

Section 16

Ritual Impurity

The laws of ritual purity (*tahorah*) and impurity (*tumah*) are among the most complicated in the Torah. In order to best explain these laws, we begin this section with an overview of how *Tumah* applies in the modern day¹. We then proceed to define the various sources of *Tumah*. For each source we discuss a) if and how that source transmits *tumah* and b) how one may be purified from *tumah* contracted from that source. The sources discussed include animal carcasses, bodily fluids, human corpses, and *tzara'at* (growth on skin, clothing, or buildings).

It will be helpful for the reader to have the following vocabulary in mind:

- *Tumah*: ritual impurity
- *Tameh*: ritually impure
- *Tahorah*: ritual purity
- *Tahor*: ritually pure.

The topics covered in this section are:

1. Karaites, Rabbanites, and how *Tumah* Applies Today
2. Sources of *Tumah*
3. Objects which May Acquire *Tumah*
4. Washing for the Purposes of Purification
5. Purification of Objects Which May Acquire *Tumah*
6. Transmission of *Tumah* through Physical Contact
7. Defining the Term Carcass
8. Impure Animal Carcasses
9. Carrying Carcasses
10. The *Zav*
11. The Niddah
12. The *Zava*
13. The Yoledet
14. Seminal Emission
15. Tumat Met
16. Tzara'at
17. Overview of All Forms of *Tumah*

"if so all tumot would become inapplicable in the diaspora and this cannot be for the nation of Israel is called a holy nation and needs to be holy from all impurities for the sake of its holiness" -Adderet Eliyahu Inyan Tumah VeTahorah Ch 19 Daf 76a Col 2

¹ While this overview will draw heavily from material Adderet Eliyahu, I intertwine with it knowledge from other sources so as to provide a complete introduction to *Tumah*.

§16.1 Karaites, Rabbanites, and how *Tumah* Applies Today

§16.1a Overview

Tahorah (purity) plays a role in Karaite halakha that is vastly different from its role in Rabbanite halakha. In the Rabbanite tradition, *Tahorah*'s primary application is in maintaining the purity of the Temple in Jerusalem. In the absence of the Temple, the laws of *tumah* have become mostly irrelevant to Rabbanite Jews. A major exception is that the laws of *niddah* which still determine when Rabbanite Jews may enjoy conjugal relations. By contrast, Karaite halakha requires constant attention to the laws of *tumah*. Considerations of *tumah* determine who may enter the synagogue, what one may eat, what one may wear, and even what one may touch. We therefore begin our discussion by summarizing some of the more prominent applications of *tumah*.

In ages past, a major purpose of the laws of *tumah* was to keep the Temple pure: “you shall separate the children of Israel from their *tumah*; and they shall not die in their *tumah* when they make *tameh* My sanctuary” (Leviticus 15:21). However, the laws of *Tumah* also serve another major purpose, even in modern times. The Torah commands us to be a holy people: “speak to the congregation of the children of Israel: you shall be holy for I Hashem your God, am holy” (Leviticus 19:2). Holiness is achieved in part by refraining from becoming *tameh*. Thus, as a general principle of day to day life, we should avoid becoming *tameh* whenever possible in order to fulfill the commandment of being a holy people.

Adderet Eliyahu explicitly warns against the view that *Tahorah*'s only application is maintaining the purity of the temple in Jerusalem. By way of context, the Annanites had argued that *tumah* of dead bodies existed only when the temple stood. They reasoned that the Torah's statement with regard to the *tumah* of dead bodies - “for he has impurified the sanctuary (*mishkan*) of Hashem” (Numbers 19:13) – implied that the *tumah* of dead bodies only applied when the sanctuary stood. *Adderet Eliyahu* rejects the Annanites' view because:

“It is written further ‘you shall separate the children of Israel from their *tumah* that they not impurify the sanctuary” (Leviticus 15:31), and “their *tumah*” refers to all *tumot* and if so all *tumot* would become inapplicable in the diaspora and this cannot be for the nation of Israel is called a holy nation and needs to be holy from all impurities for the sake of its holiness”²

In addition to the affirmative command to be holy, in some situations there is also a prohibition on becoming *tameh*. For example, the Torah explicitly forbids contracting *tumah* by touching certain animals - “of their flesh you shall not eat and their carcasses you shall not touch” (Leviticus 11:8, see also §16.8) - but allows contracting *tumah* from others: “whoever touches their carcasses shall be unclean” (Leviticus 11:24, see also §16.8). One who becomes *tameh* in cases where the Torah actively forbids *tumah* is not only failing to fulfill the positive command to be holy, but also transgressing a prohibition. *Adderet Eliyahu* makes this distinction explicitly:

“it is the case that with those [animals] that have [only] one of the signs [of Kashrut] one who touches [their carcasses] transgresses a prohibition and is liable for lashes and a sacrifice and becomes impure, however, for other [impure animals] he is not liable for [violating] a prohibition, he only becomes *tameh*. But the sages said that it is a law to distance oneself as much as possible from touching [the other impure animals] from the outset for it is written ‘you (pl.) shall be holy’ (Leviticus 19:2)”³

² Adderet Eliyahu Inyan Tumah VeTahorah Ch. 19 Daf 76a Col 2 (online edition)

³ Adderet Eliyahu Inyan Tumah VeTahorah Ch. 1 Daf 117b Col 1

Tumah is also the source of most of the Torah's dietary laws. Although Rabbanites believe the dietary laws to be independent of the laws of *tumah*, Karaites view most dietary laws as a subset of the laws of *Tumah*⁴. The reason for this is that Scripture refers to almost all non-kosher animals as "*tameh*" (eg: the camel in Leviticus 11:4). This suggests that one should only eat animals that are *tahor*. Furthermore, scripture shows special concern for maintaining the purity of all food (not just from animal sources) and utensils that are used with foods (Leviticus 11:33-36). Unlike Rabbanites, Karaites therefore refrain from eating anything which is *tameh* regardless of how that food has contracted its *Tumah*. For example, Karaite halakha cautions against eating food touched by a *niddah*. For this reason, Karaite women traditionally do not cook for others when in *niddah*. Furthermore, even the laws of *shechita* are intertwined with the laws of *Tumah*. In the view of many sages, the Torah states that one who eats otherwise-kosher animals that have not been properly slaughtered becomes *tameh*: "when a beast that you may eat dies [through a method other than *shechita*] ... he who eats of its carcass shall wash his clothes and be *tameh* until evening" (Leviticus 11:39-40).

In addition to being a major foundation of the Torah's dietary laws, *Tumah* plays a special role in the Karaite synagogue. We have previously discussed the rationale for maintaining purity in the synagogue (§14.4c) and do not repeat that discussion here. We add, however, that keeping a pure synagogue helps achieve the mitzvah of becoming a "holy *people*", and not just being "holy *individuals*", because it requires a collective effort by the worshippers. Establishing a communal observance of *tahorah* is critical because *tumah* spreads easily between people. For example, a *niddah* who touches another transfers *tumah* to that person. Likewise, one who prepares *tameh* meat causes all who eat of it to become *tameh*. Without communal effort, keeping *tahorah* becomes considerably more difficult.

The Tanakh recognizes the difficulty of keeping *tahorah* in a society that is otherwise indifferent towards *tahorah*: "thus you shall eat your bread impure among the nations" (Ezekiel 4:13). Some of the sages understood this verse as confirmation that in the exile it would become necessary to keep the laws of *Tumah* imperfectly because other nations do not observe the purity laws. An example of this view can be seen in *Adderet Eliyahu's* discussion on fish bought from gentiles. The legal concerns raised by such fish are that they A) may have been killed improperly (ie: through any method other than capturing, see §15.9) or B) may have been contaminated through contact with the fluids of impure fish⁵:

"some [of the sages] said ...there is no [*halakhic*] issue if a gentile captures [fish] but it is fitting for a person to monitor [the gentile] so that the pure [fish] do not become contaminated with the impure [fish] and so that they are not slaughtered [in any fashion] but through capturing."⁶

Nevertheless, some sages held that it was permissible to eat fish bought from gentiles, because they saw complete avoidance of contaminants in the exile to be impossible as a practical matter:

"but some [of the sages] said that we are not liable in this matter unless we know for sure that they are contaminated because most fish are killed by capturing for if they die inside the water they rot. Therefore we may eat them since they are most likely Kosher. And just as we need not refrain from eating fruit just because it is possible that a bird comes upon them with a piece of a carcass or dead

⁴ There are exceptions, however. For example, certain choice parts of meat (*chalavim*) are forbidden from consumption, but not ritually impure (Leviticus 3:16, §15.7). In fact, they were considered to be some of the holiest parts of the temple sacrifices: "all chelev is Hashem's" (Leviticus 3:16). Other examples include food intentionally cooked on Shabbat and chametz on Passover.

⁵ *Adderet Eliyahu* does not explain how exactly the impure fish would contaminate the pure ones. Because fish do not normally transfer their impurity through touch, I assume that the pure fish being covered in juices from the impure fish to be the most likely scenario.

⁶ *Adderet Eliyahu Inyan Shechita Ch 33 Daf 115a Col B*

insect in its mouth so too we do not refrain from eating fish. And regarding such situations the prophet said 'Thus you shall eat your bread impure among the nations', but I (ie: Rav Bashiya) say that he who is careful regarding these contaminations will [nevertheless] bear a blessing from Hashem."⁷

Therefore, while the sages promoted a fastidious observance of *tahorah*, they also understood that it would sometimes be necessary to keep these laws imperfectly. Thus, Karaite halakha recognizes both the importance of keeping *tahorah* and the need to remain practical in one's daily life. This understanding is consistent with the view that *tumah* is not entirely prohibited, but strongly discouraged by the affirmative command to be a holy people.

§16.1b More on Whether Tumah is Generally Prohibited

As we have previously mentioned many sages held that we should avoid becoming *Tameh* in order to keep the affirmative command to be a holy people (Leviticus 19:2). Yet, as we have noted, those sages who believed that there was an affirmative command to be holy did not necessarily believe in a prohibition on becoming *tameh*. The view that *tumah* is not generally prohibited may seem surprising given that the Torah, at first glance, appears to require a sin offering for one who becomes *tameh*:

"if any one touch any tameh thing whether it be the carcass of a tameh wild animal or the carcass of tameh cattle or the carcass of a tameh swarming thing and it is hidden from him and he is tameh and is guilty. Or if he touch any tumah of man that he may become tameh by and it is hidden from him and he knows of it and is guilty... It shall be when he shall sin by one of these things, he shall confess regarding what he has sinned and shall bring his guilt offering to Hashem for the sin that he sinned" (Leviticus 5:2 -6)

Some of the sages, however, did not see this verse as referring to a general prohibition on *tumah*. They explained that this verse refers to those who sinned by touching holy objects or eating holy food while *tameh*⁸. Their reading is clearly preferable to the hypothetical reading suggested above, which sees being *tameh* itself as a sin. This is because the verses stress that the fact that the person's impurity is "hidden from him". The term "hidden from him" refers to cases in which one temporarily forgets that one is *tameh* or cases where one never knew one was *tameh* until informed by someone else⁹. If being *tameh* were a sin in and of itself, why would the person's *tumah* need to be "hidden from him" in order for him to owe an offering? Clearly forgetting or failing to realize his *tumah* caused the person in the verse to sin in some way. Perhaps, as some sages suggest, he touched a holy item while unaware of his impurity.

⁸ See Rav Aharon ben Yosef:

"and he becomes guilty – if he ate holy things or came impure to the sanctuary and touched holy objects" – Sefer HaMivhar on Leviticus 5:2 Daf 8a (online edition)

See also Rav Aharon ben Eliyahu, after explaining the Rabbanite view that one is only liable if one eats a holy item: "...and in the opinion of the masters of scripture (ie: Karaites) he owes [an offering] whether he touches or eats [something holy]" - Keter Torah on Leviticus 5:3 Daf 11a (online edition)

⁹ According to Rav Aharon ben Yosef the phrase "it is hidden from him" can refer both to cases in which he forgets that he is *tameh* or never realizes he is *tameh* until someone informs him:

"it is hidden from him - ... until it is made known to him by others or when his mind is bothered (ie: distracted) and afterwards he remembers" - Sefer HaMivhar on Leviticus 5:2 Daf 8a (online edition)

An alternative reading, held by Rav Moshe Firrouz¹⁰, is that the sin in question might refer to one of several possible sins. Under this reading, in addition to touching holy objects or eating holy food while impure, failing to purify oneself as soon as possible can also cause one to owe a sin offering. In Rav Moshe's view every time the Torah states "and he shall wash in water in the evening" or similarly prescribes a method of purification, the Torah is not merely informing the reader how he may purify, it is issuing an imperative that he purify himself as soon as it is legally possible to do so. For most types of *tumah*, this would be "in the evening" as the verses prescribe. Failure to satisfy this imperative causes one to become guilty and owe a sin offering.

