



Volume 6. Issue 46

Tumah in Reshut HaRabim – Exceptions

This week we began learning the laws relating to cases of doubt involving *tumah*. For example we learnt that the location of where the doubt originated can have a significant impact on the ruling. To generalise, if the doubt originated in the public domain, then the ruling would be *tahor*. If however the doubt originated in the private domain in many cases the ruling would be *tameh*.¹

The *Mishnah* (4:5) however teaches that there are six cases of doubt in which even if they occurred in the public domain, would be ruled as *tameh*. Moreover, in such cases, if the doubt involved *tumah*, it could be burnt. Note that ordinarily, one is not allowed to burn *trumah* in a case of doubt as only *trumah* that is certainly *tameh* can be burnt. The ruling is a rabbinic enactment, but where these cases specifically chosen?

The *Mishnah Achrona* cites a number of commentaries to explain our *Mishnah*.² The six cases of doubt are ones that may involve *tumah* on a biblical level. Now there may be many other cases that at first appear to satisfy this definition. One such case would be if one was not sure whether they touched a *sherez*. The *Rash* however explains that in our cases, the doubt is in the item itself. For example, in the case of spittle, there is a doubt that it may have originated from a *zav*. The doubt is in the item itself. With the distinction in hand, what is the reason for making it?

Tosfot explains that these cases are worse. In other cases, where the doubt is whether one touched something that is certainly *tameh*, people will be more cautious in future. This may not be the case

where one certainly touched something whose status was in doubt.

Alternatively the *Ritva* explains that in general, in the public domain, when the doubt is about whether something touched certain *tumah* objects, the ruling is *tahor* since we maintain the item on its *chazaka* – it previously established status. In these cases, since the item definitely made contact – the doubt is with the potential source of *tumah* – the item loses its *chazaka* since it now shares that status as the object it made contact with.

The *Mishnah Achrona* however cites other cases where the doubt is with the potential source of *tumah* and did not make the list. One such of the cases is from the *Mishnah* in *Mikva'ot* (6:7) where the doubt involves whether part of a *neveilah* was the minimum *shiur* of a *kezayit* and is treated as *tameh*. (He explains that this must be referring to a case where the *kezayit* was subsequently lost otherwise the lack of expertise to make the accurate measurement does not constitute a doubt.)

Nevertheless the *Mishnah Achrona* explains that in those cases of doubt that made contact with *trumah*, where the doubt is in the object of potential *tumah* itself, the *trumah* could also be burnt. He however explains, citing the *Tosfot*, that the *Mishnah* only lists the case on which the *Chachamim* rule in *Usha* where the decree was formulated.³

Yisrael Yitzchak Bankier

¹ We have learnt for this to be true, the *tumah* must apply to a person that has *da'at* and the *tumah* must have a "place".

² See the *Mishnah Achrona* inside for all the sources that follow.

³ See the *Tifferet Yisrael* that cites other cases that are not included in this *Mishnah* even though they also share the same ruling by rabbinic decree. Those cases however, he explains, are not cases that stem from doubt.

Revision Questions

טהרות די: בי – ה: בי

- What is the law regarding a case where a weasel is seen walking across *trumah* rolls carrying a *sheretz* in its mouth? (די: בי)
- What is the law if the weasel was walking amongst people? (די: גי)
- What is the law if a dog was eating a *sheretz* and person walked past and is not sure if he touched the *sheretz*? (די: גי)
- What is the law if a crow carrying a *kezayit* from a *met* passes by and there is a doubt if it passed over a person? *Keilim*? (די: די)
- What is the law regarding the *keilim* if one pours liquid from one to the other and a *sheretz* is found in the lower *kli*? (די: די)
- What are the six *sefeikot* in which the rule is that *trumah* would be burnt? (די: הי)
- In what cases are we *toleh trumah* in a case where the *safek* is between two *rokin*? (די: וי)
- How does the law differ if the case involved one *rok*? (די: וי)
- List some of the *sefeikot* that the *Chachamim* ruled were *tahor* even in a *reshut ha'yachid*? (די: וי)
- What are the three opinions regarding the doubtful case involving floating *tumah* that the *Chachamim* ruled was *tahor*? (די: חי)
- What is the case in which we rule: "משקין לטמא, טמא"? (די: טי)
- What is the case in which we rule: "...ולטמא, טהור"? (די: טי)
- What is *R' Yosi*'s opinion regarding *safek mashkin*? (די: יי)
- What is the law regarding: (די: ייא)
 - *Safek yadayim*?
 - *Safek diveri sofrim*? (Describe such a case.) What case is the exception?
- Which *safek* is *taharat Prishut*? (די: ייב)
- What is the law regarding *safek sheratzim*? (די: ייב)
- When is *safek negayim tahor*? (די: ייב)
- What is the law regarding the ownership of *safek Bechorot*? (די: ייב)
- Can a *safek nazir* drink wine? (די: ייב)
- Describe the case of *safek korbanot* and what is its ruling? (די: ייג)
- 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. (די: יא)
- List some other cases that share the same rule. (די: יא)
- 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. (די: בי)

Local Shiurim

Sunday -Thursday

15 minutes before *mincha*
Mizrachi Shul

Friday & Shabbat

10 minutes before *mincha*
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
3 rd January י"ז טבת	4 th January י"ח טבת	5 th January י"ט טבת	6 th January כ טבת	7 th January כ"א כסלו	8 th January כ"ב טבת	9 th January כ"ג טבת
Taharot 5:3-4	Taharot 5:5-6	Taharot 5:7-8	Taharot 5:9-6:1	Taharot 6:2-3	Taharot 6:4-5	Taharot 6:6-7

