

# REAL CLEAR DAF Q&A REVIEW

*A review of some of this week's key Daf Yomi concepts*

*By: Rabbi Shmuel Wise*

---

*Ki Sisa, February 2019, Chullin*

---

## How does R' Meir understand the principle of following majority?

The discussion on Thursday's daf this week (86) provides us with an insight into this question. In the Mishnah R' Meir rules that if *shechita* of a *chaya*-animal or bird was performed by a mentally incompetent person, it isn't necessary to perform the mitzva of covering the blood. R' Ami explains that in R' Meir's view, when an incompetent person performs the *shechita*, there is a positive assumption that the *shechita* was done in an invalid manner. Since we're not even concerned with the possibility that the *shechita* was valid, there's no requirement to cover the blood.

The Gemara questions R' Ami by pointing out that seemingly R' Meir's view could have been explained without this assertion that the *shechita* was most probably bungled. Even if the *shechita* of an incompetent person is done correctly most of the time, R' Meir holds a view which could explain why we wouldn't go by majority here. For R' Meir in tractate Tohoros says that a majority is stopped in its tracks if it opposed by the *chazaka*, previously known status. As applied to our case this assessment would run as follows: Though (in the Gemara's present proposal) most *shechitos* of incompetent persons are **valid**, some of them are invalid. In addition, the animal clearly had a prohibited status prior to the slaughtering--since it still alive then. Taken all together, these factors should overpower the majority and allow us to arrive at R' Meir's view that the *shechita* of an incompetent person is decidedly invalid (and thus we need not cover the blood).

The Gemara answers that R' Meir's view that we combine the less likely possibility with the previously known status only serves to strip the majority of its ability to definitively decide the halacha--but not to definitively decide against the majority. Thus if it were true that most *shechitos* of incompetent persons are valid we would be left with an **uncertainty** as to whether the *shechita* was valid. It was indeed necessary, therefore, for R' Ami to explain that in R' Meir's ruling they will slaughter incorrectly most of the time. For this reason R' Meir deems the slaughtering to be completely invalid and thus does not require any covering.

I was thinking about this concept of undermining the majority on the basis of *chazaka* and something bothered me. As we learned on 11a, the concept of deciding the halacha based on majority comes from the Torah's teaching that we follow the majority opinion in court cases. Surely the majority opinion is binding even if it rules against the previously known status of the matter being judged.

Does R' Meir's distinction that we do not follow majority where there is an opposing *chazaka* not then contradict the original case of majority in the Torah?

But perhaps something else that we studied on 11a can help us understand R' Meir's opinion. The Gemara there suggested a distinction between a majority that is here and present versus a statistical majority (an example of the former would be if a piece of meat were found and nine out of the ten butchers in the area sell kosher meat). The Gemara (at least initially) feels that a separate source is required to derive that we can even follow a statistical majority. Now ultimately the Gemara says that both types of majorities are derived from the law of court cases, but we nonetheless see from the Gemara that not all majorities are created equal.

I would suggest that the original majority in the Torah, of court cases, is the strongest kind of majority since its power derives from an actual ruling of qualified judges. Next comes a tangible majority (like the meat example), followed by a majority of pure intangible statistics. Thus R' Meir makes a very clear argument: since we're dealing with a majority that is weaker than the original majority in the Torah, it is vulnerable to opposing forces such as *chazaka*.



*Rabbi Wise is maggid shiur of Daf Yomi by Real Clear Daf ([realcleardaf.com](http://realcleardaf.com)) and director of Tehillim Together ([tehillimtogether.com](http://tehillimtogether.com)). Real Clear Daf is a website and mobile app (for iOS and Android) that offers free audio shiurim and other resources to assist your journey through Shas-whether or not you're following the Daf Yomi schedule. Tehillim Together is a mobile app (for iOS and Android) that offers a translated sefer Tehillim, and facilitates Tehillim groups. You may reach Rabbi Wise via email: [rabbiiwise@realcleardaf.com](mailto:rabbiiwise@realcleardaf.com) or by phone:*

855-ASK-RCD-1 (275-7231).