



Volume 6. Issue 47

Am Ha'aretz Collectors

The matters discussed this week moved from doubt regarding actions to doubt regarding people with respect to *tumah*. The personalities that caught most of our attention were the *chaver* (a person particular with the laws of *tumah* and *tahara*) and the *am ha'aretz*. It is important to note that unlike the more familiar colloquial meaning, the *am ha'aretz* can refer to one that is observant in *Torah* and *mitzvot* (*Rambam Mishkav U'Moshav* 10:1). The problem is that since he is not proficient in the laws of *tumah* and *tahara* he is assumed to be *tameh*. Consequently many of the cases involve an *am ha'aretz* left unattended in a *chaver's* house in varying capacities.

One case concerned an *am ha'aretz* tax collector. The *Mishnah* teaches that if the collector enters the house (for the purpose of taking a guarantee) a fair portion¹ of the contents around the entire house would be *tameh*. The *Mishnah* continues stating that if the collector was accompanied by a *goi*, then the *am ha'aretz* is believed to say that he did not enter the house, but is not believed to say that he entered the house but did not touch anything.

The *Rash* and *Rosh* explain that the *goi* acts as a supervisor so that the *am ha'aretz* will be frightened, perform his job correctly and search thoroughly. Consequently if the *am ha'aretz* admitted he entered the house, he certainly would have touched items within it.² If however the *am ha'aretz* enter alone, then he could be believed.

Two questions arise according to this explanation. The *Mishnah* initially taught that if the collector entered the house, the contents are *tameh*. Since the *Mishnah* only then added that the case where he was accompanied by the *goi*, it suggests that the opening case is referring to the collector alone. The *Tifferet Yisrael* therefore combines both parts of the *Mishnah* and teaches that it should not be read "if the collector is accompanied by a *goi*..." as introducing a new case, but rather "even if" thereby adding a further detail to the first case.

The second problem is that in many of the other cases cited previously the *Chachamim* ruled that everything within arm's reach of the unattended *am ha'aretz* is *tameh*. Why in this case do we simply trust the *am ha'aretz* if he says he

did not touch anything. The *Mishnah Achrona* explains that in the previous cases the *am ha'aretz* was not allowed to touch anything. Consequently the *am ha'aretz* would be reluctant to admit that he was freely touching the *chaver's* property. In this case however, since he was allowed to enter by government authority, such a concern does not exist.

The *Rambam* however, based on the *Tosefta*, provides a different reading of our *Mishnah*. He explains that it is only in the presence of *goi* is that collector is believed that he did not touch anything. According to this understanding, the fear inflicted by the presence of this supervisor ensures that the collector does not touch anything he should not. If however the collector was alone he would feel free to roam around the house and everything should be assumed *tameh*.

The *Rambam's* understanding does require a change in the text of our *Mishnah*. Nevertheless it preserves the separation between the first and second parts of the *Mishnah* (the first problem above). Furthermore, why the unattended collector is treated harsher than the previous cases is readily understood.

The *Rambam* however adds that if the collector was not witnessed entering the house, then he is believed when he says that he entered the house but did not touch anything. The reason is based on the principle known as *migo*. To explain, since if the collector wanted to lie he could have said he did not enter at all – a better claim – we believe him when he says that he did not touch anything.

The *Mishnah Achrona* notes that we find many cases where an *am ha'aretz* is not believed through a *migo*. One such example is where the *am ha'aretz* says that the fruit went through *hechsher* (made liable to contract impurity) but did not become *tameh*. Even though the *am ha'aretz* could claim that they never went through *hechsher*, he is not believed. The *Mishnah Achrona* explains that in those cases the *migo* does not work as they would rely on sufficient knowledge of the law of *tumah* and *tahara*, which the *am ha'aretz* simply does not have.

Yisrael Yitzchak Bankier

¹ See the continuation of the *Mishnah*.

² The *Tifferet Yisrael* explains that because of this certainty, the *am ha'aretz* does not have the benefit of applying a *migo*.

Revision Questions

טהרות ו' ח' : ח' : ב'

- What is the status of the following areas for *tumah* and *Shabbat* (including all opinions):
 - A *Basilki*? (ח': ו')
 - A *Paran*? (ט': ו')
 - An *Istavnit*?
 - A courtyard used as a public thoroughfare? (י': ו')
- What is the law regarding the wares of a potter that left them unattended in *reshut ha'rabbim*? (Include both opinions.) (יא': ו')
- What is the law regarding a *chaver's* house if he entrusted his keys with an *am ha'aretz*? (יא': ו')
- Explain the debate regarding the contents of a *chaver's* house if he left an *am ha'aretz* there unattended. (יב': ו')
- Explain the debate regarding the contents of a *chaver's* house if he left tradesmen there unattended. (יג': ו')
- What are the two opinions regarding the contents of a *chaver's* house if she allowed an *am ha'aretz* use her mill? (יד': ו')
- What is the law regarding the contents of a *chaver's* house if he left an *am ha'aretz* to guards the house? (טו': ו')
- What is the law regarding the contents of a house into which tax collectors have entered? (טז': ו')
- What difference does it make if a *goi* was amongst the collectors? (יז': ו')
- What is the law regarding the contents of a house that has been robbed? (יח': ו')
- What is the law regarding one's utensils that he left in a bathhouse locker? (יט': ו')
- What is the law regarding a *kohen's* utensils that he left at the press from one seasons to the next? (כ': ו')
- Explain the debate regarding a *kohen* who abandoned his intention of eating more *trumah*. (כ': ו')
- Regarding the previous question, with respect to what is there consensus? (כ': ו')
- Regarding which people and cases do *R' Akiva* and the *Chachamim* argue? (כ': ו')
- Explain the debate regard a case where a *chaver* leaves his utensils in a *chatzer* shared with an *am ha'aretz*. (כא': ו')
- With respect to which *tumah* is one concerned if he entrusted a utensil with an *am ha'aretz*? (כב': ו')
- When does that law change? (כב': ו')
- What is *R' Yosi's* opinion regarding the previous two questions? (כב': ו')

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
17 th January ב' שבט	18 th January ג' שבט	19 th January ד' שבט	20 th January ה' שבט	21 st January ו' שבט	22 nd January ז' שבט	23 rd January ח' שבט
Taharot 8:3-4	Taharot 8:5-6	Taharot 8:7-8	Taharot 8:9-9:1	Taharot 9:2-3	Taharot 9:4-5	Taharot 9:7-6

