

39.3.8; 29a (משנה ו) → 30a (טבילה בזמנה מצוה)

- I duration of טומאה for an indeterminate birth event
- a If: she doesn't know if it was male or female – must "sit" for both (14 days of טומאה, then 26 ימי טוהר)
- b If: she doesn't know if it was a וולד at all, must "sit" for both as well as for נדה (ימי טוהר no)
- II Assessing issue of רוב
- a if a (pregnant) woman walks through river and miscarries – we assume it to be וולד (per רוב) and she has ימי לידה (M/F)
- i Challenge: our משנה – why not follow רוב and erase possibility of נדה?
- 1 Answer: ריב"ל's case is where she was already known to be pregnant; not so in our משנה
- ii Challenge: if a בהמה was pregnant, then returned (w/o birth blood) no longer pregnant, next offspring is בכור
- 1 Explanation: we see that we do not follow רוב (which would confirm that first was a בכור and this is פשוט)
- 2 Answer (ריב"א): we have רוב of בהמות that birth something that exempts (the next one) and minority that don't
- (a) And: this one, having no birth-blood (which all babies have) hurts the רוב
- (b) Challenge: if all births have טינוף, the next one should be a certain בכור, not ספק
- 3 Rather: רוב of births have טינוף, this one, having no טינוף, hurts the original רוב
- iii Challenge: ריב"ח reported that ריב"ל's dictum was challenged from the rule of טועה – but he didn't understand the תיובתא
- 1 Case: woman leaves pregnant, comes back "empty" & has 3 wks. w/ no דם, then 10 wks. alternating דם and no דם
- (a) הייתר לבעלה she may only have relations on the eve of day #35 since her return (i.e. end of week #5)
- (i) Understood: why she can't have ביאה during 1st week (might have just had boy), 2nd week (might have just had girl) and 3rd week (might have had girl בזוב 3 weeks earlier)
1. But: why can't she have relations during 4th week (certainly during ימי טוהר for boy or girl)
- a. Doesn't this: prove that we do not follow רוב? (which is why this was the challenge to ריב"ל)
- b. Rejection: perhaps she may have had the baby a while back and is already past ימי טוהר
2. And: day #28 may already be נדה תחילת and she may have to have 7 days (w/o תשמיש)
3. But: day #21 should be מותר in any case – if she is טובל during day (as ספק זבה)
- a. Answer: follows ר"ש, who disallows ביאה on 7th day (טבולות יום); if she sees – ספק כרת
- b. Challenge: let her have תשמיש that night
- i. Answer: case in ברייתא is where she saw at beginning of evening
- (b) ז"ש: she goes to מקווה 95 times
- (i) 1st week: every night – may be יולדת זכר (and each night may be end of 7) – sum: 7
- (ii) 2nd week: every night and every day
1. Every day: may be יולדת זכר בזוב (each day may be end of 14) sum: 14
2. Every night: may be יולדת נקבה (may be end of 14) sum: 21
- (iii) 3rd week: every night and every day
1. Every day: may be יולדת בזוב (each day may be end of 21) sum: 28
2. Every night: ז"ש follow their own approach – she is טבולת יום ארוך (may be at end of 33 or 66) – 35
- (iv) Next 59: nights (66 ימי טוהר minus 7 already done in 3rd week) sum: 94
- (v) Last one: if she arrived בין השמשות – gets one extra טבילה
- (c) ז"ה: she goes to מקווה 35 times
- (i) Premise: ב"ה do not hold that a מקוה goes to טבולת יום ארוך (→ no need at end of טוהר)
1. 28: as stated above (possibility of יולדת זכר, יולדת זכר בזוב, נקבה and נקבה בזוב – but no evenings in 3rd week)
2. 7: in week #5, each night may be end of ימי נדה
- (d) טבילה בזמנה אינה מצוה ג' יוסי בר יהודה no reason for טבילה except at end (he holds that מצוה)
- (e) Analysis: why the need for 10 weeks (טמא/טהור), 8.5 would be enough (to get us to 80 days)
- (i) Answer: תנא didn't want to use ½ weeks; and in order to retain symmetry (טמא/טהור), used 10 weeks
- (ii) Challenge (to ז"ה): why not add טבילות זבה at end of 7th week?
1. Answer: only considering טבילות to enable תשמיש, not for completing period
- (iii) Challenge (to ז"ש): they consider תשמיש לאחר – why not count this one?
1. Answer: they're only addressing יולדת (or יולדת בזוב) but not זיבה (alone)
- (iv) Challenge (to all): why not have her go to מקוה during day of first week – perhaps her ז' נקיים are done
1. Answer: follows ר"ע – ספורים are only in our presence (i.e. she arrived with no information)
- (v) question; why not go on last day of that week (a; only discussing full weeks)
- (vi) question: why not go on 1st day of 1st week – may be שומרת יום (a: only discussing גדולה)
- (vii) conclusion: טבילה בזמנה מצוה דעה follows ר"ע, and גזרה against ביאה on day #7) and דעה that מצוה