



Mikveh Doubts

The second *perek* of *Mikvaot* begins by discussing doubts related to whether one immersed in a valid *mikveh*. The second *Mishnah* also includes a case where the *Mishnah* was measured and found to be too small. The *Mishnah* rules that any *tameh* objects that were immersed in that *mikveh* are retroactively considered *tameh*.

Despite the fact that in all the cases where there is only a doubt whether the immersion was invalid, the *Mishnah* rules that it is irrelevant whether the doubt arose in a private or public domain. Recall, that previously we learnt that doubts regarding *tumah* that originate in the public domain are treated leniently. The *Bartunera* explains that we ruled leniently in those cases since there was doubt whether the item became *tameh*. Here however the item was already *tameh* and there is a doubt whether it became *tahor*. Consequently, since the person or item has a *chazakah* (established and presumed status) of *tumah*, it endures in the case of a doubt. The *Tifferet Yisrael* adds that because of this difference, it is different to the case of *Sotah* from which the leniency of *reshut harabim* is derived.

The *Mishnah* continues with a debate regarding the scope of this rule. The *Chachamim* maintain that this rule only applies for *tumah chamurah*. According to the *Bartenura* this refers to an *av ha'tumah* whose source is from the *Torah*. For *tumah kala*, lighter forms of *tumah*, the ruling would be *tahor*. R' *Yossi* however disagrees arguing that in both cases the ruling is *tameh*. How do we understand the debate?

The *Bartunera* explains that while the *Chachamim* were lenient in the case of doubt regarding rabbinic forms of *tumah*, R' *Yossi* argues that the *chazaka* endures even in these cases.

Returning now to the original ruling. *Rashi* (*Gittin* 31b) explains that not only are the *keilim* that were immersed in the *mikveh tameh*, but also those *taharot* and *terumah* that came into contact with those *keilim* are *tameh* as well. Indeed, the language of the *Mishnah* appears to imply this

conclusion since it explains "all the *taharot*" are *tameh* (and not simply "all the *keilim*").

The following question is posed on the opinion of *Rashi*. We understand that the *kli* is considered *tameh* since it has a *chazak* that it was *tameh*. The *taharot* however had a *chezkat tahara*. It should follow that all the *taharot* should be *tahor*.

The *Ritva* (*Eiruvin* 36a) provides two answers. The *Ritva* explains that since the *taharot* definitely came into contact with the *kli* in question it loses its *chazaka*. One might explain that this is since it definitely touched the *kli*, it loses its *chazaka* since its status is tied to the status of the *kli*.

The *Ritva* brings another answer in the name of *HaRam bar Shniur*. He explains that we only consider the *chazaka* at the point of the doubt. In our case the doubt is regarding the *kli* and whether it was immersed properly. The *chazaka* there is that it was *tameh* and that is the only *chazaka* being considered.

Perhaps we can explain this answer using the concepts presented in a recent issue (Volume 12, Issue 47). Recall there were two ways to understand a ruling in a case of doubt. Either it was a simply a *hanchaya* – a direction in how the individual is to respond to the doubt. No decision is being made about the nature of the doubt – the matter is no clearer. Considering our example, we are still unsure as to the real status of the *kil*. Alternatively, the ruling is a *hachra'ah* – a definite decision - the *kli* is *tameh*.

We might suggest that these two understandings are behind the two opinions above. According to the second understanding, the *chazaka* is only relevant at the point where that doubt is. This is because we make a *hachra'ah*. Using our case, from that point onwards the *kli* is *tameh* and the *chazakah* of the *taharot* is irrelevant. According to the first explanation, perhaps the ruling is a *hanchaya* and one would therefore think that we should consider the *chazaka* of the *taharot*. The *Ritva* however answered that since it definitely came into contact with the *kli*, it lost its *chazaka* and its status is dependent on the *kli*.

Revision Questions

טהרות י' ז' ח'

- What is the law if while one was drawing wine out of the vat, a *sheretz* was found in the first barrel? In the last barrel? (י' ז')
- Regarding the previous question in what case is the ruling more stringent? More lenient? (י' ז')
- Which parts of a vineyard would be considered *reshut ha'rabim*? (י' ח')
- What must one do first if the utensils of a wine press became *tameh* through *tameh* liquids? (Provide both cases.) (י' ח')

מקואות א' א' – ב' ד'

- What is *mei gevaim*? (א' א')
- What is the law regarding one that drank from *mei gevaim* after someone *tameh* drank from it? (א' א')
- Regarding the previous question, what would the law be if *trumah* fell in such water? (א' א')
- What is the law regarding the previous two questions if instead of a *tameh* person first drinking from the *mei gevaim*:
 - Water was first drawn with a *tameh kli*? (א' ב')
 - *Tameh* liquid first fell into the *mei gevaim*? (א' ג')
 - A corpse fell into the *mei gevaim*? (א' ד')
- Provide some examples of bodies of water that qualify as *mei gevaim*? (א' ד')
- What is the law regarding *mei gevaim* that is found during the rainy seasons? During the rest of the year? (א' ד')
- When does *tameh mei gevaim* become *tahor*? (א' ה')
- What two things listed in the *Mishnah* can *mei gevaim* be used for? (א' ה')
- What is the body of water that is the next level above *mei gevaim* and how does it differ from *mei gevaim*? (א' ו')
- For what two things listed in the *Mishnah* can that water be used? (א' ו')
- What is the technical definition of a *mikveh* and what is it used for? (א' ז')
- What is the body of water that is the next level above a *mikveh* and in what ways is it similar to a *mikveh* and in what ways is it similar to a *maayan*? (א' ז')
- What is *mayim mukin*? (א' ח')
- For what is a *maayan* the only option? (א' ח')
- What is the law regarding one who is unsure whether they immersed in a *mikveh*? (א' ט')
- What other two cases of doubt share the same rules as the previous question? (א' ט')
- What is the law regarding a *mikveh* that was used for immersing *tameh* items and was later measured and found to contain water less than the required *shiur*? (א' ט')
- Which forms of *tumah* are the subject of debate regarding the previous question? (א' ט')
- What is the doubtful case involving drawn water that the *Chachamim* deemed as being *tahor*? (א' י')
- What is the debate regarding when, and the debate regarding the measure, of drawn water that invalidates a *mikveh*? (א' 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
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

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
1 November י"ט חשוון	2 November כ' חשוון	3 November כ"א חשוון	4 November כ"ב חשוון	5 November כ"ג חשוון	6 November כ"ד חשוון	7 November כ"ה חשוון
Mikvaot 2:5-6	Mikvaot 2:7-8	Mikvaot 2:9-10	Mikvaot 3:1-2	Mikvaot 3:3-4	Mikvaot 4:1-2	Mikvaot 4:3-4