An advantage of Rav Moshe's reading is that failure to purify is a direct consequence of forgetting one is impure. It is easy, for example, to touch a carcass in the morning and forget by evening that one should have washed in water. Thus, the Torah did not need to explain how forgetting one is impure leads to sin. This is just it had no reason to explain how forgetting an oath can obviously lead one to violate that same oath (Leviticus 5:5). Arguably, however, touching a holy object is not as common an occurrence as forgetting to purify. Thus when the Torah discusses one who forgets he is *tameh*, it is unlikely that it intends to imply that this person has sinned specifically because he has casually entered the sanctuary or touched holy objects. Thus, while both the sages reading and Rav Moshe's reading are reasonable, I find Rav Moshe's understanding to be slightly more convincing.

§16.1c More on Whether One May Eat Tameh Foods

As previously mentioned, the Torah is concerned with the purity of foods. For example, the Torah prohibits consuming *Tameh* animals and shows special concern for the purity of utensils used for food. The book of Ezekiel likewise demonstrates a concern for food purity. To symbolize Israel's oppressed state in the exile, God commands Ezekiel to prepare cakes of barley on human excrement (an impure substance):

"and you shall eat it as barley cakes and in the dung that comes out of man you shall bake it before their eyes. And Hashem said "thus shall the children of Israel eat their bread, impure among the nations" (Numbers 4:12-13)

Ezekiel, shocked, exclaims that he has never eaten anything impure:

"Ah my lord *Hashem* here my soul has not been impurified nor have I eaten of that which dies of itself or is torn from my youth until now, neither has abhorred flesh come into my mouth" (Ezekiel 11:14)

God acquiesces, allowing Ezekiel to instead prepare cakes on cow dung, a pure substance (Ezekiel 11:15). Ezekiel's shock further supports the contention that halakha discourages or forbids eating impure foods.

At the same time, however, it raises an interesting question. If eating impure foods is forbidden, how could it be that God commanded Ezekiel to eat such foods? Surely a prophecy that urges one to go against God's law as revealed by Moshe cannot be a true prophecy". In view of this difficulty, one might suggest that eating impure foods is only discouraged but not entirely forbidden. The problem with this view is that in the reading of at least some sages, eating derivatives from impure animals (in Ezekiel's case human excrement) is directly forbidden by the Torah. As will be explained below, the sages understand the verse "from their flesh you shall not eat", as forbidding anything that comes from an animal whose carcass would be impure. All the more so human derivatives are impure because a human corpse is more impure than a carcass of an impure beast.

¹⁰ Although Rav Moshe expressed this view to me over email, I thank my brother Oren for being the first to suggest to me that the sin in the verse may be failure to purify.

¹¹ Indeed, Adderet Eliyahu appears to operate under this assumption. For example, Adderet Eliyahu argues that river water must be pure despite the fact that *tameh* creatures tend to die in it because God commands Elijah to drink from a brook (1 Kings 17:4, §16.3d). This argument assumes that God would not have commanded Elijah to drink *tameh* water in violation of halakha.

Perhaps then the sages were mistaken in reading the verse “from their flesh you shall not eat” as a prohibition on derivatives of impure creatures. Even if they were mistaken, however, Ezekiel still clearly believed that the human excrement was impure. One would therefore have to find an alternative verse from which Ezekiel may have concluded that derivative of impure animals are themselves impure. To my knowledge, there is no such verse.

Perhaps then we should conclude that eating derivatives of impure animals is indeed prohibited, but that a true prophecy can include a temporary abrogation of a mitzvah for specific individuals. The theological implications of this position may be complicated, however, so I am hesitant to suggest that this is the case.

Perhaps then Ezekiel was not actually concerned with eating the excrement itself. Rather, he may have been concerned with the excrement impurifying the rest of the food through contact with it. Because there is no direct prohibition eating impure foods that are not themselves carcasses or derivatives from impure animals, then it is possible that Ezekiel was commanded to eat bread impure as a result of touching excrement since this is generally discouraged but not forbidden. The difficulty with this view is that derivatives of impure animals, while they are themselves impure, are not generally understood as transmitting impurity in the same way that impure carcasses do. Rav Bashyatzki, however, holds that food can contract impurity from objects that would not otherwise transmit impurity to people or objects (§16.3c). If one accepts his view, the problem is resolved.

§16.2 *Tameh* Vs. *Metameh*

At the broadest level, *tameh* objects and individuals that are *tameh* may be subdivided into two categories: I) those who are impure (*tameh*) but do not transmit their impurity to others, and II) those which are both impure and can transmit impurity to others (*metameh*). An example of I), is a man who has a nocturnal emission. He is impure but does not transmit impurity to those whom he touches (§16.15). An example of II) is a woman in *niddah* (loosely equivalent to a menstruant see §16.11), for she can transmit *tumah* to objects and individuals that she touches (§16.12b). The sages often use the word *metameh* to refer to people or objects that transmit *tumah*, in contrast to people or objects that are *tameh* but do not transmit *tumah*. The Torah, however, simply uses the term “*tameh*” to refer to both classes of objects (i.e., those that transmit *tumah* and those that do not). Thus, one must read the detailed laws the Torah provides for each kind of *tumah* to determine whether it can or cannot transmit *tumah* to others.

§16.3 Objects which May Become *Tameh*

§16.3a Introduction

Some objects may become *tameh* while others may not. For example, if a swine carcass comes in contact with a pot, the pot becomes impure. If, however, a swine carcass touches a bench bolted to the floor, that bench remains pure. In general, there are four kinds of objects which may become *tameh*:

1. people;
2. tools (*kelim*) used to perform some type of task (*melacha*) (Leviticus 11:32);
3. food that has been processed in certain ways (Leviticus 11:34); and

4. liquids (Leviticus 11:34).

Any object or living creature not belonging to one of these categories is immune to *tumah*. The only exception is *tumah* caused by *tzara'at* which can in some cases affect objects that would otherwise be immune to *tumah*. For example, *tza'raat* can cause entire buildings to become *Tameh* (Leviticus 14:44) although buildings do not contract other forms of *tumah*.

§16.3b Tools Used to Perform Tasks

Only *kelim* used to perform tasks can become *tameh*. The word *Keli*, roughly translated as “vessel”, refers not only to vessels in the English sense of the word but also to tools and clothing. In contrast to decorative *kelim* (such as figurines), Scripture states that only *Kelim* used to perform tasks can contract *tumah*:

“these are [the species] that are *tameh* for you among all those that swarm... any of them that fall when they are dead will impurify any wood tool (*keli*) or garment or leather or sack, any tool (*keli*¹²) with which tasks (*melacha*) are done” (Leviticus 11:32)

The above verse explicitly uses the term *kelim* to refer to “wood *kelim*” but does not mention the term *keli* with reference to “leather or sack”. However, the fact that the verse ends with a general statement that applies to *kelim* - “any *keli* with which tasks are done” - suggests that the rest of the verse is also discussing *kelim*. Thus it is implied that the “leather or sack” mentioned in the verse are “leather or sack *kelim*”. The general statement at the end of the verse likewise implies that “garments” are considered *kelim* because they are mentioned earlier in the verse. Moreover, the fact that the Torah states that “any keli” may become “*tameh*” means that *kelim* of any material can become *tameh*, not just *kelim* made from those example materials mentioned in this verse (wood, leather, and sack).

In later verses, the Torah discusses transmission of *tumah* to *kelim* without qualifying that they are *kelim* with which tasks are done (e.g., “the earthen tool which he that has issue touches shall be broken..” (Leviticus 15:12)). Nevertheless, this is merely a shorthanded way to refer to those tools with which tasks are done mentioned earlier in the Torah. Thus, as a general rule, an object contracts *Tumah* if it is:

1. a *keli* and
2. is used to perform a task.

An object meeting only one but not both of these two criteria is immune to contracting *tumah*. For example, a decorative figurine cannot contract *tumah* because it is not used to accomplish any type of task. Conversely, a wagon may not contract *tumah* because although it can be used to accomplish tasks, it cannot be called a *keli* in Hebrew. Similarly, a door, a wall of a building, or a ship cannot be referred to as a “*keli*” and therefore these cannot become *tameh*. Moreover, objects meant to remain permanently in place cannot be referred to as “*kelim*”. For example, a ladder built into a building is not a *keli*,

¹² *Keli* is the singular of *kelim*.

whereas a ladder meant to be carried around is a *keli*. Likewise, winepresses or jugs built into the ground are not *kelim*.

Although *kelim* used to perform tasks generally become impure, some sages made exceptions for objects which would be destroyed if washed in water. These sages believed that such objects are impervious to *tumah* even if the object is a *keli* with which one would perform tasks. The rationale for this legal standard is discussed in §16.5a.

§16.3c Food

The Torah states that any food which has come into contact with water can become *tameh*:

“any food that may be eaten upon which comes water shall become *tameh* and every drink that is drunk in any vessel shall become *tameh*” (Leviticus 11:34)

All liquids are equivalent to water in their ability to make food susceptible to *tumah*. Furthermore, a food becomes susceptible to *tumah* regardless of whether the moisture comes from outside the food or from within the food itself (e.g., the moisture found in wet cheeses).

The verse “any food ...upon which comes water” implies that food that has come into contact with water remains susceptible to *tumah* even if it has since dried¹³. Thus, many sages believed that water renders food susceptible to *tumah* not because of its wetness but because it changes the form of the food. They concluded that acts which similarly change the nature of food similarly render food susceptible to *tumah*. These acts are:

1. cooking in fire;
2. salting, which, in addition to changing the nature of the food, renders food susceptible to *tumah* because it extracts moisture from food;
3. grinding or mincing; and
4. cutting.

Food can also contract *tumah* from vessels. The Torah shows special concern for the purity of *kelim* (vessels) used for food (Leviticus 11:33-34). Presumably then, food can become impure from *kelim* even when other objects cannot. More precisely, susceptible foodstuffs can contract *tumah* from *tameh* vessels they come in contact with, even if those vessels do not otherwise transmit *tumah*. Let us consider a practical example of this principle. If a pig carcass touches a pot, said pot would transmit *tumah* to wet food placed inside it even if the pig carcass has since been removed. The pot would not, however, transmit *tumah* to non-food objects coming into contact with it (eg: people or other vessels).

§16.3d Drink

¹³Rav Bashyatzi does not elaborate on how the verse implies that any food that has previously come into contact with moisture becomes susceptible to *tumah*, regardless of whether it has since dried. Perhaps he believes that had the Torah been referring to currently wet food it would have stated “any food upon which is water” instead of “upon which comes water”.

Any drink may become *tameh*: “every drink that may be drunk in any vessel will be impure” (Leviticus 11:34). The only exception is water, which is impervious to *tumah* even when kept in a vessel. For if water could contract *tumah*, how could it be that it purifies the impure? Although water cannot contract impurity through touching impure objects, if a *tameh* object or liquid dissolves and mixes into the water in a vessel, the resulting solution is impure.

The Torah further discusses spring and pits containing water: “everything upon which their carcasses fall will be impure ... however, every spring or pit will be pure” (Leviticus 11:36). A spring is any place in which water flows. A pit is any well or lake in which water gathers. Using the conjunction “however” (*ach*) the Torah distinguishes the places where water is gathered from “everything upon which their carcasses fall” – that is the vessels which do contract *tumah*. Thus the Torah’s intent is that these locations can never become impure as do vessels. Additionally, although impurities are certainly mixed into the water in these places such as when *tameh* worms die in wells or when rain water flows into a river and carries impure objects with it – the water remains pure. Accordingly, God commands Elijah to drink river water: “and it shall be that you shall drink from the brook” (1 Kings 17:4).

§16.4 Purification through Washing

§16.4a Introduction

Washing is necessary to purify both people and objects from *tumah*. While washing is always necessary for purification, depending on the situation, it is not always sufficient. For example, purification from *tumat met* (*tumah* transmitted by a human corpse) requires a complex ritual utilizing the ashes of a red heifer (§16.16d). Furthermore, certain objects must be both washed and passed through fire in order to attain purity (§16.5a).

