

39.3.8; 29a (משנה ו) → 30a (טבילה בזמנה מצוה)

- I **משנה ו**: duration of טומאה for an indeterminate birth event
- a *If*: she doesn't know if it was male or female – must "sit" for both (14 days of טומאה, then 26 טוהר (ימי טוהר))
- b *If*: she doesn't know if it was a וולד at all, must "sit" for both as well as for נדה (ימי טוהר (no))
- II Assessing issue of רוב
- a **ד"ב"ל** if a (pregnant) woman walks through river and miscarries – we assume it to be וולד (per רוב) and she has ימי לידה (M/F)
- i **Challenge**: our משנה – why not follow רוב and erase possibility of נדה?
- 1 **Answer**: ריב"ל's case is where she was already known to be pregnant; not so in our משנה
- ii **Challenge**: if a בהמה was pregnant, then returned (w/o birth blood) no longer pregnant, next offspring is בכור (פטוט)
- 1 **Explanation**: we see that we do not follow רוב (which would confirm that first was a בכור and this is פטוט)
- 2 **Answer (רבינא)**: we have רוב of בהמות that birth something that exempts (the next one) and minority that don't
- (a) **And**: this one, having no birth-blood (which all babies have) hurts the רוב
- (b) **Challenge**: if all births have טינוף, the next one should be a certain בכור, not ספק
- 3 **Rather**: רוב of births have טינוף, this one, having no טינוף, hurts the original רוב
- iii **Challenge**: ריב"ח reported that ריב"ל's dictum was challenged from the rule of טועה – but he didn't understand the תיובתא
- 1 **Case**: woman leaves pregnant, comes back "empty" & has 3 wks. w/ no דם, then 10 wks. alternating דם and no דם
- (a) **היתר לבעלה** she may only have relations on the eve of day #35 since her return (i.e. end of week #5)
- (i) **Understood**: why she can't have ביאה during 1st week (might have just had boy), 2nd week (might have just had girl) and 3rd week (might have had girl בזוב 3 weeks earlier)
1. **But**: why can't she have relations during 4th week (certainly during ימי טוהר for boy or girl)
- a. **Doesn't this**: prove that we do **not** follow רוב? (which is why this was the challenge to ריב"ל)
- b. **Rejection**: perhaps she may have had the baby a while back and is already past ימי טוהר
2. **And**: day #28 may already be תחילת נדה and she may have to have 7 days (w/o תשמיש)
3. **But**: day #21 should be מותר in any case – if she is טובל during day (as ספק זבה)
- a. **Answer**: follows ר"ש, who disallows זבה ביאה on 7th day (טבולת יום); if she sees – כרת
- b. **Challenge**: let her have תשמיש that night
- i. **Answer**: case in ברייתא is where she saw at beginning of evening
- (b) **ז"ש**: she goes to מקווה 95 times
- (i) **1st week**: every night – may be יולדת זכר (and each night may be end of 7) – sum: 7
- (ii) **2nd week**: every night and every day
1. **Every day**: may be יולדת זכר בזוב (each day may be end of 14) sum: 14
2. **Every night**: may be יולדת נקבה (may be end of 14) sum: 21
- (iii) **3rd week**: every night and every day
1. **Every day**: may be יולדת בזוב (each day may be end of 21) sum: 28
2. **Every night**: ב"ש follow their own approach – she is טובלת יום ארוך (may be at end of 33 or 66) – 35
- (iv) **Next 59**: nights (66 ימי טוהר minus 7 already done in 3rd week) sum: 94
- (v) **Last one**: if she arrived בין השמשות – gets one extra טבילה
- (c) **ז"ה**: she goes to מקווה 35 times
- (i) **Premise**: ב"ה do not hold that a טובלת יום ארוך goes to מקוה (→ no need at end of טוהר (ימי טוהר))
1. 28: as stated above (possibility of יולדת זכר, יולדת נקבה, נקבה בזוב and נקבה בזוב – but no evenings in 3rd week)
2. 7: in week #5, each night may be end of ימי נדה
- (d) **הודיה** **ג' יוסי בר יהודה**: no reason for טבילה except at end (he holds that אינה מצוה)
- (e) **Analysis**: why the need for 10 weeks (טמא/טהור), 8.5 would be enough (to get us to 80 days)
- (i) **Answer**: תנא didn't want to use ½ weeks; and in order to retain symmetry (טמא/טהור), used 10 weeks
- (ii) **Challenge (to ז"ה)**: why not add טבילות זבה at end of 7th week?
1. **Answer**: only considering טבילות to enable תשמיש, not for completing period
- (iii) **Challenge (to ז"ש)**: they consider תשמיש לאחר – why not count this one?
1. **Answer**: they're only addressing יולדת (or יולדת בזוב) but not זיבה (alone)
- (iv) **Challenge (to all)**: why not have her go to מקוה during day of first week – perhaps her ז' נקיים are done
1. **Answer**: follows ר"ע – ספורים are only in our presence (i.e. she arrived with no information)
- (v) **question**; why not go on last day of that week (a; only discussing full weeks)
- (vi) **question**: why not go on 1st day of 1st week – may be שומרת יום (a: only discussing גדולה)
- (vii) **conclusion**: טבילה בזמנה מצוה follows ר"ע, and ר"ש (גזרה) against ביאה on day #7) and דעה that טבילה בזמנה מצוה