

39.9.1; 59b (משנה א) → 60b (כרבי נחמיה)

1. ואנו ואבלו פתחיה ונקתה לארץ תשוב: ישעיהו ג, כו

- I א משנה: status of blood found in woman's urine
- a טמאה – if seated; טמאה – if she was standing ל"מ
- i Explanation (שמואל): when standing, the urine moves up and may be drawing blood from uterus
- ii Challenge: even if seated, perhaps דם came after she finished urinating
- 1 Answer (ר' אבא): case where she sitting at edge of chamber pot; if דם came later, it'd be at rim, instead of mixed in
- b טהורה – ד' יוסי in either case
- i שמואל: we follow יוסי ר' ruling here
- II ב משנה: status of blood - and tis impact – if found in a pot used by both man and woman
- a טהורה ד' יוסי she is
- i Question: what would ר"מ say (if both man and woman were standing)
- 1 Does he: only consider טמא in א משנה because there is one ספק, but in case of ספק ספיקא would be מטהר – or not?
- (a) מטהרין ר' יוסי as ר"מ maintains his position – else this משנה would have mentioned him with יוסי
- (i) Challenge: if ר"מ is מטמא even when there is ספק ספיקא, certainly when there is only 1 ספק!
- (ii) Answer: we want to show the extent of יוסי ר' lenient position (and דהיתירא עדיף ליה)
- (b) טהור ר"מ ד' יוחנן limits his stringency to one ספיקא → in this case, he is lenient and declares טהור
- (i) Challenge: why isn't ר"מ mentioned in this משנה with יוסי ר' as a מטהר?
- (ii) Answer: he is (טהורות בריתא) confirms this but since we ended א משנה with a mention of יוסי ר', we pick that up here
- ii Challenge: if ר' יוסי is מטהר in case of one ספק (א משנה) why mention his leniency here?
- 1 Answer: from א משנה, we would have thought that he is מתיר only בדיעבד (טהורות are טהורות); but not לכתחילה – קמ"ל – לכתחילה
- b טמאה ד' ש
- i Reason: the חזקה is that דם comes from a woman → came from her → טמאה
- ii Question: what would ר"ש rule about a seated woman?
- 1 Does he: distinguish and only find טמא if standing (due to pressure on bladder) or does he make no distinction?
- (a) ברייתא ר"מ only allows her to "explain" דם if seated; יוסי ר' in either case and ר"ש in neither case
- iii Question: what would ר"ש rule about a man and woman, both seated, urinating into same chamber pot?
- 1 Does he: rule stringently when there is one ספק, but here, due to ספק ספיקא (might be his, might be her urine) he's מקיל
- (a) Answer: since his wording is מן האשה דמים, doesn't matter if she is sitting or standing – always טמאה
- III ג משנה: materials where כתמים have/do not have impact
- a If: she lent her garment to a non-Jewess or to a גדה, she may explain the כתם found (when it is returned) as coming from שואלת
- i דב גויה must be someone who already saw דם; presented in parallel with דה
- 1 Challenge (ר' ששת): ר"מ, disputing ת"ק, rules that as long as she is of age (and likely) to see, the ישראלית can be תולה
- 2 Defense: ר"מ is being lenient; ת"ק's position is not that any גויה is ok; rather, one who has seen (and ר"מ is מקיל)
- ii ברייתא: using א שומרת יום on her 2nd day or א זבה גדולה who hasn't yet been טובלת
- 1 רבי דשבי"ג: she may; therefore, the borrower (זבה etc.) is now "marred" and our lender is "clean" "therefore": parallels רבי
- 2 קמ"ל – כתם – כהן: idea that the borrower is untouched by כתם
- 3 Agreement: if she lent it to א שומרת יום on her 1st day or someone who has טהור דם or א בתולה
- 4 Proposed link (ר' חסדא): if א טהור and טמא each took א path, one טהור, the other טמא; this dispute should replicate here
- (a) Challenge (ר' אדא): רבי rules מקולקות שתיהן as they are equal; here, the טמא loses nothing by the alignment
- (b) Defense (ר' חסדא): in our case, as well, the borrower still requires טבילה (טמא::)
- (c) Support for ר' אדא: ruling that even if one was תלוי (טהור other), all agree to assign טמא to טמא/תלוי and טהור to טהור
- iii Question (ר' יוחנן): may א כתם be "blamed" on א בעלת כתם? (רבי wouldn't consider it; question according to רשב"ג)
- 1 דשבי"ג: does he allow even if she didn't have א proper ראייה?
- 2 Answer (ר' יהודה בר ליואי): we do not allow – since there is nothing with which to associate the כתם
- b If: three women each wore א garment or sat on א bench and blood was found on it afterwards – all 3 are טמאות
- c טהורות – if the bench was made of stone – or א bathhouse bench – טהורות
- i Reason: any surface that cannot become טמא is invulnerable to כתמים – per v. 1
- ii דב: rules like נחמיה ר', tho it is א dispute (מטמא ר' יעקב) as in case of דם found on edge of bath (כתמים טמאום)
- 1 Application: ר"נ was even מטהר if found on back of כ"ח (no גזרה for inside of כלים) or small rags (too small for בגדים)
- 2 Challenge: ברייתא, which presents both sides, is reconciled as allowing "explanation" if borrowed by טהור דם יושבת על דם טהור