

39.2.3

15a (משנה ד) → 16a (מקור מקומו טהור הוא)

- I חזקת טהרה essential for women for their husbands
- a *Explicitly*: men who come from a trip – their wives are טהרה
 i *Justification*: כמ"ל – בדיקה since they were out of town, she wasn't careful to do בדיקה
 ב *Caveat* (ל"ל): only if he came back within that same עונה
 i *הונא ד'*: only applies if she has no ווסת; but if she has a ווסת, may not have ביאה (w/o בדיקה)
 1 *Challenge*: the inverse is more reasonable
 ii *Rather*: only applies until she reaches her ווסת-date; but after that point, אסורה לשמש (w/o בדיקה); דאורייתא ווסתות
 iii *דבנ"ח*: even if her ווסת came, still מותר – he holds that ווסתות are דרבנן
 iv *Version* (ר' אשי): ר' הונא limits to one who has no calendar-וסת; if her ווסת depends on קפיצות also, perhaps she didn't see
 1 *But if*: she has pure calendar-וסת (וסת לימים) – may not have ביאה – since דאורייתא ווסתות
 (a) *דבנ"ח*: even if she has ווסת לימים, permitted – since ווסתות דרבנן
- II מימרא of יוחנן ר': if a woman has a ווסת, her husband may calculate her ווסת and have ביאה with her (even afterwards)
- a *Challenge* (to ר' אבא): would יוחנן ר' even extend this to a young wife, who is embarrassed to be טובלת?
 ב *Response*: ר' יוחנן did not apply his presumption to a case where she definitively saw דם; only to ספק ראתה
 i *Reasoning*: she may not even have seen; if she did see, perhaps she was טובלת
 ii *However*: if she did see, that is וודאי טמאה and the likelihood of טבלה doesn't trump that (אין ספק מוציא מידי וודאי)
 1 *Challenge*: תוספתא מע"ש ג:יט – if a חבר died, leaving a basket of פירות, even if picked that day – we assume מתוקנים
 (a) *Answer1*: that is וודאי vs. וודאי, since we have a חזקה that a חבר never leaves anything non-מתוקן around
 (b) *Answer2*: may be ספק vs. ספק, since he may have brought it into house with chaff, keeping it פטור
 2 *Challenge*: תוספתא אהלות טז:ג – woman had נפל into כהן; בור כהן came to determine if M/F, he was still טהור
 (a) *Reasoning*: נפל was וודאי, but animals may have taken it away → ספק trumps וודאי (and he is טהור)
 (b) *Answer1*: was unclear if she even had a נפל – כהן was asked to determine that and, if confirmed, M or F
 (c) *Answer2*: since rats etc. are around, it being dragged away (and no longer present → not מטמא) וודאי
- c *Related question posed to ר' ג'*: are ווסתות considered דאורייתא or דרבנן
 i *Answer*: since ר' הונא ruled that if a woman has a ווסת, didn't do בדיקה and then later saw, she is חוששת for both times
 1 *Conclusion (version 1)*: we see that ווסתות are דאורייתא
 2 *Conclusion (version 2)*: since without her seeing, we aren't חושש, ווסתות must be דרבנן
- d *Related dispute דב שמואל*: if a woman has a ווסת, didn't check then but checked later
 i *דב*: if she found herself to be טמאה later, טמאה extends back to ווסת; if not – still טהורה
 ii *שמואל*: even if she didn't see דם later, still טמאה at ווסת – since it comes "on time"
 1 *Proposal*: they disagree if ווסתות דאורייתא/דרבנן
 (a) *זירא ד'*: they agree that ווסתות דאורייתא; ר'ב's case – she checked during שיעור ווסת; שמואל – checked after שיעור ווסת
 (b) *דבנ"י*: disagreement is, indeed, about ווסתות דאורייתא/דרבנן
 2 *תבדק* - ר' יהושע and ר' א – ר' אליעזר/ר' יהושע is parallel to *ד' ששת*
 (a) *Parallel*: ר' מאיר/חכמים
 (i) ר'מ"מ *אבני* → w/o consideration of "terror", ווסת is assumed → דאורייתא
 (b) *Proposal*: perhaps dispute רשב"ג/רבי regarding a woman who has a wound מקום and sees דם
 (i) *דשב"ג*: even if she sees during ימי נדתה – טהורה
 (ii) *דבני*: if she has a ווסת, we must be concerned that it is דם
 1. *Rejection (רבינא)*: both agree that ווסתות דרבנן; dispute is whether טמא מקור
 a. *דשב"ג*: even though she is טהורה, דם that touches מקור is טמא → טמא מקור
 b. *דבני*: if we are concerned about ווסת, concern about her status; if not – טמא מקור