



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*!¹

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*.² 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*.

Yisrael Yitzchak Bankier

¹ 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.

² 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')
- What is the debate regarding one that saw blood when she was *metilah mayim*? (ט': א')
- What is the debate regarding a case where *dam* was found in a *sefel* that was shared by a man and woman? (ט': ב')
- 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': ג')
- What is the law if three *nashim* sat on a bench (one after the other) and *dam* was found on it? (ט': ג')
- In what case does *R' Nechemya* argue? (ט': ג')
- What is the law if three *nashim* shared a bed and *dam* was found beneath one? (ט': ד')
- When does that law in the previous question change? (ט': ד')
- Regarding the previous cases when would only two be *teme'ot*? (In what case does *R' Yehuda* argue?) (ט': ה')
- What other case relating to *tumah* is compared to the previous one? (ט': ה')
- What are the seven *samemanin* and what are they used for? (ט': ו-ז')
- What is the law regarding a garment with a *ketem* that was immersed, and then the *ketem* was removed with the *samemanin*? (ט': ו')
- Describe how the *samemenin* must be applied. (ט': ז')
- List some of the *vesatot* (*ha'guf*). (ט': ח')
- How many times must they occur for an *isha* to have a *veset*? (ט': ח')
- When would the *taharot* that she touched during a *veset ha'guf* be *tahor*? (ט': ט')
- What are *R' Yosi's* and *R' Yehuda's* opinions regarding *vesatot*? (ט': ט')
- 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': י')
- What does the *Mishnah* use the example of wines to explain? (ט': י"א)
- What are the three debates between *Beit Shammai* and *Beit Hillel* in the first *Mishnah* of the final *perek*? (ט': י"א)
- What are the three opinions regarding the point after *tumah* that an *isha* can get a *chezkat tahara* after *bedika*? (ט': י"ב)

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

