

39.2.3

15a → 16a (משנה ד) (מקור מקומו טהור הוא)

- I essential טהרה for women for their husbands
- a Explicitly: men who come from a trip – their wives are טהרה
- i Justification: כמ"ל – בדיקה since they were out of town, she wasn't careful to do בדיקה
- b Caveat (ל): only if he came back within that same עונה
- i only applies if she has no ווסת; but if she has a ווסת, may not have ביאה (w/o בדיקה)
- 1 Challenge: the inverse is more reasonable
- ii Rather: only applies until she reaches her ווסת-date; but after that point, אסורה לשמש (w/o בדיקה); דאורייתא are ווסתות
- iii even if her ווסת came, still מותר – he holds that ווסתות are דרבנן
- iv Version (אשי): limits to one who has no calendar-וסת; if her ווסת depends on קפיצות also, perhaps she didn't see ווסתות דאורייתא
- 1 But if: she has pure calendar-וסת (ווסת לימים) – may not have ביאה – since ווסתות דאורייתא
- (a) even if she has ווסת לימים, permitted – since ווסתות דרבנן
- II מימרא of יוחנן ר': if a woman has a ווסת, her husband may calculate her ווסת and have ביאה with her (even afterwards)
- a Challenge (to אבא): would יוחנן ר' even extend this to a young wife, who is embarrassed to be טובלת?
- b Response: יוחנן ר' did not apply his presumption to a case where she definitively saw דם; only to ספק ראתה
- i Reasoning: she may not even have seen; if she did see, perhaps she was טובלת
- ii However: if she did see, that is וודאי טמאה and the likelihood of טבלה doesn't trump that (אין ספק מוציא מידי וודאי)
- 1 Challenge: if a died, leaving a basket of פירות, even if picked that day – we assume מתוקנים
- (a) Answer1: that is וודאי vs. וודאי, since we have a חזקה that a חבר never leaves anything non-מתוקן around
- (b) Answer2: may be ספק vs. ספק, since he may have brought it into house with chaff, keeping it פטור
- 2 Challenge: woman had נפל into כהן; בור came to determine if M/F, he was still טהור
- (a) Reasoning: נפל was וודאי, but animals may have taken it away → ספק trumps וודאי (and he is טהור)
- (b) Answer1: was unclear if she even had a נפל – כהן was asked to determine that and, if confirmed, M or F
- (c) Answer2: since rats etc. are around, it being dragged away (and no longer present → not מטמא) is וודאי
- c Related question posed to ג'נ: are ווסתות considered דאורייתא or דרבנן
- i Answer: since ר' הונא ruled that if a woman has a ווסת, didn't do בדיקה and then later saw, she is חוששת for both times
- 1 Conclusion (version 1): we see that ווסתות are דאורייתא
- 2 Conclusion (version 2): since without her seeing, we aren't חושש, ווסתות must be דרבנן
- d Related dispute דב/שמואל: if a woman has a ווסת, didn't check then but checked later
- i דב: if she found herself to be טמאה later, טמאה extends back to ווסת; if not – still טהורה
- ii שמואל: even if she didn't see דם later, still טמאה at ווסת – since it comes "on time"
- 1 Proposal: they disagree if ווסתות דאורייתא/דרבנן
- (a) זירא: they agree that ווסתות דאורייתא; ר'ב's case – she checked during ווסת; שמואל: checked after ווסת
- (b) דנב"י: disagreement is, indeed, about ווסתות דאורייתא/דרבנן
- 2 תבדק - ר' regards as טמאה and יהושע ר' rules - יהושע is parallel to ששת
- (a) Parallel: מאיר/חכמים
- (i) ר'מ's ruling about woman in hiding → w/o consideration of "terror", ווסת is assumed → דאורייתא
- (b) Proposal: perhaps dispute רשב"ג/רבי regarding a woman who has a wound מקום and sees דם
- (i) דשב"ג: even if she sees during נדתה – ימי נדתה
- (ii) דבי: if she has a ווסת, we must be concerned that it is דם
1. Rejection (רבינא): both agree that ווסתות דרבנן; dispute is whether טמא
- a. דשב"ג: even though she is טהורה, דם that touches מקור is טמא → מגע טמאה
- b. דבי: if we are concerned about ווסת, concern about her status; if not – מקור מקומו טהור