



Uneven Beams

The *Mishnah* (12:5) discusses the case of a two story building, where there is no ceiling on either of the two floors. Instead, there are simple cross beams with spaces between them, running between the two floors and a second set by the roof. The second case is where the beams are aligned such that the higher beams cover the spaces between the beams below. The *Mishnah* teaches that if *tumat ha'met* is beneath any of the beams, the *tumah* would spread beneath all the beams, but not above them. We shall try to explain this case.

The *Bartenura* explains very simply that, despite the different beams being at different levels, due to this alignment, it is considered like one ceiling.

The *Mishnah Achrona* cites *Gemara Sukkah* (22a) that explains that the law in our *Mishnah* is only if the beams are a *tephach* wide. That is because at that width, we can apply the principle of *gud achit*. In other words, we view the upper beams as if they drop down to between the lower beams. Similarly, *gud asik*, that the lower beams are raised up to between the higher beams. In that way we have single consistent covering. If however, the beams are less than a *tephach* wide, then there would not be an *ohel* above (or below) the *tumah* and it would only make *tameh* anything above or below it.¹

The *Mishnah Achrona* addresses the questions of if the bottom beams were a *tephach* wide but the top beams were narrower. Initially he assumes that since we could apply *gud asik* from the bottom beams to reach upward, then the *tumah* would spread underneath all the beams. He however concludes that since the upper beams are less than a *tephach* – less than the minimum *ohel* – they are insignificant and cannot combine.

We find a similar discussion in the *Grach* (*Sukkah* 5:12). He initially presents the perspective that for *ohalot*, this principle of *chavut rami* (viewing the top beams as if they are dropped down between the lower ones) as only really necessary for *Schach* that is at different level. For

tumat ohel however, as long as we have several *ohalot* one next to the other, even if they are at different heights, *tumah* will pass from one to the next. Why then does the *Gemara* suggest that *chavut rami* also applies for *tumat ohel*. That would be in the case where the upper beams are a *tephach* wide and the lower ones are narrower. *Chavut rami* would be necessary then to make the bottom narrow beams also to be part of the *ohel*.

He however rejects this understanding. We will learn (14:5) about the case of two projections (*zizim*) on the outside of a house, each at least a *tephach* wide, one higher than the other. One of the variations of the case is where there is a *tephach* space between the two *zizim*, the *tumah* is located between the two and the upper *ziz* overhangs the lower one. If it extends by a *tephach* or more, then underneath the lower *ziz* is *tameh*. If however, the overhang is less than a *tephach*, then underneath that overhang is *tameh*, but underneath the lower *ziz* is *tahor*. According to the explanation thus far, the ruling is difficult to understand. Since they are both *ohalot*, one would expect that that space below the bottom *ohel* should also be *tameh*.

He therefore understands that for *tumah* to spread from one *ohel* to the next they must be considered as one consistent *ohel*. If they are different heights, then *chavut rami* is necessary to achieve that end. In the case where the overhang is less than a *tephach*, it is not wide enough to apply the principle of *chavut rami*. That is why even though the two *ohel* are in contact on the horizontal plane, they are not considered one *ohel* for *tumah* to pass from one to the next and the region below the lower *ziz* remains *tahor*. Furthermore he explains, from the fact that the *Gemara* states that we view the lower ones as if they are above and the upper ones as if they are below, for *tumah* to pass underneath all the beams – for them to be considered one *ohel* – all the beams would need to be a *tephach* wide, both the upper and lower ones.



Yisrael Bankier

¹ The *Mishnah Achrona* however suggests that if the *tumah* was between the upper and lower beams, then it would not spread to the region below the lower beam. That is because, as we discuss in the last two issues, we apply the principle of *levud* when it results in leniency.



REVISION QUESTIONS

אהלות י"ב:ה' – י"ד:ד'

- What is the law if regarding a case where the planks of wood on the first floor and the roof are spaced and aligned with one another, and *tumah* is found on the ground floor? The first floor? The roof? (י"ב:ה')
- How would the law differ if the planks in the roof aligned with the spaces left by the planks on the first floor? (י"ב:ה')
- What are the minimum dimensions of a round and square plank such that it can act as an *ohel*? (י"ב:ו')
- What must the circumference of a pillar (lying on its side) be such that *tumah* is transferred if it is found underneath (but not squashed by) the pole? (י"ב:ו')
- Explain the debate regarding a *kezayit* from a corpse that is found stuck to the threshold. (י"ב:ז')
- What is law if it stuck to the outside of the lintel? (י"ב:ז')
- What is the minimum measure (*shiur*) of the following spaces for *tumah* to be transferred through them:
 - A *Ma'or*?
 - *Sh'yarei Ma'or*? (Explain.)
 - A hole created by water? (י"ג:א')
- What other cases have the same ruling as the last case and in what situations does the size change? (י"ג:א')
- What is the *shiur* of a window made for ventilation for *tumah* to pass through it and when does this change? (י"ג:ב')
- What is the minimum measure (*shiur*) of the following spaces for *tumah* to be transferred through them:
 - A hole in a door? (Provide two cases.) (י"ג:ג')
 - A hole for a *kaneh*?
 - A peep-hole? (י"ג:ד')
- List some items that relate to *tameh* objects that can be used to reduce space of a window preventing *tumah* from spreading through them. (י"ג:ה')
- List some items that relate to *tameh* objects that cannot be used to reduce space of a window preventing *tumah* from spreading through them. (י"ג:ו')
- What is the general rule regarding the previous two questions? (י"ג:ו')
- What is a *ziz*? What is a *gizra*? When (in terms of placement and dimensions) can the transfer *tumah* to the inside of a house? (י"ד:א')
- What is the difference between the required dimensions of a *ziz* above a door and a window? (י"ד:ב')
- Explain the debate regarding the difference between a *kaneh* and a *ziz*. (י"ד:ג')
- What is the law regarding the utensils under a *ziz*, only overlapping the doorway a width of three *etzba'ot* wide and that completely surrounds a house in which *tumah* is found? (י"ד:ד')
- Explain the debate regarding the previous question where the *tumah* is instead found under the *ziz*. (י"ד:ד')



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NEXT WEEK'S MISHNAYOT

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	שבת קודש
1 November · כ"א חשוון	2 November · כ"ב חשוון	3 November · כ"ג חשוון	4 November · כ"ד חשוון	5 November · כ"ה חשוון	6 November · כ"ו חשוון	7 November · כ"ז חשוון
Ohalot 14:5-6	Ohalot 14:7-15:1	Ohalot 15:2-3	Ohalot 15:4-5	Ohalot 15:6-7	Ohalot 15:8-9	Ohalot 15:10-16:1

Have a good Shabbos!