



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

***A Probability Makes a Certainty***

Rabbi Yochanan said: In three instances the Sages follow the majority, and treated them as certainties, viz., the ‘source,’ the ‘placenta’ and the ‘piece.’ The *Gemora* elaborates: The ‘source’ is referring to the case already spoken of (*above, that since a majority of the blood in question issues from the womb, any blood in the vaginal canal is assumed to originate from there, and the woman is definitely tamei*).

The ‘placenta’ refers to that which we have learned in a *Mishna*: If there is a placenta in a house (*a woman miscarried there, but a fetus was not recognizable*), the house is *tamei*. This is not because the afterbirth is considered a disintegrated child, but rather, it is because there cannot be a placenta without a child. [*Evidently, the tumah of the placenta is regarded as a certainty by the majority principle, since most placentas contain embryos.*] But Rabbi Shimon says: The child disintegrated before it came forth (*and therefore, it was nullified by the majority*).

A ‘piece’ is referring to that which was taught in the following *braisa*: If a woman miscarried a shaped hand or a shaped foot, she is subject to the *tumah* of birth (*and since it is unknown whether the fetus was that of a male or a female, the restrictions of both are imposed upon her*), and there is no need to consider the possibility that it might have come from an undeveloped body (*which would exempt her from the tumah of childbirth; evidently, we do apply the tumah of childbirth based upon the majority principle that most placentas contain a fetus whose form was completely developed; sometime later it disintegrated*).

The *Gemora* asks: But are there no other instances? Is there not in fact the case of the nine shops, concerning which it was taught in a *braisa*: If nine shops sold meat that was properly slaughtered and one store sells *neveilah* (*carcass of a kosher type of animal that died without being ritually slaughtered*), and one bought meat from one of the shops but he is uncertain which store he purchased the meat from, this doubt is ruled forbidden and he cannot eat the meat. [*This is because*

*any case of uncertainty related to something that is stationary is considered to have the probability of fifty-fifty.*] If the meat was found outside the store and we cannot ascertain which store the meat came from, then we follow the majority, and the meat is permitted to eat because the majority of stores sell kosher meat. [*Evidently, we follow the principle of majority, and rule that the meat may definitely be eaten.*]

The *Gemora* answers: Rabbi Yochanan was speaking of cases dealing with *tumah*, not those dealing with a prohibition.

The *Gemora* asks: But is there not the case of the nine f there were nine dead *sheratzim* (*the Torah enumerates eight creeping creatures whose carcasses transmit tumah through contact*) and one frog in a group, and a person touched one of them, but he is uncertain as to which one of them he touched, the *halachah* is as follows: if the uncertainty transpired in a private domain, he is *tamei*; if the uncertainty transpired in a public domain, he is *tahor*, and if one was found (*a person touched an isolated animal which had no fixed place; it had been separated from the group*), the majority principle is to be followed?

The *Gemora* answers: Rabbi Yochanan was speaking of cases dealing with the *tumah* of a woman, not those dealing with general cases of *tumah*.

The *Gemora* asks: But is there not the case mentioned by Rabbi Yehoshua ben Levi: If a (*pregnant*) woman crossed a river and miscarried in it (*and it is unknown whether or not the fetus was developed*), she must bring a sacrifice which may be eaten, since we follow the majority of women, and the majority of women bear genuine children? [*Now, since one of her sacrifices - a chatas bird (the method in which it is “slaughtered” is by melikah - with the Kohen’s fingernail, and that would have rendered an unconsecrated, or doubtfully consecrated bird to be neveilah), may be eaten, it follows that the bird is regarded to be certainly consecrated, because on account of the majority principle, the woman’s doubtful birth is*

regarded as a definite birth of a genuine child. Why then didn't R' Yochanan mention this case which concerns a woman's tumah?]

The Gemora answers: Rabbi Yochanan was speaking of Tannaic rulings, not those discussed in a reported traditions (from an Amora, such as R' Yehoshua ben Levi).

