

OVERVIEW of the Daf

1) The source of blood (cont.)

The Gemara analyzes the positions of R' Chiya and R' Ketina through the lens of R' Huna.

At first glance it seems that the opinions of R' Chiya and R' Ketina refute Rami bar Shmuel and R' Yitzchok the son of R' Yehudah but the Gemara responds to this challenge.

2) Majority is treated like a certainty

R' Yochanan contends that there are three cases in which Chazal treat a majority like a certainty.

The Gemara elaborates on these three cases.

R' Yochanan's assertion that there are only three cases is unsuccessfully challenged.

The Gemara begins to search for the case that R' Yochanan intended to exclude by emphasizing that there are only three cases. ■

REVIEW and Remember

1. What are the three cases where a majority is treated like a certainty?
.....
2. If one finds a piece of meat on the street under what conditions may he assume that it is kosher?
.....
3. What case did R' Yochanan intend to exclude when he asserted that there are three cases where a majority is treated like a certainty?
.....
4. What is the point of dispute between R' Yehudah in the name of Shmuel versus R' Yochanan?
.....

Today's Daf Digest is dedicated in memory of their father

ר' יצחק בן ר' פינחס הלוי, ע"ה

Mr. Irving Leistner o.b.m.

By the Bornstein and Leistner families

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In memory of

ר' נפתלי הערץ בן ר' יצחק יוסף, ע"ה

Distinctive INSIGHT

Three unique cases of following the majority

בשלשה מקומות הלכו בו חכמים אחר הרוב ועשאום כוודאי

R' Yochanan taught that there are three situations of doubt where our Sages followed the majority in order to resolve the halacha, and they thereby treated the situation as certain. One of the three cases is that of our Mishnah (17b) whether blood found in the "corridor" is tamei or tahor. We follow the majority and say that most blood comes from the womb, and we consider the woman to be certainly teme'ah, and not just teme'ah from a doubtful viewpoint.

The Gemara continues and presents the other two cases.

We must analyze this statement of R' Yochanan regarding using the majority to determine the halacha in a case of doubt. Our understanding is that the Torah always instructs us to follow the majority, and the three cases of R' Yochanan do not seem to be exceptions to the Torah's general rule. Pischei Niddah asks in what manner does R' Yochanan note that these are the only three cases where "our Sages" say that we use this approach?

Tosafos concludes that these three cases of majority are those where we follow the majority even though the conclusion results in going against a previously established status quo (חזקה). Tosafos HaRosh adds that the three cases of R' Yochanan are those where we might have said that the majority is against a chazakah and a minority, and we might have said that this is a weakened case of majority. This is significant in light of the view of R' Meir (Mishnah Taharos 3:8) that we do not follow the majority when it is weakened in this way. Here, however, R' Yochanan teaches that we do follow the majority because the minority in these cases is particularly weak.

These approaches are somewhat problematic, though, as the sugya continues and presents other cases and asks why R' Yochanan did not include them as well, but not all of the cases brought share this aspect of using the majority against a chazakah.

The Rishonim explain that these three cases are unique. Tosafos (18b, ד"ה למעוטי) explains that we follow the majority although is not "complete" or "absolute" because they all originate from the body of the woman herself. Nevertheless, the minority is weak, so we follow the majority even in this case.

Rashi's view in the sugya is that we are not working against a chazakah, and this is precisely why we follow the majority in these three cases. Where the majority is contradicting a previously established chazakah, we would not use the majority and arrive at a conclusion of certainty.

The Netzi"v (Meromei Sadeh) explains that the novelty of R' Yochanan is that we follow the majority in these cases even though each case involves a significant change. For example, blood does not usually appear in the "roof," which is relatively high. Despite the change, we still follow the majority. ■

HALACHA Highlight

Children playing in the garbage

שדרכו של תינוק לטפח

It is the way of a child to poke at things

The Gemara presents a disagreement between Tannaim concerning a child who is next to dough and holding some in his hands. R' Meir rules that the dough is tahor whereas Chachamim contend that the dough is tamei since it is common for children to poke at things. Rashi¹ explains that children commonly poke at things in the garbage where sheratzim are found. Tosafos² disagrees with this interpretation and explains that the Gemara means that children poke at the dough and they are tamei'im as a result of the fact that women who are niddos hug and kiss them. This issue of whether there is a presumption that children poke around in a garbage heap is relevant in other halachic contexts as well.

Shibolei HaLeket³ cites an earlier scholar who reports that there was once a Torah scholar who had a child sitting on his lap in the Beis HaKnesses and when it came

time to recite shema he asked that the child be taken off of him. The explanation that he gave was that children commonly play in the garbage and it is inappropriate to read shema with a dirty child near him. Pesach HaDvir⁴ explains that the concern was that if the child had touched something filthy in the garbage it would be prohibited to recite shema with the child directly on his lap. If, however, the child is on the floor, even right next to him, it would be permitted. That is why he asked for the child to be taken off his lap but did not ask for the child to be removed from his presence altogether. This explanation is in contrast to Magen Avrohom⁵ who suggests that the concern of the Torah scholar was that the child did not properly wipe himself after going to the bathroom. The reason that explanation is difficult is that one who does not wipe properly may not daven himself but does not prevent others from davening near him. ■

¹ רש"י ד"ה לטפח.

² תוס' ד"ה רוב.

³ שבולי הלקט ענין תפלה ס"י ט"ו.

⁴ פתח הדביר אור"ח ס"י פ"א.

⁵ מג"א ס"י פ"א סק"א. ■

STORIES off the Daf

Bringing An Offering

"מביאה קרבן ונאכל..."

On today's daf we find that an offering must be brought for every woman who gives birth.

Interestingly, the Zohar writes that there are two mitzvos that count as an offering. "When one does a bris milah on his son and when one brings him to school to learn Torah, it is considered as if he has brought his son up as an offering to God."¹

Rav Moshe Halberstam, zt"l, makes an interesting point in this regard. "The Kav HaYashar, zt"l, writes that parents should fast on the day they bring their child to school for the first time to learn Torah.² But this

seems difficult in light of the Zohar which states that one who brings his child to learn is likened to one who brings an offering. Since we find that the day one brings an offering was treated as a yom tov and it was forbidden to fast, why is it even permitted to fast on that special day?"

He answers his own question. "Clearly, although bringing one's child is considered as if he brought an offering, one who does this doesn't have all the halachos of one who actually brings an offering. This must be the case, since we find that one who reads the parshios of an offering is considered as though he offered the offering. Can we then say that nowadays, since we read the parshios every day, every day is like a yom tov on which it is forbidden to do melachah, eulogize or fast?"³

The Har Tzvi, zt"l, makes a similar point. "Obviously, reading the parshios is not exactly the same as bringing an offering. Would we say that one who must bring an offering cannot just read the parshah or learn its halachos? Obviously he had to bring the offering itself! So reading the parshios is as if, but not literally, the same as bringing an offering."⁴ ■

¹ זוהר, פרשת שלח, דף קס"ד

² קב הישר, פרק ע"ב

³ שו"ת דברי משה, ס' ע"ג

⁴ שו"ת הר צבי, אור"ח, ח"א, ס' א' ■

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