

39.1.6

8b (ר' דוסא היא) → 9b (איזו היא בתולה)

וְהִיא כְּמִשְׁלַשׁ חֳדָשִׁים וַיִּגֵד לִיהוּדָה לֵאמֹר זָנְתָה תְּמַר כְּלַתְךָ וְגַם הִנֵּה הָרָה לְזִנוּנִים וַיֹּאמֶר יְהוּדָה הוֹצִיאָהּ וְתִשְׂרָף: בְּדֹאשִׁית לֶחֶם, כֵּד	.1
הָרִינוּ תִלְנוּ כְּמוֹ לְדָנוּ רוּחַ יְשׁוּעַת בַּל נַעֲשֶׂה אֶרֶץ וּבַל יִפְלוּ יְשָׁבֵי תְּבֵל: יִשְׁעִיהוּ כּוֹ, יֵח	.1
מִי יִתֵּן טְהוֹר מִטְּמֵא לֹא אֶחָד: אֵיבֹב יֵד, ד	.1
וְהִזְתָּה לָהֶם לְחֻקַּת עוֹלָם וּמִזֶּה מִי הִנְדָּה יִכְבֵּס בְּגָדָיו וְהִגָּע בְּמִי הִנְדָּה יִטְמֵא עַד הָעֶרֶב: בַּמְדַּבֵּר יֵט, כֹּא	.1
כָּל זֶה נִשְׁתִּי בְּחֻקָּהּ אֶמְרָתִי אֶחְכְּמָה וְהִיא רְחוּקָה מִמֶּנִּי: קִהְלַת ז, כג	.1

- I דיין שעתן all – מניקה and מעוברת, בתולה: משנה ד
- a בתולה: if she's never seen **דס** – even if she's already married
- i **ברייטא**: even if she married – even if she gave birth, still called "בתולה" (for **דמים**) since she never had **ראייה**
- ii **Challenge**: **ברייטא** – three are called "בתולה" – human, land and sycamore
- 1 **Human**: if she's never had relations → impact for **כ"ג** and for value of **כתובה**
 - 2 **Land**: any land that has never been worked → impact for **"נחל איתן"** (usable for **עגלה ערופה**) and for commerce
(a) **Definition**: any land that, when plowed, raises thick clods of dirt and dirt isn't soft – but no shards are found
(i) **If**: they find bedrock – certainly **בתולת קרקע**
 - 3 **Sycamore**: any sycamore that has not yet been cut down (to stump) → impact for commerce and **שמיטה** (per **ד:ה**)
- iii **Answer1**: that list only includes "בתולה" with no modifier; ours is called "בתולת דמים"
- iv **Answer2**: that list only includes those that become affected through human action; ours is organic
- v **Answer3**: that list only includes **בתולות** that never return to "pristine" state; ours becomes **קינה**
- vi **Answer4**: that list only includes **בתולות** that are desirable for "consumer"; here, per **ר"מ**'s observation about **דס**, less desirable
- b **מעוברת**: from the point where the **עובר** is visible
- i **סומכוס בשם ר"מ** 3 months – allusion in v. 1 (not full proof, some don't carry to full term)
- ii **ברייטא**: if she was presumed to be pregnant, saw **דס** and then miscarried something of no substance – she maintains **חזקה**
- 1 **Subsequently**: she has **שעתה** דייה
 - 2 **Allusion**: v. 2 (even though **ילדנו רוח**, still called **הורים**)
(a) **Reason**: it isn't a full proof – as the **נמשל** is males (→ it is a metaphor)
 - 3 **Challenge**: **ברייטא** – if she went into labor for 2 days and on the 3rd she miscarried something of no substance – considered **יולדת בזוב**
(a) **But if**: we consider that a valid **לידה**, the תורה "declared pure" any **קישוי** just before birth
(i) **Answer1** (**ר' פפי**): **מעל"ע** is "lighter" as it is **מד"ס**
(ii) **Answer2** (**ר' פ**): reason for **יולדת בזוב** is because her head and limbs feel heavy – as does this one
 - 4 **Question** (**ר' ירמיה מר"ז**): if she saw **דס** and then we recognized her **עובר** – does she have **מעל"ע** or do we rule **שעתה**?
(a) **Answer**: reason for **דייה שעתה** is because she feels head and limbs heavier – here, she didn't feel it when she saw **דס**
 - 5 **Question** (asked of **יוחנן ד'** if her **ווסת**-time came during pregnancy and she didn't check – what is her status?)
(a) **Clarification**: asking according to opinion that **ווסתות** are **מה"ת**
(i) **Lemma1**: since she has **ווסת** (and **דאורייתא**), she requires **בדיקה**
(ii) **Lemma2**: since her **דס** is "restrained" (**מסולק**), no **בדיקה** required
(b) **Answer**: per **ברייטא ר"מ** – **ר"מ** rules that if she was in hiding and her **ווסת** came and she didn't check, assume **טהרה**
(i) **Reason**: fear restrains **דס**
(ii) **Implication**: she has fear; else, if her **ווסת** came and she didn't check → **טמאה**
1. **Inference**: **ר"מ** holds that **ווסתות** are **דאורייתא**
2. **Yet**: since she has terror, assume no **דס**
3. **Similarly**: since her **דס** is restrained (due to pregnancy), assume **טהרה** and she requires no **בדיקה**

