



Tumat Ohel

A corpse can transfer *tumah* through an *ohel* in three ways:

1. If a person or *keilim* place themselves above a corpse.
2. If a person of *keilim* stand underneath a corpse.
3. If a person or *keilim* are under the same roof as a corpse.

The first two types of *tumat ohel* seemingly work in a different way to the third. The *Mishnah* (3:1) states that two half *kzeitim* of a corpse can combine to transfer *tumah* as long as they are both transferring *tumah* in the same way (i.e. both through contact, through carrying or through *ohel*). According to *Chachamim*, if someone touches a half *kzayit* and is *maahil* over a half *kzayit* or a half *kzayit* is *maahil* over him, he becomes *tameh*. On the other hand, if someone touches a half *kzayit* and is present in an *ohel* with another half *kzayit* then he does not become *tameh*, since the first half *kzayit* is transferring *tumah* through *tumat maga*, whereas the second through *tumat ohel*. This *Mishnah* implies that the first two types transfer *tumah* due to the principle of “*tumah bokaat v'olah, bokaat v'yoredet*” (the *tumah* extends upwards and downwards). Therefore, when a person places himself directly above or below the *tumah*, it is as if he is in contact with the *tumah* - similar to *tumat maga* (see *Gemara Chullin* 125b and *Rashi* there). That is why it combines with *tumat maga*. On the other hand, if a person is present in an *ohel* with *tumah*, that is a separate category and cannot combine with *tumat maga*.

Conceptually, the third type of *tumat ohel* may also be different to the first two in its transfer of *tumah*. In the first two, the person becomes *tameh* because of an act of '*ahilah*' over the corpse (*maaseh ahilah*). The third type of *tumat ohel* could be understood to work in two different ways:

1. *Maaseh Ahilah* – it also causes the person to become *tameh* because of an act of *ahilah*.
2. *Makom Hamet* – it does not cause the person to become *tameh* because of an act of *ahilah* but because the person is present in the same place as the corpse.

The *Mishnah* (3:7) brings a dispute between *R' Yehudah* and *Chachamim* about whether an *ohel* has to be manmade in order for it to transfer *tumah*. *Chachamim* hold that even if an *ohel* is formed through natural means, it can still transfer *tumah* and intercept *tumah*. *R' Yehudah* however disagrees (unless the *ohel* is large – see *Rambam Peirush Hamishnah*). *R' Yehudah* seems to make two assumptions:

1. *Tumat ohel* transfers *tumah* due to the person being in the same place as the corpse (*makom hamet*).
2. An *ohel* that is not manmade cannot attain the status of '*makom hamet*'.

Chachamim, who disagree with *R' Yehudah* could reject either assumption. Either they hold that *tumat ohel* does not transfer *tumah* through it being a '*makom hamet*' but through the person performing an act of '*ahilah*'. Alternatively, they could agree that *tumat ohel* transfers though it being '*makom hamet*', only that they hold that it can be created even through an *ohel* that is not manmade.

There are a few practical differences between whether the third type of *tumat ohel* transfers *tumah* because of '*ahilah*' or it being '*makom hamet*'. One is the size that is required to produce an *ohel*. The *Rambam* (*Tumat Met* 12:1) rules (based on 3:7) that any *ohel* which is a *tefach* in length, width and height is able to transfer *tumah*. The *Raavad* interjects that this only applies when there is a cubed *tefach* of space aside from the space the *tumah* occupies. The fact that the *Rambam* does not mention this implies that he disagrees and the space that the *tumah* occupies is included in the cubed *tefach* of space required to form an *ohel*. The *Rambam* and *Raavad* could be disputing the nature of *tumat ohel*. The *Raavad* understands that an *ohel* transfers *tumah* because of '*ahilah*' and therefore a complete *tefach* of space is required, like any other measurement required in *halachah*. The *Rambam* on the other hand, understands that *tumat ohel* is based on '*makom hamet*'. The *tumah* that is inside the *ohel* defines the space as '*makom hamet*' and therefore, the space that it occupies does not detract from it.

