

Introduction to מסכת נדה

מסכת נדה, which concludes the order of *תלמוד בבלי*, is the only *תלמוד* on any of the *מסכתות* in *סדר טהרות*, although it addresses issues of *איסור והיתר* which are, as such, universal and applicable at all times, many of the determinations have an impact on *טהרות* as well. There are numerous concepts which are *sui generis* to *נדה* and they will be explained and introduced in their place. A key word used in these first two *משניות* is "*ווסת*", which means "habit" and denotes a woman's regular menstruation, the schedule of which is reliable. Further on in the *מסכת*, we will analyze the parameters of *ווסת לה ווסת* or *ווסת אשה שיש לה ווסת* or *ווסת אשה שיש לה ווסת*

39.1.1

2a (משנה א) → 3b (מורה ופורה)

- I א dispute regarding impact of *ווסת* for a woman with no *ווסת* (see note)
 a *שמאי* – we only regard her as *טמאה* from this point on, no retroactive-impact
 b *הלל* – we regard her as *טמאה* retroactively from her last *בדיקה* – even if many days ago
 c *חכמים*: neither – rather we take the lesser of *מפקידה לפקידה* and *מעט למעת* (24 hours)
 d *Exceptions to dispute*: a woman who has a *ווסת*
 e *And*: if she checks with *עדים* (his and hers) before and after *תשמיש*, this counts as a *בדיקה* and cuts into *פקידה לפקידה* and *מעט למעת*
- II ב application of *דייה שעתה* (all women according to *שמאי* and *ווסת* according to all)
 a *If*: she was sitting on a bed and working with *טהרות*, then moved away and saw *דם*
 i *Then*: she is *טמאה* but the *טהרות* are unaffected
 b *Note*: even in those circumstances where she has retroactive *טמאה*, she still begins her count of *נדה* from *ראייה*
- III Exploring dispute *הלל שמאי*
 a *Approach #1*: *שמאי's* reason - she has a *טהרה* *חזקה*, which isn't overturned until she sees *דם*
 i *הלל* (would answer): we only apply *חזקה דמעיקרא* when it has no challenge from itself
 1 *But*: a woman sees *דם* from her own body → she doesn't maintain her *חזקה*
 ii *Challenge #1*: *מקוה* – if a *מקוה* was measured and found lacking, any *טהרות* that had contact with anyone who used it are considered *טמאות* (going back to the last time it was measured and found to be *טהור*) (i.e. *למפרע*)
 1 *Note*: this challenge attacks *הלל* as well, as he only deems her retroactive *טמאה* to be *מספק*; in *מקוואות*, it is *וודאי*
 2 *Answer*: in that case, the fellow who went into *מקוה* had a *מזקת טמאה* → presume that he didn't *טובל*
 (a) *Challenge*: the opposite – the *מקוה* had a *מלא חזקה* → presume he did *טובל*
 (b) *Block*: we have a *חסר מקוה* before us
 (i) *Counter*: we have her *דם* before us
 (ii) *Answer*: she may have seen just now
 1. *Counter*: the *מקוה* may have just become *חסר*
 2. *Block*: in the case of the *מקוה*, it gradually emptied; here, when she had *דם*, perhaps it was just now
 a. *Counter*: perhaps she also had *דם* earlier and just saw it now, when it was more voluminous
 3 *Rather*: in the case of the *מקוה*, there is a double-challenge to *חזקה*
 (a) *Contending event*: *חזקה טמאה* of the fellow
 (b) *Challenging event*: *מקוה חסר*
 (c) *But*: in the case of *דם* – only one *ריעותא* (*דם*)
 iii *Challenge #2*: *תוספתא תרומות דח* – if someone was separating *תרומה* from a barrel of wine and later checked it and found that it was vinegar (according to *רבנן*, who deems *חומץ* to be a different *מין* than *יין*), for 3 days, it is *וודאי*, else – *ספק*
 1 *Meaning*: either the 1st 3 days since last *בדיקה*, it is deemed *יין*, afterwards, (until current *בדיקה* – *ספק* – *ריב"ל*)
 (a) *Or*: last 3 days, considered *וודאי* *חומץ*; beforehand (back to previous *בדיקה* – *ספק* – *ריב"ל*)
 2 *Answer*: in that case, the wine had a *מזקת טבל* → presume that he wasn't *מפריש*
 (a) *Challenge*: the opposite – the barrel had a *חזקה יין* → presume he was *מפריש*
 (b) *Block*: we have *חומץ* before us
 (i) *Counter*: we have her *דם* before us
 (ii) *Answer*: she may have seen just now
 1. *Counter*: the *יין* may have just become *חומץ*
 2. *Block*: in the case of the *יין*, it gradually went bad; here, when she had *דם*, perhaps it was just now
 a. *Counter*: perhaps she also had *דם* earlier and just saw it now, when it was more voluminous
 3 *Rather*: in the case of the *יין*, there is a double-challenge to *חזקה*
 (a) *Contending event*: *חזקה טבל* of the wine
 (b) *Challenging event*: *חומץ*
 (c) *But*: in the case of *דם* – only one *ריעותא* (*דם*)

