



Volume 12. Issue 36

A Bayit Menuga under a House

Over the course of the week we continued to learn about *tzaraat* that affects houses. We have learnt that a house that has *tzaraat* (*bayit menuga*) is *tameh*. If one enters such a house, whether it is *musgar* or *muchlat*, they become *tameh*. Similarly, we have learnt that a stone that has been taken from a *beit menuga* that is *muchlat* is also a source of *tumah*. It transfers *tumah* in three ways – through contact (*maga*), by causing it to move (*masa*) and finally, if it is stationary under a covering (inside a house or under a tree) then everything else under that cover also becomes *tameh*.

The *Mishnah* (13:6) records a debate where an entire *bayit menuga* is covered either by another structure or tree. *R' Elazar ben Azarya* maintains that everything under that external cover remains *tahor* whereas *R' Elazar* argues that everything should be *tameh*. *R' Elazar* reasons that if a single stone from a house has the capacity to make everything *tameh* that is under the same cover, it stands to reason that the entire *bayit menuga* should as well. How do we understand this debate? The *Mishnah* appears to provide the logic for the position of *R' Elazar* but is silent with respect to the *R' Elazar ben Azarya*'s.

The *Tosfot Yom Tov* explains that the the reason the *Mishnah* did not provide *R' Elazar ben Azarya*'s reasoning is that since *R' Elazar*'s logic was sound, rationalising the opposing position was unnecessary.

The *Bartenura* explains that *R' Elazar ben Azarya* treats the space inside the *bayit menuga* and area under the external covering as two separate spaces. Such a classification has a precedent in the case where *tzaraat* is found in the house, yet the contents of the *Aliya* (attic) remains *tahor*. The *Rosh* cites this answer in the name of *R' Shimshon*. He finds this difficult because in the case of the *bayit* and *aliyah* the floor separates between the two regions. The same cannot be said for our case.

The *Tifferet Yisrael* explains that *R' Elazar ben Azarya* understands that there is a difference between a *bayit menuga* and one of its detached stones – the *bayit menuga* is still attached to the ground. Even though if one touched the house he would become *tameh*, it cannot cause other items under a shared overhung to become *tameh* unless it is detached.

The *Rosh* question how *R' Elazar ben Azarya* could argue with *R' Elazar* logic. Given the difficulty he explains that they argue about a specific case – a *bayit musgar*. We know that any of the stones that separates from a *bayit musgar* is *tahor* except for the stone that has the *nega* itself. In addition, we are dealing with a *bayit* that is *musgar* and while the outer covering is over part of the house, it is not over the stone that has the *nega*. The debate therefore is regarding the *tumah* of a house that is *musgar*. According to *R' Elazar ben Azarya* since the stone is not under the outer covering, the *tumah* does not spread. It is not equivalent to *tumat ha'met*, so it cannot spread from house to house. According to *R' Elazar* however, while the house is intact, any stone of the house can spread *tumah* if it is covered.

The *Mishnah Achrona* however understands that the *Mishnah* can be dealing with either a *bayit musgar* or *muchlat*. He understands that the debate in this *Mishnah* relates to another debate we have learnt. The *Mishnah* (13:11) taught that if a *metzora* enters a house, all the contents become *tameh* immediately. *R' Yehuda* however argues that the contents only become *tameh* after the *metzora* is in the house for the time it would take to light a candle. The *Rash* explains that *R' Yehuda* only argues in the case where the *metzora* entered someone else's house without permission. This is because the *Torah* says that the *metzora* causes a house to be *tameh* when it is *moshavo* (his place of occupancy). Consequently, there is a time given to the home owner to notice and object. Beyond that, it would be considered *moshavo* and the house *tameh*.

The *Mishnah Achrona* understands that *R' Elazar ben Azarya* shares the position of *R' Yehuda*. Consequently, a stone from *bayit menuga* that simple fell, unintentionally, into another house would not cause it to be *tameh* – the area would not be defined as *moshavo*. Similarly, the *bayit menuga* in our case was not built to be under the covering. Furthermore, there is no way of removing that house. Consequently, it cannot be considered *moshavo*. *R' Elazar* however maintains the position of the *Chachamim* and does consider intentions or circumstance in the definition of *moshavo*.

Yisrael Bankier

Revision Questions

סייעגן יב גיי: — דייג

- In what case is removal stricter than dismantling?)ב: גיי(
- What is the law regarding the attic above a house that requires *netitza*?)ג: גיי(
- What is the law regarding a house below an attic that requires *netitza*?)ג: גיי(
- Explain the debate regarding the minimum size of the stone, wood and earth of a *bayit menuga* for them to be a source of *tumah*.)ג: גיי(
- What is the difference between, with respect to *tumah*, of a *bayit muchlat* and a *bayit musgar*?)ד: גיי(
- What is the law if stone from a *bayit musgar* were used in the construction of another house and a *nega* returned to the original house? A *nega* returned to those stones?)ה: גיי(
- Explain the debate regarding a *bayit menuga* that is built inside another house.)ו: גיי(
- What is the law regarding a case where:)ז: גיי(
 - A *metzarah* is standing under a tree and someone else walks by?
 - A *metzarah* walks by a tree under which someone is standing?
- How much of one's body must enter a *bayit menuga* for them to be *tameh*?)ח: גיי(
- How much of a *tallit* must be inside a *bayit menuga* for it to be *tameh*?)ח: גיי(
- How much of a *tallit menuga* must be placed inside a house for the contents to be *tameh*?)ח: גיי(
- What is the difference between when one is wearing and carrying cloths when entering a *bayit menuga* regarding when they become *tameh*?)ט: גיי(
- What is the law regarding the ring in the case where one is standing inside a *bayit menuga* and he extending his hand with the ring outside the house?)י: גיי(
- Explain the debate regarding a ring in a case where one extends his hand with a ring inside a *bayit menuga*.)י: גיי(
- Explain the debate regarding which *keilim* become *tameh* when a *metzarah* enters a house.)יא: גיי(
- Explain the debate regarding the time it takes for those *keilim* to become *tameh*.)יא: גיי(
- What is the law regarding a *metzarah* that wants to enter shul?)יב: גיי(
- Explain the debate regarding the similarities between *metzarah* and *tumat ha'met* regarding *ohel* and *tzamid patil*?)יב: גיי(
- Describe the purification process of a *metzarah*. (Include all four stages.))יג: גיי(
- Which detail in the process is debated?)יד: גיי(
- What is the *metzarah's* status after the first, second and third stage of purification?)יד: גיי(

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שדוק תבש
19 th July ג' בא	20 th July ד' בא	21 st July ה' בא	22 nd July ו' בא	23 rd July ז' בא	24 th July ח' בא	25 th July ט' בא
Negaim 14:4-5	Negaim 14:6-7	Negaim 14:8-9	Negaim 14:10-11	Negaim 14:12-13	Parah 1:1-2	Parah 1:3-4