§16.4b Living Water

Washing must be accomplished with “living water” (*mayim chayim*): “he shall wash his flesh with living water and he will be pure” (Leviticus 15:13). The term “living water”, refers to sweet water as opposed to salt water. Sweet water is called “living water” in Hebrew because it can sustain life. However, the Rabbanites believed that “living water” refers to flowing water. Yet they are mistaken because water can be put into a vessel and still be called “living”: “and living water shall be put into a vessel” (Numbers 19:17).

The Torah explicitly specifies that we should use “living water” in some purification rituals but makes no explicit mention of living water for others. For example, it explicitly requires purification using living water in the case of impurity caused by abnormal male issues (Leviticus 15:13) but not in the case of seminal emissions (Leviticus 15:16). However, the sages believed that “living water” is required to be purified from all types of impurity. They noted that the Torah does not mention washing in “living water” when discussing purification from *tumat met*- stating simply: “he shall wash in water” (Numbers 19:19). They further reasoned that because *tumat met* is the most severe form of impurity, the standards for purification from *tumat met* should be at least as stringent as for any other *tumah*.

Therefore, when the Torah speaks of washing in “water” with regards to *tumat met*, its intent is “living water”. We should thus assume that whenever the Torah simply says “water” in the context of purification, it means “living water”.

§16.4c Time of Washing

After a person or object is washed, it remains impure at least until the evening. However, the exact time at which one washes varies depending on the type of *tumah* one has contracted. If a person or object has contracted a major *tumah*, that is a *tumah* that always lasts more than a day and/or can be transmitted to others, then one should wash immediately before the evening (such that one is washing when the evening begins). The Torah states as much with regards to *tumat met*: “he shall wash himself in water and be purified **in the evening**” (Numbers 19:19). Although the Torah does not specify a specific washing time for other major *tumot*, the sages concluded that the same time should apply to these *tumot* as to *tumat met*.

By contrast, a person or object that has contracted a minor *tumah* need not wash immediately before the evening begins. Such a person may wash a short while before the evening begins. The Torah implies as much as it repeatedly states that people or objects that contract minor *tumot* and are then washed remain unclean “until the evening” - implying that there is some time between the washing and the start of the evening (e.g., “it must be put into water and it shall be *tameh* until evening” (Leviticus 11:32)). Nevertheless, one should not wash too long before evening, as it is written “he shall wash in water shortly before evening” (Deuteronomy 23:12).

§16.5 Purification of objects

§16.5a Different Types of Objects

Objects of different materials are cleansed from *tumah* in different ways. For the purposes of purification, objects fall into four different categories:

- (I) **Clay or earthenware** cannot be purified. The Torah commands breaking any clay vessel that becomes unclean: “any clay vessel in which any of them fall shall become *tameh* and you shall break it” (Leviticus 11:33). Even the shattered pieces of the broken object remain unclean. This is in contrast to the Rabbanite opinion that shattering a clay object purifies its pieces;
- (II) **Objects that can withstand being passed through fire** are purified first by passing them through fire and then through water: “anything which can go through the fire you shall pass through the fire and it shall become pure, nevertheless it shall be purified with the water of purification” (Numbers 31:23).
- (III) **Objects that cannot withstand being passed through fire** must be washed: “it shall be put into water and it shall be *tameh* until evening then it shall become *tahor*” (Leviticus 11:32). The phrase “it shall be put into water” refers to any kind of washing, not necessarily full immersion as the Rabbanites require. Indeed, in other contexts the Torah instead uses the

phrase “wash” (*rachatz*) with reference to ritual purification: “and he shall wash in water” (eg: Leviticus 15:22)¹⁴ instead of the phrase “it shall be put in water”. Therefore, one is not required to “place” an object in water to purify it, so long as all parts of the object are thoroughly washed with water. Thus, whether one washes a *tameh* object by immersion in water or by pouring water onto said object, that object becomes pure.

- (IV) **Objects that deteriorate when washed:** The sages held differing opinions regarding objects that deteriorate when washed (e.g, books). Some held that they are susceptible to *Tumah*. Others, however, held that they can never contract *tumah*. They argued that just as objects not withstanding fire need not go through fire to be *tahor*, so too objects not withstanding water need not go through water to become *tahor*.

§16.5b Ovens and stoves

When discussing the ritual purification of objects, the Torah makes special mention of ovens and stoves: “anything upon which their carcass falls will become impure, whether stove or oven, it shall be smashed” (Leviticus 11:35). The sages understood this passage to refer to moveable stoves and ovens made of earthenware.¹⁵ Such ovens had to be smashed in accordance with the general rule for earthenware *kelim* (§16.5a). By contrast, an oven or stove affixed to the ground, even if made of earthenware, would not be considered a *keli* (§16.5a) and so be impervious to *tumah*. Conversely, an oven or stove made from something other than earthenware, even if not affixed to the ground, could be purified and would not need to be smashed (§16.5a).

§16.6 Transmission of *Tumah* through Physical contact

Certain sources of *tumah* cause people or objects that touch them to become *tameh*. For example, the Torah says the following regarding certain animal carcasses:

“and by these you shall become *tameh* whoever touches (*noge'a*) their carcasses shall be *tameh* until evening” (Leviticus 11:24)

There are two possible meanings of the Hebrew word “touch” (*noge'a*). In some contexts “touch” refers to direct physical contact with an object. In other contexts, “touch” refers to contact through an intermediary. For example, Scripture records that an angel “touched” an offering via his staff: “then the angel of *Hashem* sent out the end of his staff that was in his hand and touched the meat and the *matzot*” (Judges 6:21). On account of these two definitions, some sages held that *tumah* is transmitted only through direct contact whereas others held that *tumah* is transmitted either through direct contact or through contact via an intermediary. Furthermore, these sages believed that any number of adjacent intermediaries are capable of transmitting *tumah*. For example, one who touches with his staff a bowl placed on a table holding a plate of pork becomes impure. The *tumah* is transmitted from the pork to the plate to the table to the bowl to the staff to the person. However, even those sages who held that

¹⁴ See also “every wood tool (*keli*) shall be rinsed in water” (Leviticus 15:12).

¹⁵ Perhaps these were the most common kind of oven at the time of the Torah, and thus the Torah does not specify that it is discussing earthenware stoves and ovens.

contact through intermediaries may transmit *tumah* believed that the intermediaries themselves needed to be objects which could contract *tumah* in order for them to transmit *tumah*. In the previous example, if there were an object impervious to *tumah* between the bowl and the staff, then the person in question would remain pure.

As proof that touching a source of *tumah* through intermediaries can cause one to contract *tumah*, some sages cited a passage in Chagai. Chagai first asks the Kohanim if *kedusha* (holiness) can be transmitted through indirect contact:

If one carries holy meat in the corner of his garment and with the corner touches the bread or the stew or the wine or oil or any food, will it become holy? And the priests answered and said: "No" (Chagai 2:12).

He then asks the Kohanim whether *tumah* can similarly be transmitted. Their response confirms that it can:

Then Chagai said: 'if one who is *tameh* from a dead body touches any of these things, will it become *tameh*?' And the priests answered and said: "It will become *tameh*." (Chagai 2:13)

Although Chagai does not explicitly mention that the impure man is touching the meat through his cloak, we assume that Chagai intended to ask the same question about *tumah* that he had asked regarding *kedusha* (holiness). Because the Kohanim respond that the meat does become impure, even through the corner of one's cloak, some of the sages concluded that *tumah* may be transmitted by touch through an intermediary.

§Notes on 16.6:

While the passage in Chagai provides strong evidence that *tumah* may be transmitted through indirect touch, it presents an exegetical difficulty. How did Chagai's Kohanim know that indirect touch is sufficient to transmit *tumah*? In other words, what source in the Torah did the *kohanim* have to conclude as much? Rav Levi ben Yefet provides several sources in the Torah that support the view that *tumah* is transmitted via intermediaries:

1. The Torah states that one may acquire *tumah* by touching a grave¹⁶ (Numbers 19:16). Rav Levi believed that the grave itself was not a source of impurity. Rather, he thought *tumah* was transferred from the dead body inside the grave, through the grave itself, to the person touching the grave. He thus viewed the case of a man being impurified through a grave as an example of *tumah* being transmitted through indirect touch¹⁷.
2. When a man lies with a woman in *niddah*, any bedding on which he lies becomes impure: "all the bedding upon which he lies will be *tameh*" (Leviticus 15:24). The sages interpreted the phrase "upon which he lies", to include any bedding underneath the man in question – even the bottommost layer of bedding did not come into direct contact with the man. Rav Levi views this as an example of *tumah* being transferred through indirect contact¹⁸.

¹⁶ Rav Levi may have been referring to coffins or ossuaries as opposed to graves covered in earth (see §16.16b)

¹⁷Rav Levi's Sefer Mitzvoth, P. 822 in Rav El Gamil's publication.

¹⁸Rav Levi's Sefer Mitzvoth, P. 819 in Rav El Gamil's publication.

3. When one becomes impure one's clothes generally also become impure. For example, one who touches a *zav's*¹⁹ bedding is commanded to wash his clothes: "whoever touches his bedding shall wash his clothes" (Leviticus 15:4). Rav Levi believes that this is because *tumah* is transmitted from the source of *tumah* through one's person to one's clothing.
4. Before giving the Ten Commandments, God prohibited the Israelites both from A) touching Mount Sinai, and B) touching one who is touching mount Sinai (Exodus 19:12-13). Rav Levi believed this is because *tumah* could be transferred through the person touching the mountain to the mountain²⁰.

Although Rav Levi himself believed *tumah* to be transmittable through intermediaries, he also recorded arguments from those sages who held that *tumah* is transferred only through *direct* touch:

1. The Kohanim were commanded not to touch certain holy objects: "they shall not touch the holy things lest they die" (Numbers 4:15), yet the Kohanim would carry the holy objects with poles (e.g., Numbers 4:14). The sages who believed *tumah* transferred only through *direct* touch held that the Kohanim were permitted to carry holy objects with poles because indirect touch does not transmit either *kedusha* or *tumah*²¹.
 - a. To this, Rav Levi responds that there are differences between the transmission of *tuma* and the transmission of *kedusha*. While *kedusha* can only be transferred through direct contact, *tuma* can be transferred through indirect contact. This is in accordance with what Chagai's Kohanim state regarding the meat being carried in a man's cloak (§16.6): the meat may become *tameh* through indirect touch, but it does not become holy through indirect touch.
2. Some sages considered a man and the clothes he wears to be one unit for the purposes of *tumah*²². They thus rejected the argument that when Chagai mentions *tumah* being transferred through a man's cloak he is referring to the general transmission of *tumah* through an intermediary. Because clothing has special status according to these sages, had the man touched the objects in question through an intermediary other than his clothing (e.g., a staff), they would have remained pure.

§16.7 Carcasses

Carcasses of many different animal species transmit impurity. Before discussing which carcasses transmit impurity (§16.8), we must first establish what constitutes a carcass. A carcass (*nevela*) is any part or whole of an animal that has died in a way other than proper *shechita*. For example, an animal is considered a *nevela* if it has died a natural death, died as a fetus, been torn by beasts, or has been strangled. Additionally if an animal is killed in a failed attempt at proper *shechita* it is considered a *nevela*. Even if the physical motion of *shechita* was properly performed, an animal is still a *nevela* if it was not eligible for *shechita* to begin with. This includes animals from non-kosher species, animals that have been used for idolatrous purposes, animals killed on the same day as their offspring (Leviticus 22:28), or animals younger than 8 days (Leviticus 22:27). Note that animals from non-kosher species are always inelligible for kosher *shechita* and therefore always considered *nevelot*.

¹⁹ We discuss the *zav* in §16.10

²⁰Rav Levi's Sefer Mitzvoth, P. 819 in Rav El Gamil's publication.

²¹Rav Levi's Sefer Mitzvoth, P. 818 in Rav El Gamil's publication.

²²Rav Levi's Sefer Mitzvoth, P. 821 in Rav El Gamil's publication.

Flesh, blood, fat, and skin are all considered part of an animal's *nevela*. The Rabbanites argued that fat of a *nevela* does not transmit impurity based on the verse: "and the fat of a *nevela* and the fat of that which has been torn by beasts may be used for all kinds of tasks" (Leviticus 7:24). However, the true meaning of the verse is that we may use fat from a *nevela* despite the fact that it transmits *tumah*. This is consistent with the view that there are some impurities from which we are permitted to become *tameh* and some from which we are forbidden (see for example §16.8). If the verse could be read to imply that the fat does not transmit impurity as the Rabbanites claim, then it could just as easily be used to imply that the carcass itself does not transmit impurity. This is because one generally has to touch a carcass in order to obtain its fat.

