



One Against One?

A sin offering (*chatat*) is brought when one inadvertently violates a prohibition, that if violated deliberately would make him liable to *karet*. The *Mishnah* (3:1) deals with cases where the individual was made aware of the violation by other people. The second case is where two people provide conflicting accounts regarding whether the individual did indeed violate the prohibition. The *Mishnah* rules that he would need to bring an *asham talui*. The *asham talui*, about which we will learn next week, is the guilt offering that is brought in the case where one has a doubt whether they are indeed violated a prohibition that would obligate them to bring a sin offering.

The *Tosfot R' Akiva Eiger* writes that the *Mishnah* appears to imply that if two individuals present conflicting testimonies, it is not considered as if they are cancelled out and insignificant. Instead we find that both testimonies are adopted creating a situation of doubt.

The *Tosfot R' Akiva Eiger* directs us to the *Machane Ephraim* (*Edut* 8), who comments that this is indeed the opinion of the *Rambam*. The *Ramban* however maintains that in a case where two individuals present opposite testimonies, they cancel each other out and are disregarded. The *Machane Ephraim* cites our *Mishnah* in support of the *Rambam*.

The *Machane Ephraim* also cites the *Mishnah* in *Taharot* (5:9) as an additional proof. The *Mishnah* rules that if one person said an individual came into contact with a source of *tumah* and another person says he did not, then if the incident occurred in a private domain, the individual is deemed *tameh*. If however it occurred in the public domain, then the individual is *tahor*. The ruling is consistent with a case of *safek tumah* – a doubt whether an individual became *tameh*. It is clear that the testimonies are not disregarded, but rather viewed as a case of *safek*.

The *Tosfot R' Akiva Eiger* however also directs our attention to the *Shach* (YD 127). The *Shach* cites the *Yerushalmi* (*Yevamot* 10:4) that deals with a case where there are conflicting testimonies regarding whether a woman was betrothed. The *Gemara* attempts to draw a proof from our cases, that we need to be concerned and that she would require a *get* if she wished to marry another. *R' Yossi* rejects the proof since the barrier to bring an *asham talui* is much lower. In other words, witness testimony is not required and even if one has internal doubts, he can bring an *asham talui*.

We can now defend the *Ramban* based on the *Shach*. It can still be argued that for legal matters where a single witness is significant, that if someone else testifies to the opposite, we completely disregard both. However in this case, since even a single witness testimony is not really required to bring an *asham talui*, the presence of two people that raise a doubt in the mind of the individual is enough to require an *asham talui* be brought.

How can we address the proof from *Taharot*? The *Tifferet Yisrael* (*Taharot* 5:9, *Boaz* 9) also raises that *Mishnah* as a difficulty against the *Maharik* that holds the same position as the *Ramban*. He adds however, that the *Ran* and *Rashba* have a more basic problem with that *Mishnah* and ask that in that case there is a *chezkat heiter* (the person was *tahor* before the question was raised) and everyone would agree that we would discount the single witness that states he is *assur* (*tameh*) in that case. The *Tifferet Yisrael* suggests that *hilchot tumah* is different since the *Torah* teaches that we disregard the *chezkat tahara* in a case of *safek tumah be' resuht ha'yachid*. Put differently, for *safek tumah*, the requirement to change his status, does not require witnesses to override the *chazaka*. One may suggest that *Tifferet Yisrael* implies that perhaps for *hilchot tumah* it is also different with respect to conflicting single witnesses.

Yisrael Bankier

Revision Questions

כריתות ב' א' – ג' ח'

- What are the four *mechusarei kapparah*? (ב' א')
- For which four prohibitions does one bring a *korban* whether it was transgressed *be'shogeg* or *be'meizid*? (ב' ב')
- For which five prohibitions does one bring one *korban* for multiple transgressions? (ב' ג' ד')
- For which five prohibitions does one bring a *korban oleh ve'ored*? (ב' ד')
- What are the differences between a *shifcha charufah* and other prohibited relationships? (ב' ד')
- What is a *shofcha charufah*? (ב' ה')
- What is the law regarding forbidden relationships where: (ב' ו')
- One party was a *katan*?
- One party acted *be'shogeg* and the other *be'meizid*?
- What is the law of one person said that one ate *cheilev* and another said he did not? (ג' א')
- Explain the debate where two witnesses testified that a person ate *cheilev* and he denied it. (ג' א')
- In what way is transgressing multiple transgresses harsher than transgressing one multiple times? (ג' ב')
- Regarding the previous question, in what way is it less harsh? (ג' ב')
- How long has one waited between eating two half-*kezaytim* such that they do not combine to obligate him to bring a *korban*? (Include both opinions.) (ג' ג')
- What is the discussion regarding the minimum quantity of wine one drinks such that it is forbidden to enter the *Beit Ha'Mikdash*? (ג' ג')
- How is it possible that one can eat one thing and be obligated to bring four *chata'ot* and one *asham*? (ג' ד')
- How is it possible for a person to have one relationship and be obligated to bring six/seven *chata'ot*? (Provide more than one case.) (ג' ה')
- How can one person be prohibited in eight ways? (ג' ו')
- How is it possible for a person to have a relationship with one person who is their sister, father's sister and mother's sister and what is the law in such a case? (ג' ז')
- What case is brought from which the *tumah* status of an *eiver meduldal* is derived? (ג' ח')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

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

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Rabbi Chaim Brown
www.shemayisrael.com/mishna/

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

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
31 May ח' סיון	1 June ט' סיון	2 June י' סיון	3 June יא' סיון	4 June יב' סיון	5 June יג' סיון	6 June יד' סיון
Keritot 3:9-10	Keritot 4:1-2	Keritot 4:3-5:1	Keritot 5:2-3	Keritot 5:4-5	Keritot 5:6-7	Keritot 5:8-6:1

