

39.1.8; 11a (משנה ז) → 12b (סיום הפרק)

- I דיין שעתן – even for women who have rule of משנה ז
- a All: must check except for;
- i גדה: reason – no point for בדיקה
- 1 Note: this seems to work only according to רשב"ל, who holds that a woman cannot be קובע ווסת during נדה ימי נדה
- (a) But: according to ר' יוחנן, who allows for קביעת ווסת during נדה ימי נדה as well as ימי זיבה – why not check?
- (b) Answer: ר' יוחנן only allowed for קביעת ווסת if her "source is sealed" (i.e. not currently a נדה); if "open" – no ווסת
- ii גוהר: יושבת על דם טוהר
- 1 Assumption: this refers to a woman coming from לידה ימי טומאת לידה (1-7/1-14) into טוהר דם
- (a) However: that only works for רב, who holds that she has 1 מעיין, at day 8/15 the תורה declares it to be טהור
- (i) But: according to לוי (2 מעיינות) one closes at day 7/14 and the other opens until day 40/80 – needs בדיקה
- (ii) Defense (ללוי): this statement follows ב"ש – who holds that it is one מעיין
1. Challenge: would the משנה present בית שמאי as סתם משנה?
2. Answer: indeed, since the dispute (ב"ש/ב"ה) follows, it is סתם → מחלוקת, where we ignore ruling of סתם
- 2 Alternatively: יושבת doesn't mean that she is about to begin טוהר ימי; rather she is in the midst of טוהר ימי
- (a) Challenge: then it is obvious that she need not check
- (i) Answer: we may have thought that she could be קובעת ווסת
1. Therefore: teaches that we cannot be קובע from טוהר מעיין to טמא מעיין
2. Challenge: that only works for לוי; but for רב (1 מעיין), she could be קובעת ווסת now? (תבדוק →)
- a. Answer: even רב would agree that we cannot be קובע from טוהר ימי to טומאה
- b All must use תשמיש for עדים except for
- c All: must use עדים for תשמיש except for;
- i גוהר: יושבת על דם טוהר between days 8-40 (boy) or 15-80 (girl)
- ii בתולה: whose דם is טהור in any case
- 1 גדה י: a girl who is pre-pubescent and marries
- (a) ג"ש: she is given 4 nights (of bleeding with assumption of דם מכה → טהורה)
- (b) ג"ה: she is given until wound heals
- (i) תשמיש: this is only true if never stopped bleeding when having תשמיש
1. But: if she had תשמיש without bleeding, then saw דם
2. Or: had one night, without תשמיש and without any bleeding
3. Or: the color of the דם changed
- a. Then: in all of these cases – טמאה (support from ברייתא)
- (ii) Challenge (ר' ינאי): our משנה - according to שמואל, a בתולה should check – perhaps color changed and טמאה
1. Answer (רבא): clause beforehand omits בתולה → she must do בדיקה
2. Therefore: contradiction between that clause and ours
- a. Resolution: if she had relations, no point to checking – perhaps the "שמש" changed the color
- b. However: if she hadn't had relations, worth checking, as changed color would be טמאה
- d Obligation of בדיקה: twice a day – morning and evening – and when she is about to have relations
- i שמואל: only obligated for טהרות, not for תשמיש
- 1 Challenge: this is obvious (if a comment on the 1st clause) – as it indicates שחרית
- 2 Correction: שמואל's ruling was about 2nd clause (...ובשעה שהיא עוברת...)
- (a) שמואל: only applies if she is involved with טהרות; since she must do בדיקה for טהרות, also must do for בעל
- (i) Inference: if she isn't involved with טהרות, doesn't require בדיקה for relations
- (ii) Challenge: this is taught in ב:ד – all women are בחזקת טהרה for their husbands
- (iii) Defense: from the משנה, we wouldn't extend that חזקה to a woman who has no ווסת
1. Challenge: our משנה is addressing a woman who has ווסת
2. Answer: our משנה is referring to either one - with or without ווסת
- a. Teaching: that even if she has ווסת, may not engage in relations (if involved w/טהרות) w/o בדיקה
- (b) Challenge: שמואל already stated this: if a woman has no ווסת, must have בדיקה for תשמיש
- (i) And: we established that that rule applies only if she is involved with טהרות
- (ii) Explanation: one ruling was inferred from the other (שמואל didn't issue both מיריות)
- (c) Note: support for שמואל from ברייתא – with caveat that she is only בחזקת טהרה if he left her that way
- (i) But: if he left with her טמאה, assume טומאה unless she explicitly tells him "טהורה אני"

