



Under the Opening of a House with a Met

The *Mishnah* (7:3) teaches that if a corpse is in a house and all the doors and windows are shut, any *keilim* found beneath these openings, even outside of the door, are *tameh*. We shall try to understand why.

The *Bartenura* explains that this law is based on a *gezeira*. The *Chachamim* deemed that the opening through which the *tumah* will leave the house is considered *tameh*. We have discussed this previously when learning the principle of *sofo tumah latzeit*. Since all the openings are shut, the *gezeira* applies to all of them. It is only once one is opened, as the *Mishnah* continues, that it can “save” the other openings. The *gezeira* will then apply to the open one from that point onward. Importantly, this means that only objects placed under the other doors and windows from that point onward would be *tahor*, but those placed prior to that would be *tameh*.

The *Tosfot Yom Tov* however comments that this law cannot be rabbinic. Were it the case, then once one of the doors or windows were opened, then it should mean that anything under the other openings should be *tahor* – even those that were there prior to door being opened. The reason is that when it comes to rabbinic laws, we can apply the principle of *bereira* (retroactive selection). In other words, once one is opened, we should say that that door is the one that was the opening through which the *tumah* was always meant to exit. The *Tosfot Yom Tov* however explains, citing *Rashi*, that this law is *halacha le'moshe mi'sinai*. The *Bartenura* refers to it as a *gezeirat chachamim* because its source is not explicitly written in the Torah. He continues that this is much like the way the *Rambam* refers to *halach le'moshe mi'sinai* as *divrei sofrim*.

The *Tifferet Yisrael* (*Boaz* 7:5) however notes that we find a contradiction within the words of *Rashi*. *Rashi* (*Beitz* 38a), explains that this principle of *sofo tumah latzeit* is indeed *halacha le'moshe misina*. Yet *Rashi* (*Beitzah* 10a) also

explains that the principle in our *Mishnah* is *mi'divrei sofrim*. The *Tifferet Yisrael* therefore suggests that law that the opening through which the *tumah* will eventually leave is *tameh* is indeed *halacha le'moshe misinai*. With all the openings closed, we do not know which one that will be. Therefore, all the openings are *tameh* rabbinically. . Since the law of *sofo tumah latzeit* is biblical in origin, we cannot apply the principle of *bereira*.

The *Tifferet Yisrael* continues that we could even explain that the *Bartenura* maintained that this entire law is rabbinic – both *sofo tumah latzeit* and the law in our *Mishnah*. The reason why the principle of *bereira* cannot be applied is because *tumat ha'met* which is the basis of this *Mishnah* is biblical. (The *Tifferet Yisrael* directs us *Tosfot Eiruvin* 37b, s.v. *man*).

The *Mishnah Achrona* however asks that if the law in our *Mishnah* is rabbinic, what is the basis of the *gezeira*? If it is based on a concern that the door may open and make the *keilim* under that lintel *tameh*, then opening one of the doors should not save the others. He suggests, based on the *Rama* we discussed last week, that we view the principle of *sofo tumah latzeit* as if the *tumah* has already left through that opening. Consequently, once one opening has been opened, or selected, *sofo tumah latzeit* only applies to that opening.

The *Mishnah Achrona* suggests that perhaps that reason is similar to that of *kevar stum* – sealed grave. Recall that with a *kever satum*, it causes all its surrounding and adjoining *ohalot* to become *tameh*. *Rashi* (*Bava Batra* 12) explains that this is out of concern that those engaged in *taharot*, might lean over the grave and become *tameh*. Similarly in our case, the *gezeira* applies to keep those people engaged in *taharot* away from the house, out of concern that they might be under the covering of one of the openings when the corpse is removed there. Once again, this concern would only apply to all opening until one of the openings has been designated.¹

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¹ Note that the *Rambam* (*Peirusuh Mishnayot*) explains that our case is more directly like a *kever satum*. See the *Tifferet Yisrael* (*Boaz* 6) for more details.

Revision Questions

אהלות ו: ח' – ו: ח'

- What is the law regarding a “house that serves a wall”? (ו: ח') (Compare with how a “wall serves a house”). (ו: ג')
- What is the law regarding a case where *tumah* is found beneath a pillar? (ו: ח')
- Explain the debate regarding the utensils found beneath the overhanging decorations of the pillar. (ו: ז')
- Regarding the previous question, in what case is there no debate? (ו: ז')
- What is the law regarding *tumah* found in cupboards built into the wall? (ו: ז')
- When does *tumah* found in a wall cause all the floors in the building to become *tameh*? (ז: א')
- In what case would the spread be stopped? (ז: א')
- When would one touch the side of a *matezeiva* be *tameh* and when would he be *tahor*? (ז: א')
- Is the space under the slanted part of an *ohel* considered part of the *ohel*? (ז: ב')
- What is the difference if one touches the inside or outside of an *ohel* once the corpse has been removed? (ז: ב')
- What is the law regarding a case where a half *kezayit* was on one side of the *ohel* and another on the other side? (ז: ב')
- What is the law regarding *tumah* that is found under that excess flap of a tent? (ז: ב')
- Explain the debate regarding a tent placed over an *arubah*. (ז: ב')
- What is the law regarding an item in the closed doorways of a house that contains a corpse? When does this change? (ז: ג')
- What are the two debates between *Beit Shammai* and *Beit Hillel* regarding the previous question? (ז: ג')
- Explain the debate regarding a case where a woman miscarries after she was transferred between rooms during labour. (ז: ד')
- In what case is the ruling different? (ז: ה')
- Until what point is a baby aborted when it is threatening the mother’s life? (ז: ו')
- List some items that can spread *tumah* and shield against *tumah*. (ז: ח')
- What are *sechachot*? (ז: ח')
- What are *pera'ot*? (ז: ח')
- List some items that can spread *tumah* but cannot shield against *tumah*. (ז: ח')
- List some items that can shield against *tumah* but cannot spread *tumah*. (ז: ח')
- List some items that can neither spread nor shield against *tumah*. (ז: ח')
- What is the law regarding to two tightly sealed earthenware jugs that each contains a half-*kezayit* of a *met*? (ז: ח')
- What is law if one of them were opened? (ז: ח')
- What other case is similar to the one in the previous question? (ז: ח')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
10 January כ"ז טבת	11 January כ"ח טבת	12 January כ"ט טבת	13 January ל"א טבת	14 January א' שבט	15 January ב' שבט	16 January ג' שבט
Ohalot 9:1-2	Ohalot 9:3-4	Ohalot 9:5-6	Ohalot 9:7-8	Ohalot 9:9-10	Ohalot 9:11-12	Ohalot 9:13-14

