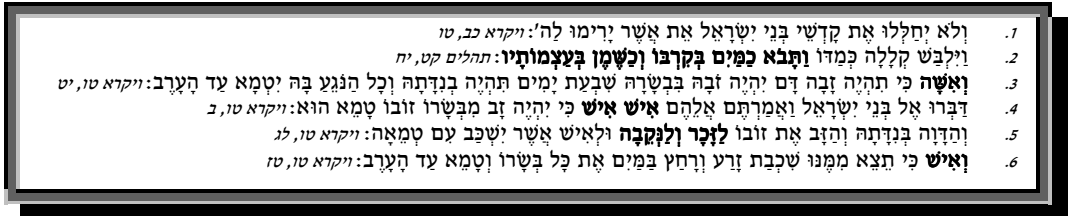


39.4.1

31b (משנה א) → 32b (צריכה)

Note: as we've seen numerous times, the משנה (and ברייתות) relate to the "כותים" as Jews who are careful regarding the observance of מצוות, but have their own traditions which are, at times, at odds with ours; in our case, they interpret "אשה" (נדה) as adult; therefore never grant status of נדה to a minor (against our tradition – see ahead, נדה ה:ג)



I א status of כותים (Samaritans) vis-à-vis נדה and consequences

a Girls: have status of נדה from birth

i Follows: ר"מ, who is חושש למיעוט (occasionally a young girl will have דם)

ii Per: his ruling that קטן וקטנה neither participate in חליצה nor ייבום

1 דבנן agree about חליצה (per "איש"); but disagree about ייבום

2 ד"מ perhaps she will prove to be an איילונית or he – סריס, then they violate ערוה without benefit of ייבום מצוות
(a) דבנן we follow רוב – most people grow to be sexually functional

3 Challenge: perhaps ר"מ is only concerned with a "possible" מיעוט, as opposed to this one

(a) Answer: this one is also "possible", per stories from רבי יוסי, ר' יוסף & ר' יוסף; they were מטביל girl before mother

(b) Question: why in פומבדיתא (in "א"י, we understand that this was for תרומה)

(c) And: טומאה יוצאת מגופו only banned from someone who has תרומת חר"ל (not נגיעה)

(i) Answer: needed for someone who rubs on תרומה-oil (which is like שתיתיה, per v. 1 or v. 2)

iii Question: why not make this גזרה on our girls as well?

1 Answer: we understand ואשה (v. 3) as extending to newborn; they don't read it that way (see note) → גזרה

2 Tangential challenge: we need ואשה in v. 3 to extend validity of ביאה to 3-year old (see נדה ה:ד)

(a) Answer (דבא): it is הלמ"מ and the verse is an אסמכתא

(i) Clarification: 3-year old rule is הלמ"מ; 1-day old rule is from פסוק

(ii) Note: verse needed (in spite of הלמ"מ) to exclude male from אודם (blood as זב)

(b) Question: why do we also need דרשה (from ואשה) to extend זיבה to 10-day old girl; could infer from נדה

(i) Answer: סד"א that נדה, which has an automatic 7 days of טומאה applies; not זיבה, which could be יום שומרת

1. However: then the דרשה extending נדה is superfluous – אין זבה בלא נדה

2. Answer: indeed; verse needed to exclude male from אודם

3. Justification (for 2 exclusions): 1 to exclude from ט"ז, the other from דם

3 Parallel exegesis: from v. 4 – extends possibility of זיבה to newborn boy (per יהודה ר')

(a) ד' ישמעאל בנו של ריב"ב inferred from v. 5 – זכר means any age ("איש איש" [v. 4] is just usual rhetoric)

(b) Implication: when the text extends (from adults to younger) – it extends all the way to newborns

(c) Challenge: v. 6 "ואיש" extends to 9 years old (for טומאת קרי)

(i) Answer (דבא): it is הלמ"מ and the verse is an אסמכתא

1. Clarification: 9-year old rule is הלמ"מ; 1-day old rule is from פסוק

(ii) Note: verse needed (in spite of הלמ"מ) to exclude female from לובן (blood as זב)

4 Justification: for entire exegetical system for both זכר and נקבה

(a) If: we only had extension of M, we would attribute that to fact that males are מיטמא with ראיות even on 1 day

(b) And if: we only had extension of F, we would attribute that to fact that they are טמאות even באונס – צריכה

b Men: have status of נדה בועל (because the women observe all דם as נדה) → are מטמא משכב תחתון כעליון (explained on p. 26)

c Status: טומאה is all ספק → not liable for מקדש and do not burn תרומה that they touched (explained on p. 26)