



Volume 6. Issue 5

Same Action, Different Outcome

The *Mishnah* (8:2) discusses whether *tumah* passes from a utensil to an earthenware oven or vice versa if the utensil is lowered into the oven with the opening of the utensil protruding from the top of the oven. Two scenarios are presented:

- the utensil contained a *sheretz* and the oven contained food; or
- the oven contained a *sheretz* and the utensil contained food.

In both cases, the *Mishnah* rules that *tumah* does not pass from the *sheretz* to the food. If the *sheretz* and the food were both contained within the same earthenware utensil then the *sheretz* would make the food *tamei*. However in our case, the food and the *sheretz* do not directly share the same utensil. One of the items is *toch* (inside) the oven and the other item is *toch tocho* (inside a utensil which is inside the oven). As long as the opening of the smaller utensil remains above the opening of the oven it cannot be said that the *sheretz* and the food are both directly contained within the same utensil.

The *halachah* changes when the smaller utensil contains a puncture that makes it *halachically* invalid. In that case, the smaller utensil can no longer shield the food from the *sheretz*. As soon as the utensil is lowered into the oven, the *sheretz* and the food are both *halachically* contained within the oven and therefore the food becomes *tamei*.

The *Mishnah* deals with the question – how large does the puncture need to be to render the smaller utensil invalid? This depends on what the utensil was made for. If it was made to contain food then the hole must be large enough for an olive to fall out (see *Mishnah* 3:1). If the utensil was made to contain liquids then the hole must be large enough for liquid to seep in when the utensil is immersed empty into liquid. If the utensil was made for both food and liquid then we act *l'chumra* and use the smaller *shiur* as if the utensil was made for liquids only.

We see that the exact same action can have a totally different outcome depending on one's intention. If one lowers the same utensil with the same puncture into the oven, the status of the food as *tamei* or *tahor* will depend on the person's intention in relation to what the utensil was made for. If the utensil has a small puncture that allows liquid to seep in:

- if the person made the utensil with the intention that it will be used to contain food, then the food in our *Mishnah* will be *tahor*;
- if the person made the utensil with the intention that it will be used to contain liquids, then the food in our *Mishnah* will be *tamei*.

Similarly, as we will shortly explain, two people can carry out the identical action but the intention lying behind that action can determine whether the action is a *mitzvah* or an *aveirah*.

The *Shulchan Aruch* (60:4) rules that *mitzvot* require intent. However, in the vast majority of cases the threshold level of intent is very low and intent can often be inferred. If the circumstances in which a *mitzvah* is performed indicate that one performed the *mitzvah* in order to fulfil their obligation then the obligation will be fulfilled.

Once the base level of intention is satisfied, it is the action that is most important. Two people can give *tzedaka*, one with the purest of intentions and the other grudgingly. Of course it is better to do a *mitzvah* with pure intentions, however both people would fulfil the *mitzvah* of *tzedaka*.

However in some cases, one's intention is critical. Two people can perform the same action but the intent behind that action will determine whether the action is praiseworthy or not.

Rav Zev Leff gives the example of correcting a *baal koreh* who makes a mistake while reading from the *Torah*. One person might dislike the *baal koreh* or harbour resentment or jealousy towards him. This person would be looking for mistakes so that they can correct the *baal koreh* and embarrass them publicly. Obviously this would not be praiseworthy. Another person might have the purest intentions – they are only concerned with the *Torah* reading being perfect so that the *kehilla* can satisfy its obligation to perform the *mitzvah* of *kriyat hatorah* in the most perfect way. Such a person would be pained to correct the *baal koreh* but they would have no choice. Such a person is performing a praiseworthy act.

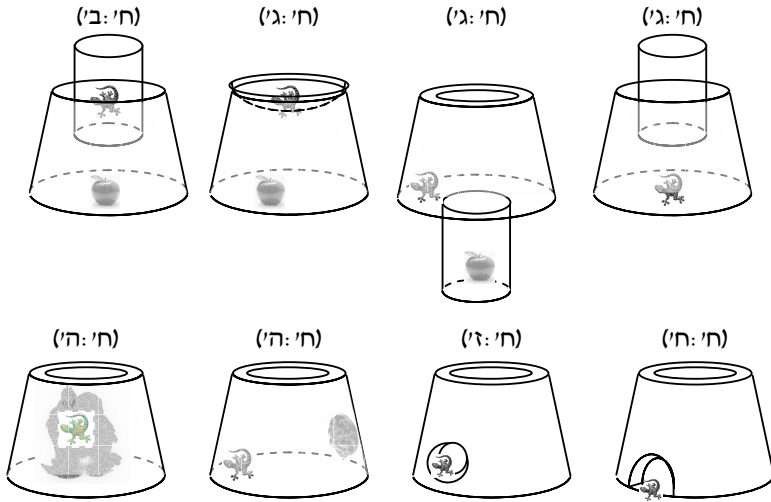
Just as a person's intention as to what a utensil is to be used for can determine whether food is *tahor* or *tamei*, similarly, a person's intention can determine whether an act is praiseworthy or not.

Allon Ledger

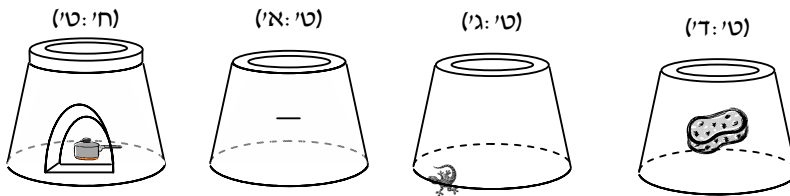
Revision Questions

כלים חי: בי – טי: די

- What is the law regarding the following cases (include when the law changes and other opinions where applicable):



- When is a *kli* found in a *tameh tanur* also *tameh*? (חי: די)
- Explain the case of the *Beit Se'or* and its ruling. (חי: ר')
- When can a pit have the same status as a *kira*? (חי: ט')
- A can a person who is a *rishon le'tumah* cause a *tanur* to become impure? (חי: יי') What other similar case applies to a woman? (חי: י"א)
- What other case is similar? (חי: י')
- What is the law regarding the following cases (include when the law changes and other opinions where applicable):



- What are the three cases involving a *tameh* needle in the beginning for the ninth *perek*? (טי: א')
- What is the debate between *Beit Shammai* and *Beit Hillel* with the respect to the *menikit*? (טי: בי')

Local Shiurim

Sunday -Thursday

Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat

10 minutes before mincha
Mizrachi Shul

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 nd March כ"ו אדר	23 rd March כ"ז אדר	24 th March כ"ח אדר	25 th March כ"ט אדר	26 th March א' ניסן	27 th March ב' ניסן	28 th March ג' ניסן
Keilim 9:5-6	Keilim 9:7-8	Keilim 10:1-2	Keilim 10:3-4	Keilim 10:5-6	Keilim 10:7-8	Keilim 11:1-2

