

39.4.8

38b (משנה ו) → 39b (סיום הפרק)

1. ואם נקבה תלד וטמאה שבעים כנדתה וששים יום וששית ימים תשב על דמי טהרה: ויקרא יב, ה
 2. והקריבו לפני ה' וכפר עליה וטהרה מפקר דמיה זאת תורת הילדת לזכר או לנקבה: ויקרא יב, ז

- I ימי טוהר during דם קישוי ר"א/חכמים משנה ו
- a Case: if she sees דם קישוי during 80 days after נקבה (she got pregnant right away or has a second twin [M] not yet born)
- b חכמים: all that דם is טהור – until she has וולד
- i Argument: if we are strict about דם שופי (before birth), yet, at that point, we are lenient about דם קושי
- 1 Then: certainly when we are lenient about דם שופי (during ימי טוהר), we should be lenient about דם קושי
- c טמא ד"א: that דם is טמא
- i counter: employs rule of דיו –before birth, we only release her from זיבה, not נדה – same in this case
- II parallel ברייתא (ת"כ): adds תשב (v. 1) and position of חכמים, dissent of ר"א
- a חכמים: modify argument – if we are stringent about שופי alone, but lenient if accompanied by קישוי (before birth)
- i Then: certainly after birth, when we are lenient about שופי alone, we should be lenient if accompanied by קישוי
- b ר"א: still responds with דיו – we are only lenient regarding זיבה, not נדה
- i ר"א made a solid point:
- 1 חכמים: agree that דמה means “only self-generated, not due to וולד”
- (a) Similarly: v. 2 means – only טהורה regarding דם that is self-generated, not due to וולד
- (i) Challenge: why not limit this טהרה to נדה ימי – but זיבה – she should be טהורה
- (ii) Answer: תשב implies a common ישיבה (whether ימי נדה or ימי זיבה, status is consistent)
- III משנה ז: default status of a woman during ימי נדה etc.
- a 11 days: of זיבה – assumption is טהרה; even if she failed to perform בדיקה (even intentionally) – חזקת טהורה
- i But: when he ווסת arrives, assumption of טומאה
- ii ד"מ: if she was (e.g.) in hiding and her ווסת came (and went) without בדיקה – טהורה, since terror suspends blood
- b However: during “counting” days of זב and זבה – or the day of the יום כנגד יום – שומרת יום – assumption of טומאה
- IV Analysis of משנה
- a Question: what is the import of חזקת טהרה (during 11 days of זיבה)?
- i Answer1: indicating that she doesn't require בדיקה
- 1 Challenge: language of 2nd clause implies that she ideally requires בדיקה; just assumed to be טהורה if she doesn't
- 2 Answer: that 2nd clause refers to ימי נדות; no requirement at all during 11 days, during ימי נדות, should check
- ii Answer2 (ר' חסדא): taught for ר"מ's approach – he ruled that if a woman has no ווסת, she may not have ביאה
- 1 However: that is only true נדות בימי זיבה; when she is בימי זיבה, may have ביאה (חזקת טהרה)
- 2 Challenge: why did ר"מ ruled that such a woman may not remain married?
- (a) Answer: she may inadvertently cohabit during ימי נדות
- 3 Challenge: referent in משנה is woman with ווסת (“הגיע שעת ווסתה”)
- (a) Answer: deficient version – should add – during ימי נדות, prohibited; if she has ווסת – permitted
- (i) But: requires בדיקה; if she didn't – חזקת טהרה; except at שעת הווסת
- (b) Challenge: since last clause (about the “hideout”) is ר"מ → rest is not ר"מ
- (i) Defense: entire משנה is authored by ר"מ (if she wasn't in hiding, at שעת הווסת – טמאה, per ר"מ)
- iii Answer3 (רבא): teaches that she has no retroactive טומאה (מעל"ע)
- 1 Challenge: יולדת, נדה, זבה, ווסת all have retroactive טומאה – (refuted)
- iv Answer4 (שמואל): teaches that she cannot establish ווסת during ימי זיבה
- 1 דב יוסף: forgot that he had learned this and applied it
- 2 אב"י: reminded him of context:
- (a) ברייתא: if she was used to seeing on day #15 and changed to day #20 – both are אסורים
- (i) ד' יוסף: only if this was day #15 from her נדה (i.e. day #22 – during נדות)
1. But: if day #15 from last ראייה – no ווסת can be set for this day (during ימי זיבה)

- V פ"פ and ר"פ: whether or not she should be חושש on that day during ימי זיבה when she has a (new) habit of seeing דם
- a ד"פ: holds that we would count the "22" (in the case above) from day #22 – not #27 → during ימי זיבה, day is אסור
- b ד"ה: we count 22 from day #27 (her "new day") → she is only חוששת during ימי נדות
- i *Proof* (ר"ה בריה דר"י): if a hen lays an egg every other day and then has two days in a row with no egg (e.g. laid an egg on day #1, no egg on day #2, egg on day #3, no egg on day #4, then no egg on day #5) then laid an egg on day #6
- 1 *Should we*: expect her to adopt to her "new system" and have another egg on day #7
 - 2 *Or should we*: expect her to continue skipping days and have no egg on day #7?
 - (a) *Answer*: we should expect her to revert to her old pattern and skip day #7
- ii *Counter* (ר"פ): the dispute ר"ל/ר"י whether she can be קובעת ווסת during ימי נדות (both agree that she can be קובעת ווסת during ימי זיבה; ר"י allows for קביעות ווסת during ימי נדות as well) – what is the case
- 1 *Isn't it*: where she saw on ר"ח, then day #5, then ר"ח, then day #5 – then, skipped ר"ח and saw on day #5
 - (a) *Proving*: that we count from ר"ח – even though she didn't see then
- iii *Response*: that case could be where she saw on consecutive ראשי חדשים, then saw on day #25, then ר"ח
- 1 ד"י יוחנן: assumes that she had "surplus דם" and ר"ל rejects that
 - 2 *However*: in any case, we are counting from day #25 (when she saw)