

39.1.7

9b (ר"א אומר) → 11a (דיומא הוא דקא קרים)

I משנה ה: analysis of last two clauses in משנה ה

- a דייה שעתה דם has rule of עונות 3 without ר"א
- i דייה שעתה related to חכמים the story of a young girl who had 3 עונות interrupted and they allowed her שעתה
- Block: that was שעת הדחק – can't bring proof
(a) Explanation: it was either a famine or she was involved with lots of טהרות – concerned about טהרות הפסק
 - שעה"ד ר"א ruled like ר"א; and "after he remembered" – ruled that we can rely on ר"א for שעה"ד
 - 1 explanation: he remembered that הלכה wasn't decided, yet ר"א was opposed by רבים → could rely on him שעת הדחק
- ii (מעל"ע) like all – afterwards – דייה שעתה, a girl who is pre-pubescent and sees – the 1st and 2nd times, she has rule of שעתה
- 1 If: she has 3 עונות w/o דם and she sees – דייה שעתה; if it happens again – same rule – 3rd time – like all women (מעל"ע)
 - 2 But if: she reached puberty, the 1st time is שעתה, 2nd (and on) is מעל"ע; if she missed 3 עונות – דייה שעתה
 - (a) רב (on pre-pub): if she sees (after 1st "gap") during עונות (i.e. at 30-day intervals) – gets דייה שעתה first 2 times, then מעל"ע
 - (b) Then: ברייתא reads if she had a 90-day gap and then saw, 1st and 2nd times are דייה שעתה
 - (c) מעל"ע – 2nd time; דייה שעתה; if she sees at 30-day interval
 - (i) Inference: follows רבי, who allows for 2 times to establish pattern (חזקה)
 - (ii) however: entire ברייתא follows ר"א who allows for any women who skips 3 עונות to have rule of דייה שעתה
 1. proposal: רבי is the author and he agrees with ר"א's position about עונות
 - a. rejection: רבי is recorded (above) as "relying on ר"א in an exigency → doesn't agree
 2. rather: ר"א agrees with רבי about חזקה (after two times) and ברייתא is authored by אליעזר ר' אליעזר
- iv ברייתא if a כתם was seen (of pre-pubescent girl) between 1st and 2nd ראייה – טהור
- 1 But: if seen between 2nd and 3rd ראייה
 - (a) טמא - since, if she saw a 3rd ראייה then, she'd be טמא חזקה
 - (b) טמא - מוחזקת בדם – since she hasn't yet become טהורה ד' יוחנן – we don't declare her to be טמא
 - 2 ר"ש בר יהודה quoted ר' יוחנן in the name of ר"ש בר יהודה – if she was pre-pubescent and saw – the 1st and 2nd time, her spit and מדרס are טהורים (in שוק) → her כתמים are also טהורים
 - (a) Note: ר"ש בר יהודה wasn't sure if this was ר"ש בר יהודה's ruling or יוחנן עולא
 - (i) Issue: whether this position is now held by 2 or 1
 - (ii) Resolution: רבין (and all נחותי) – quoted it as ר"ש בר יהודה
 - 3 ראייה a pre-pubescent girl who sees – even if she is flowing all 7, only considered 1 ראייה
 - (a) Challenge: "even" if she is flowing – and certainly if she has breaks (interruptions in the flow)?
 - (b) Explanation: the opposite reasoning holds; if she has a break, should be considered 2 ראיות
 - (c) Rather: if she is flowing all 7 – only 1 ראייה
 - (d) ראייה if she is "dripping", not considered ראייה
 - (i) Challenge: she is seeing
 1. Rather: this is not considered שופעת, rather like a broken series of ראיות
 2. Challenge: must שופעת be like a "flowing river" (without cessation)?
 - a. Rather: if she is "dripping", this is considered שופעת
- v בדיקה presumption of טהרה for ישראל who are pre-pubescent, and they don't undergo בדיקה
- 1 However: once they reach puberty, presumption of טמא and they are checked
 - (a) Yet: they aren't checked by hand, rather with soft oil which generates "self-check"
- b Dissent: ר' יוסי – pregnant and nursing only have rule of דיין שעתן if they miss 3 עונות
- i ברייתא before ר"א בן פדת taught – מעוברת ומניקה but concluded in the singular – שעברו עליה – 3 עונות
- 1 ברייתא perhaps that means only a מעוברת who is also nursing, teaching that the times can join (מצטרפים) per ר"א
 - 2 Challenge: how could nursing "continue" blood-less time of pregnancy; when she birthed, she had דם
 - (a) Answer1: could have been a "dry" birth
 - (b) Answer2: דם נדה is not the same as דם לידה
 - (c) Answer3: only taught that 1 direction works (ימי הנקה can be added to ימי עיבור) if she got pregnant while nursing

II דייה שעתה: limitation of משנה ו

- a *Limited*: to the first ראייה (of any of these four); at 2nd ראייה, already has rule of מעל"ע
 - i *Parallel disputes* דב/שמואל יוחנן: דשב"ל/ר' יוחנן: does limitation extend to all 4 listed (parallel to dispute ור"ש יהודה ור"מ/ר' יוסי ור' יהודה ור"ש)
 - 1 רב ורשב"ל (and ר"מ): extends to all 4
 - 2 ר"י ור"ש (שמואל ור"י) and בתולה: always have דיין שעתה throughout their pregnancy/nursing
- b *However*: if first ראייה happened due to אונס, 2nd ראייה is also דיין שעתה
 - i **הונא** ד' הונא: if she jumped and saw – that is ראייה מאונס; if she did it again and saw (3 times) – she has a ווסת
 - 1 *Question*: what is her ווסת?
 - (a) *Can't be*: for days – since, any day she doesn't jump, she doesn't see
 - (b) *Rather*: must be for "jumps" – i.e. if she jumps, she will see
 - (i) *Challenge*: if the cause of seeing דם is אונס – even several times – no ווסת is established
 - 1. *Doesn't that mean*: that no ווסת is established at all?
 - 2. *Correction*: it means that there is no independent "day-וסת" or "jump-וסת"
 - a. *But*: there is a ווסת for day+jump
 - 3. *Challenge*: isn't it obvious that she has no "day-וסת"?
 - 4. *Answer* (רב אשי): case where she jumped on א' יום and saw, then another א' יום (e.g. 4 weeks later) and saw, then she jumped on א' שבת (a few weeks later) and didn't see – but saw the next day (יום א')
 - a. *We might have thought*: that we now have retroactive confirmation that the day was the cause
 - b. *Therefore*: we learn that the previous day's jump was also a contributing factor
 - i. *And*: the reason she didn't see the day before – was that the time hadn't arrived just yet
 - ii **הונא** ר' (alternate version): if she jumped and saw three times – has ווסת for days, but not for jumps
 - 1 *Case*: ר' אשי – jumped on א' יום and saw, jumped on א' יום later and saw then jumped on א' שבת and didn't see but saw on the next day (יום א') - proving (retroactively that it was the day and not the jumping that caused it)