

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

- I אותו מקום: metaphoric description of משנה ה
- חדר (inner room): uterus - טמא found here is דם
 - פרוזדור (hallway): vaginal canal/cervix - ספק found here is דם, treated as טמא as presumed to be from uterus
 - עלייה (loft): urinary bladder - טהור found here is דם (presumed to be from an infection)
- II Discussion
- Story: בית מדרש ר' הונא in חכמים were studying נדה; repeated משנה and added presence of "לול" (urethra)
 - Conclusion: if found in canal further in than urethra - "ספקו טמא"; if further out - "ספקו טהור"
 - ר' הונא's son: asked his father if he had taught טמא ספקו - hadn't he taught (משנה) that it is presumed from מקור
 - ר' הונא: he had taught that further in is טמא ודאי; further out is טהור ספק
 - Challenge (אב"י): ספק must be concern that she bent over; then if further in, only ספק - she may have stood up
 - Rather (אב"י): if we are חושש, both should be טמא ספק; if not, further out is טהור ודאי; further in - ודאי טמא
 - Dispute דם found in ד' חייא/ר' קטינא
 - burn תרומה as a result and liability for entering מקדש after contact → טמא ודאי ד' ח
 - do not burn תרומה; no liability for entering מקדש → טמא מספק ד' קטינא
 - For אב"י: lemma that we are always חושש supports קטינא ודאי ר'; lemma that we treat as ודאי supports ר' חייא
 - For ד' הונא: we can distinguish - beyond urethra or outside of it
 - But for students in ר' הונא's בית מדרש: this must be further in, yet they certainly disagree with ר' חייא
 - 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
- מקור: our case
 - שליא (placenta): ahead ג:ד - if a placenta is in the house, the house is טמא as there is certainly a וולד
 - Dissent: ר"ש - the וולד could have been smashed before the שליא came out
 - חתיכה - if a woman miscarries and delivers a shaped hand or foot, she has לידה
 - And: we aren't concerned that it may have come from an unformed body
 - Challenge: there are more than 3 cases
 - The 9 stores: meat found on a street that has 10 butcher shops, 9 of which sell שחוטה
 - If: he doesn't remember from which one he bought - ספק אסור (due to קבוע)
 - But if: it was found on street - meat is considered שחוטה (דפריש מרובא הוא דפריש)
 - Defense: only referring to טומאה, not איסור
 - Challenge: ברייתא - if there are 9 frogs (not a טמא שרץ) and 1 שרץ
 - And: and he doesn't know which he touched
 - If: he went and touched it, seen as ספק (due to קבוע) → ברה"י, considered טמא ברה"י; טהור - ברה"ר
 - But if: it "came" to him - follow רוב (not טמא)
 - Defense: טומאת אשה ר' יוחנן was only referring to
 - Challenge: we have ruling of ריב"ל
 - If: she passed through a river and "delivered" (miscarried) and we don't know what it is - her קרבן יולדת is eaten (ודאי)
 - Defense: שמועות (מימרות) משנה/ברייתא ר' יוחנן was only referring to
 - Challenge: רבין came and taught that ריב"ל challenged ריב"ל's ruling from a case of טועה
 - But: רבין reported that it wasn't a successful refutation ("didn't understand how it refuted him")
 - Presumption: it wasn't a refutation, rather supported ריב"ל (i.e. this principle is found in ברייתא)
 - Rejection: it neither refuted nor supported ריב"ל
 - Question: what is ר' יוחנן excluding with his list of 3?
 - Suggestion: ר' יוחנן is excluding a case of רוב vs. a חזקה
 - Block: ר' יוחנן already taught that:
 - טהרות ג:ח: if a baby is found near dough with some dough in his hand, ר"מ declares טהור; חכמים declare טמא
 - And: ר"מ's reason is that the רוב of children who play with טומאות (and מיעות who don't) offset by טהרה
 - 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)
 - Rather: he is rejecting יהודה ר' הונא's "רוב" (גא: נדה) in case where she "delivered" חתיכה
 - חכמים: if there is blood - טמאה; if not - טהורה
 - ד' יהודה: in either case - טמאה
 - only found טמא if it has the color of 1 of the "4 bloods" (see ב:ו)
 - all agree if it has those colors; disagree where she doesn't know what she was מפיל
 - ד' יהודה follows רוב חתיכות, which have דם (but רבנן reject - and ר' יוחנן concurs, by limiting list to 3)