

39.9.1; 59b (משנה א) → 60b (כרבי נחמיה)

1. ואנו ואבלו פתחיה ונקתה לארץ תשוב: ישעיהו ג, כו

- I א משנה: status of blood found in woman's urine
- a טהרה – if seated; if standing, טמאה; ד'מ
- i *Explanation (שמואל)*: when standing, the urine moves up and may be drawing blood from uterus
- ii *Challenge*: even if seated, perhaps דם came after she finished urinating
- 1 *Answer (ר' אבא)*: case where she sitting at edge of chamber pot; if דם came later, it'd be at rim, instead of mixed in
- b טהרה – ד' יוסי in either case
- i *שמואל*: we follow יוסי ר' ruling here
- II ב משנה: status of blood - and tis impact – if found in a pot used by both man and woman
- a טהרה ד' יוסי she is
- i *Question*: what would ר"מ say (if both man and woman were standing)
- 1 *Does he*: only consider טמא in א משנה because there is one ספק, but in case of ספק ספיקא would be מטהר – or not?
- (a) *מטהרין* as ר' יוסי in משנה would have mentioned him with יוסי ר' יוסי
- (i) *Challenge*: if ר"מ is מטמא even when there is ספק ספיקא, certainly when there is only 1 ספק!
- (ii) *Answer*: we want to show the extent of יוסי ר' lenient position (and דהיתירא עדיף ליה)
- (b) ר"מ ד' יוחנן limits his stringency to one ספיקא → in this case, he is lenient and declares טהור
- (i) *Challenge*: why isn't ר"מ mentioned in this משנה with יוסי ר' as a מטהר?
- (ii) *Answer*: he is (בריתא) confirms this) but since we ended א משנה with a mention of יוסי ר', we pick that up here
- ii *Challenge*: if ר' יוסי is מטהר in case of one ספק (א משנה) why mention his leniency here?
- 1 *Answer*: from א משנה, we would have thought that he is מתיר only בדיעבד (טהורות are טהורות); but not לכתחילה – קמ"ל – לכתחילה
- b טמאה ד'ש she is
- i *Reason*: the חזקה is that דם comes from a woman → came from her → טמאה
- ii *Question*: what would ר"ש rule about a seated woman?
- 1 *Does he*: distinguish and only find טמא if standing (due to pressure on bladder) or does he make no distinction?
- (a) *ברייתא* only allows her to "explain" דם if seated; יוסי ר' in either case and ר"ש in neither case
- iii *Question*: what would ר"ש rule about a man and woman, both seated, urinating into same chamber pot?
- 1 *Does he*: rule stringently when there is one ספק, but here, due to ספק ספיקא (might be his, might be her urine) he's מקיל
- (a) *Answer*: since his wording is מן האשה דמים, doesn't matter if she is sitting or standing – always טמאה
- III ג משנה: materials where כתמים have/do not have impact
- a *If*: she lent her garment to a non-Jewess or to a גדה, she may explain the כתם found (when it is returned) as coming from שואלת
- i דב גויה must be someone who already saw דם; presented in parallel with דה
- 1 *Challenge (ר' ששת)*: ר"מ, disputing ת"ק, rules that as long as she is of age (and likely) to see, the ישראלית can be תולה
- 2 *Defense*: ר"מ is being lenient; ת"ק's position is not that any גויה is ok; rather, one who has seen (and ר"מ is מקיל)
- ii *ברייתא*: using a שומרת יום on her 2<sup>nd</sup> day or a זבה גדולה who hasn't yet been טובלת
- 1 *דשב"ג* she may; therefore, the borrower (זבה etc.) is now "marred" and our lender is "clean" "therefore": parallels רבי
- 2 *דבי* she may not; therefore, both are "marred" "therefore": *contra* idea that the borrower is untouched by כתם – קמ"ל – כתם
- 3 *Agreement*: if she lent it to a שומרת יום on her 1<sup>st</sup> day or someone who has טהור דם or a בתולה
- 4 *Proposed link (ר' חסדא)*: if a טהור and טמא each took a path, one טהור, the other טמא; this dispute should replicate here
- (a) *Challenge (ר' אדא)*: רבי rules מקולקות as they are equal; here, the טמא loses nothing by the alignment
- (b) *Defense (ר' חסדא)*: in our case, as well, the borrower still requires טבילה (טמא::) (טמא::)
- (c) *Support for ר' אדא*: ruling that even if one was תלוי (טהור other), all agree to assign טמא to טמא/תלוי and טהור to טהור
- iii *Question (ר' יוחנן)*: may א כתם be "blamed" on ב בעלת כתם? (רבי) wouldn't consider it; question according to (רשב"ג)
- 1 *דשב"ג* does he allow even if she didn't have a proper ראייה?
- 2 *Answer (ר' יהודה בר ליואי)*: we do not allow – since there is nothing with which to associate the כתם
- b *If*: three women each wore a garment or sat on a bench and blood was found on it afterwards – all 3 are טמאות
- c טהורות – ד' נחמיה if the bench was made of stone – or a bathhouse bench – טהורות –
- i *Reason*: any surface that cannot become טמא is invulnerable to כתמים – per v. 1
- ii *דב* rules like נחמיה ר', tho it is a dispute (יעקב) (מטמא ר' יעקב) as in case of דם found on edge of bath (חכמים טמאום)
- 1 *Application*: ר"נ was even מטהר if found on back of כ"ח (כלים) or small rags (too small for בגדים)
- 2 *Challenge*: בריתא, which presents both sides, is reconciled as allowing "explanation" if borrowed by טהור דם יושבת על דם טהור