֵי רַבִּי מֵאִיר.

Abaye said that he learned from this situation that which the Sages said: A person should not permit even eating an egg in *kutah*,^{NB} a dish made with milk, in his teacher's vicinity.^H This is a very simple ruling, as an egg is not meat and may unquestionably be eaten with milk. There are no stringencies that apply to this case, but nevertheless one should not rule even on such a *halakha* in his teacher's vicinity. Abaye explained that this is **not because it appears disrespectful to teach *halakha* in one's teacher's vicinity, as this is a simple matter that does not require great knowledge of *halakha*, rather because he will not be successful in saying the matter correctly.** An illustration of this principle is what just happened, **since I had learned this *halakha* of Rav and Shmuel, and even so I was unsuccessful in saying it correctly, as I ruled in the vicinity of my teacher, Rav Yosef.**

S The Sages taught: If a woman gave her child to a wet nurse^H during the waiting period, or weaned him, or the child died, she is permitted to marry immediately. It is related that Rav Pappa and Rav Huna, son of Rav Yehoshua, thought to act in accordance with this *baraita*. However, a certain old woman said to them: **There was an incident in which I was involved with regard to this issue and Rav Nahman prohibited it for me.**

The Gemara asks: **Is that so? Didn't Rav Nahman permit this for the members of the Exilarch's^B household?** The Gemara answers: **The Exilarch's household is different, since people employed by them do not renege out of fear of the consequences.** Consequently, if a woman from that household arranges a wet nurse for her child, it is certain that the wet nurse will keep her commitment, whereas with other people there is a danger that if the mother remarries the child might be left without anyone to feed him.

Rav Pappi said to Rav Pappa and Rav Huna, son of Rav Yehoshua: **And do you not maintain that such a marriage is prohibited from that which is taught in a *baraita*: If a woman frequently went to her father's house and had been there for a long time; or she had been angry with her husband and separated from him while still in his house; or her husband had been incarcerated in prison; or her husband had gone overseas; or her husband had been old or ill; or if she was a barren woman, or elderly, or a sexually underdeveloped woman, or a minor girl; or if she had miscarried after the death of her husband; or if she was unfit to give birth for any other reason, although in any of these cases there is no concern that she might be pregnant, they must all wait at least three months.^H** The Sages said that a woman must wait for three months between marriages, so there would be no doubt as to who is the father of any child she may give birth to, and they did not distinguish between different women with regard to this decree. **This is the statement of Rabbi Meir.**

HALAKHA

In his teacher's vicinity – בְּמִקּוּם רַבִּיהֵ: It is prohibited to rule in the vicinity of one's teacher, within a distance of three parasangs. One who does so is liable to be punished with death at the hand of Heaven, as explained in tractate *Eiruvim* (63a). The Rema writes that this is prohibited in the vicinity of one's preeminent teacher, even if one asked permission from his teacher (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 5:2; *Sefer Shofetim*, *Hilkhot Sanhedrin* 20:9; *Shulhan Arukh*, *Yoreh De'a* 242:4).

She gave her child to a wet nurse – נִתְּנָה בְּנֵה לְמִינְקָתָא: Even if a woman gave her child to a wet nurse or weaned him within twenty-four months, and even if the wet nurse vowed publicly not to renege, the mother is prohibited from marrying. This is because the *halakha* is in accordance with Rabbi Meir's opinion with regard to all of his decrees, and there is a concern that people will mistakenly permit a woman's remarriage in a case in which

a wet nurse has not taken a vow (Rosh). Some say that in a case where the wet nurse took a vow, if the mother got married she does not need to get divorced (Rema, citing Mordekhai), according to the ruling of Rav Nahman and the conclusion of the Gemara (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 11:27; *Shulhan Arukh*, *Even HaEzer* 13:11).

Wait at least three months – לְהַמְתִּין שְׁלִישָׁה חֳדָשִׁים: Widows and divorced women are prohibited from marrying or betrothing another man within ninety days of their husband's passing. This is in order to determine whether or not the woman is pregnant from her previous husband. According to the rabbinic decree, this applies even where there is no concern that she might be pregnant, e.g., a woman who is incapable of conceiving or one who was widowed or divorced after betrothal (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 11:18–19; *Shulhan Arukh*, *Even HaEzer* 13:1).

רבי יוסי מתיר ליארס ולינשא מיד. ואמר רב נחמן אמר שמואל: הלכה כרבי מאיר בגיורותיו!

However, Rabbi Yosei permits all the aforementioned women to be betrothed and to marry immediately, since there is no concern that they may be pregnant. And Rav Nahman said that Shmuel said: The *halakha* is in accordance with the opinion of Rabbi Meir with regard to all of his decrees. In every place where Rabbi Meir was stringent so as to avoid possibility of error, the *halakha* is in accordance with his opinion. Consequently, this ruling should apply also to a nursing mother who wishes to remarry; the restriction should apply equally to a woman who had given her child to a wet nurse, or who had weaned him, or whose child had died.