- ii Question posed to **דב יהודה**: should a woman do a בדיקה for relations (if not engaged in טהרות)?
- 1 Answer: let her check – why even pose the question?
 - 2 Defense: if she checks, he will be concerned and avoid relations
- iii Question posed to **דב הונא**: should a woman do a בדיקה within שיעור ווסת and generate חיוב חטאת for husband?
- 1 Answer: checking within שיעור ווסת is impossible (analogy with entry...)
 - 2 Rather: should she perform קנוח within that time?
- iv Alternate version of question: should she check (after שיעור ווסת) and generate חיוב אשם תלוי?
- 1 Answer: what harm is there in checking?
 - 2 Defense: if she checks, he will be concerned and avoid relations
- v Analysis of 2nd obligation: when she is about to have relations
- 1 צנועות (ר' ינאי (quoted by ר' אמי): this is the cloth of צנועות
 - (a) Challenge (ממל בר מבל): if it is obligatory (per our משנה) why associate it with צנועות?
 - (b) Answer (ר' אמי): anyone who fulfills דברי חכמים is called "צנוע"
 - (i) Challenge (דבא): inference – if they don't fulfill ד"ח – not צנוע – but they are רשע!
 - (ii) Rather (דבא): צנועות won't reuse the cloth for another בדיקה; non-צנועות check but use same cloth
- vi Revisiting שמואל's rule: woman without a ווסת requires בדיקה for תשמיש
- 1 Challenge (ר' זירא): inference – if she has a ווסת, no בדיקה required?
 - 2 Answer: if she has ווסת, only requires if she is "up and about"; if no ווסת, even if she isn't ("sleeping")
 - (a) Observation (דבא): since he didn't answer that יש לה ווסת only requires for טהרות; טהרות אין לה needs for בעלה
 - (i) We can conclude: that שמואל holds that no one requires בדיקה for תשמיש (unless engaged in טהרות)
 - 3 ברייתא: husbands who come from work or celebration late at night – their wives are בחזקת טהרה and they may sleep with them – whether abed or awake –
 - (a) Caveat: this is only if they left them טהרה בחזקת טהרה; if not – טמאות until they declare "טהורה אני"
 - (b) שמואל cannot explain this – if they have ווסת, why "awake" is בחזקת טהרה; if ווסת אין להם, why both?
 - (i) Answer: must be יש לה ווסת – and his תביעה generates the best בדיקה
 - (c) Practicum: רבא asked ר' פפא if he could rely on this ברייתא
 - (i) Answer (דבא): in appropriate – if she does בדיקה in front of him, he is disgusted
 - (ii) Story: students asked חכם's wives if they checked when husbands returned home (answer – "no")
 1. Observation: they didn't ask their teachers; they may have answered more לקולא than their own practice
- vii dispute ברייתא חנן אבא/א רחב"א regarding status of a woman who has no ווסת
- 1 ד"מ she may not remain married and he may not remarry her → loses כתובה and all attached (פירות, בלאות, מזונות)
 - (a) Reason: since she isn't able to engage in ביאה, she loses כתובה – and all תנאי כתובה (e.g. פירות) are ככתובה
 - (b) May never remarry: even if she later gets a ווסת
 - (i) Reason: he would then state that had he known he never would have given her the גט
 1. And: the גט is retroactively nullified, her children are now ממזרים etc.
 - 2 דחב"א she may use עדים – just as they "testify against her", they may "testify for her" (if found clean)
 - 3 אבא חנן her husband loses – may not have ביאה with her, as she may מקלקל him
 - (a) Some: read this as response to ר"מ – that her כתובה must be collected and given to her
 - (b) Others: read this as response to רחב"א – that she does, indeed, hurt him (עדים are insufficient)
 - 4 Practicum: שמואל ruled like רחב"א
 - (a) Question: is this בטהרות (in which case, שמואל already stated this)
 - (i) Or: is it בטהרות – אינה עסוקה בטהרות – which שמואל already stated does not need בדיקה
 - (ii) Answer: she is עסוקה; each teaching presented by different student of שמואל
- e Extra obligation for כהנות: when they are about to eat תרומה
- (i) ד' יהודה even when they've finished eating תרומה