

39.1.3; 4b (וחז"א לא כדברי) → 5b (קמ"ל)

- I Analysis of חכמים' "compromise" opinion – maximum of 24 hours retroactive טומאה, or to most recent בדיקה (if less)
- a ממעטת: ברייתא שמיא, who made no סייג, as well as הלל who went too far (examples of ממעטת)
- i Justification: of 2<sup>nd</sup> ממעטת (to most recent פקידה even if within 24 hours) – parallel construction
- b דבה: rationale behind רבנן's ruling
- i "tester": a woman feels when דם is coming (same as 2<sup>nd</sup> reason provided for שמיא above)
- 1 Challenge (אב"י): if so, no need for any retroactive טומאה (indeed – רבה was just testing אב"י)
- ii Answer: per שמואל חכמים mandated that a woman check every morning (to confirm טהרות she worked with at night) and every evening (to confirm status of טהרות she worked with during day)
- 1 And: since this woman didn't obey this ruling, she is fined to "lose" one עונה (night or day)
- 2 Challenge (ר"פ לרבא): sometimes, she'll lose more than 1 extra עונה (e.g. if she saw דם at noon, loses back to noon)
- (a) Answer1: standards must be unvarying
- (b) Answer2: we don't want a sinner to gain (by only losing 1.5 עונות)
- (i) Split the difference: if she didn't check due to אונס (no consideration of חוטא נשכר; standardization holds)
- II Analysis of exception (to rule of retroactive טומאה) for woman who has ווסת
- a Suggestion: ר' דוסא follows משנה (רבנן), per ברייתא:
- i ברייתא ר"א only allows 4 women to have rule of דין שעתן (see next משנה)- בתולה, pregnant, nursing and זקינה
- 1 ד' דוסא: any woman who has a ווסת has rule of דייה שעתה
- 2 Rejection: could even follow רבנן;
- (a) Explanation: רבנן only disagree with ר' דוסא if she sees at an off-time; but if she sees at ווסת, דייה שעתה, ווסת דייה שעתה, agreeing
- (i) And: our משנה is discussing a case of her seeing "on time" - and even רבנן agree
- (ii) Implication: ר' דוסא holds that a woman who has ווסת is always דייה שעתה, even if she sees in "off-time"
1. Challenge: who, then, is the author of this ברייתא:
- a. תוספתא נדה ג: any woman who has a ווסת – her כתמים are retroactively טמאים
- i. Reason: if she were to see in an "off-time", she has טומאה retroactively for 24 hours
- ii. Shall we: attribute this to רבנן, and not to ר' דוסא?
- iii. Block: even ר' דוסא agrees – he disagrees about seeing ווסתה, agreeing ווסתה, agreeing
- iv. And: our משנה is referencing case of שעת ווסתה & follows ר' דוסא only – & תוספתא is consensus
2. Challenge: why not read it inversely (as we did before) and attribute תוספתא to רבנן (only)
3. Answer: since we could read it לקולא (that suggestion) or לחומרא (our conclusion) = we prefer לחומרא
- (iii) Analyzing תוס' משנה: only women who have a ווסת have a split between their ראייה (דיה שעתה) and כתם (למפרע)
1. Implication: other women who have rule of דין שעתן have כתמים judged as per right now – like ראייה
2. Must be: authored by רחב"א (cited by שמואל) – כתמים of all women are למפרע, but women who have rule of דין שעתן - their כתמים are like their ראייה (i.e. no retroactivity) except for a child who is not yet old enough to see דם – even if her sheets are soaked in blood, we raise no concern
- a. Challenge: רחב"א seems to completely reject כתמים – for women who have דין שעתן ("אין להם כתם")
- b. Answer: statement doesn't mean that they have no כתמים; rather that their כתמים aren't למפרע
- i. Implication: ת"ק holds that כתמים of ווסת שיש להן ווסת are נשים שיש להן ווסת – must be ר"מ
- ii. Per: ברייתא – all women, even those who are דין שעתן, have טומאה למפרע for כתמים
- iii. And: רחב"א dissents and rules that the כתמים of those women are judged like their ראייה
- iv. And: only a girl who has reached the age of נעורים (ב' שערות) has כתמים
- III Analysis of last clause in משנה – משמשת בעדים (counts as a בדיקה)
- a שמואל: an עד used before relations does not "count" –since she is hasty to check (as she wants to cohabit) – not careful
- i Therefore: she won't carefully put it into crevices etc. to check carefully
- b מתניתין: uses the term עדים – doesn't that refer to 1 before and 1 after תשמיש (and they both "count")?
- i Block: the plural refers to "his" and "hers", per ב:א –
- ii Analysis: if we agree that עדים in our משנה refers to before/after, we understand the need to teach – even though she is hasty, it is still valid
- 1 But: if both are after תשמיש – it should be obvious that it is a valid בדיקה
- (a) Justification: perhaps we should be concerned about a small drop of blood, covered in ש"ז – קמ"ל
- 2 Or: even though she is obligated to check both before and after, only the one after "counts" like a פקידה
- (a) Challenge: משנה uses "המשמשת" (a: read "ומשמשת")
- IV Final phrase in משנה – needs to be stated, סד"א that we're only concerned about the loss of טהרות for 24 hours,
- a but not: back to the recent פקידה – קמ"ל that the עדי תשמיש "clear" out even from recent פקידה