

## A doubt whether it entered; is טהור

## ספק ביאה טהור –

### OVERVIEW

The משנה relates a dispute between ר"א and the רבנן in the case where one entered a valley [in the rainy season, when a valley is considered a טומאה] and he is not certain whether he entered a particular field which contained טומאה. The חכמים maintain that he is טמא; however ר"א maintains if there is a ספק of 'entering', he is טהור, but if there is a ספק of 'touching' he is טמא. Our תוספות explains why there is difference between 'ספק ביאה' and 'ספק מגע'. In addition תוספות will explain the dispute between ר"א ורבנן.



פירש רבינו יצחק דבספק ספיקא פליגי<sup>1</sup> –

The ס"ס explained that the dispute between ר"א and the רבנן is concerning a ס"ס in a רה"י. The רבנן maintain that in a רה"י even a ס"ס is טמא, while ר"א maintains that only a ספק is טמא, but not a ברה"י.

וכן פירש רבינו תם במסכת עבודה זרה פרק בתרא (דף עא, א) –

And the ר"ת explained it likewise; in the last פרק of ע"ז.

אבל רש"י פירש שם<sup>2</sup> בענין אחר –

However רש"י explained the מחלוקת between ר"א ורבנן there in ע"ז in a different manner.

ונראה לרבינו יצחק דטעמא דרבי אליעזר דמטהר בספק ספיקא –

And it is the view of the ר"י that the reason ר"א is מטהר by a ס"ס (even though we derive from סוטה that a ספק is טמא), it is –

משום דלא גמרינן מסוטה לטמא ברשות היחיד אלא ספיקא אחת כסוטה –

Because we do not derive from סוטה that in רה"י a ספק is טמא (in all instances, but rather), only when there is one ספק as the case is by סוטה (where there is only one ספק; whether she was מזונה or not) –

<sup>1</sup> When there is a ספק ביאה, there are two ספיקות; the first is whether he (even) entered the correct field, and secondly, even if he entered it, there is an additional ספק whether he came in contact with the טומאה. In this case ר"א is מטהר. However when there is no ספק ביאה (he entered the field in which there was טומאה), and there is only one ספק מגע (whether he touched the טומאה or not) ר"א agrees with the רבנן that he is טמא. The רבנן are מטמא in all instances, for they maintain that in a רה"י even a ס"ס of טומאה is טמא. See 'Thinking it over'.

<sup>2</sup> בקעה. According to רש"י the רבנן ור"א do not argue about ס"ס. There is only one ספק there by בקעה, whether he touched the טומאה or not (for the entire field was טמא). However ר"א differentiates between two types of ספיקות. By a ספק מגע where we know that the person and the טומאה were in close proximity (there is no ספק ביאה) then ספק (as is the case by סוטה [there is no ספק ביאה; for the man and woman were נסתר together, there is only a ספק (מזונה); if they were מזונה]), however where there is a ספק ביאה as in the case of בקעה where we are not certain at all that the אדם and the טומאה were in close proximity, then a [טומאה] ספק is מותר even in a רה"י.

### אבל תרי ספיקי לא –

**However** we **cannot** derive from סוטה that even when there are **two ספיקות**, it is טמא (since by סוטה there is only one ספק. It is possible that if there was a ס"ס by a סוטה, she would be טהור even in רה"י).

ר"א to רבנן explains the rebuttal of the תוספות

ורבנן סברי כיון דמן הדין אפילו בספיקא אחת היה לטהר דאוקמא אחזקת טהרה –

**And the רבנן maintain that since according to the law, even if there was only one ספק, the סוטה should have been טהור, for we should place the סוטה on her חזקת טהרה<sup>3</sup> -**

**ואפילו הכי טמא<sup>4</sup> הוא הדין אפילו בתרי ספיקי:**

**And nevertheless** the תורה disregards her חזקת טהרה and proclaims her to be **טמא**; **the same rule** therefore applies **even by two ספיקות** (since it is apparent that the תורה regards a ספק טומאה in רה"י as a טמא<sup>5</sup>).

### SUMMARY

A ספק ביאה is considered a ספק ספיקא. According to ר"א we can only derive from סוטה that a ספק טומאה ברה"י is טמא, not a ס"ס. However, the חכמים maintain that the תורה teaches us that any ספק in רה"י is treated as a ודאי.

### THINKING IT OVER

It seems from תוספות that the רבנן and ר"א agree that the case of בקעה is a ס"ס. Seemingly one can argue that there is only one ספק, whether he came in contact with the טומאה or not; why is it considered a ס"ס?!

<sup>3</sup> Until this incident when she was נסתרה, she was לבעלה.

<sup>4</sup> She is forbidden to her husband (as if she was מזנה).

<sup>5</sup> There is no (point in adding a ספק to make it a) ס"ס. The first ספק is dealt with as a ודאי טמא (we derive this from סוטה), then there is only one additional ספק; we already know that a ספק in רה"י is designated as a ודאי טמא, etc, etc. [See (however) ד"ה ואת"ל footnote # 3.]