Bones, horns, and hooves are considered to be *nevelot* only if attached to other parts of a *nevela*. Once detached from these other parts, they are not considered to be *nevelot*. This is clear because when discussing *tumat met*, the Torah distinguishes between a corpse and its bones: "whoever touches in the open field one slain by the sword, or one that has died, or a bone of a man..." (Numbers 19:16). A limb cut off from a live animal is not considered a *nevela*. This is because the Torah states that we become impure by touching carcasses of dead animals – not live ones: "when any beast that you may eat has died, all who touch its *nevela* shall be *tameh* until evening" (Leviticus 11:39).

§Notes on 16.7:

Adderet Eliyahu states that an animal's skin (*o'r*) is considered to be part of its *nevela*²³. In Hebrew, the word for skin is the same as for leather. Thus *Adderet Eliyahu* could be understood to hold by one of two opinions: 1) only unprocessed skin counts as part of a *nevela*, or 2) both unprocessed skin and skin that has been processed into leather constitute *nevelot*. Practical halakhic considerations require us to resolve this ambiguity. If processed leather is considered to be a *nevela*, then leather garments or leather tools made from non-Kosher animals would transmit impurity. The same would be true for improperly slaughtered but otherwise kosher animals. We would thus be discouraged from wearing leather from any of these species on account of their *tumah*. Furthermore, because some species carcasses are not only *tameh* but also completely forbidden to touch (§16.8b)²⁴, we would be completely forbidden from wearing leather garments made from such species. Importantly, *nevelot* of kosher species are in the category of *nevelot* forbidden to touch and thus cow leather would also be prohibited even from touching. Although *Adderet Eliyahu* does not explicitly discuss whether processed leather is impure, *Eshkol HaKofer* states unequivocally that leather clothes made from animal carcasses that transmit impurity likewise transmit impurity themselves²⁵.

I have heard an alternative opinion, however, from Karaites in Israel, including Rav Moshe Firrouz. According to these Karaites, once leather from a carcass is transformed into something else (e.g., a garment), it can no longer be called a "carcass". Thus, according to these Karaites, clothes made from carcasses do not transmit *tumah*. However, the clothes themselves would still be *tameh* based on the fact that anything coming "from" the flesh of a *nevela*, is itself impure: "you shall not eat from their flesh ... they are *tameh* for you (Leviticus 11:8)."

²³ *Adderet Eliyahu* Inyan Tumah VeTahorah Ch 1 Daf 70B Col 2

²⁴ That is, creatures that either chew their cud but do not have split hooves, or have split hooves but do not chew their cud (§16.8b).

²⁵ *Eshkol HaKofer* Daf 89B Col II

Even accepting this view that leather clothing is *tameh* but does not transmit *tumah*, there may still be reason to avoid wearing leather. Rav Nissi Ben Noach stresses the importance of being dressed in garments that are both ritually *tahor* and physically clean:

"Just as Israelites are required... not to become impure through a nevela, whether by touching or by carrying, and [are prohibited] from letting tameh foods enter their body... so too they may not wear tameh clothing such as filthy and dirty clothing, as it is said "and we are as one who is unclean and all our righteousness has become like filthy garments" (Isaiah 64:5) and [further] it was said "Joshua [the high priest] was wearing dirty clothing and he stood before the angel, and he answered and said to those standing before him 'take the filthy garments from off him and to him he said: 'behold I cause your sin to pass from you and I will clothes you with robes...and I said let them put a tahor headdress on his head'" (Zechariah 3:3)²⁶.

In my opinion, Rav Nissi's contention that one should not wear *tameh* clothing finds further support in the fact that the Torah repeatedly requires purifying one's clothing together with one's person (eg: "whoever touches [a zav's] bed shall wash his clothes and bathe himself in water", Leviticus 15:5). Now one might argue that the Torah does so merely to teach us how to purify clothing, but does not necessarily recommend that we do so. I would respond, however, that the Torah has no need to teach us how to purify clothing because it has already given a general rule for *kelim* - which explicitly mentions clothing (Leviticus 11:32). Thus, I believe the Torah shows special concern for keeping one's clothing pure.

Impure Leather from Improperly Slaughtered Kosher Species

In discussing impure leather, people often forget that animals from kosher species who die from methods other than kosher *shechita* transmits impurity just as easily as animals from non-Kosher species: "If any beast which you may eat dies, he that touches its *nevela* will be *tameh* until evening" (Leviticus 11:39). The Torah's disdain for the use of *nevelot* from improperly slaughtered animals is not surprising. After all, one of the two fundamental purposes of *shechita* is to reduce the amount of pain felt by the slaughtered animal. Karaite *halakha* is so stringent regarding this goal, that even slight deviations from proper *shechita* serve to render the resulting meat un-kosher. Thus, for example, meat slaughtered by Rabbanites has traditionally been considered unkosher although the standards of Rabbinic shechita are only slightly more lax than Karaite standards. Because animals slaughtered for meat and for leather suffer equally, it is not surprising that the Torah might declare both the resulting meat and the resulting leather impure.

That animals used for leather should be properly slaughtered is even less surprising when framed in context of the Torah's multitude of laws promoting animal welfare. There are many *mitzvot* that stress the importance of compassion towards animals, often through symbolic gestures. For example, we may not boil a kid in its mother's milk (Exodus 23:19). We may not slaughter an animal and its young the same day (Leviticus 22:28). We must allow an animal to live 7 days with its mother (Leviticus 22:27) and we must chase away a mother bird before taking her eggs (Deuteronomy 22:6-7). These *mitzvot* do not directly reduce the pain an animal feels, but impart us with a general lesson - that we are to act compassionately towards animals. It would thus seem inconsistent for the Torah to restrict slaughter for the purposes of meat so carefully but permit any form of killing for the sake of producing leather. While the restrictions on leather may not be as severe as on meat because (according to some) becoming *tameh* or wearing *tameh* clothing is not categorically prohibited (§16.1), the *tameh* status of improperly slaughtered clothing nevertheless discourages their use.

²⁶ Mateh Elohim P. 113 Rav El Gamil's Publication

§16.8 Types of Animal Carcasses

§16.8a Overview

The Torah prohibits eating certain types of animals (see Leviticus 11:1-47). The Torah classifies most of these forbidden species as *tameh*. For example, regarding certain types of land animals it states: “you shall not eat from their flesh and you shall not touch their carcasses; they are *tameh* for you” (Leviticus 11:8). Nevertheless, there are subtle differences between the *tumah* transmitted by each distinct class of impure animal. Impure Animal carcasses can be grouped into three categories:

1. impure carcasses that we are forbidden from touching and transmit impurity through touch.
2. impure carcasses that we may touch but transmit impurity through touch.
3. impure carcasses that we may touch and do not transmit impurity through touch.

We now discuss each of these classes in detail, explaining how each class transmits impurity and which animal species fall into each class.

§16.8b Carcasses of the First Category: Carcasses that We May Not Touch

Species belonging to the first class of animals (those whose carcasses are forbidden from touching), can be recognized by certain physical signs. Namely, species in the first class are land animals which have only one of the two features of *tahor* land animals. In other words, these animals either 1) chew their cud or 2) have split hooves. For example, we are forbidden from touching swine carcasses because swine have split hooves but do not chew their cud. Likewise we are forbidden from touching camel carcasses because camels chew their cud but do not have split hooves. Regarding all such animals the Torah states “you shall not touch their carcasses, they are impure to you” (Leviticus 11:8). Anyone who intentionally touched such a carcass would have owed a guilt offering when the temple stood. Animals that have *neither* split hooves nor chew their cud, however, may be touched as they belong to the second class of impure animals, i.e. those that are impure but may be touched (§16.7b).

Not only is touching carcasses of the first class forbidden, such carcasses also transmit impurity when touched. Although the Torah does not explicitly state as much, we may conclude as much through *hekeish*. Because these types of animal carcasses belong to the most impure class of carcasses (as we are prohibited even from touching them), any way in which the second class transmits impurity also applies to this one. Thus, anyone who touches such a carcass must wash himself and remain impure until evening as this is the law for the second class (§16.8c). Anyone who carries such a carcass must wash himself and his clothes and remains impure until evening as this is also the law for the second classes (§16.8c). Finally, anyone who eats such a carcass becomes impure (§16.8d).

§16.8c Carcasses of the Second Category: Carcasses that We May Touch but Transmit Impurity

Animals whose carcasses may be touched despite transmitting impurity fall into several categories:

1. Carcasses from improperly slaughtered but otherwise kosher land animals (Leviticus 11:39-40).

2. Land animals that neither chew their cud nor have split hooves, including:
 - a. Hooved animals without splits in their hooves that do not chew their cud. We may conclude that these animals' carcasses transmit impurity because even carcasses from improperly slaughtered pure animals transmit impurity (Leviticus 11:39-40). All the more so should carcasses of these impure creatures.
 - b. Animals that walk on paws and do not chew their cud (Leviticus 11:27).
3. Eight species of land animals that crawl on the earth (Leviticus 11:29-31).
4. Carcasses from improperly slaughtered²⁷ but otherwise kosher flying insects (Leviticus 11:24-25)

Those who touch such carcasses must wash themselves, and they remain impure until evening. Those who carry such carcasses must wash themselves and their clothes and remain impure until evening. Those who eat such a carcass must wash themselves, remain impure until evening, and have violated a prohibition.

§Notes on 16.8c:

Adderet Eliyahu states that the carcass of an improperly slaughtered but otherwise kosher flying insect transmits impurity through contact with its carcass. Rav Bashyatzi argues that the verses cited below are proof of this fact. I have bolded the section that Rav Bashyatzi believes proves these insects transmit tumah and given the rest for context:

“Only these you shall eat from the flying swarming things that go on all fours, that which has jointed legs above its feet to leap upon the earth. Out of those you shall eat: the *arbeh* and its kind, the *sal'am* and its kind, the *chagol* and its kind, and the *chagav* and its kind. But all flying swarming things that have four feet are a detestable thing to you. **And by these you shall become unclean. Whoever touches the carcass of them shall be unclean until evening. And whoever bears the carcass of them shall wash his clothes and be unclean until evening.** Every beast with parted hooves without clefts in its hoofs and does chew its cud is unclean for you - everyone that touches them shall be unclean.” (Leviticus 11:21-28)

Rav Bashyatzi understands the bolded verses to refer to the insects mentioned in the verses *preceding* them. However, it is also possible that the bolded verses refer to the *subsequent* verses discussing the “beast[s] with parted hooves”. In fact, *Gan Eden* adopts this very reading while explicitly rejecting the interpretation later to be adopted by *Adderet Eliyahu*. *Gan Eden* argues that had the passage about the “beasts with parted hooves” been a separate matter from the verses: “and by these you shall become unclean”, it would have begun with the conjunction “and” to separate between topics. In other words, the verse would have read “and beasts with part hoofs”. Without the “and”, however, the more probable reading is that the discussion about the “beasts with parted hooves”²⁸ is a direct continuation of the phrase “and by these you shall become unclean”. Thus, *Gan Eden* concludes that contact with carcasses of improperly slaughtered kosher insects do not transmit impurity²⁹. Furthermore, because the phrase “and by these you shall become unclean” now apply to “beasts with parted hooves”, *Gan Eden's* reading allows us to conclude directly from the text that one who touches or carries impure hoofed animals becomes impure. By contrast, Rav Bashyatzi relies solely on *hekeish* to reach this conclusion (*§16.7b*).

²⁷ Recall that Adderet Eliyahu holds that Insects should be drowned in order to be properly slaughtered (“notes on 15.6”)

²⁸ *Gan Eden inyan tuma veTahora Ch. 2 Daf 99A Col 2*

²⁹ *Gan Eden Inyan Tumah veTahorah Ch. 5 Daf 101B Col 1*

Aside from *Gan Eden's* argument, there is a second clear limitation in Rav Bashyatzi's position. While Rav Bashyatzi argues that the clause "and by these you shall become unclean" refers to improperly slaughtered *kosher* flying insects, the immediately preceding verse discusses *non-kosher* flying insects: "but all flying swarming things that have four feet are a detestable thing to you. And by these you shall become unclean". The *kosher* flying insects are discussed two verses prior. Thus, Rav Bashyatzi's reading requires that "by these you shall become unclean" refers to animals discussed outside the immediate context of the verse.

