



## 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*<sup>1</sup> 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.<sup>2</sup>

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* spreading<sup>3</sup>. 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.<sup>4</sup>

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

<sup>2</sup> See the *Sidrei Taharot*.

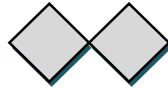
<sup>3</sup> See for example chapters 9 and 10.

<sup>4</sup> 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: יה')
- List three cases that do not have the law of *tevusa*. (ט"ו: יז')

**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 <sup>rd</sup> August ג' אלול	24 <sup>th</sup> August ד' אלול	25 <sup>th</sup> August ה' אלול	26 <sup>th</sup> August ו' אלול	27 <sup>th</sup> August ז' אב	28 <sup>th</sup> August ח' אלול	29 <sup>th</sup> 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