אמרי ליה: לאו אדעתין. והלכתא: מת – מותר, גמלתו – אסור. מר בר רב אשי אמר: אפילו מת נמי אסור, דלמא קטלה ליה, ואזלא ומינסבא. הוה עובדא וחנקתיה. ולא היא, ההיא שוטה הואי, דלא עבדי נשי דחנקן בנייהו.

They answered him: The matter was not in our mind, meaning that we had forgotten this principle. Nevertheless, the Gemara concludes: The *halakha* is that if a nursing mother's child died, the mother is permitted to marry^h immediately, but if she had weaned him, she is prohibited from marrying, lest she forcibly wean him prematurely. Mar bar Rav Ashi said: Even if the child died, she is also prohibited from marrying, because if it were permitted when the child dies, there would be concern that she might kill him and then go and get married. It is related that there was an incident where a woman strangled her child for this reason. The Gemara concludes that that is not so, i.e., this incident does not affect the *halakha*. That woman was insane, and since women do not ordinarily strangle their children, one need not be concerned about this happening.

תנו רבנן: הרי שנתנו לה בן להניק – הרי זו לא תניק עמו לא בנה ולא בן חברתה. פסקה קימעא – אוכלת הרבה, לא תאכל עמו דברים הרעים לחלב.

§ The Sages taught: If someone gave a child to a wet nurse, and she agreed to nurse him for payment, she may not nurse her own child or another woman's child together with him, in order that she not take away milk from the child she is being paid to nurse. Even if she fixed a small allowance for food with the payment for nursing, she must nevertheless eat large quantities^h so that she will have enough milk. And she may not eat together with him, i.e., while she is nursing the child, things that are bad for her milk.

השתא בנה אמרת לא. בן חברתה מיבעיא? מהו דתימא: בנה הוא דתייס עילויה – ממציא ליה טפי, אבל בן חברתה, אי לאו דהוה לה מותר – לא הוה ממציא ליה, קא משמע לן.

The Gemara asks about this *baraita*: Now that you said that she may not nurse her own child together with her client's child, is it necessary to say that she cannot nurse another woman's child? The Gemara answers: Lest you say that the prohibition is limited to her child, as there is a concern that since she favors him, she will feed him more milk than the other child, but with regard to another woman's child, if she did not have surplus milk she would not feed him, and therefore it should be permitted, the *baraita* therefore teaches us not to distinguish between the cases.

פסקה קימעא אוכלת הרבה, מהיכא? אמר רב ששת: משלה.

The *baraita* said that even if she fixed a small allowance for food, she must eat large quantities. The Gemara asks: From where should she get this food if the allowance cannot cover it? Rav Sheshet said: From her own funds. Because she accepted an obligation to nurse the child, she must take the necessary steps to fulfill her obligation.

HALAKHA

If the child died, she is permitted to marry – **מת, מותר** – If a nursing mother's child died, she may get married, and there is no concern that she might kill the child in order to be allowed to remarry. Similarly, if the child weaned in her husband's lifetime, or she could not nurse her child at all, or if she gave her child to a wet nurse three months before her husband's death and did not nurse him at all during this period, she is permitted to marry immediately (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 11:27; *Shulhan Arukh*, *Even HaEzer* 13:11).

Even if she fixed a small allowance for food, she must eat large quantities – **פסקה קימעא, אוכלת הרבה** – As long as a woman is nursing her child, her husband must provide her with foods that improve her milk output. If she does not receive more food, she must add additional food from her own funds, if she has property of her own. The *Shulhan Arukh* quotes the Rambam, who writes that if it was agreed to provide her with the appropriate foods and she wishes to eat more food or other foods, her husband cannot deny her these foods because they might be dangerous to her child, since her own personal needs prevail over her child's needs. The Ra'avad disagrees and says that he can deny her these foods (Rambam *Sefer Nashim*, *Hilkhot Ishut* 21:11; *Shulhan Arukh*, *Even HaEzer* 80:11–12).

LANGUAGE

Garden cress [tahlei] – תחלי: This is the Aramaic term for Lepidium sativum, the vegetable known in Hebrew as halim. It is a garden vegetable used in salads.

Brine [moninei] – מוניני: The Arukh explains that moninei is brine, particularly fish brine, but the term can also be used to refer to locust brine. It appears to be Aramaic, a shortened form of mei nunei, meaning fish water.

NOTES

Soil – גרושתא: The word is of Aramaic origin and it generally refers to the earth used for making seals. It was a type of quality clay used for seals on letters or parcels.

