



## Double Doubts Regarding Tumah

We have been learning how to deal with doubts (*sefeikot*) regarding *tumah*. One principle we have learnt is that if the doubt arises in a *reshut ha'yachid* it is (generally) treated as *tameh*. The *Mishnah* (6:4) explains that even if one adds additional doubts when considering the situation, the ruling is still *tameh*. For example, one is unsure whether he touched a particular item and there is an additional doubt whether that item is a source of *tumah*.

The *Tosfot Yom Tov*, citing the *Tosfot*, explains that regarding *tumah* even with a single *safek*, one would expect the ruling to be *tahor*. That is because we should be able to rely on the *chazaka* - the established status - of purity. However, as we discussed last week, how we rule regarding *tumah* in a private domain is derived from the *Torah's* treatment of *Sotah*. In that case the ruling is *tameh* even in the face of doubt. Consequently, if doubts are disregarded then it should not matter how many doubts arise.

The *Tosfot* (*Pesachim* 10a) explains that this is indeed the debate between the *Chachamim* and *R' Elazar*. We learn in the next *Mishnah* (6:5) of the debate regarding one that entered a valley and in one of the fields there is *tumah*, and the person is unsure if he entered that field. *R' Elazar* rules he is *tahor* while the *Chachamim* disagree. The *Tosfot* explains that *R' Elazar* understands that the case of a single *safek* is learnt from *Sotah*. The case under discussion involves two doubts - the first whether he entered the field and the second is whether he came in to contact with the *tumah* in that field. Consequently, since a double-doubt is not covered by *Sotah*, it is ruled as being *tahor*. The *Chachamim* however understand we learn from *Sotah* that *sefeikot* are simply not a consideration.

The *Mishnah Achrona* however asks that in general we find that there is a difference between a single doubt (*safek*) and a double-doubt (*sfeik sfeika*). Regarding biblical laws in the case of a *safek* we rule stringently, yet in the case of a *sfeik*

*sfeika* we rule leniently. Granted that *Sotah* teaches that we cannot rely on the *chazaka* but we should nonetheless apply the leniency of a double-doubt?

The *Mishnah Achrona* suggests that if the source that we rule stringently in the case of a single doubt is biblical then the question is a good one. If, however it is rabbinic, then one can suggest that since the *Torah* was strict anyway in the case of a single doubt with *Sotah*, the *Chachamim* were strict in the case of a *sfeik sfeika*. He suggests this question is behind the debate between *R' Elazar* and the *Chachamim*.

The *Kovetz Shiurim* (246) however explains that the reason we are ordinarily lenient in the case of a *sfeik sfeika* is as follows. In the case of a single doubt, we rule stringently, however since it is a doubt, the prohibition has been "lightened". Consequently, when adding an additional doubt, it is further lightened and there is no longer a reason to rule stringently. In our case however, we learn from *Sotah* that in the case of a single doubt, it is treated as definitely *assur* and disregards the doubt. A further doubt will therefore not be able to change the ruling.

According to the above explanations, it appears that our *Mishnah* is according to the opinion of the *Chachamim* since it has been reasoned that *R' Elazar* rules leniently in the case of a *sfeik sfeika*. The *Ritva* (*Bava Batra* 55b) however argues that our *Mishnah* is according to all opinions. In other words, *R' Elazar* agrees with the *Chachamim* that the ruling is *tameh* in the cases of a *sfeik sfeika*. He explains that the case of *Sotah*, in which the *Torah* rules stringently, is where she was definitely in seclusion and the doubt was only regarding the *tumah*. *R' Elazar* however argues that a doubt whether the person entered the location with the *tumah* is remote and not covered by the principles derived from *Sotah*.<sup>1</sup>

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<sup>1</sup> The *Rashbam* (*Bava Batra* 55b) however explains that the debate is whether the case is a *safek* or *sfeik sfeika*. Consistent with our explanation above, the *R' Elazar* understands that this is a *sfeik sfeika*. The *Chachamim* however argue that there is a single doubt as to whether the person came into contact with the *tumah*. The fact that there are multiple fields in the valley is of no impact. Consequently, according to the *Rashbam* everyone

agrees that in the case of a *sfeik sfeika* everyone would agree that the ruling would be *tahor*. If that is case, our *Mishnah* is not consistent with either opinion and would be presenting a third opinion in this debate. There are *Achronim* that attempt to explain otherwise, but it is beyond the scope of this article.

## Revision Questions

טהרות ו' ב' – ז' ה'

- What are the four *sfeikot* that R' Yehoshua rules as *tameh* and the *Chachamim* rule as being *tahor*? (ו' ב')
- What is the law if one climbs a tree in *reshut ha'rabim* that contains *tumah* but is not sure if he touched the *tumah*? (ו' ג')
- What is the law regarding a case where one is not sure if they entered a shop that opened to *reshut ha'rabim* and contained *tumat ha'met*? (ו' ג')
- What is the law if a person who entered one of two shops, one of which was *tameh*, but he was not sure which one he entered? (ו' ג')
- What is the law regarding a double doubt concerning *tumah* in a *reshut ha'yachid*? (ו' ד')
- Explain the debate regarding one that enters a valley during the winter but is not sure if he walked through the *tameh* field in that valley. (ו' ה')
- Provide an example of a domain that is *reshut ha'rabim* for *tumah* but defined as a *reshut ha'yachid* for *Shabbat*? (Which case is debated?) (ו' ה')
- What location is defined as a *reshut ha'rabim* for *tumah* but only in the summer? (ו' ו')
- What is the definition of that location for *Shabbat*? (ו' ו')
- What is the status of the following areas for *tumah* and *Shabbat* (including all opinions):
- A *Basilki*? (ו' ח')
- A *Paran*? (ו' ט')
- An *Istavnit*?
- A courtyard used as a public thoroughfare? (ו' י')
- What is the law regarding the wares of a potter that left them unattended in *reshut ha'rabim*? (Include both opinions.) (ו' יא')
- What is the law regarding a *chaver's* house if he entrusted his keys with an *am ha'aretz*? (ו' יא')
- Explain the debate regarding the contents of a *chaver's* house if he left an *am ha'aretz* there unattended. (ו' יב')
- Explain the debate regarding the contents of a *chaver's* house if he left tradesmen there unattended. (ו' יג')
- What are the two opinions regarding the contents of a *chaver's* house if she allowed an *am ha'aretz* use her mill? (ו' יד')
- What is the law regarding the contents of a *chaver's* house if he left an *am ha'aretz* to guard the house? (ו' ה')

## Melbourne, Australia

### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

### Friday & Shabbat

10 minutes before *Mincha*  
Beit Ha'Roeh  
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## Efrat, Israel

*Shiur in English*

### Sunday -Thursday

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

## ONLINE SHIURIM

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

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

## SHIUR ON KOL HALOSHON

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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
11 October כ"ח תשרי	12 October כ"ט תשרי	13 October ל' תשרי	14 October א' תשרי	15 October ב' תשרי	16 October ג' תשרי	17 October ד' תשרי
Taharot 7:6-7	Taharot 7:8-9	Taharot 8:1-2	Taharot 8:3-4	Taharot 8:5-6	Taharot 8:7-8	Taharot 8:9-9:1

