



Safek Tumah in Flight

The *Mishnah* (4:1) teaches that if one throws *tameh* keys over *tahor* bread and there is a doubt whether it came into contact with the bread, the bread remains *tahor*. If however one threw *tahor* bread over *tameh* keys and there is a similar doubt then the final ruling is the subject of debate. The *Chachamim* rule that the bread is likewise *tahor*, whereas in this case *R' Yehuda* maintains that the bread is *tameh*. How do we understand the debate?

In order to do so, we need understand a bit more about doubts in general regarding *tumah*. The principles are based on *Sotah* (*Gemara Sotah* 28a) from which we learn that if a doubt arises in a *reshut hayachid* (private domain) and it concerns something that has *daat lishael* (understanding enough to be interrogated) then the doubt is ruled stringently and deemed *tameh*. In the same *Gemara*, *Rav Gidel* brings another source in the name of *Rav* for the case of *ein bo daat lishael* specifically, derived from the *pasukim* that deal with *kodshim* that come into contact with *tumah*.

The *Bartunera* understands that the debate here is regarding *yesh bo* (it has) *daat lishael*. According to the *Chachamim*, irrespective of which item was in flight and which was in rest – this is a case of *ein bo* (it does not have) *daat lishael* and is therefore ruled as *tahor*. *R' Yehuda* however understands that since the item originated from a person who threw it, it is considered as if *yesh bo daat lishael*. The *Tifferet Yisrael* explains that since a person threw it, it is as if he is holding it when it (potentially) came into contact with the bread. Consequently, if one threw the keys over the bread, since the doubt originates in a private domain, the bread is *tameh*. In the reverse case however, *R' Yehuda* provides a different reason why

the bread is *tahor*. It is because the source of *tameh* is in flight and not stationary.

The *Mishnah Achrona* however understands the debate is focused on the essence of *yesh bo daat lishael*. The *Chachamim* understand that it is based on a logic – since there is nothing that can present the doubt before us we need not begin suspecting that perhaps it became *tameh*. It is only once a person asks the question regarding a doubt if he came into contact with *tumah* that we need to address the issue. In this case, since at the point of doubt, when the item was in flight, the person is not holding the bread, it is considered *ein bo daat lishael*.

R' Yehuda on the other hand understands that the law of *ein bo daat lishael* is a *gezeirat hakatov* (a *Torah* decree) or *halacha* (Sinai tradition). Consequently, the scope of the law is limited to the case from which it is learnt and there can be no human involvement.

HaRav Lichtenstein (*Shiurei HaRal –Taharot*) notes that the *Mishnah Achrona* is presenting quite a novel understanding. According to the *Mishnah Achrona*, the position of the *Chachamim* is that *yesh bo daat lishael* is not connected to the ability to clarify the matter. Instead it is connected to one actually asking; without that, there is no doubt. While this position that a doubt has substance if there is a subject for which the clarification is relevant is logical, it is nonetheless a *chiddush*. We normally view doubts as an objective issue where as this understanding is a subjective one. Here, even if one has the capacity, without the *amira* from the person connected, there is no doubt.

Yisrael Bankier

Revision Questions

טהרות ג' ד' – ד' ט'

- What is the law if a *kezayit* from a *neveilah* was left in the sun and shrunk in size? (ג' ד')
- What is the law if rain then fell and the piece swelled to being larger than a *kezayit*? (ג' ד')
- Explain the following principle: (ה')
"כל הטמאות כשעת מציאתן"
- What is the law if a *katan* is found in a *mavoi* that contains *tumah*? (ו' ר')
- What is the law if an adult was in the *mavoi* but did not know if they made contact with the *tumah*? (ו' ר')
- What is the law regarding a child found next to a cemetery that is holding flower that is only found inside the cemetery? (ז' ר')
- What is the law regarding the utensils on the back of a donkey that is found inside a cemetery? (ז' ר')
- Explain the debate regarding the dough in the cases where a *tameh* baby is found next to it holding some of the dough in its hand. (ח' ר')
- What is the law regarding bread from which a rooster has pecked if in the house there is also *tameh* liquid? (ח' ר')
- For which animals does the law in the previous question differs and how so? (ח' ג')
- What is the law regarding a case where *tumah* is thrown about and it is unclear whether it touched *tameh* food? (ט' א')
- In what case does *R' Yehuda* argue? (ט' א')
- What is the law regarding a case where a weasel is seen walking across *trumah* rolls carrying a *sheretz* in its mouth? (ט' ב')
- What is the law if the weasel was walking amongst people? (ט' ד')
- What is the law if a dog was eating a *sheretz* and person walked past and is not sure if he touched the *sheretz*? (ט' ג')
- 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*? (ט' ד')
- 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*? (ט' ד')
- What are the six *sfeikot* in which the rule is that *trumah* would be burnt? (ט' ה')
- In what cases are we *toleh trumah* in a case where the *safek* is between two *rokin*? (ט' ו')
- How does the law differ if the case involved one *rok*? (ט' ו')
- List some of the *sfeikot* that the *Chachamim* ruled were *tahor* even in a *reshut ha'yachid*? (ט' ז')
- What are the three opinions regarding the doubtful case involving floating *tumah* that the *Chachamim* ruled was *tahor*? (ט' ח')
- What is the case in which we rule: "ספק משקין לטמא, טמא טמא"? (ט' ט')
- What is the case in which we rule: "ולטמא, טהור"? (ט' ט')

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
Kollel 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
27 September י"ד תשרי	28 September ט"ו תשרי	29 September ט"ז תשרי	30 September י"ח תשרי	1 October י"ט תשרי	2 October כ"א תשרי	3 October כ"ב תשרי
Taharot 4:10-11	Taharot 4:12-13	Taharot 5:1-2	Taharot 5:3-4	Taharot 5:5-6	Taharot 5:7-8	Taharot 5:9-6:1

