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OVERVIEW of the Daf

1) The tumah of other lands (cont.)

It is suggested that the question of whether it is the air of the other lands that transmits tumah or whether it is the ground that transmits tumah is a dispute in a Baraisa.

The suggestion is rejected in favor of an alternative explanation for the Baraisa.

The alternative explanation of the Baraisa is rejected.

Another explanation of the Baraisa is presented in which both opinions in the Baraisa accept the premise that the land of the other nations that transmits tumah on account of the air.

A Baraisa is cited that supports this explanation.

Alternatively, the Baraisa could be explained with both opinions maintaining the position that it is the ground of the other lands that transmits tumah.

A Baraisa is cited that supports this explanation.

2) Tzara'as during a period of nezirus

R' Chisda asserts that it is only in reference to a short nezirus that the Mishnah rules that tzara'as days are not credited towards his nezirus, but if he observes a long nezirus term the tzara'as days do count towards his nezirus term.

R' Sheravya challenges this assertion.

R' Sheravya resolves his own challenge.

Rami bar Chama begins to formulate a challenge to R' Chisda's opinion. ■

REVIEW and Remember

1. Explain the principle אהל זרוק שמיה אהל.

2. How does the Gemara resolve the question of whether it is the land or the airspace of the land of the nations that transmits tumah?

3. According to R' Chisda, does an episode of tzara'as count towards one's term of nezirus?

4. How does R' Sheravya resolve his own inquiry?

Distinctive INSIGHT

Rabbi Yose bar Yehuda and the "portable tent"

והתניא רבי יוסי ברבי יהודה אומר תיבה שהיא מליאה כלים וזרקה על פני המת באהל טמאה, ואם היתה מונחת טהורה

The Gemara presented an inquiry regarding the nature of the impurity of the Lands of the Nations. Did the rabbis declare the impurity to originate from the ground, or does it pervade the airspace of those lands. The practical difference between these two approaches is presented in terms of a case where a person is carried into the Lands of the Nations while riding in a box. Rebbe rules that this person is tamei, while Rebbe Yose bar Yehuda holds that the rider is tahor. The Gemara suggests that this dispute might hinge on our inquiry. Rebbe, who says that the rider is tamei, is of the opinion that the air of the Lands of the Nations is tamei, and even though this rider does not come in contact with the ground, he is tamei due to his being suspended in the air of these lands. Rebbe Yose bar Yehuda, who says that he is tahor, is of the opinion that since he has not come into contact with the ground, the air is not enough to defile him, and he remains tahor.

The Gemara refutes this explanation, and explains that all opinions may agree that the impurity of the lands is due to the dirt, and not the air. However, Rebbe holds that a transported tent, such as the box in which the rider is being carried, is not a tent, and it cannot insulate against the impure land, while Rebbe Yose bar Yehuda holds that such a compartment is a tent, and the passenger in it is tahor, as he is protected from the tumah of the land below.

The Gemara follows this refutation with a Baraisa where we find the opinion of Rabbi Yose bar Yehuda citing the halacha of a box filled with utensils which is tossed into a room where a corpse is found. The contents of the box are impure. If the box, however, is stationery, the contents are tahorim. According to the first explanation in Tosafos, this Baraisa is brought as a proof that Rabbi Yose bar Yehuda holds that a "portable tent—אהל זרוק" is not a legal container, and it does not insulate its contents from impurity on the outside. This Baraisa is brought to substantiate the refutation of the Gemara and to show that, in fact, Rabbi Yose holds that a portable tent is not legally a tent.

The second explanation in Tosafos, and the Rosh, explain that this Baraisa is brought to show that although

(Continued on page 2)

HALACHAH Highlight

Are kohanim permitted to travel by airplane?

מר סבר אהל זרוק שמיה אהל ומר סבר לא שמיה אהל

One master maintains that a moving ohel is considered an ohel whereas the other master maintains that it is not considered an ohel.

