



Volume 6. Issue 60

## Mixed Piles

The *Mishnah* (9:5) draws similarities between a case of doubt relating to *tumat nidah* and the following case. There was a pile of stones, amongst which was a *kezayit* of flesh from a corpse – a source of *tumat met*. The identity of this *tameh* pile became confused with two other piles of stones that were *tahor*. The *Mishnah* taught that if one or two of the piles were inspected and found not to contain the *tumah*, then only the remaining pile or piles are deemed *tahor*. What is the law if all three piles are searched and the missing *tumah* is not located?

The *Mishnah* records a debate. *R' Meir* maintains that all three are *tameh* while the *Chachamim* maintain that all are *tahor*. Even though the *Chachamim* effectively agree with *R' Meir* in the comparable case concerning *tumat niddah*, the *Gemara* (*Nidah* 61a) explains that in this case they argue that one can assume a crow came and took away the *tumah*. How do we understand the opinion of *R' Meir*?

The *Mishnah* itself provides the reason: "... *R' Meir* understands that anything that has a *chazaka* of *tumah* is always *tameh* until it is known [with certainty] where the *tumah* went." Since in our cases the whereabouts of the *tumah* is unknown all the piles remain *tameh*.

The *Mishnah Achrona* questions *R' Meir's* ruling. We have learnt in *masechte Parah* (9:7) that if regular ash is mixed with *eifer Parah* (a source of *tumah*) and the regular ash is in the majority then the mixture is *tahor*. Here the *tameh* pile is in the minority. We should therefore consider the *tameh* pile as annulled (*batel*) in the majority - all should be *tahor*! Granted that prior to inspection the laws of *bitul* do not apply as means of clarifying the doubt are still available,

nevertheless after nothing is found the *tumah* should be *batel*!<sup>1</sup>

The *Mishnah Achrona* provides two different solutions. First we find that *bitul* does not apply to items that are attached to the ground. For example the *Mishnah* in *Orlah* (1:6) teaches that saplings of *orlah* or *kilei kerem* that become confused with regular saplings are all *assur*.<sup>2</sup> Consequently perhaps this case of the piles of stones is treated as attached to ground for these purposes.

The second answer of the *Mishnah Achrona* is as follows. Initially, as was explained earlier, since the piles were not checked, *bitul* could not be applied. Consequently all the piles were treated as *tameh* – they had a *chazkat tumah*. According to *R' Meir* once the *chazakat tumah* is applied, even momentarily, it stays until it can positively be removed.

The *Mishnah Achrona* adds that the second answer explains a number of points. Firstly we now understand we the *Mishnah* went at length to explain the opinion of *R' Meir*: "... *R' Meir* understands that anything that has a *chazaka* of *tumah* is always *tameh* until it is known [with certainty] where the *tumah* went." In other words this *chazaka* is established and stands in the face of the possibility of *bitul b'rov*. Furthermore, the same debate between the *R' Meir* and the *Chachamim* could be recorded regarding a case where *tumah* was lost in a single pile, searched for and not found. Nevertheless stating the case in the way it does, the *Mishnah* is able to also teach that according to *R' Meir*, *bitul b'rov* does not help after this *chazakat tumah*.

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<sup>1</sup> He clarifies the question further that the piles are not considered *kavua* (fixed) such that the principle of *rov* does not apply. *Kavua* is only when the location of the *issur* and *heter* sources is known and the question is regarding an item that has separated from one of those sources.

<sup>2</sup> He also cites *Trumot* 6:5. Based on the question of the *Pri Chadash* (YD 110) he explains that this is a rabbinic stringency. See inside for more detail.

## Revision Questions

נידה ח' ד' – י' בי

- What is the law regarding a case where an *eid* that was placed under a pillow after *bedika* had *dam* on it? (ח' ד') (ט: ט)
- What is the debate regarding one that saw blood when she was *metilah mayim*? (ט: טא)
- What is the debate regarding a case where *dam* was found in a *sefel* that was shared by a man and woman? (ט: טב)
- What is the law regarding the *isha* that lent a garment to a *nidah* (without for checking it) and it was returned with a *ketem*? (ט: טג)
- What is the law if three *nashim* sat on a bench (one after the other) and *dam* was found on it? (ט: טד)
- In what case does *R' Nechemya* argue? (ט: טה)
- What is the law if three *nashim* shared a bed and *dam* was found beneath one? (ט: טז)
- When does that law in the previous question change? (ט: טז)
- Regarding the previous cases when would only two be *teme'ot*? (In what case does *R' Yehuda* argue?) (ט: טז)
- What other case relating to *tumah* is compared to the previous one? (ט: טז)
- What are the seven *samemanin* and what are they used for? (ט: טז-יז)
- What is the law regarding a garment with a *ketem* that was immersed, and then the *ketem* was removed with the *samemanin*? (ט: טז)
- Describe how the *samemenin* must be applied. (ט: טז)
- List some of the *vesatot* (*ha'guf*). (ט: טח)
- How many times must they occur for an *isha* to have a *veset*? (ט: טח)
- When would the *taharot* that she touched during a *veset ha'guf* be *tahor*? (ט: טח)
- What are *R' Yosi's* and *R' Yehuda's* opinions regarding *vesatot*? (ט: טח)
- What is the law regarding an *isha* that had a *veset* on the fifteenth of the month but saw *dam* on the twentieth once? Twice? Three times? (ט: טח)
- What does the *Mishnah* use the example of wines to explain? (ט: טח)
- What are the three debates between *Beit Shammai* and *Beit Hillel* in the first *Mishnah* of the final *perek*? (ט: טח)
- What are the three opinions regarding the point after *tumah* that an *isha* can get a *chezkat tahara* after *bedika*? (ט: טח)

## 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
11 <sup>th</sup> April כ"ז ניסן	12 <sup>th</sup> April כ"ח ניסן	13 <sup>th</sup> April כ"ט ניסן	14 <sup>th</sup> April ל' ניסן	15 <sup>th</sup> April א' אייר	16 <sup>th</sup> April ב' אייר	17 <sup>th</sup> April ג' אייר
Nidah 10:3-4	Nidah 10:5-6	Nidah 10:7-8	<b>Machshirin</b> 1:1-2	Machshirin 1:3-4	Machshirin 1:5-6	Machshirin 2:1-2

