

Hearsay

Excerpted and adapted from a shiur by Dayan Yosef Greenwald

January 20, 2022

https://baishavaad.org/wp-content/uploads/2022/01/SHE82_005_Yisro_Pure_Torah-Torah_BTaharah_in_Action_Word_Thought.mp3

He said to the people, "Be ready for three days; do not go near a woman."

Shmos 19:15

Ezra instituted that a *ba'al keri* (one who experiences a seminal emission) must immerse in a mikveh before speaking words of Torah.[1] According to the Gemara (see Brachos 20b), this enactment was derived from *Matan Torah*, where B'nei Yisrael were given the status of *ba'al keri* and had to purify themselves before hearing the *Aseres Hadibros*. The Gemara comments that although there is a dispute whether *hirhur kedibur dami* (thought is like speech), all agree that a *ba'al keri* may think *divrei Torah*. Tosafos notes that if *Matan Torah* is the basis for the *takanah*, then B'nei Yisrael's listening to the *Dibros* should prove that a *ba'al keri* may not even listen to *divrei Torah*. Tosafos rejects this on account of the principle of *shomeia ke'oneh* (hearing is like speaking), due to which B'nei Yisrael were considered to have spoken when listening to Hashem.

The Or Sameiach (*Hilchos Krias Shma* 4:9) asks that according to Tosafos, a *ba'al keri* should be forbidden to listen to *divrei Torah* as well, but the Yerushalmi says a *ba'al keri* may do so. How, then, can *Matan Torah*, where B'nei Yisrael listened to the *Dibros*, serve as the source for the *takanah*? He answers that perhaps the Yerushalmi holds that *shomeia ke'oneh* means one fulfills his obligation, not that he is considered to have spoken the words he heard (an issue the *Acharonim* debate). But the Mechilta says Klal Yisrael affirmed each of the *Dibros*, and that response was certainly actual *dibur*.

[1] This enactment was later abolished (Shulchan Aruch O.C. 88:1).