

39.2.2; 14a (משנה א) → 15a (מכאן ולהבא ורבנן היא)

- I 3א use 2 עדים – one for her, one for him, at תשמיש; prepare a 3rd for checking beforehand
- II ב consequences of דם found on the עדים
- a If: found on his – or found on hers immediately – they are טמאים and liable for קרבן חטאת
- b If: found on hers after a short time – they have טומאה מספק and are exempt from קרבן
- i Challenge (to טומאת וודאי in 1st clause): why not assume it to be blood of some lice?
- ii Answer (ר' זירא): that place is considered “checked” for lice (i.e. lice cannot get in)
- iii Version 2: that place is considered too constricted to let lice in
- 1 Split the difference: if lice were found, smashed onto the עד (away from the דם)
- (a) If: we hold בדוק – can’t be from there → דם is from her
- (b) But if: we hold דחוק – lice may have been there and the שמש smashed
- iv זימרות: about using a checked (clean) עד and finding דם after a time
- 1 טמאה נדה – דם if she put it in her thigh and the next morning found דם
- (a) Challenge (ר' שימי): רב had taught “חוששת”
- (b) But: support – טמאה (בי מדרשא) taught – טמאה נדה
- 2 דב יוסף: if she used an unchecked עד and then put it in a basket, and the next morning found דם
- (a) ד' חייא: when he was young, ruled it to be טמא; when he became an elder – declared it טהור
- (i) Clarification: did he mean that originally ר' declared it to be טמא as נדה – then, when older – only כתם?
1. Or: did he originally rule טמא as כתם and then, when older, declared it to be completely טהור?
- (ii) בריתא: (same circumstance) – נדה as טמא, ר' חייא declared it to be טמא as כתם
1. argued that רבי should admit that there must be a כגריס (minimal שעור for כתם)
- a. concurred – (so he should agree that it is a כתם and no more)
- b. But: רבי's thinking is that the שעור confirms that it isn't lice-blood; once that has been established, it comes from her body
2. In any case: this discussion must have taken place when ר' חייא was already an elder (and he would challenge רבי) → when he was young, he ruled it to be fully נדה
- (b) Story (involving ר' יוסי ור' ישמעאל בר יוסי): which invokes a dispute between רבי and ר' יוסי in this case:
- (i) ר' מ' – see below) rules that she is טמאה (ר' זירא) – דב
- (ii) ר' יוסי rules that she is טהורה (ר' זירא) – per his own ruling – see below
1. בריתא: if a woman was urinating and saw דם
- a. ד' מ' if she was standing – טמאה; if sitting – טהורה
- b. ד' יוסי in either case she is טהורה
- i. Challenge (ר' אחא בריה דרבא לר' אשי): ר' יב"ח reported that ר' מ's ruling is only as כתם (but רבי – נדה)
- ii. Answer (ר' אשי): our version of ר' יב"ח is that ר' מ's ruling is as נדה (not merely כתם)
- v Definition of אותיות (immediately): שמש – as soon as שמש “exits”, עד enters – could only work for קנוח
- vi Implication of finding “later”: בריתא – they are liable for אשת תלוי
- 1 Our תנא: holds that אשם תלוי is only when there are 2 pieces and he takes one (cf. כריתות יז)
- III ג definition of “short time” and consequences of finding דם on her עד after that time
- a Definition: enough time for her to get off the bed and wash out (בית הערוה)
- b After that time: she has טומאת מעל'ע (like any other ראייה) and husband has no טומאה (for נדה)
- i Dissent: ר' ע' – husband has טומאת שבעה
- 1 Challenge (to time parameter): ר' אב' rules that time-frame is enough for her to reach under pillow, take עד and check
- (a) Answer1 (ר' ח'): “אחר” in our משנה is “after that time”, to wit, that is the time about which חכמים ר' ע' disagree
- (b) Answer2 (ר' אשי): שעורים are identical; if she has no עד in hand, ר' אב'’s “time”; if she does, our משנה’s “time”
- (i) Challenge: ר' אב' asked חכמים (אושא) and they had no tradition about the time-frame
1. He: told them about שעור in our משנה; after that point, טומאה is ספק and בועל only has טומאת מגע
- a. בועל נדה also has טומאת שבעה (as בועל נדה)
- b. ד' יהודה בנו של ר' יוחנן ב"ב he may even enter מקדש and offer קטורת!
- i. Note: must follow שמאי (ד' ש'), else would have טומאת מגע (and he didn't finish ביאה, else ב"ק)
- c. Note: in this בריתא, חכמים are מטהר completely – only works for ר' ח', not ר' א' (קשיא לר' אשי)
- ii But: חכמים agree with ר' ע' in a case where she sees a כתם that the husband has מספק (for נדה)
- 1 דב (ורשב"ל) they admit to מפרע, per ר' מ'
- 2 רבנן – טומאה מכאן ולהבא: שמואל (ור' יוחנן)
- (a) Justification: we would think that just as מד'ס is מעל'ע, so is כתמים → none here, קמ"ל, since שחוט לפניך