

39.9.2; 60b (משנה ד) → 61b (להקל על כתמיהן)

1. והבור אשר השליך שם ישמעאל את כל פגרי האנשים אשר הכה ביד גדליהו הוא אשר עשה המלך אסא מפני בעשא מלך ישראל אתו מלא ישמעאל בן נתניהו חללים: ירמיהו מא, ט
 2. ואמר ה' אל משה אל תירא אתו כי בידך נתתי אתו ואת כל עמו ואת ארצו ועשית לו באשר עשית לסיחון מלך האמרי אשר יושב בחשבון: במדבר כא, לד
 3. ויבא הפליט ויגד לאברהם העברי והוא שכן באלני ממרא האמרי אחי אשפל ואחי ענר והם בעלי ברית אברהם: בראשית יז, יג
 4. במתים חפשי כמו חללים שכבי קבר אשר לא זכרתם עוד והמה מידך נגורו: תהלים פח, ו

- I status of women in one bed in a case where דם is found under one of them (default status – all are טמאות)
- a If: one of them did a בדיקה (and found herself to be טמאה) – other two are טהורות
 - i כשיעור ווסת) דם was immediate to finding בדיקה: this is only if her דג
 - 1 Inference: he holds like בר פדא, who aligns the immediacy of her בדיקה and the husband's liability with status of טהרות:
 - (a) Alignment: if he is חייב חטאת → טמאות; if he is חייב אשם תלוי → טהורות; if he is exempt → טהורות
 - 2 Dissent: אושעיא ר' rules that even if her husband is חייב חטאת, the טהרות are still only תלויות
 - (a) Reason: in the case of ביאה, we might suppose that the שמש delayed the דם from exiting; no such argument here
 - (b) give models for אושעיא ר' 'ירמיה ואבוי
 - b If: one of them wasn't likely to have דם (e.g. מעוברת) – she can associate the דם with the non-pregnant woman
 - i Examples: pregnant → non-pregnant; nursing → non-nursing; post-menopausal → younger; בתולה → non-בתולה
 - 1 But if: both were pregnant, nursing, זקנות or בתולות – then we apply the next clause (see all as equally likely to see דם)
 - c But if: none of them were likely to see, we imagine as if all are fit to see (→ all טמאות)
- II status of women in one bed – as distinct from משנה ד (where they are interleaved; here, each has her own place)
- a If: 3 women were sleeping one bed and דם was found under one of them – impacts on her and immediate neighbor only
 - i Therefore: if found under middle woman, all טמאות; if one on side, she and middle woman טמאות; other is טהורה
 - ii Only applies: if they entered the bed from the bottom; if they came across the bed, all are טמאות
 - iii If: one or two checked and found themselves to be טהורות, other(s) are טמאות
 - iv טמאות if all three checked and found themselves to be טהורות, all are considered טמאות
 - 1 Model: if there were three cave-ins, and only one had a dead body under it and we checked 1 or 2, they are טהורות
 - (a) If: if we checked all 3 and didn't find the body, all are now considered טמאות
 - (b) Per: his ruling – anything which has חזקת טומאה remains so until we found out where the טומאה went
 - 2 Their distinction: in the case of the גל, have to check all the way to bedrock (and then assume the body is gone – all טהורות)
 - v חכמים: in the case of the גל, have to check all the way to bedrock (and then assume the body is gone – all טהורות)
 - 1 Justification: model brought up by ר"מ to try challenge חכמים as to why they rule differently in the two cases
 - 2 Their distinction: in the case of the body, it may have been taken (by a predator); but here – from where did דם come?
- III Discussion and analysis – dispute חכמים ר"מ/מ' about inevitable טומאה
- a טומאה which could not be found – later found inadvertently ר"מ, ר' יוסי ואבא שאול stories reported by תוספתא נדה ח:ה-ז
 - i Response (חכמים): in each case, the original search was half-hearted –
 - ii Final story: involved the pit where נתניהו בן נתניהו threw his victims (v. 1)
 - iii Tangential aside: value of heeding לה"ר, difference between סיחון and עוג (vv. 2-3)
- IV Dealing with garments with "lost" איסור
- a if a בגד has a כתם that can no longer be found, put 7 lyes (see next משנה) on it and that should purify the כתם חגי: תוספתא נדה ח:ג
 - i check it by little bits at a time (שכונה – at least 3 fingers-width) דשב"א
 - ii If: the garment has ש"ז, if it is new, poke it with a needle; if old, check it by sunlight
 - b if garment has a strand of flax lost in it, may not sell to non-Jew (he'll sell to ישראל) or make donkey-saddle חגי: תוספתא כלאים ה:ט
 - i But: he may use it for a shroud
 - ii Implication (רב יוסף): this teaches that מצוות will be nullified in the future days (of resurrection)
 - 1 Challenge (אבוי): ר' limited the permission to use שטטנו-shrouds to the eulogy – must be buried שטטנו-free
 - 2 Answer: ר' disagrees and allows even burial, per his own דרשה on v. 4 – after a man dies, he is "free" of מצוות
 - c if a garment has "lost" כלאים, dye it ד' חסדא
 - i Challenge (רבא): what is his source?
 - ii Answer (בר פפא on behalf of ר"ח): our משנה – check until he reaches bedrock
 - 1 Similarly: flax won't take dye – if we see that the entire garment takes the dye, the flax must have fallen out
 - d if someone lost a flax-string in his garment and can't find it – ignore it זוטרא
 - i Reason: the תורה prohibited "שטטנו" – fully combed in, anything less is מד"ס, and this is a ספק דרבנן – מותר – ספק דרבנן
 - ii Challenge (אשי): perhaps any of טווי, שווי, or נזו is enough (מה"ת) – א: if so, תורה wouldn't have used one word
 - iii תוספתא נדה פ"ח: colored garments can be טמא מדין כתם; טמא מדין כתם; טמא מדין כתם – the reason חכמים allowed women to continue wearing colored garments (after חרבן – סוטה ט:ט) was to allow leniency for כתמים