

Behold he says; 'and this'

הרי הוא אומר וזאת –

OVERVIEW

argues; if when he spread out the goring (in three days) he is חייב, so he is certainly חייב if he concentrated the goring (in one day). The חכמים challenged this from a זבה who only becomes a גדולה if she saw three ראיות in three days, but not in one day. ר"מ responded that by a זבה there is a specific limitation, for the פסוק writes¹ וזאת תהיה, that she can only become a גדולה in three days. תוספות analyzes this response.

asks:

ואם תאמר כל שכן השתא דאיכא למימר תוכיח דמיעט קרא בהדיא² -

And if you will say; so now we can certainly say the proof from זבה, since the פסוק explicitly excluded the ר"מ of ק"ו –

answers:

ויש לומר דהכי קאמר דהתם גלי קרא דלא שייכא התם סברא של קירוב וריחוק³ -

And one can say; that this is what ר"מ said, that only there by זבה did the פסוק of reveal to us that she is not a זבה if she saw all the ראיות in one day, since the logic of close together or far apart is not applicable there by זבה -

שאין שם הטעם תלוי משום דמוחזקת בכך רואה⁴ -

For there by זבה the reason why she is טמא after three times is not dependent on the assumption that because she saw three times she is presumed to see זיבה

¹ ויקרא (מצורע) טו, ג.

² The תורה by writing 'וזאת' is teaching us a general rule that there is no validity to the ק"ו that if something is effective over a longer period of time, it should certainly be effective over a shorter period (but rather that perhaps the opposite is true that ריחוק is more effective than קירוב). Therefore we can prove from this limitation by זבה that elsewhere (like by שור המועד) we do not say כ"ש.

³ The logic of the ק"ו regarding ריחוק וקירוב is not applicable at all by זבה, as תוספות continues to explain. The purpose of the מיעוט וזאת is not to discredit the logic of the ק"ו (as תוספות assumed in the question [see footnote # 2]), but rather since we find that a זבה is טמא בראיות זב, therefore we may have thought that a זבה should also be טמא בראיות זבה. However the logic of the תורה excludes ראיות by a זבה from זבה. (since there is the היקש of ולנקבה היקש), therefore the תורה excludes ראיות by a זבה from זבה. However the logic of the ק"ו where it is appropriate (like by שור המועד) remains. See footnote # 4.

⁴ The reason a זבה becomes a גדולה through זבה בג' ראיות is not because we assume that since she saw three days she will continue to see, but rather it is a גזירה בג' ראיות that she needs to see זבה בג' ראיות to have this status of טמא. Therefore there is no logic to say that if she is טמא in three days she should certainly be טמא by three ראיות. See 'Thinking it over' # 1. This is in complete contrast to a שור המועד, where we wish to ascertain whether he will continue goring in the future. Therefore the ק"ו is valid; if when he spread out his גזירות (in three days) we assume that he will continue to gore, certainly where he is continually goring three times in one day, he will surely continue to gore!

continually -

אלא דגזירת הכתוב הוא דבשלשה ימים היא זבה -

But rather this is a decree of the תורה that if she sees in three days she is a זבה -

אפילו אם יבא אליהו ויאמר ודאי לא תראה⁵ עוד:

Even if אלהי הנביא will come and say she will no longer see דם זיבות.

SUMMARY

The logic of כ"ש קירב ריחוק is applicable by שור המועד but not by a זבה.

THINKING IT OVER

1. How do we find the explanation of תוספות (that קירב וריחוק is not applicable by a זבה)⁶ in the words of ר"מ, who 'merely' said, '?!הרי הוא אומר וזאת'⁷

2. תוספות seemingly proves that a זבה is not טמאה since she is מוחזקת to see, because she will be טמאה even if אלהי הנביא will testify that she will see no longer.⁸ Seemingly תוספות could have proven his point differently. Once a זבה sees ג' ראיות ז' נקיים and will not become טהורה until she has ג' ראיות. This rule does not change whether she sees after the first three days or not.⁹ It is therefore evident that we are not looking at the future (that she is considered מוחזקת) because her future ראיות do not matter. However by a שור המועד, after he becomes a מועד he pays a נ"ש for each subsequent נגיחה; the חזקה continues into the future, that for every future נגיחה he pays a נ"ש, since he is מוחזק בנגיחות, therefore there is logic to the ק"ו.

⁵ See 'Thinking it over' # 2.

⁶ See footnote # 4.

⁷ See # 18. אוצר מפרשי התלמוד.

⁸ See footnote # 5.

⁹ If she sees after the first three ראיות there is no change in her status, except that the ז' נקיים are postponed.