- iv *Tangential challenge*: ruling of מקוה (טומאת ודאי) against חבית (ספק)
- 1 *Answer*: חבית was authored by ר"ש who also deems מקוה-ruling to be ספק (→ טהור it is ברה"ר)
 - (a) *Comment*: רבנן and ר"ש both inferred from סוטה
 - (i) *דבנן*: just as סוטה is a ספק yet we treat her like ודאי (אסורה לבעלה) ודאי like ודאי
 1. *Similarly*: we treat this ספק like ודאי
 2. *Challenge*: infer fully from סוטה, and have ספק ברה"ר be deemed טהור (status of סוטה depends on סתירה)
 - a. *Answer* (דבנן): in re: סוטה, discretion is vital; in re: מקוה (e.g.) – no relevance
 - b. *Challenge*: all ספקות טומאה ברה"ר are deemed טהור
 - i. *Answer*: in this case, there are לרעותא (as above)
 - (ii) *ד"ש* follows סוטה; just as סוטה is טהור ברה"ר, so too here
 1. *Challenge*: if so, follow סוטה and deem ספק ברה"ר as טהור ודאי
 2. *Answer*: in the case of סוטה, there is circumstantial evidence (סתירה וקנוי), unlike here
 - (iii) *ד"ש* (*alternative answer*): he infers טומאה (טבילה) from טומאה תחילת
 1. *Just as*: in re: becoming טהור, we regard ספק ברה"ר as טהור
 2. *So too*: in the case of מקוה, we regard ספק ברה"ר as טהור
 - a. *דבנן*: distinguish; in תחילת טומאה, we won't change his status to טהור without clear evidence
 - i. *Whereas*: in סוף טומאה, we won't change his status from טהור without clear evidence
- v *Challenge #3*: זב – if a dead שרץ is found in a מביי, deemed טהור retroactive to last "clean check" or טהור-sweep
- 1 *Same answer*: 2 challenges to טהור; חזקת טהור; local שרצים and שרצים that come from elsewhere
- b *Approach #2*: שמאי's reason – a woman feels when she has דם (didn't feel it before that)
- i הלל she may have thought it was הרגשה of urine
 - ii *Challenge*: what if she were sleeping?
 - 1 *Answer*: even if sleeping, she would feel it, just as someone feels the need to urinate while sleeping
 - iii *Challenge*: what about a שוטה? (who doesn't understand such feelings)
 - 1 *Answer*: שמאי agrees that a שוטה doesn't have שעתה דיה
 - 2 *Challenge*: שמאי's wording is כל הנשים
 - (a) *Answer*: means "all competent women"
 - (b) *Challenge*: why not teach נשים (without "כל")
 - (i) *Answer*: he taught "כל" to counter ר"א's approach (ג:א) that only 4 women have שעתה דיה
 - 3 *Challenge*: does שמאי reject all כתמים? (i.e. a stain on undergarment, which may lead to למפרע (טומאה למפרע))
 - (a) *Answer* (אב"י): שמאי agrees that כתמים are אסור, since she wasn't near blood – must've come from somewhere
- c *Approach #3*: שמאי's reason – a woman sees דם when it comes
- i הלל the vaginal walls may have held it up (שמאי – it doesn't work that way)
 - ii *Challenge*: if she is using a מוך, shouldn't שמאי's position be weakened?
 - 1 *Answer1* (אב"י): שמאי agrees that if she uses a מוך, can't rely on her ראייה
 - 2 *Answer2* (רבא): even a regular מוך constricts and lets דם out; but שמאי would agree if it were דחוק
- d *Analysis*: difference between approach #1 and #2-3 – whether we can challenge from מקוה and חבית, מביי
- i *And*: difference between #2 and #3: מוך (or דחוק)
 - ii *Support*: for approach #3: ברייתא הלל - ברייתא הלל challenged שמאי from box that had טהרות in it when in one corner, and when moved to another corner, they found a שרץ in it – that the טהרות are טהרות
 - 1 *Response* (שמאי): the box has a bottom, not the woman (i.e. the דם comes directly out)
- e *Approach #4*: שמאי's reason – not to limit פיר' (רבא)
- i *Support* (ברייתא): שמאי defended his position by claiming that if not, רבא would be interfering with פיר'
 - ii *challenge*: above-ברייתא where הלל challenged שמאי in terms of the box
 - 1 *answer*: הלל didn't understand שמאי's reason and attacked as per אותי הלל;
 - (a) שמאי even per that reason, he has a defense – box has bottom
 - iii *Challenge*: last ברייתא must be explained by approach #3
 - 1 *Answer*: הלל conceded point #3, but pushed for סייג
 - (a) *Response* (שמאי): סייג no, in consideration of פיר'
 - (b) הלל not promoting סייג for פיר', just for טהרות
 - (c) שמאי if we employ סייג טהרות, husband will be concerned and abstain