



Volume 12. Issue 47

Dealing with Safek Tumah

Over the past week, the *mishnayot* have focused on many cases of *sefekot* (doubts) involving *tumah*. In some situations that the *Mishnah* rules that the object is *tameh*, *tahor* or left unresolved. A basic question that can be asked is what does it mean when the *Mishnah* rules *tameh* or *tahor*?

Rav Lichtenstein ztz"l (*Shiurei HaRal, Taharot*, p. 147) explains that there are two ways of understanding a definite ruling regarding *safek tumah*. The first is that the ruling is on the level of *hanchaya* (guidance). The doubt still stands and only the question of how to respond or act is being addressed. Alternatively, the ruling may be a *hachraah* (decision). The doubt is being resolved and a definite status of *tumah* or *tahara* is being applied to the object in question.

Rav Lichtenstein explains that these two different understandings find expression in debate in our *Mishnah* (6:1). The *Mishnah* deals with a *mesukan* - a person that collapsed and there is a doubt as to whether he has died. The *mesukan* is moved from a *reshut ha'yachid* (private domain) to a *reshut ha'rabim* (public domain). The *Chachamim* maintain that when it is in *reshut ha'rabim* the *safek* is ruled as being *tahor* and when it is in the *reshut ha'yachid* it is ruled as being *tameh* – consistent with the general rule regarding *sefekot* in those domains.

R' Shimon however maintains that the *reshut ha'rabim* is *mafseket* (breaks). The *Bartenura* explains that since we rule that all the utensils that came into contact with the *mesukan* in the *reshut harabim* are *tahor* we cannot say that the *keilim* in the first *reshut hayachid* prior to that are *tameh*.

It appears that the *Chachamim* and *R' Shimon* are divided on this very question of how to understand rulings in cases of doubt. According to *R' Shimon*, he understands that the ruling expresses a *hachra'ah* – a definite decision. Consequently when the *mesukan* is moved from the *reshut ha'yachid* to the *reshut ha'rabim*, and the ruling changes from *tameh* to *tahor*, the *hachraah* would be contradictory.

Consequently, he rules that even in the *reshut hayachid* the *mesukan* is still alive.

The *Chachamim* however understand that in every location the ruling is simply a *hanchaya* – a direction in how the individual is to respond to the doubt. Yet, no decision is being made about the nature of the doubt – the matter is no clearer. Consequently, the *Chachamim* or not faced with a contradiction since they are not deeming the *mesukan* as being dead in one domain and subsequently alive moments later.

Rav Lichtenstein cites the *Achiezer* (1) that brings these two different understandings when stating the following two *halachot*. The first is regarding one that came into contact with *safek tumah* in a *reshut ha'yachid* then went into the *reshut harabim* and touched a *tahor* person. What is the ruling regarding the second person? Is he *tameh* or is this another case of *safek tumah* in the *reshut harabim*? He understands that the first person is given a status of definitely *tameh* and the second person is therefore also *tameh*.

The second *halacha* is regarding an item that is a *safek sheretz safek tzfardea* – there is a doubt regarding whether the mass is a source of *tumah*. The object was originally found in a *reshut hayachid* and then moved to a *reshut harabim*. In this case, despite being discovered in a *reshut ha'yachid*, it remains in a state of doubt. Any contact with it, will continue to be ruled based on the location in which it is found.

The *Achiezer* explains that when it comes to an individual that touches *safek tumah* – the resolution is a *hachra'ah* – he is giving a definite status of *tameh* or *tahor*. When however dealing with a question of *metizi'ut* – the ruling is a *hanchaya* and the object in question still remains in doubt.

Yisrael Bankier

Revision Questions

טהרות די: יי: וי: אי

- What is R' Yosi's opinion regarding *safek mashkin*? (די: יי:)
- What is the law regarding: (די: יי: א)
 - *Safek yadayim*?
 - *Safek divrei sofrim*? (Describe such a case.) What case is the exception?
- Which *safek* is *taharat Prishut*? (די: יי: ב)
- What is the law regarding *safek sheratzim*? (די: יי: ב)
- When is *safek negaim tahor*? (די: יי: ב)
- What is the law regarding the ownership of *safek Bechorot*? (די: יי: ב)
- Can a *safek nazir* drink wine? (די: יי: ב)
- Describe the case of *safek korbanot* and what is its ruling? (די: יי: ג)
- Explain the debate regarding a case in which one path is *tahor* and the other is *tameh* and one is not sure which path he took. (ה: א)
- List some other cases that share the same rule. (ה: א)
- Explain the debate regarding a case in which there is a dead *sheretz* and a dead frog and one touched one of them but is unsure which one. (ה: ב)
- What is the law regarding a case with two paths, one *tameh* and the other *tahor*, where one walked on one and then handled *trumah* food, then ate it, went through the *tahara* process, walked on the other path and then handled other *trumah* food? (ה: ג)
- How does the law differ if the original food was not eaten? (ה: ג)
- How does the law differ if the person also did not go through the *tahara* process? (ה: ג)
- What other case is brought that is similar to the one in the previous questions? (ה: ד)
- What is the law in a case regarding the two paths where one person went on one path and another on the other? (Provide both opinions.) (ה: ה)
- What other case is brought that is debated in a similar manner to the previous question? (ה: ו)
- What is the law regarding one's clothes if they were trampled on by someone unknown to him? (ה: ז)
- What is the law regarding the clothes of one that slept in *reshut ha'rabim*? (ה: ז)
- Explain the debate regarding a case where one touched a body at night and in the morning it is discovered that it is a corpse. (ה: ז)
- In what cases would all the *rok* found in a city be deemed *tameh*? (ה: ח)
- In what case would a man not be required to ask a woman if she is *tameh* after she stepped on his clothing? (ה: ח)
- What would the law be in the follow cases: (ה: ט)
 - A witness says the person became *tameh* but the person denies it?
 - Two witnesses say *tameh* but the person denies it?
 - One witness say *tameh* but two witnesses say *tahor*?
 - Two witnesses say *tameh* but one says *tahor*?
 - One witness say *tameh* but one says *tahor*?
- What is the law regarding doubtful cases of *tumah* in a domain that changes from a *reshut ha'yachid* to a *reshut ha'rabim* then back? (ה: י)

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollet Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 October כ"א תשרי	5 October כ"ב תשרי	6 October כ"ג תשרי	7 October כ"ד תשרי	8 October כ"ה תשרי	9 October כ"ו תשרי	10 October כ"ז תשרי
Taharot 6:2-3	Taharot 6:4-5	Taharot 6:6-7	Taharot 6:8-9	Taharot 6:10-7:1	Taharot 7:2-3	Taharot 7:4-5

