

39.2.5; 17b (משנה ה) → 19a (לא אמרינן)

- I אותו מקום: metaphoric description of משנה ה
- a טמא found here is חדר (inner room): uterus - דם
 - b טמא found here is ספק, treated as טמא as presumed to be from uterus פרוזדור (hallway): vaginal canal/cervix - דם
 - c טמא found here is טהור (presumed to be from an infection) עלליה (loft): urinary bladder - דם
- II Discussion
- a Story: בית מדרש 'ר' הונא in חכמים נדה; repeated משנה and added presence of "לול" (urethra)
 - i Conclusion: if found in canal further in than urethra - "ספקו טמא"; if further out - "ספקו טהור"
 - 1 'ר' son: asked his father if he had taught טמא ספקו - hadn't he taught (משנה) that it is presumed from מקור
 - 2 'ר' he had taught that further in is טמא ודאי; further out is טהור ספק
 - (a) Challenge (אבי): ספק must be concern that she bent over; then if further in, only ספק - she may have stood up
 - (b) Rather (אבי): if we are חושש, both should be טמא ספק; if not, further out is טהור ודאי; further in - ודאי טמא
 - b Dispute ד' חייא/ר' קטינא דם found in canal
 - i 'ר' חייא supports ודאי as a result and liability for entering מקדש after contact טמא ודאי ד' ח
 - ii 'ר' קטינא supports טמא do not burn תרומה; no liability for entering מקדש
 - 1 For 'ר' חייא: lemma that we are always חושש supports ודאי; lemma that we treat as ודאי supports ודאי
 - 2 For 'ר' חייא: we can distinguish - beyond urethra or outside of it
 - 3 But for students in 'ר' חייא's בית מדרש: this must be further in, yet they certainly disagree with 'ר' חייא
 - (a) Defense: may agree - if it was found on the "ground" of the canal (from uterus)/found on "roof" of canal

III 'ר' יוחנן's observation about רוב - in 3 places חכמים treated רוב as a certainty

 - a מקור: our case
 - b וולד טמא as there is certainly a וולד (placenta): ahead ג:ד - if a placenta is in the house, the house is טמא
 - i Dissent: ר"ש - the וולד could have been smashed before the וולד שליא came out
 - c טומאת לידה - if a woman miscarries and delivers a shaped hand or foot, she has לידה חתיכה
 - i And: we aren't concerned that it may have come from an unformed body
 - d Challenge: there are more than 3 cases
 - i The 9 stores: meat found on a street that has 10 butcher shops, 9 of which sell שחוטה
 - 1 If: he doesn't remember from which one he bought - ספק אסור (due to קבוע)
 - 2 But if: it was found on street - meat is considered שחוטה (דפריש מרובא הוא דפריש)
 - ii Defense: only referring to טומאה, not איסור
 - e Challenge: בריתא - if there are 9 frogs (not a טמא שרץ) and 1 שרץ
 - i And: and he doesn't know which he touched
 - 1 If: he went and touched it, seen as ספק (due to קבוע) → ברה"י, considered טמא; טהור - ברה"ר; טמא ברה"י
 - 2 But if: it "came" to him - follow רוב (not טמא)
 - ii Defense: טומאת אשה 'ר' יוחנן was only referring to טומאת אשה
 - f Challenge: we have ruling of ריב"ל
 - i If: she passed through a river and "delivered" (miscarried) and we don't know what it is - her קרבן יולדת is eaten (וודאי)
 - ii Defense: שמועות (מימרות) טמא, not משנה/ברייתא 'ר' יוחנן was only referring to שמועות (מימרות)
 - 1 Challenge: ריב"ל's ruling from a case of טועה ריב"ל challenged ריב"ל's ruling
 - (a) But: רבין reported that it wasn't a successful refutation ("didn't understand how it refuted him")
 - (b) Presumption: it wasn't a refutation, rather supported ריב"ל (i.e. this principle is found in ברייתא)
 - (c) Rejection: it neither refuted nor supported ריב"ל
 - g Question: what is 'ר' יוחנן excluding with his list of 3?
 - i Suggestion: 'ר' יוחנן is excluding a case of רוב vs. a חזקה
 - ii Block: 'ר' יוחנן already taught that:
 - 1 טמא declare חכמים; טהור ר"מ, if a baby is found near dough with some dough in his hand, טהרות ג:ח
 - (a) And: 'ר' מ' reason is that the רוב of children who play with טומאות (and מיעות who don't) offset by טהרה
 - (b) And: ר"ל ruled that תרומה is burnt on such a רוב; but 'ר' יוחנן said that it isn't burnt (i.e. ספק טומאה)
 - iii Rather: he is rejecting יהודה 'ר' "רוב" (גא: נדה) in case where she "delivered" a חתיכה
 - 1 חכמים: if there is blood - טמאה; if not - טהורה
 - 2 ד' יהודה: in either case - טמאה
 - (a) טמא only found if it has the color of 1 of the "4 bloods" (see ב:ו)
 - (b) ד' יוחנן: all agree if it has those colors; disagree where she doesn't know what she was מפיל
 - (i) ד' יהודה: follows רוב חתיכות, which have דם (but רבנן reject - and 'ר' יוחנן concurs, by limiting list to 3)