



## Trusting the Individual

The *Mishnah* (5:9) records a debate regarding a case where two people testified that an individual became *tameh* and the person denies it. *R' Meir* maintains that he is *tameh*, while the *Chachamim* argue that the individual is believed and remains *tahor*. The *Tifferet Yisrael* explains that it is not just that he is trusted to deal with his own *taharot*. Rather he even those *taharoth* that he handled, would be considered *tahor* for other people as well.

The position of *R' Meir* is readily understood. The *Bartenura* explains that if two witnesses have the power to bring about a death penalty, then certainly they should be trusted to render this individual as being *tameh*. How then do we understand the position of the *Chachamim*?

The *Gemara* (*Keritut* 12a) provides two explanations. The first is that when it comes to matters related to *issurim*, an individual is completely trusted. The second explanation is that we “interpret his words”. In other words, we understand that he means that he was *tameh*, immersed in a *mikveh* and is now *tahor*.

The *Mishnah Achrona* explains that according to the second explanation, in cases where we cannot interpret his claim in a way that would result in him being *tahor*, then he would not be believed. For example, if he said, I did not become *tameh* nor did I immerse in a *mikveh*. Interestingly the *Tifferet Yisrael* disagrees. He explains that even if we ask him directly, if he immersed in a *mikveh* after the incident in question and he replied that

he did not, he would still be *tahor*. We assume that there must be some other reason why he is concealing the *tumah* and *tahara* in the face the witnesses.

Another case the *Mishnah Achrona* raises where he would not be believed, is if the witnesses say that the *taharot* he engaged in became *tameh*. Since immersing the *taharoth* in a *mikveh* would not make them *tahor*, then there is no way to favourably interpret his words, and they must be considered *tameh*.

The *Aruch HaShulchan* (*Shaar Avot HaTumah* 151:22) explains that the difference between these two explanations is if the witnesses came and said you just now became *tameh*. According to the first explanation, the individual is still believed. According to the second explanation however, since there is no way to interpret his words that would make him *tahor* at that moment, we must say that he is *tameh*.<sup>1</sup>

The *Aruch HaShulchan* notes that the *Rambam* (15:11) rules that even though he is trusted regarding *taharot* he had already handled, we instruct him to become *tahor* prior to handling other *taharot*. This law is presented in the *Tosefta*. The *Aruch HaShulchan* argues that this implies that the *Rambam* maintains first explanation, that the ruling is based on trusting the individual regarding *issurim*. If the reason was that we “explain his words” – that he already immersed in a *mikveh* and became *tahor* – there would be no reason to differentiate between past *taharot* he engaged and those in the future.

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<sup>1</sup> The *Aruch Hashulchan* raises an additional case in which the witnesses said, you just became *tameh* and you are unaware it

occurred. He is unsure whether, according to the first explanation, we would still say the individual is trusted against the witnesses.

### Revision Questions

טהרות ה' - ה' - ו' טי

- What is the law in a case regarding the two paths where one person went on one path and another on the other? (Provide both opinions.) (ה' ה')
- What other case is brought that is debated in a similar manner to the previous question? (ו' ה')
- What is the law regarding one's clothes if they were trampled on by someone unknown to him? (ה' ו')
- What is the law regarding the clothes of one that slept in *reshut ha'rabim*? (ו' ה')
- Explain the debate regarding a case where one touched a body at night and in the morning it is discovered that it is a corpse. (ו' ה')
- In what cases would all the *rok* found in a city be deemed *tameh*? (ה' ח')
- In what case would a man not be required to ask a woman if she is *tameh* after she stepped on his clothing? (ה' ח')
- What would the law be in the follow cases: (ה' טי)
  - A witness says the person became *tameh* but the person denies it?
  - Two witnesses say *tameh* but the person denies it?
  - One witness say *tameh* but two witnesses say *tahor*?
  - Two witnesses say *tameh* but one says *tahor*?
  - One witness say *tameh* but one says *tahor*?
- What is the law regarding doubtful cases of *tumah* in a domain that changes from a *reshut ha'yachid* to a *reshut ha'rabim* then back? (ו' א')
- What other case is similar to the one in the previous question? (ו' א')
- What are the four *sfeikot* that R' Yehoshua rules as *tameh* and the *Chachamim* rule as being *tahor*? (ו' ב')
- What is the law if one climbs a tree in *reshut ha'rabim* that contains *tumah* but is not sure if he touched the *tumah*? (ו' ג')
- What is the law regarding a case where one is not sure if they entered a shop that opened to *reshut ha'rabim* and contained *tumat ha'met*? (ו' ג')
- What is the law if a person who entered one of two shops, one of which was *tameh*, but he was not sure which one he entered? (ו' ג')
- What is the law regarding a double doubt concerning *tumah* in a *reshut ha'yachid*? (ו' ד')
- Explain the debate regarding one that enters a valley during the winter but is not sure if he walked through the *tameh* field in that valley. (ו' ה')
- Provide an example of a domain that is *reshut ha'rabim* for *tumah* but defined as a *reshut ha'yachid* for *Shabbat*? (Which case is debated?) (ו' ו')
- What location is defined as a *reshut ha'rabim* for *tumah* but only in the summer? (ו' ז')
- What is the definition of that location for *Shabbat*? (ו' ז')
- What is the status of the following areas for *tumah* and *Shabbat* (including all opinions):
  - A *Basilki*? (ו' ח')
  - A *Paran*? (ו' ט')

### Local Shiurim

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10 minutes before *Mincha*  
Mizrachi Shul  
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##### Friday & Shabbat

10 minutes before *Mincha*  
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*Shiur in English*

##### Sunday -Thursday

Rabbi Mordechai Scharf  
 9:00am  
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#### SHIUR ON KOL HALOSHON

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### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 July כ"ד תמוז	5 July כ"ה תמוז	6 July כ"ו תמוז	7 July כ"ז תמוז	8 July כ"ח תמוז	9 July כ"ט תמוז	10 July א' אב
Taharot 6:10-7:1	Taharot 7:2-3	Taharot 7:4-5	Taharot 7:6-7	Taharot 7:8-9	Taharot 8:1-2	Taharot 8:3-4

