



Safek and Searot

One of the indications of *tumah* (*siman*) for *tzaraat* affecting one's skin is the appearance of two white hairs. The *Mishnah* (4:11) teaches that the hairs must form inside the *nega*. In other words, if the hairs grow prior to the *nega* appearing, then they would not be a *siman tumah*. The *Mishnah* ends with a debate where there is a *safek* (doubt) when the hairs formed. The *Chachamim* maintain that the *nega* would be considered *tameh* – a stringent ruling, while *R' Yossi* disagrees. The opinion of the *Chachamim* requires investigation. In the next *Mishnah* we learn that in general, the ruling is lenient in cases of doubt related to *negaim*. Why is this case different?

The question is further sharpened considering that the individual in this case has a *chazaka* that they were *tahor*. In other words, the last certain status of the individual is that they were *tahor*. A *safek* in a case where there is a *chazaka* related to body of the individual should not change the status.

The *Tosfot Yom Tov* cites the *Tosfot* (*Nidah* 19a, s.v. *R' Yehoshua*) who explain that in this case the *chazaka* is weakened. They explain that since the white hairs would normally form inside a *nega* and not prior to it appearing, there is a strong argument to say that the hairs turned white after the *nega* appeared.

The *Rash* however argues that that logic would not apply to someone that naturally grows white hairs in that location due to age and complexion and the *Mishnah* does not differentiate regarding the individual concerned. The *Rash* therefore suggests that in this case, a *nega* that was half a *gris* (half-bean), less than the minimal size, had already appeared. After that it grew to a *gris* and there were two white hairs. The *Chachamim* reason that since some of the *nega* was already there prior to the hairs, it makes sense that the rest of the *nega* also preceded the hairs. The *Tosfot Yom Tov* cites the *Korban Aharon* who asks, that the same question posed by the *Rash* can act

against him. The *Mishnah* does not differentiate between whether there was a half *gris nega* or not. If it is true that in a cases where there was nothing prior to the *safek* that the *Chachamim* would agree that the *nega* is *tahor*, then one would have expected the *Mishnah* to have stated it.

The *Shitah Mekubetz* (*Ketubot* 75b) however cites *Rashi* how explains that the stringency in this case is derived from the *Torah*. The *Torah* teaches (*Vayikra* 13:3), “The *Kohen* shall look at the affliction on the skin of his flesh; If hair in the affliction has changed to white...”. In other words, only if it is clear that the hair developed inside the *nega* is it considered *tameh*.

The *Maharsha* however questions the *Tosfot*'s original question. We know that cases of doubt that arise in the private domain are treated stringently. This case is referred to as *safek tumah be'reshut ha'yachid*. This principle is learnt from *Sotah* where there is a pre-existing *chazaka* that the *Sotah* was “*tahor*”. Considering that the mark is on the body of the individual, it should be considered a doubt in the private domain. A stringent ruling should therefore be of no surprise.

The *Maharsha* answers by differentiating between our case and regular cases of doubt in the private of domain. In those cases, the doubt is one of contact. In this case it is one of “seeing” about which the above principle does not apply.

The *Grach* however explains that for *negaim* the rule of *safek tumah be'reshut ha'yachid* does not apply as it is fundamentally different to a regular case of *safek tumah*. In this case, even if the white hairs developed inside the *nega*, which would indeed be a *siman tumah*, the *nega* is not considered *tameh* until it is assessed by a *kohen*. In regular cases of *safek tumah* this issues is regarding an object that is *tameh*. In our case, the doubt is not whether the object or *nega* is *tameh*, but whether the *kohen* should rule and render the *nega* as *tameh*.

Revision Questions

נגעים ד' י"א – ו' ח:

- Is the law different if the second half had two hairs? (ד' י"א)
- What is the law if there is a doubt whether the hairs preceded the *baheret*? (ד' י"א)
- What other case of doubt shares the same rule as the previous question, and what is the rule in all other cases of doubt? (ה' א')
- What is the law if one of the signs of a *metzora muchlat* disappears from a *metzora muchlat* and another one appears? (Which case is missing from the *Mishnah* and why?) (ה' ב')
- Explain the debate regarding the definition of *se'ar p'kuda* and the debate regarding the law (ה' ג')
- When does the law regarding the ruling that applies to *safek negaim* change? (ה' ד')
- Provide examples for both cases and their ruling. (ה' ד-ה')
- What are the minimum dimensions of a *baheret*? (ה' א')
- What are those dimensions in "hairs"? (ה' א')
- What are the minimum dimensions of both a *baheret* and the *michya* inside for it to be *tameh*? (ה' ב')
- Regarding the previous question what is the law if either the *baheret* increases or decreases in size? If the *michya* increases or decreases in size? (ה' ב')
- Regarding the previous question, what is the law if the *michya* was originally too small? (Which case is the subject of debate?) (ה' ג')
- Regarding the previous question, what is the law if they were both originally larger than the minimum size? (ה' ד')
- Explain the debate regarding a case where a *baheret* is surrounded by *michya* which is surrounded by a *baheret*. (ה' ה')
- Regarding the previous question, explain the debate when the *baheret* spreads over the *michya*? (ה' ו')
- What is *R' Shimon*'s opinion regarding the scope of the debate described in the previous question? (ו' א')
- What is the law if the previous case involved a *bohak* in place of the *michya*? (ו' א')
- What are the twenty-four *roshei eivarim* and why are they important? (ו' ב')
- List some of the places that cannot make someone *tameh* due to a *baheret*? (ו' ח')
- For which other four cases are these locations important? (ו' ח')
- Is there any time that the head can be treated as normal skin for *tzara'at*? (ו' ח')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
14 March א' ניסן	15 March ב' ניסן	16 March ג' ניסן	17 March ד' ניסן	18 March ה' ניסן	19 March ו' ניסן	20 March ז' ניסן
Negaim 7:1-2	Negaim 7:3-4	Negaim 7:5-8:1	Negaim 8:2-3	Negaim 8:4-5	Negaim 8:6-7	Negaim 8:8-9

