



Tumah Behind a Partition

The *Mishnah* (15:4) teaches:

If a [one-roomed] house was portioned off with boards or curtains, from the side [near the wall] or from the roof, and there is *tumah* in the house, *keilim* in the partitioned area are *tahor*. If *tumah* is found in the partitioned area (*chatzatz*), the house is *tameh*.

Examples of the case in the *Mishnah* are the false wall or lowered ceiling, the construction of which leaves a void. The boards act as a barrier, effectively make the *keilim* in the void as if they were in a separate *ohel*. Consequently, it is understood that if *tumah*¹ is found in the house, those *keilim* remain *tahor*. Why however, if the situation is reversed and the *tumah* is in the void and *keilim* are in the house, are the *keilim* *tameh*?

The *Tifferet Yisrael* explains that the reason the contents of the house are *tameh* is due to the principle of *sofa tumah l'tzeit* - "the *tumah* will eventually leave". To explain, we have seen a number of times the idea that if *tumah*'s only exit path is via other rooms, even if the *tumah* is still enclosed in its current location, the contents of those room is *tameh*. Consequently in this case, the house is in only exit path for the *tumah* and is therefore *tameh*.

The *Bartenura* however explains that the reason why the house is *tameh* is because this barrier can only prevent *tumah* from entering, but not from entering. The comparison made is to case of a sealed earthenware utensil (*tzamid patil*). In such a case if the house contains *tumah* then the contents of the earthenware utensil remains *tahor*. However, if the utensil contained *tumah*, the entire house would be *tameh*.

The *Mishnah Achrona* claims that the comparison made by the *Bartenura* should not alarm and there is no argument. He explains that the principle of *sofa tumah l'tzeit* is learnt from the law of *tzamid patil*. The concept of the latter – that since there is no other escape the

tumah passes through the house – acts as the basis for the former.

The *Rambam* however categorically states that an *ohel* inside an *ohel* that contains a corpse functions in the same way as *tzamid*. In other words, it can protect from *tumah* coming in but not going out. On this the *Ra'avad* argues on the *Rambam* that an internal *ohel* cannot protect *tumah* from leaving only when it itself is susceptible to *tumah* or in the case of *sofa tumah l'tzeit*. Consequently, it would appear that the *Rambam* holds that the internal *ohel* cannot protect even if there is another exit path.²

How do we understand the position of the *Rambam*? Indeed in a number of cases we have seen that an *ohel* inside or over an *ohel ha'met* can serve to stop *tumah* spreading³. The *Sidrei Tahor*, citing *Rashi*, draws a distinction between this case and others. Here the boards have been constructed in a temporary manner, for example, as a decoration. Consequently the resulting *ohel* is defined as an *ohel arai*. With the distinction drawn, what is the logic?

R' Chaim Brisker (*al Ha'Rambam*) explains that there are two ways *tumah* is prevented from transferring from one *ohel* to the next. The first is that each *ohel* is its own independent area in which *tumah* spreads. Items are only *tameh* if they are found in the same area. The other is that the *ohel* itself protects and contains the *tumah*. In this case since the *chatzatz* is only a temporary *ohel*, we have a principle that *ein ohel arai mevatel ohel keva* (*Sukkah* 21b). In other words a temporary *ohel* cannot become an independent area when inside a permanent *ohel*. Consequently, in this case (unlike others studied) the first method does not apply. Only the second method, in which the *ohel* must protect, is applicable and in such a case the *ohel* acts like a *tzamid patil* only preventing *tumah* entering but not exiting.⁴

Yisrael Yitzchak Bankier

¹ Note: the term *tumah* in this article refers to *tumah* originating from a corpse.

² See the *Sidrei Taharot*.

³ See for example chapters 9 and 10.

⁴ Please see *R' Chaim* inside, as he develops this idea much further considering additional complexities.

Revision Questions

אהלות ט"ו – ט"ז: ה'

- If boards, a tephach from the ground, are set up in the following configuration:



What is the law if *tumah* is found beneath the first board and:

- One touches the second?
- *Keilim* are found beneath the second? (ט"ו: ב')
- What are the minimum dimensions of a *shulchan* for it to act as an *ohel* to spread *tumah*? (ט"ו: ב')
- What is the law regarding rows of earthenware barrels under one which *tumah* is found? (ט"ו: ג')
- How does the ruling in the previous question change if they were already *tameh*? What other case shares the same ruling? (ט"ו: ג')
- 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: יד')
- List three cases that do not have the law of *tevusa*. (ט"ו: יה')

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
23 rd August ג' אלול	24 th August ד' אלול	25 th August ה' אלול	26 th August ו' אלול	27 th August ז' אב	28 th August ח' אלול	29 th August ט' אלול
Ohalot 17:1-2	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

