

39.1.6

(ר' דוסא היא) 9b → (איזו היא בתולה) 8b

וְהָיָה כְּמִשְׁלֵשׁ חֳדָשִׁים וַיֵּגֶד לִיהוֹנָדָה לֵאמֹר זָנְתָה תִּמְרָךְ כָּלִתְךָ וְגַם הָנָה הָרָה לְזִנּוּנִים וַיֹּאמֶר יְהוֹנָדָה הוֹצִיאָוּהָ וְתִשְׁרֹף: בְּרֵאשִׁית לֶחֶם, כֹּד
הָרִינוּ חֲלָנוּ כָּמוֹ לְדָנוּ רוּחַ יִשׁוּעַת בֵּל נַעֲשֶׂה אֶרֶץ וּבֵל יִפְלוּ יֹשְׁבֵי תִבְלִי: יִשְׁעִיהוּ כו, יח
מִי יִתֵּן טָהוֹר מִטָּמֵא לֹא אֶחָד: אִיּוֹב יד, ד
וְהִזְיָתָה לָהֶם לְחֻקַּת עוֹלָם וּמִזָּה מִי הִנָּדָה יִכָּבֵס בְּגָדָיו וְהִנָּגַע בְּמִי הִנָּדָה יִטְמָא עַד הָעֶרֶב: בַּמִּדְבָּר יט, כא
כָּל זֶה נִסִּיתִי בְּחֻכְמָה אֲמִרְתִּי אֲחֻקָּמָה וְהִיא רְחוּקָה מִמֶּנִּי: קִהְלֵת ז, כג

I דיין שעתן all – מניקה and מעוברת, בתולה: משנה ד

a בתולה: if she's never seen דם – even if she's already married

i ראייה: even if she married – even if she gave birth, still called "בתולה" (for דמים) since she never had ראייה

ii Challenge: ברייתא – three are called "בתולה" – human, land and sycamore

1 Human: if she's never had relations → impact for כ"ג and for value of כתובה

2 Land: any land that has never been worked → impact for "נחל איתן" (usable for עגלה ערופה) and for commerce

(a) Definition: any land that, when plowed, raises thick clods of dirt and dirt isn't soft – but no shards are found

(i) If: they find bedrock – certainly כתולת קרקע

3 Sycamore: any sycamore that has not yet been cut down (to stump) → impact for commerce and שמיטה (per ד:ה)

iii Answer1: that list only includes "בתולה" with no modifier; ours is called "בתולת דמים"

iv Answer2: that list only includes those that become affected through human action; ours is organic

v Answer3: that list only includes בתולות that never return to "pristine" state; ours becomes זקנה

vi Answer4: that list only includes בתולות that are desirable for "consumer"; here, per ר"מ's observation about דם, less desirable

b מעוברת: from the point where the עובר is visible

i סומכוס בשם ר"מ 3 months – allusion in v. 1 (not full proof, some don't carry to full term)

ii ברייתא: if she was presumed to be pregnant, saw דם and then miscarried something of no substance – she maintains חזקה

1 Subsequently: she has דייה שעתה

2 Allusion: v. 2 (even though ילדנו רווח, still called חורים)

(a) Reason: it isn't a full proof – as the נמשל is males (→ it is a metaphor)

3 Challenge: ברייתא – if she went into labor for 2 days and on the 3rd she miscarried something of no substance – considered יולדת בזוב

(a) But if: we consider that a valid לידה, the תורה "declared pure" any קישוי just before birth

(i) Answer1 (ר' פני): מעל"ע is "lighter" as it is מד"ס

(ii) Answer2 (ר' פ): reason for יולדת בזוב is because her head and limbs feel heavy – as does this one

4 Question (ר' ירמיה מר"ז): if she saw דם and then we recognized her עובר – does she have מעל"ע or do we rule שעתה?

(a) Answer: reason for דייה שעתה is because she feels head and limbs heavier – here, she didn't feel it when she saw דם

