



Volume 6. Issue 21

Kli Cheres in the Arubah

This week we revisited a debate between *Beit Shammai* and *Beit Hillel* where the latter finally acquiesced (5:3-4). The *Mishnah* here deals with a case where a complete *kli cheres* (earthenware utensil) is filling an *arubah* (hole between two floors in a house). Since a *kli cheres* is not susceptible to *tumah* on its outer face, it can complete the *ohel* between the two floors. Consequently everything in the upper storey is protected from *tumat met* (*tumah* origination from a corpse) if a corpse was found in the bottom floor. This was indeed the original position of *Beit Hillel*. *Beit Shammai* however argued that only those items that cannot be purified from *tumah* (food, drink and *klei cheres*) are *tahor*; the rest however would be *tameh*.

The *Mishnah* in *Eduyot* (1:14) explains this debate (albeit referring to a different case):

...*Beit Hillel* asked [*Beit Shammai*], why? *Beit Shammai* explained, because [the utensils] of an *Am Ha'aretz* (one not particular with the law of *tumah* and *taharah*) are [presumed] *tameh*, and *tameh* utensils cannot act as a [protective] barrier. *Beit Hillel* asked, but you have ruled that the food and drink contents are *tahor*! *Beit Shammai* responded, when we made the food and drink *tahor* we made it *tahor* for him, but when you made the utensils *tahor* you made it *tahor* for him and you!

How do we understand the above discussion?

A *Beraita* brought in *Gemara Chagigah* (22b) elaborates further:

R' Yehoshua said, [I am at a loss] at the words of *Beit Shammai*. How can the jug be *tameh* and its contents *tahor*? ...A student of *Beit Shammai* responded... Does a *tameh kli* protect or not? He answered, it does not. [The student] asked, are the utensils of an *Am Ha'aretz* *tameh* or *tahor*? He answered *tameh*. [The student] continued, if you tell him he is *tameh* will he listen to you? Furthermore, if you say his utensils are *tameh*, he will respond that his are *tahor* and yours are *tameh*.

Rashi explains that above concern as follows. The *Am Ha'aretz* is likely to listen if the decree that his utensils are presumed *tameh* is not overly harsh. Where the utensil can be immersed in a *mikvah* the effort is manageable. However if, because of a presumption that the *kli* blocking the *arubah* is *tameh*, everything is declared *tameh*, the *Am Ha'aretz* will not listen at all.

The *Tosfot* disagrees, particularly as there are methods of purifying liquids as well (*hashaka*). He therefore explains that a *Chaver* (one who is particular with the law of *tumah* and *tahara*) would only borrow *keilim* for an *Am Ha'aretz* that can be purified. The reason being that the *Chaver* assumes the all the utensils are *tameh* and will only borrow those that he can purify prior to using for his own food.

The *Bartenura* explains further that an *Am Ha'aretz* does not think that his utensils are *tameh*. Consequently, in our case, if the *Am Ha'aretz* subsequently would lend one of the utensil from the attic, that utensil would be *tameh met* and require the seven day purification process. Were it not for this rule, the *Am Ha'aretz* would assume that all the utensils in the second floor were certainly not exposed to *tumat met*. The *Chaver* would then borrow the utensil and use them without performing the full purification for *tumat met*. The *Siach Yitzchak* continues, that as a result of this law, it would become wide spread and the *Am Ha'aretz* would see that *Chaver* also purifies for his utensil found in a similar situation from *tumat met*. Consequently he would follow suit, particular as one is more conscious of and particular about *tumat met* than other forms of *tumah*

These two explanations can perhaps be behind another debate: Does this law apply only to the *kli* of an *Am Ha'aretz* that covers the *arubah* or to anyone's *kli*? If the reason for the distinction it to make the ruling that his utensils are presumed *tameh* more acceptable (*Rashi*) then perhaps it make sense that it applies to a case involving his utensil only. However according to the second explanation (*Tosfot*) there is a necessity for the ruling to be wide reaching for it to have the desired impact, consequently it must apply to everyone.

Yisrael Yitzchak Bankier

Revision Questions

אהלות ג' א' - ו' ג'

- What are the minimum dimensions for an "ohel"? (ג': א')
- What two functions can an *ohel* serve (for *tumah*)? (ג': א')
- What are the three cases involving a *biv* and what is the ruling in each of these cases? (ג': א')
- What extra qualification does *R' Yehuda* place on the definition of an *ohel*? (ג': א')
- 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 over 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')
- List the utensils that would protect everything in the upper floor if used to cover the *arubah*. (ה': ה')
- Explain the rule that "all *tahor keilim* are able to save when combining with the walls of an *ohel*". (ה': ו')
- What further requirement is there on the *kli*, regarding the previous question? (ה': ו')
- Explain the following ruling including the example brought in the *Mishnah*: (ה': ז')
קָשָׁם שְׁמֵצִילִין מִבְּפָנִים כִּךְ מִצִּילִין מִבַּחוּץ.
- How does person (or *keilim*) acting as an *ohel* differ from a regular *ohel*? (ו': א')
- In what case would a house whose door is closed, still be *tameh* if a corpse passed under its *achsadra*? (ו': ב')
- In what circumstance does a wall made of stacked *kankanim* and covered with plaster constituted a proper *mechitza* for *tumah*? (ו': ב')
- Explain the following rule regarding the wall of a house: (ו': ג')
כִּתְלֵי הַמְּשֻׁמֵשׁ אֶת הַבַּיִת דָּוֶן מְחַצֵּה לַמְּחַצָּה.
- What is *R' Yehuda's* opinion regarding the above rule? (ו': ג')
- What is the law regarding a person the stood on a wall where the *tumah* was inside the wall closer to the inside of the house? (ו': ג')

Local Shiurim

Sunday -Thursday

After maariv
Mizrachi Shul

Friday & Shabbat

10 minutes before mincha
Mizrachi Shul

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 th July כ' תמוז	13 th July כ"א תמוז	14 th July כ"ב תמוז	15 th July כ"ג תמוז	16 th July כ"ד תמוז	17 th July כ"ה תמוז	18 th July כ"ז תמוז
Ohalot 6:4-5	Ohalot 6:6-7	Ohalot 7:1-2	Ohalot 7:3-4	Ohalot 7:5-6	Ohalot 8:1-2	Ohalot 8:3-4