§16.8d Carcasses of the Third Class: carcasses that do not transmit impurity through touch

The following types of animals neither transmit impurity through touch nor through carrying. They transmit impurity only when one eats their carcasses:

1. Impure fish.
2. Improperly slaughtered but otherwise kosher fish.
3. Impure birds and bats.
4. Improperly slaughtered but otherwise kosher birds.
5. Flying bugs.
6. Land animals that crawl on the ground that do not belong to the eight species discussed in §16.7b.

We know that the above animals transmit impurity through eating because they are considered *nevelot*. Regarding *nevelot* the Torah states: "Anyone who eats that which has died improperly (*nevela*) or been torn ... shall wash his clothes and bathe himself in water and be unclean until evening" (Leviticus 11:15). As explained above, any impure animal is considered a *nevela* (§16.7a).

§16.9 Carrying Carcasses

Carrying animal carcasses of certain kinds causes one to contract impurity: "he who carries their carcass shall wash his clothes and be *tameh* until evening" (Leviticus 11:28). We have already discussed which kinds of carcasses transmit *tumah* through being carried (§16.6). We now turn our attention to what it means to "carry" a carcass. In particular, we ask how "carrying" a carcass is different from "touching" a carcass, since the Torah distinguishes between the two acts: "he who touches their carcass shall be *tameh* until evening, and he who carries their carcass shall be *tameh* until evening" (Leviticus 11:24-25).

One might argue that carrying is distinct from touching because touching requires direct contact with the carcass whereas carrying is frequently accomplished through tools such as bags. Recall, however, that for the purposes of *tumah*, "touch" refers both to direct contact and contact through an intermediary (§16.6). We therefore require a more nuanced definition of "carrying". As previously noted, only intermediaries that can themselves become *tameh* serve to propagate *tumah* through indirect contact (§16.6). Thus, we may conclude that "carrying" is distinct from "touching" because one who "carries" through any intermediary becomes impure, regardless of whether said intermediary can itself contract *tumah*.

§16.10 The Zav

§16.10a *The Zav*

The term *zav*, refers to a man afflicted with a condition that causes liquid to flow from his genitals (Leviticus 15:1-3). This liquid is thin, but similar in appearance to semen. The liquid may either a) flow readily from the *zav* or b) intermittently clog the *zav*'s member in such a way that it becomes difficult for him to urinate or ejaculate. These two cases are referenced in the verse: "whether his flesh run with issue or his flesh becomes blocked from his issue" (Leviticus 15:3).

A *zav* is *tameh* for every day that he suffers the aforementioned affliction. Once he no longer shows symptoms, he remains *tameh* for seven more "days for his purification" (Leviticus 15:13). If his symptoms do not return during these seven purification days, then on the seventh day, he is to wash in water and become *tahor* (Leviticus 15:13). If his symptoms return during these seven purification days, then next time his symptoms stop he must begin the seven day count anew. Because *tumat zav* constitutes a major *tumah*, the *zav* must wash during the evening- not slightly before the evening as would be the case for minor *tumot* (§16.4c). When the Temple stood, the *zav* would bring an offering after he became pure (Leviticus 15:14).

A *zav* transmits impurity in three distinct ways:

1. By sitting, lying, or riding on a *keli*.
2. By touching a person or *keli*, in a way that does not include sitting lying or riding.
3. By spitting on a person or *keli*.

Anything which a *zav* touches becomes *tameh* but does not transmit *tumah*. However, *any keli* upon which a *zav* sits, lies, or rides becomes *tameh* and also transmits *tumah* in its own right.

Notes on §16.10a:

Rav Bashiatzki holds that a *zav* with flow is impure to the same degree as a *zav* during his seven purification days. His opinion on this matter appears inconsistent with his understanding of other types of impurities. Like the *zav*, the impurities of *tzara'at* and of *yoledet* also involve the concept of "purification days". Rav Bashiatzki holds that one in the "purification days" of *tzara'at* and *yoledet* are less impure than during the initial days of these impurities (§16.14b). His view on the purification days of these two *tumot* thus contradicts his view that the *zav* is just as impure during his purification days as during his initial impurity.

Gan Eden, by contrast, holds a more consistent position. Just as with the *metzora* and the *yoledet*, *Gan Eden* understands the clean days of the *zav* and the *zava* to be less severe than the other days of their impurity. *Gan Eden* notes that Scripture introduces the concept of purification days, by stating that a *zav* becomes pure:

"when the *zav* becomes pure from his flow – he shall count seven days for his purification then he shall wash his clothes and wash his flesh in sweet water and shall be pure" (Leviticus 15:13).

The key phrase in this biblical passage is "when the *zav* becomes pure". The exact interpretation of this phrase helps to explain why *Gan Eden* rules differently regarding the purification days than *Adderet Eliyahu*. While *Adderet Eliyahu* holds that "when the *zav* becomes pure" refers to the fact that the *zav* no longer has physical

flow³⁰, *Gan Eden* understands the phrase “when the *zav* becomes pure” to indicate that a *zav* is more pure during his clean days than during the days in which he has flow. *Gan Eden* maintains, however, that the *zav* yet to become completely pure³¹ because the Torah still requires him to wash after the completion of his purification days (Leviticus 15:13).

To what extent then, does a *zav* in his clean days transmit impurity? *Gan Eden* holds that such a *zav* transmits impurity through touch, but not through sitting or lying. Indeed the Torah states that anything which a *zav* touches is impure until he has washed: “whoever a *zav* touches without having washed his hands in water, that person shall wash his clothes and wash in water and be *tameh* until evening” (Leviticus 15:11). As we explained above, the phrase “washed his hands in water” refers to standard purification through washing the whole body – not to washing the hands specifically (§16.10c). Because washing in water can only rid a *zav* of his impurity after seven purification days (Leviticus 15:13), *Gan Eden* reasons that this verse must refer to a *zav* who has completed his seven purification days but still has not washed. If a *zav* who has completed his purification days but has yet to wash can transmit impurity through touch, then all the more so one who has not completed his seven days may transmit impurity through touch³². *Gan Eden*, however, holds that a *zav* in his purification days does not transmit impurity through sitting or lying. *Gan Eden's* ruling in this regard is based on analogy to the case of the *zava*: “Every bed upon which she lies during all the days of her flow shall be to her like the bedding of her *niddah*” (Leviticus 15:26). *Gan Eden* understands the phrase “all the days of her flow” to refer to the days when the *zava* actually has flow. Thus, he reasons that a *zav* or a *zava* does not transmit impurity through sitting or lying during clean days, when they do not have flow³³.

Finally, although *Gan Eden* does not explicitly argue as much, I believe its position has another advantage over that of *Adderet Eliyahu*. *Gan Eden's* position is more consistent with the hypothesis that the *zav's* flow is the original source of 7-day impurity, not the *zav's* person³⁴. If we assume this hypothesis to be true – and we may indeed want to do so because it is more consistent with the concept of “first blood” (Notes on §16.12c)³⁵ – then the *zav* should impurify what he sits or lies on when doing so brings his flow close to the object in question. He should not, however, impurify through these methods when he has no flow.

§16.10b That which a *Zav* has sat, lain, or rode upon

Any *keli* which a *zav* sits, lies, or rides upon becomes *tameh* (Leviticus 15:4-6,9-10). It may then be purified according to the laws appropriate for that kind of *keli* (§16.5). The sages disagreed, however, as to whether the *keli* may be purified the same day it comes in contact with the *zav* or whether it remains impure seven days. The sages who held that one should wait seven days argued that just as a *zav's* clothing requires seven purification days before it can be purified (Leviticus 15:13), so too any *keli* upon

³⁰ *Adderet Eliyahu Inyan Tumah VeTahorah* Ch 8 Daf 121A Col 1.

³¹ *Gan Eden Inyan Tumah VeTahorah - Tumat HaChayim HaDovrim* - Ch 2 Daf 109B Col 2.

³² *Gan Eden Inyan Tumah VeTahorah - Tumat HaChayim HaDovrim* - Ch 2 Daf 109B Col 1.

³³ *Gan Eden Inyan Tumah VeTahorah - Tumat HaChayim HaDovrim* - Ch 2 Daf 109B Col 2.

³⁴ That is, the *zav* is impure only because of contact with his flow. Likewise his bedding and that which he sits on is impure because it is likely to have come in contact with his flow. Anything which then comes into contact with his flow – whether the *zav* or his bedding - becomes a source of impurity in its own right. According to *Gan Eden*, both the bedding and the *zav* require seven clean days before they can become pure (Notes on §16.12c). However, these derivative sources of impurity transmit only day-long impurities that do not require clean days to become pure.

³⁵ The principle of first blood states that the physical blood on the first day of *niddah* causes 7-day impurity. Thus, the *niddah's* 7-day impurity is not caused by an abstract legal status applied to the woman, but by the “impurity” of the physical blood that marks the start of *niddah*. Likewise, the *zav's* physical flow may be seen as the reason for his impurity.

which a *zav* sits requires seven purification days. The sages who believe that *kelim* sat on by a *zav* may be purified the same evening argued that if one were to hold that *kelim* remain impured seven days, then a *zav* who sits on a *keli* during the middle of his purification days would become pure before the object he sat on became pure. For example, if the *zav* was on the seventh day of his count, the object would remain impure for another six days after the *zav* himself had become pure. In the view of these sages, it did not make sense for the *keli* to remain impure while the *zav* – the original source of the *tumah* – was considered pure.

Regarding a *zav*'s bedding the Torah states “all his bedding that he lies on top of will be *tameh*” (Leviticus 15:4). Likewise regarding any saddle upon which he rides, the Torah states “any saddle on top of which he rides shall become *tameh*” (Leviticus 15:9). From the clauses “all his bedding” and “any saddle”, it can be understood that anything which is called “bedding” or “saddle” can become *tameh* when a *zav* lies or sits on top of it. Thus, if there are many bed sheets stacked one on top of the other, all those that are below the *zav* become *tameh*. This is because all such sheets would be referred to as “bedding”. This holds true even if there are objects that are impervious to *tumah* between the *zav* and the bottom-most sheets.

Anyone who touches, sits upon, or carries an object that a *zav* has sat, lain, or rode upon becomes *tameh* (Leviticus 15:10). One must then wash themselves and their clothing before becoming *tahor* in the evening. Although the Torah only states that one must wash themselves and their clothing with water when discussing carrying such objects (Leviticus 15:10) or touching the *zav* himself, we learn through *hekeish* that the same applies to the case of touching such objects.

Notes on §16.10b:

Per our discussion above (Notes on §16.10a), *Adderet Eliyahu* records that some sages held that items sat upon by a *zav* remain impure one day while others held they remain impure seven days. Gan Eden, however, holds that such an object remains impure eight days: The day on which the object comes into contact with the *zav*'s flow, and another seven “purification days” (Notes on §16.12c). This is just as the *zav* is impure while he has flow, and then must wait another seven “purification days” after the flow has stopped before becoming fully pure.

§16.10c Touching a Zav

Anything which a *zav* touches becomes impure. This applies both to people (Leviticus 11:7,11) and *kelim* (Leviticus 11:12). Although the Torah states “whoever the *zav* touches, without having rinsed his hands in water” (Leviticus 15:11), a *zav* who has washed his hands still transmits impurity through touch. This is because the Torah is here using the term *hands* to refer to the entire body, as in the verse “he has written off his hand to *Hashem*” (Isaiah 44:5). Thus, the verse is simply stating that a *zav*, prior to washing his entire body and becoming *tahor*, transmits impurity. This conclusion is consistent with the rest of the laws of *tumah* that require washing the entire body before becoming *tahor*.

§16.10d A Zav's Spit

One who is spat on by a *zav* becomes *tameh*. After he who was spat on washes his clothes and bathes in water he returns to being *tahor* in the evening (Leviticus 11:8). The spittle only impurifies another when it is fresh (ie: when it is still wet), but not once it has dried. This is because the Torah does not discuss the case of a person touching a *Zav's* spittle, but rather discusses the case of a *Zav* spitting on a person: "when a *Zav* spits on a *tahor* person" (Leviticus 11:8). In such a case, the *Zav's* spittle is still wet. Similarly all a *zav's* bodily fluids (eg: his sweat) transmit *tumah* when wet, but do not do so when dry.

§16.11 Niddah vs. Zava

§16.11 Distinguishing Niddah from Zava

A woman with a flow of blood can be in one of three halakhic categories: *niddah*, *zava*, and *yoledet*. A *yoledet* is a woman who has just given birth. She is thus easily distinguished from both the *niddah* and the *zava*. We will later discuss the *yoledet* in §16.14. We now focus on the distinctions between a *niddah* and a *zava*.