A second difference between these approaches is the required strength of the *ohel*. The *Mishnah* (8:2) lists different protrusions and coverings that are not considered an *ohel* unless they are able to support a layer of cement. One of these mentioned is tree branches. The *Rambam* (*Tumat Met* 13:2) rules that any *ohel* that is not sturdy is not considered an *ohel* and that tree branches that are not strong enough to hold a layer of cement are not considered an *ohel*. The *Raavad* however understands that the *Mishnah* is not referring to the strength but rather refers to the materials not having significant open spaces. According to the *Raavad*, if a tree branch does not have significant open spaces, even if it is not sturdy it is still considered an *ohel* and is able to transfer *tumah*. The *Rambam* and *Raavad* are both consistent with their views. The *Rambam* is consistent with his view and an *ohel* that is not sturdy is not sufficient enough to define the space below it as '*makom hamet*'. The *Raavad* on the other hand, holds that even if the *ohel* is not sturdy, as long as there are no significant open spaces, a person who is present with a corpse under such a material is considered to have performed an act of '*ahilah*'.

Revision Questions

א: יג תולהא – ד: יה

- What cases are debated between *R' Dosa ben Harkinas* and the *Chachamim*?)ג: א(
- In what cases do they agree?)ג: א(
- Explain the debate regarding a ladle full of *rakav* that was scattered in a house?)ג: ב(
- What is the law regarding a *revi'it* of blood that was absorbed into the floor of a house?)ג: ב(
- When would a person that leaned over part of a *revi'it* of blood (from a *met*) be *tameh* and when would he be *tahor*?)ג: ג(
- What parts of a corpse are not *tameh*?)ג: ג(
- Provide three examples where parts of a *met* transfer *tumah* by virtue of a being a *chibur*.)ג: ד(
- What is *dam tevusah*? (Include all opinions.))ג: ה(
- What is the minimum size for a hole for *tumat ha'met* to "spread through"?)ג: ו(
- Does the measure change for "saving the entrances"? Explain.)ג: ז(
- What are the minimum dimensions for an "*ohel*"?)ג: ח(
- What two functions can an *ohel* serve (for *tumah*)?)ג: ט(
- What are the three cases involving a *biv* and what is the ruling in each of these cases?)ג: י(
- What extra qualification does *R' Yehuda* place on the definition of an *ohel*?)ג: יא(
- Are the holes through the side of a chest considered as being part of the *ohel* formed inside the chest?)ד: א(
- If such a chest was inside a house, how would the law differ if the *tumah* was inside or outside the chest?)ד: א(
- Explain the debate regarding *tumah* that is found in a deep drawer which had a small hole in the side.)ד: ב(
- What is the law regarding the contents of such a draw if the *tumah* was outside the drawer?)ד: ב(
- What is the law concerning a chest covering a doorway, whose opening is facing out ward and *tumah* is inside the chest? Inside the house?)ד: ג(
- What is the law regarding a case where a corpse was passed over the top of an exhaust of an oven, where the exhaust was outside the house and the oven was inside? (Include all three opinions.))ה: א(
- What other case is debated in a similar manner to the previous question?)ה: ב(
- What further debate (relating to the previous question) did *Beit Hillel* then agree with *Beit Shammai*?)ה: ג(
- What is the law regarding the liquid contents of an earthenware utensil covering an *arubah*, where the lower room contained a corpse?)ה: ד(
- What is the law if the contents were poured into another metalware utensil in the same room (in the upper floor)?)ה: ד(
- What other similar case shares the same ruling?)ה: ד(

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שדוק תבש
5 th April ז"ט חסינ	6 th April י"א חסינ	7 th April י"ב חסינ	8 th April י"ג חסינ	9 th April י"ד חסינ	10 th April ט"ו חסינ	11 th April ט"ז חסינ
Ohalot 5:5-6	Ohalot 5:7-6:1	Ohalot 6:2-3	Ohalot 6:4-5	Ohalot 6:6-7	Ohalot 7:1-2	Ohalot 7:3-4

