



Volume 12. Issue 6

Tumat Klei Am Ha'aretz

The second *Mishna* in the ninth *perek* of *Masechet Keilim* describes the case of an earthenware jug in an *Ohel Ha'met* sealed with a *tzamid p'til* and containing liquid and some type of metal straw inside. *Beit Shammi* and *Beit Hillel* argue over whether the *tzamid p'til* is able to protect the contents of this jug from contracting *Tumah*. *Beit Shammai* is of the opinion that the jug and the liquid are pure and the straw is *tameh*, while *Beit Hillel* argue that all of the contents (including the straw) are *tahor*. The *Mishna* then adds that following this argument, *Beit Hillel* then reconsidered and ruled according to the opinion of *Beit Shammai*.

At first glance, the opinion of *Beit Shammai* appears puzzling. How is the *tzamid p'til* able to protect the jug and the liquid and yet allow the straw to contract *Tumah*? The *mishna* in *Eduyot* (1:14) explains *Beit Shammai's* reasoning as stemming from the fact that we are concerned of vessels belonging to *Amei Ha'aretz*. In general, there is a Rabbinic decree that any vessels belonging to an *am ha'aretz* are deemed *tamei*. In addition, we are aware that *keilim* that are *tameh* do not protect their contents even when totally sealed.

The *Chachamim* did not disallow *chaverim* from working with or borrowing *keilim* from *amei ha'aretz*. Indeed, such a measure would be deemed too harsh as it would severely limit the capacity for *chaverim* to function in society. Despite this, a *chaver* would not borrow earthenware vessels from an *am ha'aretz* or their food or drink, since there is no way to purify them from *Tumat Am Ha'aretz*. However, a *chaver* is able to borrow non-earthenware vessels of an *am ha'aretz* and purify them in a *mikvah*. This would only work if the *kli* did not have *tumat hamet*, which requires a more protracted purification process. *Beit Shammai* was worried that if we allowed the metal straw to be protected by the sealed vessel, then the *am ha'aretz* would mistakenly tell the *chaver* that it did not contract *tumat hamet*, and the *chaver* would not undertake the required extended purification process. Therefore, *Beit Shammai* rules that the jug and food or drink are *tahor* (as they would never be requested or used by the *chaver*) and

the metal straw is deemed *tameh*, despite them being in the same vessel.

The *Rambam* interprets the *Mishna* differently. He explains that the straw described in the *Mishna* is also fashioned out of earthenware, rather than metal. The *Rambam* therefore explains that if the straw was totally contained within the sealed vessel then it too would remain *tahor*. He continues to explain the reason behind *Beit Shammai* deeming the straw *tameh*, is because the case of the *Mishna* is where the straw is slightly protruding from the sealed vessel, and therefore contracts *tumah* on its own for being contained in an *ohel* with a corpse.

The *Mishna Achrona* finds this explanation of the *Rambam* problematic. Firstly, the straw described in the *Mishna* is an unfashioned simple piece of earthenware (*pshutei kli cheres*) which as an unfashioned product, should not contract *tumah*. The *Kesef Mishna* answers by stating that the straw may be slightly inverted, such that droplets could remain contained inside which may be considered a receptacle. The *Mishna Achrona* again takes issue with this explanation, because if this were indeed the case, it would be obvious that it contracts *tumah* and would not need to be taught in our *Mishna*. Additionally, this straw would not be considered as a vessel to contract *tumah* as it was not made with the intention to be a receptacle, and anything not made with the express intention to be a receptacle will not contract *tumah*.

Additionally, the *Mishna Achrona* writes that if the *Rambam's* explanation was correct, then the straw would be *tameh* on a biblical level. If this is the case, then anything that comes in contact with the straw would contract *tumah*. The difficulty with this approach is that the *Mishna* rules that the liquid, which is making contact with the straw is deemed to be *tahor*.

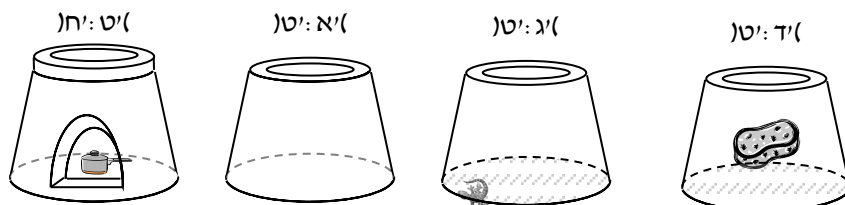
In light of these difficulties, the *Mishna Achrona* rules that the case must be referring to a metal straw fully contained within the sealed vessel, which has been deemed *tameh* by virtue of a Rabbinic decree as explained above.

Yehuda Gottlieb

Revision Questions

י: יח סילב – ד: י:

- A can a person who is a *rishon le'tumah* cause a *tanur* to become impure? (י: יח)
- What other similar case applies to a woman? (א: יי יח)
- What other case is similar? (י: יח)
- What is the law regarding the following cases (include when the law changes and other opinions where applicable):



- What are the three cases involving a *tameh* needle in the beginning for the ninth *perek*? (א: יט)
- What is the debate between *Beit Shammai* and *Beit Hillel* with respect to the *menikit*? (ב: יט)
- What is the law regarding earthenware that had absorbed *tameh* liquids and fell into a *tanur*? (ה: יט)
- What other case brought is similar to the one in the previous question? What is the exception to the rule? (ה: יט)
- What is the law regarding *gefet* that was trodden on by someone *tameh* and then expelled liquid? (ו: יט)
- What is the law regarding a metal ring completely contained in a brick that: (ז: יט)
 - Was in an *ohel ha'met*?
 - Moved by a *zav*?
 - That was *tameh* and fell in a *tanur*?
- What are the maximum breaches regarding a *sridah* attached to a *tanur* such that it is still considered a *tzamid patil*? (Provide both measures.) (ח: יט)
- Regarding the previous question, what is the law regarding the breaches in the *ein ha'tanur*? (Provide all opinions.) (יח: יט)
- List some of the utensils to which the law of *tzamid patil* applies. (י: א)
- Which orientation of a *kli* is subject to debate and explain the debate. (י: א)
- Which of the *keilim* in the list is unique? (י: א)
- List some of the substances that can be used as a seal. (י: ב)
- List some of the substances that cannot be used and the reason provided in the *Mishnah*. (י: ב)
- Which substances should not ideally be used? (י: ב)
- Is a seal that is *mechulchelet* effective? (י: ג)
- Is a *beit etzbah* considered like the inside of the utensil? (י: ג)
- In what case can a ball be used as a protective covering? (י: ד)

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR

ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שדוק תבש
21 st December ט"י ו'לסכ	22 nd December א' תבט	23 rd December ב' תבט	24 th December ג' תבט	25 th December ד' תבט	26 th December ה' תבט	27 th December ו' תבט
Keilim 10:5-6	Keilim 10:7-8	Keilim 11:1-2	Keilim 11:3-4	Keilim 11:5-6	Keilim 11:7-8	Keilim 11:9-12:1