A woman becomes a *niddah* when blood begins to flow from her genitals. She then remains a *niddah* for seven days:

"When a woman has flow, [that is when] blood should flow in her flesh, she shall be in her *niddah* seven days, whoever touches her shall be *tameh* until evening" (Leviticus 15:19).

A woman remains in *niddah* seven days after she starts bleeding regardless of whether the blood stops flowing before the end of these seven days. Furthermore, note that the Torah's definition for the term *niddah* makes no mention of the menstrual cycle. Rather, it defines *niddah* as the seven day period after a woman first notices blood flow. Thus, the biological cause of a woman's blood flow is irrelevant *vis a vis* her status as a *niddah*. In other words, whether she begins to experience blood flow when she is accustomed to having her period or at a different time is irrelevant with regards to her halakhic status. Thus, while women generally become *niddah* as a result of menstruation, the two terms are not synonymous. The fact that *niddah* is not equivalent to menstruation will be of critical importance in understanding the term *zava*.

Like the *niddah*, a *zava* is also impure on account of blood flow:

"when a woman has blood flow for many days – not at the time of her *niddah* or should she flow on top of her *niddah* – all the days she has the flow of her *tumah*, she shall be like in the days of her *niddah* – she is *tameh*" (Leviticus 15:25)

Whereas *niddah* lasts seven days after a woman first notices blood, *zava* lasts throughout the time a woman sees blood (Leviticus 15:25) until seven days after she last notices blood (Leviticus 15:28). Because the two categories are separate, we may conclude that a woman with flow is a *zava* whenever

she is not a *niddah*³⁶. Furthermore, because the period of *niddah* is defined as the seven days after which a woman first sees blood, we may then conclude that a *zava* is either:

1. **A woman who sees blood on the eighth day after continually bleeding throughout seven days of *niddah*.** A woman who sees blood on the eighth day after her seven days of *niddah* is not considered a *niddah* because the Torah restricts *niddah* to seven days. Thus, she must be a *zava*. The Torah refers to this very case when it states that a *zava* is one who has “flow on top of her *niddah*” (Leviticus 15:25). The phrase “on top of her *niddah*” refers to the case in which a woman has continuous flow – without interruption – past the end of her *niddah*.
2. **A woman who sees blood flow on the eighth day following seven days of *niddah*, but whose blood flow had been interrupted before resuming on the eighth day.** As in case 1), a woman in case 2) must be a *zava*, not a *niddah* because the Torah restricts *Niddah* to seven days. The Torah discusses the case of a woman whose flow is interrupted but then resumes on what would be the “eighth day” of *niddah* when it states that a *zava* may either have: “blood flowing many days, not at the time of her *niddah*, or when she has flow on top of her *niddah*” (Leviticus 15:25). The phrase “not at the time of her *niddah*” refers to the case in which a woman’s flow is interrupted before the eighth day.

§16.12 Laws of Niddah

§16.12a Identifying Blood Flow

Regarding a *Niddah*, the Torah states:

“When a woman has flow, [that is when] blood should flow in her flesh, she shall be in her *niddah* seven days, whoever touches her shall be *tameh* until evening” (Leviticus 15:19).

Because the Torah discusses blood flowing “in her flesh”, not “from her flesh”, a woman becomes a *niddah* even if she feels her menstrual blood beginning to flow but does not see it leave “from” her body. Blood of any shade or color signals the start of *niddah*. However, fluids other than blood do not cause any impurity. In cases where it is unclear whether the flow consists of blood or something else, one should be stringent and assume one is in *niddah*.

The Rabbanites hold that when the Temple stood, women would inquire of kohanim to know whether they were legally considered a *niddah*. With the fall of priesthood, however, the Rabbanites believe that the onset of *niddah* has become too difficult to determine. In particular, they were unsure about the distinction between a *niddah* and a *zava*. Thus, as a precaution, they extended *niddah* by seven days past the end of a woman’s blood flow, instead of the biblically mandated seven from the start of her blood flow. However, the Karaite sages held that in most cases *niddah* should be easily recognizable and

³⁶ There is technically one exception to this rule: A bleeding woman may be neither a *zava* nor a *niddah* if she has just birthed a child. In this case, she is a *yoledet*. We discuss the *yoledet* in §16.14.

that, contrary to the Rabbanite view, Israelite women had not relied on *kohanim* to know the onset of their *niddah*. Thus, in Karaite halakha *niddah* is always seven days and is distinguished from *zavah* according to the categories given above.

§16.12b Transmission of impurity

A *niddah* transmits impurity in one of four ways:

1. *through touch*: “everything that touches her shall be unclean until evening” (Leviticus 15:19);
2. *through sitting, riding, or lying on a keli*: “everything that she lies upon in her *niddah* will be impure; everything that she sits on will be *tameh*” (Leviticus 15:20);
3. *through contact with her bodily fluids*: this is learned by analogy to the case of the *zav* (§16.10); and
4. through contact with her menstrual blood (§16.12c).

For the most part, the *halakhic* details of these four types of transmission are identical to the details that apply to the *zav*. Recall, however, that a person or object that contracts impurity from a *zav* is *tameh* only one day. However, as we shall see, a *niddah* on the first day of her impurity causes people and objects to become impure for seven days when she transmits impurity through methods 2) or 4) (§16.12C). After the first day of her *niddah*, however, she transmits only day-long impurity (§16.11c).

§16.12c First Blood

Many of the sages referred to the blood during the first day of a *niddah*'s flow as “first blood”. First blood is the reason for which a *niddah* remains impure seven days. The blood on the remaining days impurifies her only one day. It is on account of the extra severity of the “first blood”, that a *niddah* is impure exactly seven days regardless of how long she bleeds. If the blood on the first day impurified her only a single day, she would be impure only as long as she bleeds, not for seven days as the torah commands. If the blood on the latter days of *niddah* also impurified her seven days a she would remain impure for seven days past the end of her bleeding, not past the start of her bleeding as the Torah commands. Thus, only the “first blood” transmits 7-day impurity.

The phrase “*niddata*” (“her *niddah*”) refers to the first blood. For example, when the Torah states: “if a man lies with her and her *niddah* (“*niddata*”) is on him, he will be *tameh* seven days” (Leviticus 15:24), it is referring to the case where a man lies with a *niddah* on her first day, and her menstrual blood comes into contact with him (“and her *niddah* is on him”). We know Scripture is here discussing the case of first blood for several reasons. First, the verse does not simply state “if a man lies with her he will be *tameh* seven days”. Rather, it explicitly mentions that “her *niddah* is on him”, to indicate that he has come into contact with her first blood. Second, one who intentionally sleeps with a *niddah* suffers the very severe punishment of *karet* (§16.12d). Yet, this particular verse makes no mention of *karet*. This is because the verse is discussing the most common case in which one would sleep with a *niddah*: That is, when a *niddah* has just begun to bleed and does not yet know she is a *niddah*. In such a case, neither party is liable for punishment as they acted without intent to break the law. Finally, if the verse were

referring to a *niddah* after her first day, the man sleeping with the *niddah* would then be *tameh* even after the *niddah* herself had become *tahor*. This is because the verse prescribes a seven day impurity for the man. Many of the sages believed it did not make sense for him to remain *tameh* after the woman, the original source of the impurity, had become *tahor*.

Accepting that one who sleeps with a *niddah* becomes impure seven days on account of her first blood, we may similarly reason that anyone who comes in contact with a *niddah's* first blood becomes impure seven days - even if he has not slept with her. Conversely, one who touches or even sleeps with a *niddah* on the latter days of her impurity, becomes *tameh* only one day: "she shall be *tameh* seven days, everything that touches her shall be unclean until evening" (Leviticus 15:19).

Just as a first-day *niddah* confers a different level of impurity through touch than a latter-day *niddah*, so too does she transfer more severe impurity when she sits down. Anything upon which a first-day *niddah* sits or lies becomes impure seven days: "everything that she lies upon *during her niddah* ("*niddata*") will be *tameh* and everything she sits on will be *tameh*" (Leviticus 15:20). The verse is referring to the first day of her impurity because it specifies that the events in question happen "*during her niddah*". Later, however, the impurity of a *niddah's* chairs and bedding is discussed without use of the phrase "*during her niddah*" (Leviticus 15:21-22). Thus, we may conclude that these latter verses indicated that whatever she sits or lies upon on during the latter days of her impurity become *tameh* for only one day.

Notes on §16.12c:

The concept of "first blood" raises some interesting questions. Recall that the sages supporting the concept of first blood held that a woman in *niddah* is impure for seven days on account of her first blood. The argument in support of this claim is that the *niddah* is impure seven days regardless of how long she bleeds. The source of the seven day status is thus the blood, not the woman herself.

We find other seven-day long impurity periods, however, where the source of the impurity is the person, and the flow is merely the sign that the person is impure. At least according to *Adderet Eliyahu*, the *zava* remains impure seven days after her flow ceases. Yet we do not claim that there exists a concept of "last blood" which transmits seven-day long impurity to all who touch it. A *zava*, whether on the first or last day of her flow, transmits only day-long impurity (at least according to some sages). The same is true for the *zav* and his flow.

Perhaps partially in light of this difficulty, *Gan Eden* expresses a view different from the one advanced by *Adderet Eliyahu* regarding the items on which a *zav* or *zava* lies. *Gan Eden* holds that an item lain upon by a *zav* remain impure one day and then requires a count of seven purification days before it can become fully pure³⁷. In practice then, *Gan Eden* holds that such objects remain impure for 8 days. This is just as a *zav* remains impure so long as he has flow and then for another seven days after the end of his flow. Thus, according to *Gan Eden*, both the *zav*

³⁷ *Gan Eden Inyan Tumah VeTahorah* – Tumat Chayim HaDobrim - Ch 2 Daf 109A col 1: "and what is the impurity of that which is lain upon [by a zav]? The most fitting is that it has 7 clean days and therefore the law through research is that it has an impurity of one day".

The term clean days refers to the seven days a *zava* counts after his flow stop. This is a confusing term because during these days he is nevertheless impure – although, according to *Gan Eden*, to a lesser extent. Thus when *Gan Eden* says that an item lain upon by a *zav* is impure for one day and that it has 7 clean days, he means it is impure for 8 days. *Adderet Eliyahu*, citing Rav Yefet, explicitly rejects this view (*Adderet Eliyahu Inyan Tumah VeTahorah* Ch. 18 Daf 102B Col 1).

and the object upon which he sits can be seen as being caused by the *zav's* "flow", just as the *niddah's* status is caused by the "first blood" (Notes on §16.10a).

§16.12d Sleeping With a Niddah

One is forbidden from having intercourse with a *niddah* during all seven days of her impurity. If one does so intentionally, one is liable for the severe punishment of *karet*³⁸.

§16.13 The Zava

The same four ways by which a *niddah* transmits impurity apply to the *zava*. This is because the Torah states regarding the *zava*: "she shall be *tameh* as in the time of her *niddah*" (Leviticus 15:25). The four types of transmission are:

1. Through touch. This is learned by analogy to the case of the *niddah* and the *zav*.
2. Through sitting, riding, or lying on a *keli*. (Leviticus 15:26).
3. Through contact with her bodily fluids. This is learned by analogy to the case of the *zav* (§16.10).
4. Through contact with her menstrual blood (§16.11c).

Note, however, that unlike a *niddah* whose first blood transmits impurity that lasts 7 days, a *zava* never transmits more than day long impurity. Furthermore, a *zava* differs from a *niddah* in terms of the duration of her impurity. While a *niddah* remains *tameh* for seven days after she first starts to bleed, a *zava* remains impure until the eighth day after she stops bleeding: "when she becomes clean from her flow she shall count seven days and then she will be *tahor*" (Leviticus 15:28). Should her flow resume during the seven days after she stops bleeding, a *zava* must begin her count anew. Further unlike a *niddah*, a *zava* would have had to offer a sacrifice on the eighth day after she stopped bleeding (Leviticus 15:29).

As with the *niddah*, one is forbidden from sleeping with a *zava*. This is because the Torah states regarding a *zava*: "she shall be *tameh* as in the time of her *niddah*" (Leviticus 15:25).

