

39.1.7

9b (ר"א אומר) → 11a (דיומא הוא דקא קרים)

- I משנה ה: analysis of last two clauses in משנה ה
- a ל"א: any woman who had 3 עונות without דם has rule of שעתה
- i ברייתא ר"א related to חכמים the story of a young girl who had 3 עונות interrupted and they allowed her שעתה
- 1 Block: that was שעת הדחק – can't bring proof  
(a) Explanation: it was either a famine or she was involved with lots of טהרות – concerned about טהרות
- ii שעה"ד ר"א for ר"א ruled like רבי ברייתא; and "after he remembered" – ruled that we can rely on ר"א
- 1 explanation: he remembered that הלכה wasn't decided, yet ר"א was opposed by רבים → could rely on him שעת הדחק
- iii ברייתא: a girl who is pre-pubescent and sees – the 1<sup>st</sup> and 2<sup>nd</sup> times, she has rule of שעתה, afterwards – like all (מעל"ע)
- 1 If: she has 3 עונות w/o דם and she sees – דייה שעתה; if it happens again – same rule – 3<sup>rd</sup> time – like all women (מעל"ע)
- 2 But if: she reached puberty, the 1<sup>st</sup> time is שעתה, 2<sup>nd</sup> (and on) is מעל"ע; if she missed 3 עונות – דייה שעתה
- (a) רב (on pre-pub): if she sees (after 1<sup>st</sup> "gap") during עונות (i.e. at 30-day intervals) – gets דייה שעתה first 2 times, then מעל"ע
- (b) Then: ברייתא reads if she had a 90-day gap and then saw, 1<sup>st</sup> and 2<sup>nd</sup> times are דייה שעתה
- (c) רב: if she sees at 30-day interval, דייה שעתה; a 2<sup>nd</sup> time – מעל"ע
- (i) Inference: follows רבי, who allows for 2 times to establish pattern (חזקה)
- (ii) however: entire ברייתא follows ר"א who allows for any women who skips 3 עונות to have rule of שעתה דייה
1. proposal: רבי is the author and he agrees with ר"א's position about עונות  
a. rejection: רבי is recorded (above) as "relying on ר"א in an exigency → doesn't agree
2. rather: ר"א agrees with רבי about חזקה (after two times) and ברייתא is authored by ר' אליעזר
- iv ברייתא: if a כתם was seen (of pre-pubescent girl) between 1<sup>st</sup> and 2<sup>nd</sup> ראייה – טהור
- 1 But: if seen between 2<sup>nd</sup> and 3<sup>rd</sup> ראייה
- (a) טמאה. חזקה: since, if she saw a 3<sup>rd</sup> ראייה then, she'd be טמאה
- (b) טמאה. ד' יוחנן – since she hasn't yet become בדם – מוחזקת בדם – we don't declare her to be טמאה
- 2 ר' יוחנן quoted עולא in the name of ר' יוחנן בר יהוצדק – if she was pre-pubescent and saw – the 1<sup>st</sup> and 2<sup>nd</sup> time, her spit and מדרס are טהורים (in שוק) → her כתמים are also טהורים
- (a) Note: עולא wasn't sure if this was ר' יוחנן בר יהוצדק or ר' יוחנן
- (i) Issue: whether this position is now held by 2 or 1
- (ii) Resolution: רבין (and all נחותי) – quoted it as ר' יוחנן בר יהוצדק
- 3 ראייה בר טובי: a pre-pubescent girl who sees – even if she is flowing all 7, only considered 1 ראייה
- (a) Challenge: "even" if she is flowing – and certainly if she has breaks (interruptions in the flow)?
- (b) Explanation: the opposite reasoning holds; if she has a break, should be considered 2 ראיית
- (c) Rather: if she is flowing all 7 – only 1 ראייה
- (d) ראייה בר חייא: if she is "dripping", not considered ראייה
- (i) Challenge: she is seeing
1. Rather: this is not considered שופעת, rather like a broken series of ראיית
2. Challenge: must שופעת be like a "flowing river" (without cessation)?  
a. Rather: if she is "dripping", this is considered שופעת
- v ד' ה: תוספתא נדה ה: presumption of טהרה for בנות ישראל who are pre-pubescent, and they don't undergo בדיקה
- 1 However: once they reach puberty, presumption of טמאה and they are checked
- (a) Yet: they aren't checked by hand, rather with soft oil which generates "self-check"
- b Dissent: ר' יוסי – pregnant and nursing only have rule of שעתה if they miss 3 עונות
- i תנא: before ר"א בן פדת taught – מעוברת ומניקה but concluded in the singular – שעברו עליה – 3 עונות are שעתה
- 1 ל"א: perhaps that means only a מעוברת who is also nursing, teaching that the times can join (מצטרפים) per ברייתא
- 2 Challenge: how could nursing "continue" blood-less time of pregnancy; when she birthed, she had דם
- (a) Answer1: could have been a "dry" birth
- (b) Answer2: דם נדה is not the same as דם לידה
- (c) Answer3: only taught that 1 direction works (ימי עיבור) can be added to ימי הנקה, if she got pregnant while nursing)

II דייה שעתה of משנה ו

- a *Limited*: to the first ראייה (of any of these four); at 2<sup>nd</sup> ראייה, already has rule of מעל"ע
- i *Parallel disputes דב/שמואל יוחנן: דשב"ל/ר' יוחנן*: does limitation extend to all 4 listed (parallel to dispute ר"מ/ר' יוסי ור' יהודה ור"ש)
- 1 רב ורשב"ל (and ר"מ): extends to all 4
  - 2 ר"י ור"ש (שמואל ור"י) and מעוברת בתולה (ור"י, ר"י ור"ש): *always* have שעתן דיין throughout their pregnancy/nursing
- b *However*: if first ראייה happened due to אונס, 2<sup>nd</sup> ראייה is also דיין שעתן
- i *הונא ד' הונא*: if she jumped and saw – that is ראייה מאונס; if she did it again and saw (3 times) – she has a ווסת
- 1 *Question*: what is her ווסת?
    - (a) *Can't be*: for days – since, any day she doesn't jump, she doesn't see
    - (b) *Rather*: must be for "jumps" – i.e. if she jumps, she will see
      - (i) *Challenge*: if the cause of seeing דם is אונס – even several times – no ווסת is established
        1. *Doesn't that mean*: that no ווסת is established at all?
        2. *Correction*: it means that there is no independent "day-ווסת" or "jump-ווסת"
          - a. *But*: there is a ווסת for day+jump
        3. *Challenge*: isn't it obvious that she has no "day-ווסת"?
        4. *Answer (רב אשי)*: case where she jumped on א' יום and saw, then another א' יום (e.g. 4 weeks later) and saw, then she jumped on a שבת (a few weeks later) and didn't see – but saw the next day (יום א')
          - a. *We might have thought*: that we now have retroactive confirmation that the day was the cause
          - b. *Therefore*: we learn that the previous day's jump was also a contributing factor
            - i. *And*: the reason she didn't see the day before – was that the time hadn't arrived just yet
- ii *הונא ר' (alternate version)*: if she jumped and saw three times – has ווסת for days, but not for jumps
- 1 *Case: ר' אשי* – jumped on א' יום and saw, jumped on a later א' יום and saw then jumped on שבת and didn't see but saw on the next day (יום א') - proving (retroactively that it was the day and not the jumping that caused it)