

Ground Rules

Excerpted and adapted from a *shiur* by Rav Moshe Zev Granek

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<https://baishavaad.org/wp-content/uploads/2023/10/Parshas-Noach-does-standing-on-top-of-non-jews-grave-make-one-tamai.mp3>

All in whose nostrils was the breath of the spirit of life, of everything that was on dry land, died.

Bereishis 7:22

There is a dispute in the Gemara (Zvachim 113a) whether the place on Har Hazeisim where a *temei meis* is about to be purified with the ashes of the *parah adumah* must be searched for buried corpses. The Gemara explains that the lenient view holds that all of Eretz Yisrael is presumed to be pure unless we know otherwise, because the *mabul* that destroyed humanity did not reach Eretz Yisrael, but the strict view maintains that the *mabul* did come to Eretz Yisrael and may have deposited corpses inside Har Hazeisim. When the kohein administers the *mei chatas*, a body buried beneath where he stands would contaminate him via *tum'as ohel* because he is above it. *Acharonim* are puzzled by this Gemara, given that the halacha follows R' Shimon's view that non-Jewish bodies are not subject to *tum'as ohel* (Yevamos 61a), and they communicate only *tum'as maga* (via direct contact). The Nesivos Hakodesh (on Zvachim, by a *talmid* of the Brisker Rav) answers based on the Gra (Aderes Eliyahu, Chukas) that this is a case of *tum'ah retzutzah* (cramped impurity), where the *tum'ah* is in a space of less than a cubic *tefach*, in which case it can be *metamei* what is directly above it. The Gra holds that *tum'ah retzutzah* is classified as a *tum'as maga* and would apply even to a non-Jewish corpse.[1]

But the *Acharonim* do not answer their question, so they implicitly reject the idea of the Nesivos Hakodesh. Moreover, Sefer Pesach Ha'ohel says the Yeshuos Yaakov (O.C. 163:2) was unsure whether *tum'ah retzutzah* applies to non-Jewish graves, and the Riaz (Bava Metzia, Kuntres Hara'ayos) says outright that it does not.

[1] The Or Sameiach (*Tum'as Meis* 1:13) adduces support for this idea from a Gemara (Chulin 125b).