§16.14 The Yoledet

§16.14a Male vs. Female Births

A *yoledet* is a woman who has just given birth. Depending on the gender of her child, she remains impure for different amounts time. Regarding the birth of a male child, the Torah states:

"When a woman conceives and bears a male- she shall be tameh seven days as in the days of her niddah- ailment she shall be tameh. And in the eighth day the flesh of his foreskin shall be circumcised. And she

³⁸ *Karet* applies to sins done in secret that would otherwise require the death penalty (§1.3). The punishment for any improper uncovering of nakedness (*gilui arayot*), including that of sleeping with a *niddah*, is death by analogy to the case of one who sleeps with a woman and her mother (Leviticus 20:14).

shall dwell in the blood of her purification thirty three days; she shall touch no holy thing and she shall not come into the sanctuary until the days of her purification are fulfilled” (Leviticus 12:2-4)

The Torah gives a similar law for the birth of a female:

“but if she bears a female child then she shall be tameh two weeks as in her niddah and she shall dwell in the blood of her purification sixty six days” (Leviticus 12:5)

In summary, the differences between the birth of a male child and the birth of a female child are as follows: One who bears a male is impure seven days and dwells “in the blood of her purification” for 33 days. By contrast, one who bears a female is impure fourteen days and dwells “in the blood of her purification” for sixty-six days.

§16.14b Understanding the Phrase “Dwells in the blood of her purification”

What is the difference between the first seven days in which a woman who has birthed a male is *tameh* and the next thirty three days in which she “[dwells] in the blood of her purification”? Likewise, in the case where a woman bears a female, what is the difference between the first 14 days post birth and the next sixty-six days during which she is again said to “dwell in the blood of her purification”?

During the first days of her impurity a *yoledet* transmits *tumah* in the same way as would a *niddah*: “as in the days of her *niddah*-ailment she shall be *tameh*” (Leviticus 12:2). Furthermore, the concept of first blood applies to the *yoledet* in the same way that it applies to the *niddah*. One who comes into contact with the blood from the first day of a *yoledet*'s impurity becomes *tameh* either seven or fourteen days depending on whether the child is a male or a female.

A woman in her period of blood purification, however, transmits impurity to a lesser degree than a woman in the first seven days post-birth (or fourteen days in the case of a female). This may be concluded because when the Israelites travelled in the desert, a *yoledet* in her blood purification would have been allowed to dwell in the camp. While normally individuals who could transmit *tumah* to others had to leave the camp (Numbers 5:2), a *yoledet* was allowed back during the days of her blood purification. If she could not enter the camp at all, the Torah would have no need to explicitly prohibit her from entering the sanctuary: “she shall touch nothing which is *kadosh*, nor shall she enter into the sanctuary” (Leviticus 12:4). We also know that a *yoledet* in the days of her blood purification may enter into the camp by making an analogy to the case of the *metzarah*. Just as a *metzarah* may return into the camp during the days of his purification³⁹, so too a *yoledet* may return into the camp during the days of her purification.

³⁹ The Torah states that a *metzarah* must wash twice. He would first wash outside the camp (Leviticus 14:8). He would then reenter the camp, and wash seven days later (Leviticus 14:9). The sages understood the seven days between the two washings to be analogous to the days of a *yoledet*'s blood purification, in that both are days of lesser impurity.

Because a *yoledet* in her period of purification is allowed back into the camp, she must be impure to a lesser degree than those kept outside the camp. One might then think that she transmits no impurity at all. However, the Torah implies otherwise: “she shall touch nothing which is kadosh” (Leviticus 12:4). The meaning of the term “holy” here could refer to any pure object. Thus, we may infer that the *yoledet* renders pure objects impure through touch. Likewise if she sits or lies on an object it becomes impure. The other stringencies of the *niddah* do not apply, however. The objects that a *yoledet* has sat or lain on do not transmit impurity to others.

§16.14c Relations with a Yoledet

One may not have relations with a *yoledet* whether she is in the first days of her impurity, or whether she is “[dwelling] in the blood of her purification”. The prohibition on relations during the first days is clear. The Torah states that the laws of the *niddah* applies to the *yoledet* in her first days (Leviticus 12:2). However, the prohibition on sexual relations while *yoledet* “dwells in the blood of her impurity” requires an understanding of the Torah’s usage of the phrase “the source of her blood” (*mekor dameiha*). The Torah uses this phrase to explain why one may not sleep with any woman with flow: “if a man lies with a woman with flow ... she has uncovered the source of her blood, they shall both be cut off from among their people” (Leviticus 20:18). Furthermore, we find that a *yoledet* becomes purified from “the source of her blood” only once she has completed her days of blood purification: “she shall be cleansed from the source of her blood” (Leviticus 12:7). Thus, we may conclude that anyone who sleeps with a *yoledet* before she completes the days of her purification is guilty of uncovering “the source of her blood”.

§16.15 Seminal Emission

A man with a seminal emission becomes *tameh* for a day. Upon washing with water, he becomes pure in the evening (Leviticus 15:16). Any person or object that comes in contact with semen while it is wet likewise becomes impure (Leviticus 15:17-18). Thus sexual intercourse causes both parties to become impure (Leviticus 15:18). However, one impure from seminal emission does not transmit impurity to others through touch or any other method unless they come into direct contact with the wet semen.

§16.16 Tumat Met

§16.16a Introduction: Tumat Met and Derivative Tumot

Generally, one contracts *tumat met* through contact with a corpse, grave, or similar object.⁴⁰ The resulting impurity lasts seven days. However, *tumat met* also produces two kinds of derivative impurities:

1. The impurity contracted by touching one who is *tameh met*.
2. The impurity contracted by touching the ashes of the red heifer used in the purification of one who is *tumat met*.

⁴⁰ *Tumat met* literally means “impurity of death.”

As noted above, while these two derivative impurities are closely related to *tumat met* – ie: the impurity caused by touching a corpse – they are not as severe as *tumat met*. Unlike *tumat met*, which lasts seven days, these derivative impurities last only one day. To purify oneself of either of these derivative tumot, one must simply wash in water and wait until evening. One need not perform the complicated red heifer ritual that removes *tumat met*.

§16.16b Sources of Tumat Met

The Torah lists four sources of *tumat met*:

“Whoever in the field touches (I) one mortally wounded by the sword or (II) one who has died or (III) a bone of a man or (IV) a grave shall be *tameh* seven days” (Numbers 19:16)

Note that one need not necessarily be dead to be a source for *tumat met*. One who is “mortally wounded” – that is one whose injuries are so severe that it is not known whether he will live or die – is a source of *tumah* to the same extent as an actual corpse. The Hebrew phrase for “mortally wounded” is “challal”. It is clear that the term “challal” refers to one who is near death but still living for two reasons. First, a “challal” is contrasted with a person who has actually died: “one mortally wounded by the sword or one who has died”. Second, the term is found in another verse to refer to one who is still alive but near death: “he shall groan the groaning of one mortally wounded (challal)” (Ezekiel 30:24). Clearly, one must still be alive to “groan”.

Although the Torah specifies that one mortally wounded “by the sword” is a source for *tumat met*, the same holds true for one who has suffered another sort of mortal injury. The Torah mentions the case of being mortally wounded by the sword only because it is most common case. This is just as the Torah discusses how one who is “in the field” and touches a mortally wounded man becomes *tameh met*. Although one most often encounters mortally wounded men in battle fields, the field itself is not a prerequisite for contracting *tumat met*.

When the Torah states that one who touches a “grave” becomes *tameh met*, it refers only to graves that are *kelim* and can themselves become *tameh* (§16.3). For example, containers made of wood or stone used to store the dead transmit *tumat met* when they contain a body. One does not contract *tumah*, however, from touching graves that cannot become *tameh*. For example, if one touches dirt with which a dead body has been buried, one does not become *tameh* because dirt itself cannot contract *tumah* (§16.3).

§ Notes on 16.16b:

To the modern reader, Adderet Eliyahu’s distinction between graves that are *kelim* and graves that are not *kelim* may seem bizarre. In order for something to be a *keli* it may not be fastened to the ground. Thus, a grave that is a *keli* resembles a container or a coffin but not a traditional “grave”. Although today many societies bury their dead in the ground, in ancient times this was not necessarily the case. Egyptians, for example, would keep their dead in sarcophagi. Furthermore, numerous ossuaries have been found throughout the land of Israel.

§16.16c Transmission of Tumat Met

One can contract *tumat met* in one of three ways:

1. by touching a corpse either directly or through an intermediary that transmits *tumah*;
2. by carrying a corpse (even through an intermediary that does not transmit *tumah*). Scripture does not explicitly state that one who carries a human corpse contracts impurity. However, Scripture does state that one who carries an animal carcass becomes impure. All the more so then does one become impure when carrying a human corpse becomes impure; and
3. by being enclosed in the same space as a corpse.

We have already discussed the mechanics of direct touch, indirect touch, and carrying with regards to the other *tumat*. We now turn to the transmission of *tumat met* through enclosed spaces. The Torah states:

“when a person dies in a tent, everyone who comes into the tent and all that is in the tent shall be *tameh* seven days” (Numbers 19:14)

Although the Torah discusses the case of a corpse enclosed in a *tent*, the same law holds for any covered space. For example, a corpse in a house similarly transmits *tumat met*. The Torah specifies the tent only because the law of *tumat met* was given when the Israelites wandered the desert in tents. During this time, a corpse enclosed by a tent would have been the most common scenario encountered by the Israelites.

There is, however, one distinction between the case of a tent and the case of a house. Whereas the Torah commands that one purify the tent in which a body was enclosed (Numbers 19:18), a house that encloses a body need not be purified. While *kelim* inside the house become impure, the house itself is not a *keli* and is thus impervious to *tumah*. A tent, however, can be called a *keli* in Hebrew and therefore requires purification.

A tent or a house with no walls but that includes a ceiling transmits *tumat met*. The tent or house in question must, however, be the size and dimensions of a regular living space. Thus, the long, thin porticos used by shop owners in outdoor markets do not serve to transmit *tumat met*. Conversely, an area surrounded by walls but not covered by a ceiling does not transmit *tumat met*. For example, an open courtyard in the middle of a house would not transmit *tumat met*.

The Torah further specifies that any uncovered *keli* inside a space with a corpse becomes *tameh*: “every uncovered (*patuach*) *keli*, one with no covering bound to it, is *tameh*” (Leviticus 19:15). The word translated here as uncovered *patuach* often means “open”. However, in some cases it can also mean uncovered. For example, Ezekiel mentions the “sword uncovered (*i.e.*, unsheathed; Hebrew: *petucha*) for slaughter” (Ezekiel 21:33). In any case, the reason that a covered *keli* does not become *tameh met* is that it is considered to be in a separate enclosed space than the rest of the house. For the same reason, items in a sealed chest would not become *tameh met*. Likewise, a corpse in a coffin or covered in some

other fashion does not transmit *tumah* to the rest of the house because it is in a separate space. There is, however, a distinction to be made between two types of covering:

1. **A covering that contracts *tumah* and touches the item it covers.** While the item in this scenario does not contract *tumat met*, it does contract minor *tumah* that lasts one day. This is because any object that is *tameh met* transfers day-long *tumah* through touch (Numbers 19:22). Thus, the covering, being susceptible to *tumah*, becomes *tameh met* and transmits day-long *tumah* to the covered item.
2. **A covering that does not contract *tumah* or that is separated from the item it covers by an object that does not contract *tumah*.** In such a case, the covered item remains completely *tahor*.

The law of covered items allows us to better understand when two houses are considered separate spaces and when they are considered single spaces. Two houses stacked on each other but separated by a ceiling are considered separate spaces. Houses sharing a closed wall are likewise considered separate spaces. These two closed spaces are analogous to the case of a sealed container in a larger space. Thus, a corpse in one of the spaces would not cause people or items in the second space to become impure. Houses sharing a wall with an open hole or window, however, form a single space. This is analogous to the case of an uncovered container in a larger space.

§16.16d Purification of Tumat Met

In order to purify oneself from *Tumat Met*, one must perform the following steps:

1. Have a pure person sprinkle red heifer ashes mixed in water onto them on the third day of one's impurity (Numbers 19:19). The Torah details a precise ritual for the preparation of the red heifer ashes mixed in water (Numbers 19:2-10) which we do not discuss at length herein.
2. Repeat step 1) on the seventh day (Numbers 19:19).
3. Wash oneself and one's clothes on the seventh day at evening (Numbers 19:9).

In Rabbanite Halakha, the ashes of a red heifer serve an additional purpose. In addition to purifying one who is himself *tameh met*, the Rabbanites believed that the red heifer ashes purify one who touches a person who is *Tameh Met*. In this regard the Rabbanite sages are mistaken, however, because the Torah assigns only day long impurity to one who touches one who is *tameh met*: "and whatever the *tameh* [met] person touches shall be *tameh* and the person that touches him shall be *tameh* until evening" (Numbers 19:22). Thus, the Karaite sages held that one rendered impure by touching one who is *tameh met* must simply wash himself as he would to rid himself of any other daylong impurity. One who is impure through contact with the ashes of the red heifer is likewise impure for only one day.