The Gemora asks: But surely, when Ravin came (from Eretz Yisrael to Bavel), he stated: Rabbi Yosi the son of Rabbi Chanina raised an objection (against R' Yehoshua ben Levi) from a braisa dealing with a forgetful woman (who does not recall the date that she miscarried a fetus; she does not recall if the fetus was fully developed or not, and she does not even know if it was male or female), but I do not know what the objection was. Now, didn't he mean that it presented no objection, but rather provided support (for R' Yehoshua ben Levi, in which case we would have found a braisa dealing with the tumah of a woman which follows the majority principle)?

The Gemora answers: No; it is possible that he meant that it did not present an objection, but it did not provide support either.

The Gemora asks: What was Rabbi Yochanan coming to exclude? [What other doubtful instance is there that, despite the majority principle, is not treated as a certainty?] He could not have intended to exclude the case where the majority principle is countered by the rule of presumption (a chazakah based upon the status quo), so that in such a case, terumah may not be burned on its account (in a case where a case of doubtful tumah came into contact with terumah, and since the ruling is not definite, the terumah cannot be burned, as it would be if the tumah was definite), for surely, Rabbi Yochanan once said this (and there would be no reason for him to lay down this principle again), for we learned in a Mishna: If a child is found next to a batch of dough and he has some dough in his hand, Rabbi Meir says the dough is tahor. The Sages say it is tamei, as a child usually pokes through garbage (and touches dead sheratzim, causing him and terumah he touches to become impure). And the Gemora asked: What is Rabbi Meir's reasoning? The Gemora answered: Most children do poke around in the garbage, while a minority of children do not. The dough's status is that it was tahor. If we combine the minority with the chazakah of the dough, the majority loses its strength. The Rabbis, however, regard the minority as non-existent, and, where the majority principle is in conflict with that of a presumption, the majority principle takes precedence. And in connection with this, Rish Lakish said in the name of Rabbi Oshaya: This is a presumption where we burn terumah (for it is ruled as being definitely tamei). Rabbi Yochanan says: This is not a chazakah that causes us to burn terumah. [Now, since Rabbi Yochanan

made here this explicit statement that a majority principle is not regarded as a certainty when it is in conflict with that of a presumption, what need was there for him to repeat and teach it here?]

The Gemora answers: It was rather intended to exclude the principle of majority of which Rabbi Yehudah spoke about, for it was taught in a Mishna: If a woman miscarried a shapeless object (where she is definitely not tamei on account of a childbirth); if there was blood with it she is tamei; otherwise, she is tahor. Rabbi Yehudah ruled: In either case, she is tamei. And in connection with this, Rav Yehudah said in the name of Shmuel: Rabbi Yehudah declared the woman tamei only where the shapeless object had the color of one of the four types of blood (that would render a woman a niddah), but if it had the color of any other type of blood, the woman is tahor. Rabbi Yochanan said: If it had the color of one of the four types of blood, all agree that she is tamei, and if it had that of any other type of blood, all agree that she is tahor; they disagree only in the case where she miscarried something, and she does not know what she has miscarried. Rabbi Yehudah maintains that we are to be guided by the nature of the majority of such shapeless objects, and the majority of such objects have the color of one of the four types of blood, while the Rabbis hold that we do not say that we are to be guided by the nature of the majority of such objects (for there is no majority). [R' Yochanan, by his limitation to three cases in which the majority principle is given the force of a certainty, has implicitly indicated that, in R' Yehudah's case, the tumah of the woman, which is entirely dependent on the majority principle, is not one of certainty, but one of a doubtful nature. Consequently, terumah that had been touched by the woman may not be burned.] (18a – 19a)

## DAILY MASHAL

### *There's a Need to Ask Again for the Fear of Heaven*

In the prayer for the new month we ask for "life containing fear of Heaven and fear of sin" and afterwards we repeat "life that we should have love for the Torah and fear of Heaven". Why? Some explain that the intention of the second request is for life with love of the fear of Heaven: "love of the Torah and love of the fear of Heaven". However, elder Chasidim would say: It is true that we asked for the fear of Heaven but later we asked for "riches and honor"; with riches and honor there's a need for extra fear of Heaven.