- c *מניקה*: until she weans her son
- i *If*: she gave her son to a wet-nurse, or weaned him or he died
- 1 מעל"ע retroactively מטמא ד"מ: now she is מטמא
 - 2 דיין שעתן *חכמים*: she still has rule of
 - 3 *ברייתא*: dispute ר"מ vs. ר' יוסי ור"ש, ר' יהודה, ר' regarding מניקה (and background reason)
 - (a) ד"מ: if her son died during 24 months, she is like any other woman and has טומאת מעל"ע
 - (i) *Therefore*: if she continued nursing for several years, continues to have status of דייה שעתה
 - (b) ד"מ, ר"י ור"ש: in any case, she has status of דיין שעתן all 24 months
 - (i) *Therefore*: if she nursed for 4 or 5 years, she has טומאת מעל"ע (after 24 months)
 - (c) *Observation*: ר"מ holds that the דם becomes milk (→as long as – and only when – she is nursing, דייה שעתה)
 - (i) *And*: ר"י ור"י hold that her body undergoes changes until 24 months after birth (→דייה שעתה only for חדש (כד חדש))
 - (ii) *Support*: ברייתא – and אלעאי ר' sources ר"מ in v. 3 (turning טמא-blood into טהור-milk)
 1. read v. 3 as referring to שבכת זרע (which is טמא, becomes a person – how is טהור)
 2. ד"א reads v. 3 as referring to מי חטאת – per v. 4 (background to v. 5 – קהלת didn't understand)
 - (d) *Observation*: "therefore" of ר"מ's dictum only needed to correspond with ר' יוסי's "therefore"
 - (i) *And*: ר' יוסי's "therefore" needed to counter possibility that ר' יוסי allows דייה שעתה in either case – קמ"ל –

II ה *משנה*: definition of זקנה: any woman who missed 3 עונות around her זקנה-age

a *Definition of זקנה*: dispute among תנאים and אמוראים

 - i ד' יהודה: if her friends call her זקנה
 - ii ד"ש: if others call her אמא אמא and she isn't embarrassed
 - iii ד' זירא ור' שמואל בר יצחק: 1 – if she isn't מקפיד (on being called זקנה); 2 – if she isn't embarrassed
 - 1 *Split the difference*: if she is embarrassed but not angered
 - iv *Definition of עונה*: per יהודה נשיאה: average עונה=30 days; per ר"ח – 20 days
 - 1 *Resolution*: whether we count in the days of טומאה (7 of גדה, 3 of זיבה) or not
 - v *Related ברייתא*: if a זקנה had 3 עונות w/o דם then saw דם – דייה שעתה – if it happened again – דייה שעתה – but a 3rd time – מעל"ע
 - 1 *Not only*: if it was exactly 90 days each time,
 - (a) *But even*: if it was more or less 90 days
 - (b) *Challenge*: if it was exact, she would have a ווסת and no מעל"ע טומאת מעל"ע
 - (c) *proposal*: perhaps it is authored by רבנן (ר' דוסא *contra*) → if she has a ווסת, still has טומאת מעל"ע
 - (i) *if so*: it should be inverted - not only if it was approximate, even if exactly 90 days – still מעל"ע מטמא
 - 2 *rather*: it is *only* if it was approximate, but if it was exactly 90 days, she has a ווסת and has rule of דייה שעתה
 - (a) *and*: ברייתא authored by ר' דוסא

b ד"א: any woman who had 3 עונות without דם has rule of דייה שעתה

c *Dissent*: ר' יוסי – pregnant and nursing **only** have rule of דיין שעתן if they miss 3 עונות

i *Note*: these last two clauses of the משנה will be taken up in next שיעור