§16.16e Applicability of Tumat Met in the Present Day

In the absence of the Temple, it is no longer possible to perform the ritual of the red heifer. This is because the sanctuary is explicitly mentioned in the ritual used to prepare the ashes of the red heifer:

“and Eleazar the priest shall take of [the heifer’s] blood with his finger and sprinkle her blood toward the front of the tent of meeting⁴¹ seven times” (Numbers 17:4). Furthermore, the ritual repeatedly mentions “Eleazar”, the priest whom the Torah uses as an archetypical Kohen Gadol. Thus, any parts of the ritual performed by Eleazar are meant to be performed by the Kohen Gadol. In the absence of a functioning priesthood, we no longer have a Kohen Gadol and thus the ritual of the red heifer may not be performed in full.

In the absence of the Temple, the sages disagreed as to whether *tumat met* was still applicable today. The Ananites held that *tumat met* was no longer relevant. They held that only that which can be purified can become impure. This is because they believed that A) one who is impure cannot pray or touch holy things such as religious books and that B) prayer is required in the exile (Jeremiah 29:12). These sages reasoned that *tumat met* must be completely inapplicable in exile because we cannot perform the proper purification ritual for *tumat met* in the exile. But because we must nevertheless be allowed to pray in exile, *tumat met* must generally be inapplicable in exile.

Most of the sages, however, held that *tumat met* still applies today. These sages included Rav Levi and Rav Sahl ben Masliah. They argued that the laws of *tumat met* are described as an “eternal law” (Numbers 19:20-21), implying that they should apply both when the Temple stood and in the exile. Furthermore, they noted that *tumat met* was applicable even before the sanctuary was first erected. The Israelites were commanded to send all who were *tameh met* away from the camp (Numbers 5:2). Furthermore, they must have received the order to vacate the camp before the *Mishkan* was built because they were sent out of the camp specifically to prevent people who transmit *tumah* from being in the camp while the *Mishkan*, God’s “dwelling place”, stood: “that they defile not their camp where I dwell among them” (Numbers 5:3). Yet, the ritual of the Red Heifer must have been given after the *Mishkan*’s construction. This is because it refers to “Eleazar the priest” who was set apart as a priest (along with the rest of the Aaronic line) at the completion of the *Mishkan*’s construction (Exodus 40:2,12-13). As we have said, however, the instruction for those who are *tameh met* to dwell outside the camp happened before the *Mishkan*’s construction. Thus, the Israelites must have recognized *tumat met* even before the laws of the red heifer were given. Therefore, we should continue to recognize *tumat met* today, even though purification by red heifer is no longer possible just as the Israelites recognized *tumat met* before the law of the red heifer. Although one can no longer properly perform the red heifer ritual, one should continue to do what is possible with regards to purification. Thus, one should wash on the seventh day of his impurity in accordance with the biblical command (Numbers 19:22).

⁴¹ The term “tent of meeting” most commonly refers to part of the sanctuary (eg: Exodus 40:7). However, it can also refer to a separate tent used by Moshe to commune with God (Exodus 33:7). In this case we can be sure the term “tent of meeting” refers to the sanctuary because it is described as a reference point for a ritual intended to be used throughout the ages (Leviticus 19:4). Unlike the sanctuary, Moshe’s “tent of meeting” was a temporary structure used only when he led the Israelites through the desert.

§16.17 Tzara'at

Tzara'at refers to certain growths on human skin (eg: Leviticus 13:2-3), buildings (Leviticus 14:34), or clothing (Leviticus 13:59). The Torah gives a very detailed explanation of which types of growths constitute *tzara'at* based on their coloring and how each type of growth spreads over time. It was the job of the Kohanim to identify, according to the signs given in the Torah, when one is *tameh* by *tzara'at* and when one's *tumah* has abated. Thus, unlike other *tumot*, the *Tumah* of *Tzara'at* is dependent on a Kohen's declaration of purity or impurity. In other words, one is not impure unless a Kohen declares him to be *tameh*: "and the priest shall look and behold if the scab has spread in the skin then the priest shall make him *tameh*; it is *tzara'at*" (Leviticus 13:8). Likewise, one is not purified from *tzara'at* unless the Kohen performs a detailed ritual on his behalf (Leviticus 14:1-32). Today, we do not have Kohanim with written pedigrees⁴², thus we no longer follow the *tumot* of *tzara'at*.

Notes on §16.17:

Both Adderet Eliyahu and Gan Eden hold that a *Kohen* must have a pedigree in order to declare matters of *tzara'at*. Adderet Eliyahu states that as a result *tzara'at* is not observed in the exile and does not discuss what would happen should such a priest be found in exile. Gan Eden, however, states affirmatively that should a priest with a pedigree be found, the laws of *tzara'at* would once again become applicable –even in exile:

But it seems that if, there should [happen to] be a priests with a pedigree even today, he would be able to declare impure, and purify, [people with zara'ath-afflictions]. (Gan 'Eden, 'Inyan Ṭum'a Ve-ṭohora, Diné Nig'é Zāra'ath, p. 119a)

Interestingly Rav Mordechai ben Nisan (18th century, Poland) makes no mention of a pedigree being required for a *kohen* to officiate matters of *tzara'at*:

"Our sages obligate us to be concerned about [tzara'at afflictions], if there is a kohen [priest] who is knowledgeable about them. But the Talmudites have completely done away with this in the diaspora" (Levush Malkhut)

Because Rav Mordechai contrasts the Karaite position with the "Talmudites [who] have completely done away" with the mitzvah of *tzara'at* it is possible that his community actively practiced the laws of *tzara'at*. In light of this possibility, there are four plausible readings of Rav Mordechai's words:

1. Rav Mordechai's community practiced *tzara'at* and did not believe that a Kohen with a pedigree was a prerequisite for observing *tzara'at*
2. Rav Mordechai's community practiced *tzara'at* and had access to kohanim with pedigrees
3. Rav Mordechai did not intend to say that Karaites actively practice *tzara'at*, only that the Karaite sages had left open the possibility of *tzara'at* being practiced in the exile, whereas Rabbanite Sages had completely done away with even the possibility of reviving the practice prior to rebuilding the temple. Assessing the plausibility of this last reading is difficult because Rabbinic views on *tzara'at* are themselves diverse. While some Rabbinic opinion state that *tzara'at* can never be observed in the exile, some allow for that possibility should a qualified priest be found. Thus, one would have to know which of these Rabbanite views Rav Mordechai saw as being "authoritative for Rabbanites" in order to determine what he meant by his statement.

⁴² Adderet Eliyahu probably assumes a written pedigree is important based on Ezra 2:62. See also our discussion in §13.3.

Irrespective of the above readings, a final possibility is that Rav Mordechai halakhic position does not reflect his community practice either because his community was not scrupulous on the matters of tzara'ath or because skin blemishes requiring a Kohen's attention were rare. Nonetheless, Rav Mordechai's words are of interest because they raise the possibility that *kohanim* may have retained some of their ancient duties in certain Karaite communities.

§16.18 Overview of All forms of *Tumah*

The tables below serve as a summary of how each source of *Tumah* transmits *Tumah* to people or objects that are susceptible to *Tumah*. As we have seen in the sections above, there are cases in which not all sages agreed on how exactly the laws of *Tumah* operates. For the sake of simplicity, I summarize only *Adderet Eliyahu's* conclusions in the table below.

To understand how to use these tables, consider the following example. A *niddah* sits on a chair after the first day of her impurity. A person then touches that same chair. That person then touches a vase. We would like to know what is needed to purify a) the chair b) the person touching the chair and c) vase"

- A. The source of the chair's *Tumah* is the *niddah*. As described above, *niddah* is a type of impurity due to bodily fluids and table X lists all the sources pertaining to bodily impurities. We find the entry for "*niddah after first day*" in column 1 of Table 4. Next, we look at how the *niddah* transmitted the impurity to the chair. Columns 2-4 each cover a different mode of transmission. The *niddah* transmitted her impurity to the chair through sitting, so we find the column labeled "sitting". We see that there is a "2" in that entry. This "2" refers to a method of purification. We look up method "2" in table 1 and see that the chair needs to be washed in order to be purified from the *niddah*.
- B. To investigate how to purify the person who touches the chair, we look for the source of his impurity. Because he is impure from the chair, we choose the row labeled "That which is impure because a *Zav*, *Zava*, or *Niddah* has sat on it" in the Table 4. We find the column labeled "touch" because the chair has transmitted impurity to him via touch. We see that he must purify himself by method "2" (washing).
- C. According to the *halakhot* explained above, the vase touched by the person who has touched the *niddah's* chair is not actually impure. Let us say though, that we were unsure what the *halakha* was. We would then look up the row labeled "Person impure from that which a *Zav*, *Zava*, or *Niddah* has sat on" in table 4. All entries in that row are labeled "0" indicating that he does not transmit impurity through any means. Thus, the vase is pure.

Table 1: Methods of Transmission

Method	Description
Eating	Eating or Drinking
Touch	Direct or indirect touch
Carrying	Carrying even via object that not susceptible to <i>tumah</i>
Sitting	Sitting or Lying on object
Enclosure	Transmission to all objects within a house or other enclosed space

Table 2: Methods of Purification

Method	Description
1	Wash shortly before or at evening
2	Wash oneself and one's clothes shortly before or at evening
3	Wash oneself and one's clothes at evening
4	Remain Impure seven days, wash oneself and one's clothes at evening
5	Remain Impure 14 days, wash oneself and one's clothes at evening
6	In temple times, red heifer ritual. Today, remain impure seven days then wash oneself and one's clothes at evening.

Table 3: *Tumah* Due to Animal Carcasses

Source of <i>Tumah</i>	Eating	Touch	Carrying
Split hooves, does not chew cud	2	1	2
no split hooves, chews cud	2	1	2
walk on paws	2	1	2
hooves, not split	2	1	2
The 8 species	2	1	2
improperly slaughtered insects	2	1	2
improperly slaughtered animals	2	1	2
Impure Fish	2	0	0
improperly slaughtered fish	2	0	0
impure birds	2	0	0
improperly slaughtered birds	2	0	0
Flying bugs	2	0	0
crawling land animals aside from the 8 species	2	0	0
Person Impure through any carcass	0	0	0

Table 4: Tumah Due to Bodily Fluids

Source of <i>Tumah</i>	Touch	Carrying	Sitting
<i>Zav</i>	2	0	2
<i>Zav's</i> wet spittle or bodily fluids	2	0	0
<i>Zav's</i> dry spittle or body fluid	0	0	0
First Blood	4	0	4
Niddah First day	2	0	4
Niddah after First day	2	0	2
Niddah's wet spittle or bodily fluids	2	0	0
Niddah's dry spittle or body fluid	0	0	0
That which is impure from a <i>Zav</i> , <i>Zava</i> , first day Niddah, or post-first day Niddah through touch, carrying, or spitting (any manner other than sitting)	0	0	0
That which is impure because a <i>Zav</i> , <i>Zava</i> , or Niddah has sat on it	2	0	0
Person impure from that which a <i>Zav</i> , <i>Zava</i> , or Niddah has sat on	0	0	0
<i>Zava</i>	2	0	2
Yoledet First Blood Male	4	0	4
Yoledet First Day Male	4	0	4
Yoledet Male Days 1-7 Sat on	2	0	2
Yoledet Male Days 2-7 Male	2	0	2
Yoledet Male Days 8-40	2	0	2
Yoledet Male Days 8-40 Sat on	0	0	0
Yoledet First Blood female	5	0	5
Yoledet First Day female	5	0	5
Yoledet female Days 1-7 Sat on	2	0	2
Yoledet female Days 2-7 female	2	0	2
Yoledet female Days 8-40	2	0	2
Yoledet female Days 8-40 Sat on	0	0	0
Yoledet Male or Female wet spittle or bodily fluids	2	0	0
Yoledet Male or Female dry spittle or body fluid	0	0	0
Semen, Wet	2	0	0
Semen, Dry	0	0	0
Man With Emission	0	0	0

Table 5: *Tumah* Due to Corpses

Source of <i>Tumah</i>	Touch	Carrying	Enclosure
Corps,Bones,Graves	6	6	6
Person Who is Tame Met	2	2	0
Person impure from one who is <i>Tameh</i> met	0	0	0
Red Heifer Ashes	2	0	0