



The Elusive Meineket

The *Mishnah* records the debate between *Beit Shammai* and *Beit Hillel* regarding a sealed earthenware container that contains food, drink and a *meineket* (pipe used for siphoning) and is located in the same room a corpse. We have already learnt that a *kli cheres tzamid patil* (sealed earthenware vessel) protects its contents from becoming *tameh* when situated in an *ohel ha'met* (under the same cover as a corpse). *Beit Hillel* rule that that is indeed that case in the *Mishnah* and all the contents remain *tahor*. *Beit Shammai* however disagree and maintain that the *meineket* becomes *tameh*. *Beit Hillel* ultimately agrees with *Beit Shammai*.

The *Bartenura*, *Rash* and *Raavad* explain that this *meineket* in our *Mishnah* is made of metal. The reason why the *meineket* is *tameh* is due to a *gezeira* (rabbinic decree) out of concern regarding interactions between an *am ha'aretz* (one not versed with the laws of *tumah*) and a *chaver* (one that is). A *chaver* assumes anything he borrows from an *am ha'aretz* is *tameh*. The *chaver* will still be willing to borrow *keilim* from an *am ha'aretz* that can be purified through immersion in a *mikveh*. Consequently, prior to the *gezeira*, the *chaver* might borrow a metal *kli* from an *am ha'aretz* and assumed immersion in a *mikveh* would be sufficient for its use by nightfall. In truth, that *kli* may have been in a sealed *kli cheres* in an *ohel ha'met*. Since a *kli cheres tzamid patil* protects its contents from becoming *tameh*, that detail would not be worth sharing when the *kli* is being shared. However, since a *kli cheres tzamid patil* only protects the contents if it is *tahor* and *keilim* of an *am ha'aretz* are assumed to be *tameh*, the *kli* would be *tameh met* and require the seven day purification process (rather than just immersion in a *mikveh*). In other words, the *chaver* would end up using a *tameh kli* under the assumption that it was *tahor* after taking his precautions. Consequently, the *gezeirah* was put in place, that the *tahor kli cheres tzamid patil* would not protect such *keilim* - *keilim* that would have been borrowed - from becoming *tameh* in an *ohel ha'met* so that such an error would not occur.

According to this understanding, the principle in this *Mishnah* is the same as the *Mishnah* in *Ohalot* (5:3) and discussed in detail in *Eduyot* (1:14).

The *Rambam* however explains our *Mishnah* very differently and is unrelated to that above *gezeira*. The *Rambam* understands that the *meineket* is made of earthenware and is sticking out of the barrel. The *Aruch HaShulchan* (*Tumat Met* 48:1-6) explains that this is for several reasons. Firstly, since the principle is discussed elsewhere, a different case based on the same principle appears unnecessary. Secondly, the *meineket* ordinarily sticks out of a barrel.

The *Aruch HaShulchan* explains that the debate between *Beit Shammai* and *Beit Hillel* then is whether the bend in the *meineket* that is outside the barrel makes the *meineket* considered sealed. The final position of *Beit Shammai* is the that the bend is not enough to save the *meineket* from becoming *tameh*, but is sufficient to prevent the *tumah* from entering the barrel.

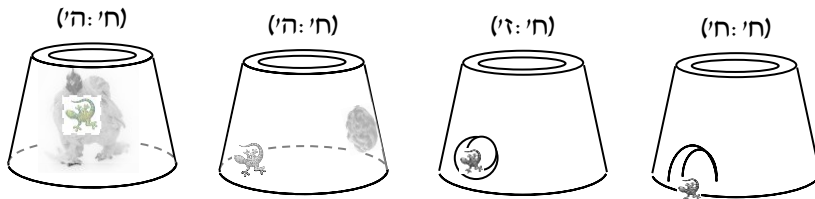
The *Gra* however asks that if our *Mishnah* is indeed a new case where *Beit Hillel* ultimately agreed with *Beit Shammai* then why is it not listed in the first *perek* of *Eduyot*. After listing several questions against that *Rambam*, the *Mishnah Achrona*, maintains that this is the strongest argument against the *Rambam*, that does not have an answer.

The *Nimukei HaGriv* however suggests an answer. Recall that *masechet Eduyot* was taught on the day that *R' Elazar ben Azarya* was appointed the *Nasi*. The *Nimukei HaGriv* also notes that *R' Yehoshua* was one of the students of *Beit Hillel* (*Chagigah* 24). Consequently, according to the *Rambam*, it is possible that at the time *Eduyot* was taught, "*Beit Hillel*" had not yet retracted as recorded in our *Mishnah*. The novelty of this explanation then is that the *Mishnayot* in the first *perek* of *Eduyot* are not a comprehensive list of the cases where *Beit Hillel* took the position of *Beit Shammai*.

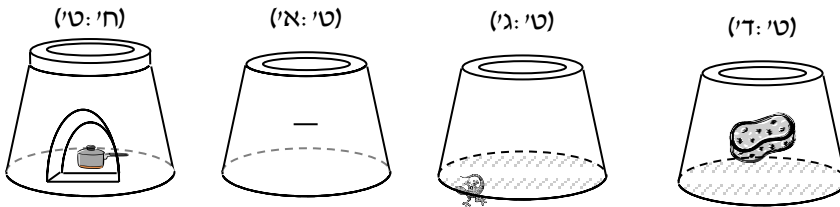
Revision Questions

כלים ח' – ט' – ט"ו

- What is the law regarding the following cases (include when the law changes and other opinions where applicable):



- When is a *kli* found in a *tameh tanur* also *tameh*? (ח' ט"ו)
- Explain the case of the *Beit Se'or* and its ruling. (ח' ט"ו)
- When can a pit have the same status as a *kira*? (ח' ט"ו)
- A can a person who is a *rishon le'tumah* cause a *tanur* to become impure? (ח' ט"ו)
- What other similar case applies to a woman? (ח' ט"ו)
- What other case is similar? (ח' ט"ו)
- 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*? (ח' ט"ו)
- What is the debate between *Beit Shammai* and *Beit Hillel* with respect to the *menikit*? (ח' ט"ו)
- What is the law regarding earthenware that had absorbed *tameh* liquids and fell into a *tanur*? (ח' ט"ו)
- What other case brought is similar to the one in the previous question? What is the exception to the rule? (ח' ט"ו)
- What is the law regarding *gefet* that was trodden on by someone *tameh* and then expelled liquid? (ח' ט"ו)
- What is the law regarding a metal ring completely contained in a brick that: (ח' ט"ו)
 - Was in an *ohel ha'met*?
 - Moved by a *zav*?
 - That was *tameh* and fell in a *tanur*?

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Keilim 9:7-8	Keilim 10:1-2	Keilim 10:3-4	Keilim 10:5-6	Keilim 10:7-8	Keilim 11:1-2	Keilim 11:3-4