5 Question (asked of יוחנן): if her ווסת-time came during pregnancy and she didn't check – what is her status?

(a) Clarification: asking according to opinion that ווסתות are מה"ת

(i) Lemma1: since she has ווסת (and דאורייתא), she requires בדיקה

(ii) Lemma2: since her דם is "restrained" (מסולק), no בדיקה required

(b) Answer: per ברייתא – ר"מ rules that if she was in hiding and her ווסת came and she didn't check, assume טהרה

(i) Reason: fear restrains דם

(ii) Implication: she has fear; else, if her ווסת came and she didn't check → טמאה

1. Inference: ר"מ holds that ווסתות are דאורייתא

2. Yet: since she has terror, assume no דם

3. Similarly: since her דם is restrained (due to pregnancy), assume טהרה and she requires no בדיקה

- c *מניקה*: until she weans her son
- i *If*: she gave her son to a wet-nurse, or weaned him or he died
- 1 מעל"ע מטמא retroactively ד"מ: now she is מטמא
 - 2 דיין שעתן חכמים: she still has rule of שעתן
 - 3 *מניקה*: dispute ר"מ vs. ר"י ור"ש regarding מניקה (and background reason)
 - (a) ד"מ: if her son died during 24 months, she is like any other woman and has טומאת מעל"ע
 - (i) *Therefore*: if she continued nursing for several years, continues to have status of דייה שעתה
 - (b) ד"י, ר"י ור"ש: in any case, she has status of דיין שעתן all 24 months
 - (i) *Therefore*: if she nursed for 4 or 5 years, she has טומאת מעל"ע (after 24 months)
 - (c) *Observation*: ר"מ holds that the דם becomes milk (→as long as – and only when – she is nursing, דייה שעתה)
 - (i) *And*: ר"י hold that her body undergoes changes until 24 months after birth (→דייה שעתה only for חדש) (כד חדש)
 - (ii) *Support*: ברייתא – and אלעאי ר' sources ר"מ in v. 3 (turning טמא-blood into טהור-milk)
 1. read v. 3 as referring to שבכת זרע (which is טמא, becomes a person – how is טהור)
 2. ד"א reads v. 3 as referring to מי חטאת – per v. 4 (background to v. 5 – קהלת didn't understand)
 - (d) *Observation*: "therefore" of ר"מ's dictum only needed to correspond with ר"י's "therefore"
 - (i) *And*: ר"י's "therefore" needed to counter possibility that ר"י allows דייה שעתה in either case – קמ"ל
- II *משינה*: definition of זקנה: any woman who missed 3 עונות around her זקנה-age
- a *Definition of זקנה*: dispute among אמוראים and תנאים
- i ד' יהודה: if her friends call her זקנה
 - ii ד"ש: if others call her אמא and she isn't embarrassed
 - iii *זקנה*: 1 – if she isn't מקפיד (on being called זקנה); 2 – if she isn't embarrassed
 - 1 *Split the difference*: if she is embarrassed but not angered
 - iv *Definition of עונה*: per יהודה נשיאה: average עונה=30 days; per ר"ח – 20 days
 - 1 *Resolution*: whether we count in the days of טומאה (7 of גדה, 3 of זיבה) or not
 - v *Related ברייתא*: if a זקנה had 3 עונות w/o דם then saw דם – דייה שעתה – if it happened again – דייה שעתה – but a 3rd time – מעל"ע
 - 1 *Not only*: if it was exactly 90 days each time,
 - (a) *But even*: if it was more or less 90 days
 - (b) *Challenge*: if it was exact, she would have a ווסת and no טומאת מעל"ע
 - (c) *proposal*: perhaps it is authored by רבנן (→ר' דוסא *contra*) if she has a ווסת, still has טומאת מעל"ע
 - (i) *if so*: it should be inverted – not only if it was approximate, even if exactly 90 days – still מטמא מעל"ע
 - 2 *rather*: it is only if it was approximate, but if it was exactly 90 days, she has a ווסת and has rule of דייה שעתה
 - (a) *and*: ברייתא authored by דוסא ר'
- b ד"א: any woman who had 3 עונות without דם has rule of דייה שעתה
- c *Dissent*: ר' יוסי – pregnant and nursing only have rule of דיין שעתן if they miss 3 עונות
- i *Note*: these last two clauses of the משנה will be taken up in next שעור