



Beit HaPras Revisited

With the beginning of the seventeenth *perek* we begin learning about the *Beit HaPras*. The *Mishnah* first discusses the first type of *beit hapras* – a field in which a grave has been ploughed through. The *Mishnah* teaches that for a distance of one-hundred *amot* from that grave, the soil from the field is an *av ha'tumah* such that it can make both vessels and people *tameh*. They would become *tameh* if one touched a the soil (*maga*) or carried a clod of earth or caused it to move (*masa*). The *Bartenura* explains this is because there is a concern that a small bone, the size of barley, may have been dragged along by the field for that distance. Since a bone that size is a source of *tumah* which can be transferred by *maga* and *masa*, the soil is considered a source of *tumah* in the same way.

The *Gemara* (*Ketubot* 28b) explains that a *beit hapras* is rabbinic in origin. The *Tosfot* there explains that that is referring to a case where the field is considered a *reshut harabim* (public domain). On a biblical level, a doubt regarding *tumah* in the *reshut harabim* is considered *tahor*. The *Tosfot* explain that this is ordinarily in the case where the location of the *tumah* is known and there is doubt in a particular instance whether the transfer occurred. In future however, the doubt can be avoided by taking more care. In our case however, the field itself is continually in doubt, so the *Chachamim* ruled stringently. We find however that if the field was in a *reshut hayachid* (private domain) the *tumah* would be considered biblical.

The *Rashash* however asks that we find in the case where a person walked on one of two paths in the public domain and it is not know which of the two paths had *tumah*, that we rule the individual is *tahor*. The *Rashash* answers that in that case, the paths will certainly be cleared and the *tumah* removed. This is because if one walked on both paths, then he would be deemed *tameh*. If however we ruled that one that walked on a *beit hapras* would be

tahor, it would be unlikely that the field would ever be cleared.

The *Mishnah Achrona* on our *Mishnah* however finds the *Tosfot* difficult since he understands that the *Mishnah* in *Taharot* (4:5) does not differentiate between where the *beit hapras* is located.

The *Tosfot* in *Moed Katan* (5b s.v. *menapeach*) explains that *beit hapras* is rabbinic, since it is unlikely that the plough reached deep enough to hit the grave. Nevertheless, due to the seriousness of *taharoth* in general, the *Chachamim* applied a stringency by way of this *gezeira*. The explanation of the *Tosfot* is important because if there was a genuine doubt regarding the location of the bones, then it would be a considered a doubt regarding *tumah* in the private domain which is *tameh* on a biblical level. The *Tosfot* in *Moed Katan* however does not differentiate.

The *Sidrei Taharot* however notes that the *Tosfot* in *Moed Katan* does not fit the opinion in *Ketubot*. According to the opinion presented in *Moed Katan*, the location of the grave would certainly be *tameh* – since it is more likely the bones there are intact. Furthermore, it should also be *tameh* in an *ohel*. According to the *Tosfot* in *Ketubot* however, even the location of the grave is treated like a *beit hapras*.

The *Sidrei Taharot* suggests that that the *Tosfot* in *Ketubot* has a similar understanding to the *Ritva*. The *Ritva* (ibid s.v. *veha amar*) explains that the reason why the *tumah* is rabbinic is because it can be assumed that the bones were significantly crush to pieces as a result of the plough. It would seems that the *Ritva* understands that we assume that the bones would certainly have been finely crushed such that they would be too small to be considered a source of *tumah*.¹

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¹ The *Ritva*'s explanation however would be enough to explain why *beit hapras* is rabbinic even in a *reshut hayachid*. Furthermore the *Sidrei Taharot* argues that the logic of the *Ritva* might be enough to assume the rest of the

field is *tahor* since its original status was *tahor*, but not enough to convert the original grave from *tameh* to *tahor*. See the *Sidrei Taharot* inside for a full treatment of the *Tosfot*.

Revision Questions

אהלות ט"ו ד' – י"ז ב'

- What is the law if *tumah* is found behind a false wall in a house? (ט"ו: ד')
- What is the law regarding *keilim* behind a false wall if *tumah* is found in the house? (ט"ו: ד')
- When would the *keilim* behind a false wall be *tahor* even though *tumah* is also found there? (ט"ו: ד')
- Regarding the previous three questions what is the law if the questions related to the space below the floorboards rather than behind a false wall? (ט"ו: ה')
- Concerning a house that is filled with straw what is the law regarding the *keilim* inside the straw if *tumah* was found inside the straw? Inside the entrance of the house? (ט"ו: ו')
- How does the law in the previous question change if the house was not filled to the ceiling (leaving a *tephach* space)? (ט"ו: ו')
- How is the law different if the house was filled with dirt instead? (ט"ו: ז')
- Explain the debate regarding one who stands in a *chatzer ha'kever*? (ט"ו: ח')
- If a beam is used as a *golel* for a *kever*, when is it partially *tameh*, only four *tephachim* thick *tameh* and completely *tameh*? (ט"ו: ח')
- If an earthenware, sealed barrel full of liquid is used as a *golel*, what is the law regarding one who touches it? What is the law regarding liquid? (ט"ו: ט')
- Explain the debate regarding an animal that was used as a *golel*. (ט"ו: ט')
- Can a person transfer *tumah* by touching a corpse and acting as an *ohel* over *keilim*? (ט"ו: י')
- In what case would a person transfer *tumah* from a house with a corpse in it to another house, just by putting a hand in each house? (ט"ו: י')
- Explain the debate regarding the minimum dimension for movable items to act as an *ohel* to transfer *tumah*? (ט"ו: יא')
- Provide some examples for the position of *R' Akiva* regarding the previous question. (ט"ו: יב')
- What is the law regarding case where one finds a buried corpse? (ט"ו: יג')
- At what point is the area defined as a *sh'chunat k'varot*? (ט"ו: יג')
- Describe the manner in which the area is checked. (ט"ו: יד')
- What is the law if a stream cuts through the search area? (ט"ו: ה')
- List three cases that do not have the law of *tevusah*. (ט"ו: ה')
- How does a field become a *beit ha'pras*? (ט"ו: זא')
- How large is the resulting area of the *beit ha'pras*? (ט"ו: זא')
- How do the dimensions differ if the field is sloping? (Include both opinions.) (ט"ו: זב')
- In what three cases would the dimensions of the *beit ha'pras* be smaller? (ט"ו: זב')
- Explain the debate regarding whether a *beit ha'pras* can be the basis for another *beit ha'pras*. (ט"ו: זב')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
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Melbourne, Australia

Efrat, Israel *Shiur in English*

Sunday -Thursday
Rabbi Mordechai Scharf
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Kollel Magen Avraham
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<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
14 February ב' אדר	15 February ג' אדר	16 February ד' אדר	17 February ה' אדר	18 February ו' אדר	19 February ז' אדר	20 February ח' אדר
Ohalot 17:3-4	Ohalot 17:5-18:1	Ohalot 18:2-3	Ohalot 18:4-5	Ohalot 18:6-7	Ohalot 18:8-9	Ohalot 18:10 - Negaim 1:1

