



## Trusting an Am Ha'Aretz with Kodesh

The beginning of the third *perek* compares the laws that apply to *terumah* and *kodesh* (*korbanot*) and how in different cases we treat one stricter than the other. One of those difference (3:4) relates to the when we can trust an *am ha'aretz* if they say *terumah* or *kodesh* is *tahor*. Recall that an *am ha'aretz* is an individual that is not particular with the laws of *tumah* and *taharah*. In this case, *kodesh* is more lenient and they can be trusted in all cases. We shall try to understand why.

The *Bartenura* explains that given the severity of *kodesh*, the *am ha'aretz* will be careful and not lie.

The *Gemara* (22a) however cites a *beraita* where *R' Yossi* maintains that the reason why an *am ha'aretz* is trusted for *kodesh* is because of the animosity (*eiva*) it might cause. He explains that we are concerned that if they are not trusted, then each person would just build their own *mizbeach* for their *korbanot* outside the *Beit HaMikdash*.

The *Gemara* continues by asking on which opinion do we rely that we accept testimonies from *amei ha'araetz* without being concerned that they were not precise with the details. The *Gemara* responds it is the opinion of *R' Yossi* who is concerned for *eiva*. *Rashi* explains that the *Chachamim* disagree with this rationale. Based on *Rashi's* understanding, we now understand why the *Bartenura* provided a different explanation in our *Mishnah*.

The *Tosfot* (24b, s.v. *she'be'yehuda*) comments that when the *Mishnah* teaches that we can trust an *am ha'aretz* about the *tahara* of wine and oil of *kodesh* throughout the year, they cite *Rashi* that this is only when they were set aside at the time when grapes and olives are pressed. The *Chazon Ish* explains that the reason is not because at that time they are trusted also for *terumah*, because it is a time when all the *keilim* are *tahor*. Rather the reason is that that it is the time it can first become *tameh*. Consequently, even if some later season grapes were pressed after that time, the law would be

the same. The *Tosfot* cite *R' Elchanan* who explains that were it not the case, it would mean that wine set aside for *kodesh*, that till now is assumed to be *tameh*, suddenly becomes *tahor*. How can the *tumah* just disappear?

The *Tosfot* however also suggest that the *Mishnah* could be where the *am ha'aretz* set aside the wine and oil for the purpose of *kodesh* at the time of pressing even though it was only consecrated later in the year. When they eventually consecrate it, when can trust that it was kept *tahor* due to the severity of *kodesh* itself (*eimat kodesh*)

Interestingly the *Chazon Ish* (129, 24b) comments on the explanation of *R' Elchanan* that even though the motivation to believe them is due to *eiva* (*R' Yossi*) we still need a "*smach tahara*" – we need to have something on which to rely that it could be *tahor*. Consequently, the *Tosfot* add the reason of *eimat kodesh* so that we can assume it remains *tahor*. We find therefore that according to the *Chazon Ish's*, the reason the *Rishonim* give, and the reason found provided by *R' Yossi* cited in the *Gemara* work together.

The *Lechem Mishnah* (*Edut* 11:2) explains that the *Rambam* also understands that both reasons are required. *Eiva* is not enough without some basis that the *kodesh* is *tahor* (like the *Chazon Ish* explained above). Similarly, *eimat kodesh* alone is not enough either since they may not be careful enough despite the *eima*.

We can however find a position that explains our *Mishnah* without also combing the reason of *eiva*. The *Tosfot Rid* disagrees with *Rashi* who required that the wine be consecrated already at the time of pressing. He asks, how would anyone know when the *am ha'aretz* consecrated the wine. Rather we assume that if he consecrated the wine, he was certain it was kept in a state of *tahara*. It would seem that according to the *Tosfot Rid*, *eimat ha'kodesh* is enough for us to assume that the wine is *tahor*.

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## Revision Questions

חגיגה א' ו' – ג' ד'

- If someone did not bring the *korban Re'iyah* during the festival can he bring it at a later date? (א' ו')
  - What are the additional two opinions about who the following *pasuk* refers to: (א' ו')
- "מעות לא יוכל לתקן, וחסרון לא יוכל להמנות"
- Which *halachot* are described as: "הררים התלויין בשערה" (ח' ו')?
  - What topic should only be taught one-to-one? (א' ו')
  - A person who inquires into which four things is described as: "ראוי לו כאלו לא" (א' ו')?
  - Who else is described in such a manner? (א' ו')
  - With regards to which process in the offering of a *korban* on *Yom Tov* did five groups of *Tana'im* debate? (ב' ו')
  - Which personal *korban* did *Beit Shammai* argue cannot be brought on *Yom Tov*? (ב' ו')
  - What was different about the way *Beit Shammai* and *Beit Hillel* allowed a *korban Shlamim* do be brought on *Yom Tov*? (ב' ו')
  - In what situation do *Beit Shammai* and *Beit Hillel* agree that the *korban Re'iyah* is not offered on *Yom Tov*? (ד' ו')
  - Regarding the previous question, what does the *kohen gadol* do on this day to demonstrate that the *korban* is not offered? (ד' ו')
  - For what five things must one wash their hands prior to eating? (ה' ו')
  - What requires more than hand washing prior to eating? (ה' ו')
  - What are the five levels of "kedushah" described in the *Mishnah* and why are they important? (ו' ו')
  - In what manner are the clothes of *ochlei trumah tameh* for *ochlei kodesh*? (ז' ו')
  - What are the three sections of a utensil that applies for *trumah* but not for *kodesh*? (א' ו')
  - What is different about they way one purifies a utensil for use in *trumah* as apposed to use for *kodesh*? (א' ו')
  - If a utensil was made and its purity preserved, in what situation does it nevertheless require immersing in a *mikvah*? (ב' ו')
  - What is the furthest degree of *tum'ah* that can affect *trumah* and *kodesh*? (eg, *sheni*, *shlishi*, etc.) (ב' ו')
  - In what case can only one hand become *tameh*? (ב' ו')
  - Can one touch *ochlim neguvim* that is *trumah* without washing their hands? (ג' ו')
  - What two people require *tevilah* for *kodesh* but not for *trumah*? (ג' ו')
  - In what case do we trust a person in regards to the purity of *kodesh* more than we would for *trumah*? (ד' ו')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 October ז' חשוון	23 October ח' חשוון	24 October ט' חשוון	25 October י' חשוון	26 October יא' חשוון	27 October יב' חשוון	28 October יג' חשוון
Chagigah 3:5-6	Chagigah 3:7-8	Yevamot 1:1-2	Yevamot 1:3-4	Yevamot 2:1-2	Yevamot 2:3-4	Yevamot 2:5-6