לא תאכל עמו דברים הרעים. מאי מינהו? אמר רב כהנא: כגון בשות, וחזיו, ודגים קטנים, ואדמה. אביי אמר: אפילו קרא וחבושא. רב פפא אמר: אפילו קרא וכופרא. רב אשי אמר: אפילו כמפא והרסנא. מינייהו פסקי חלבא, מינייהו עברי חלבא.

דמשמשא בי ריחיא – הווי לה בני נכמי, דמשמשא על ארעא – הווי לה בני שמוטי, דדרבא על רמא דחמרא – הווי לה בני גירדני, דאכלה חרדליא – הווי לה בני זולני, דאכלה תחלי – הווי לה בני דולפני, דאכלה מוניני – הווי לה בני מצויצי עינא, דאכלה גרושתא – הווי לה בני מכוערי, דשתאי שיכרא – הווי לה בני אוכמי, דאכלה בישרא ושתאי חמרא – הווי לה בני

The baraita said: She may not eat together with him things that are bad for her milk. The Gemara asks: What are these foods that are detrimental for milk?^b Rav Kahana said: For example, hops; and young, green grain sprouts; small fish; and soil. Abaye said: Even pumpkin and quince. Rav Pappa said: Even pumpkin and palm branches with small, unripe dates. Rav Ashi said: Even kutah [kamka] and small fried fish. All these items are bad, as some cause milk to dry up and some cause milk to spoil.

The Gemara cites other possible consequences of a mother's behavior that could affect her children: A woman who engages in intercourse in a mill will have epileptic children; one who engages in intercourse on the ground will have long-necked children; one who steps on a donkey's dung when pregnant will have bald children; one who eats mustard during pregnancy will have bald children; one who eats garden cress [tahlei]¹ will have tearful children; one who eats fish brine [moninei]¹ will have children with blinking eyes; one who eats soil^{NB} will have ugly children; one who drinks intoxicating liquor will have black children; one who eats meat and drinks wine during pregnancy will have children who are

BACKGROUND

Foods that are detrimental for milk – דברים הרעים לחלב – A woman's diet in general as well as certain specific foods that she eats can affect the quality of her milk and even have an effect on the taste of the milk.

One who eats... will have – הווי לה בני... דאכלה: There is no specific scientific knowledge with regard to this subject, although it seems clear that a woman's diet during pregnancy has an effect on the fetus. Other factors, such as alcohol and drugs, certainly have a significant influence on the development of a fetus, including its color and complexion.

Eating soil – אכילת אדמה – Eating soil during pregnancy is a known phenomenon, as pregnant women sometimes experience cravings for strange foods. At times, they can also suffer from a compulsion to consume non-food items, a psychological disorder known as pica. Cases have been reported of pregnant women eating earth, clay, sand, and other inedible substances. However, certain types of earth may also be eaten for medicinal purposes. The type mentioned in the Gemara may serve to ease heartburn experienced during pregnancy.

Perek V

Daf 61 Amud a

BACKGROUND

Celery – כרפסא: This is Apium graveolens, a garden vegetable used for flavoring and salads.

LANGUAGE

Coriander [kusbarta] – כוסברתא: This is a plant used as a spice, with characteristic flavor and aroma. It is known in biblical Hebrew as gad and in Modern Hebrew as kusbar.

בריני, דאכלה ביעי – הווי לה בני עיניני, דאכלה כורי – הווי לה בני חניני, דאכלה כרפסא – הווי לה בני חיתני, דאכלה כוסברתא – הווי לה בני בישרני, דאכלה אתרוגא – הווי לה בני ריחני. ברתיה דשבור מלכא אכלה בה אמא אתרוגא, והווי מפקיה לה לקמיה אבויא בריש ריחני.

healthy; one who eats eggs will have large-eyed children; one who eats fish will have graceful children; one who eats celery^b will have beautiful children; one who eats coriander [kusbarta]¹ will have corpulent children; and one who eats etrogim will have sweet-smelling children. It is related with regard to the daughter of King Shapur^p of Persia, that her mother ate etrogim while pregnant with her and they used to place her in front of her father on top of all the spices, as she was so fragrant.

PERSONALITIES

King Shapur – שבור מלכא: King Shapur, or Shavor Malka, was the name of several Persian kings. King Shapur I, the second king of the Sassanid dynasty, who lived from 241–272 CE, was tolerant of other faiths. There are many incidents related in the Talmud that reflect his close relationship with the Jewish people, as well as his love and appreciation for Jewish customs. In several places, the Gemara describes his friendship with the amora Shmuel.

King Shapur II, who lived from 303–380, was a zealous supporter of Zoroastrianism, a religion he tried to impose on the minorities under his rule, especially Christians. During his reign, the Jewish community suffered from oppressive taxes, levies, and various decrees.