Teshuvas Eretz Tzvi[1] was asked whether it is permitted for kohanim to travel on airplanes made of wood covered with metal. Since the airplane does not always follow the same flight pattern, perhaps kohanim should be concerned with the possibility that the airplane will travel over a grave. Granted that the majority of places do not contain tumah, nevertheless, since every grave is fixed (קבוע) in its place we should apply the principle כל קבוע כמחצה על מחצה דמי—any item in doubt that is fixed in its place is treated as though it has a 50 percent possibility and kohanim should be thus prohibited from traveling by plane. After a lengthy analysis of the matter he concludes that in extremely pressing circumstances he would permit a kohen to travel by airplane, but only if another great rabbi will agree to his analysis.

Teshuvas B'tzeil Hachochma[2] ruled that kohanim are permitted to travel by airplane despite the concern that the airplane may fly over a grave. He based his lenient ruling on a comment of Perisha. Perisha wrote that the principle כל קבוע כמצחה על מחצה דמי applies only when the prohibited item was separated from its original location but now is fixed in place, like the case of the meat bought from a store and the customer no longer remembers where the meat was purchased. In our case, however, the grave which is the prohibited item, remains fixed in place and was never moved from its location. In this scenario the principle of כל קבוע cannot be applied and it remains a simple matter of doubt about which one is permitted to adopt a lenient approach.

Similarly, Teshuvas Chelkas Yaakov[3] wrote at length about this topic and concluded that in pressing circumstances one could be lenient based on the principle that matters of doubt in the public domain are treated leniently. If, however, there is a cemetery located near the airport so that there is no doubt that the airplane will fly over some graves he rules that it is prohibited for a kohen to fly from that airport since, amongst other reasons, a moving ohel does not protect its inhabitants from tumah. ■

1. שו"ת ארץ צבי סי' צ"ג.
2. שו"ת בצל החכמה ח"ב סי' פ"ב.
3. שו"ת חלקת יעקב יו"ד סי' ר"ט. ■

(Insight. Continued from page 1)

everyone agrees that a tent which can be tossed is not a tent, however, the status of one which is carried by a person or that is transported upon an animal is disputed. Here, Rabbi Yose holds that it is considered stationery, and that it would interrupt between the tumah and the passenger inside, thus demonstrating that the original suggestion of the Gemara was valid. ■

STORIES Off the Daf

The Portable Ohel

"הנכנס לארץ העמים בשידה תיבה..."

Today's daf discusses whether or not an אהל זרוק, a portable ohel, imparts tumah.

As technology continues to march along and more contrivances are invented for our convenience, halachic questions come up that require analysis and clear psak. This is often a difficult job, however, and it takes much talent to patiently figure out which halachos apply to a new invention and which don't.

When someone asked Rav Shlomo Zalman Auerbach, zt"l, whether it was permitted to use the then-new seltzer machine on Shabbos, he asked to see the machine. After seeing it he said, "I need some time to consider the matter."

When the man left, Rav Shlomo Zalman suggested to the Rebbetzin, zt"l, that they purchase a soda machine since this would save them money on seltzer. She agreed, and the Rav was afforded the opportunity to study the machine in depth and deliver his psak.

When parasols were first introduced, there was a dispute as to whether one may guard himself from the sun with one on Shabbos or not. A certain Rav compared this to the laws of tumah and claimed it was permitted. "Since it is made to move around it doesn't have the law of an ohel," he declared.

The Noda B'Yehudah, zt"l, rejected this psak, however. "Even if one wished to bring a proof from the case of a moving ohel, which we hold is not a separate אהל and doesn't protect one from tumah outside the אהל, is irrelevant regarding a parasol. Clearly an is an אהל. If one placed vessels and an object which imparts ritual impurity in a moving ohel, the vessels would surely become impure even if they didn't touch the impurity. An אהל זרוק can't protect one from tumah on the outside but it is surely an ohel to impart tumah within.

The Noda B'Yehudah concluded, "This chacham said words of chochmah, but despite their brilliance they are not applicable l'halachah!"■

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