



Volume 6. Issue 47

Shnei Shvilinear - Two Paths

In the fifth and sixth *perakim* learnt this week we dealt with more complex cases involving doubt regarding *tumah*. Some of these are the well known cases of *shnei shvilinear*. These cases involve two paths, one of which contains *tumat hamet* and the other is *tahor*. The problem is that we are unsure which of these paths contain the *tumah*.¹

If one had walked on one of these paths, since they are in the public domain, this is no different to any other case of doubt arising in the public domain and the ruling should be *tahor*. However one case brought is where one person travelled on both paths. If he did not purify himself in between journeys then he is certainly *tameh* by the end. Conversely the *Mishnah* teaches that if he does purify himself in between and the *taharot* (*trumah* or *kodshim*) that he touched after the first journey were consumed prior to the second, then each journey can be treated independent and everything remains *tahor*. The case which we will focus on is where he purified himself prior to the second journey, but all the *taharot* that he touched after both journeys are present when he poses the question for ruling.

The *Mishnah* rules that the *taharot* are both *tluyot*. This means that they effectively remain in limbo. They cannot be consumed as they might by *tameh* and they cannot be burned in case they are *tahor*; both possibilities forbidden for the *kadosh* items. Let us probe further asking why they are deemed *tluyot*?

The *Tosfot* (*Pesachim* 10a) explains that this rule is rabbinic since on a biblical level they would both be *tahor*. The reason is because we do not know which of the two sets of *taharot* are *tameh*. Consequently, the

Torah-solution is to maintain each of them on their *chazakah* – their established and presumed status – which is *tahor*.

The *Tosfot Ha'Rosh* (*Nazir* 7a) explains that the reason for the decree is that since both *taharot* are still present in the world, there is a concern that if we deemed them both *tahor*, then one person might eat both sets (or *trumah* might touch both sets) and would definitely, yet unknowingly, be *tameh*. Even though above we explained that we can rely on the *chazakat* to deem them *tahor*, the *Rash MiShantz* explains that if *tumah* becomes a certainty (eg, where one person eats both sets) then one can no longer rely on the *chazaka*.

The *Raavad* (*Pesachim* 5a) however argues that this ruling has implications on a biblical level as well.² He explains that since the two sets are present, one is certainly *tameh* and the other is certainly *tahor* and they are therefore “as if being certainly *tameh*.” The *Mishnah Achrona* explains further in a similar manner. They must be ruled as *tluyot* since there is nothing swaying us to make one set *tahor* over the other, and we are not allowed to burn both.

We have therefore seen two different directions as to why, if both *taharot* are present when the question is posed, the ruling is that they are *tahorot*. The first is that there is an external concern that motivated the *Chachamim* to enact a stricter ruling. The second is that this is essentially the only possible result in order not to present a contradiction in the final ruling.³

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¹ See the *Mishnah Achrona* who explains that it cannot be that the location of the *tumah* is known but one is unsure which path they travelled on in the later cases of *shnei shvilinear*.

² See inside as the *Raavad* argues against the *Baal HaMeor* who claims the *Gemara* in *Pesachim* is only learning from our case to *bedikat chametz* (which is rabbinic) but does not have any bearing on the question of *bitul chametz*.

³ For further learning see the *Shita Mekubetz* to *Ketubot* (27a) for an explanation of the debate later (5:5) between R' Yosi and R' Yehuda.

Revision Questions

טהרות ה' ג' – ה' ז'

- What is the law regarding a case with two paths, one *tameh* and the other *tahor*, where one walked on one and then handle *trumah* food, then ate it, went through the *tahara* process, walked on the other path and then handled other *trumah* food? (ה' ג')
- How does the law differ if the original food was not eaten? (ה' ג')
- How does the law differ if the person also did not go through the *tahara* process? (ה' ג')
- What other case is brought that is similar to the one in the previous questions? (ה' ד')
- What is the law in a case regarding to 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? (ה' ו')
- What is the law regarding one's clothes if they were trampled on by someone unknown to him? (ה' ז')
- What is the law regarding the clothes of one that slept in *reshut ha'rabim*? (ה' ז')
- 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. (ה' ז')
- 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' ט')
 - 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 hayachid* to a *reshut ha'rabim* then back? (ה' י')
- What other case is similar to the one in the previous question? (ה' י')
- What are the four *sfeikot* that R' Yehoshau rules as *tameh* and the *Chachamim* rule as being *tahor*? (ה' יב')
- 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*? (ה' יג')
- What is the law regarding a case where one is not sure if he entered a shop that opened to *reshut ha'rabim* and contained *tumat ha'met*? (ה' יג')
- 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? (ה' יג')
- What is the law regarding a double doubt concerning *tumah* in a *reshut ha'yachid*? (ה' יד')
- 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. (ה' טה')
- 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?) (ה' טו')
- What location is defined as a *reshut ha'rabbim* for *tumah* but only in the summer? (ה' טז')
- What is the definition of that location for *Shabbat*? (ה' טז')

Local Shiurim

Sunday -Thursday

15 minutes before *mincha*
Mizrachi Shul

Friday & Shabbat

10 minutes before *mincha*
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
10 rd January כ"ד טבת	11 th January כ"ה טבת	12 th January כ"ו טבת	13 th January כ"ז טבת	14 th January כ"ח כסלו	15 th January כ"ט טבת	16 th January א' שבט
Taharot 6:8-9	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

