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Levud for Tumah

The *Mishnah* (10:2) discusses a case where *tumah* (originating from a corpse) is placed entirely beneath a hatch or opening in the ceiling (*arubah*) of a house that is less than a *tephach* wide. The ruling given is that anything inside that house remains *tahor* while anything vertically in line with that *tumah* is *tameh*.

The *Bartenura* notes that the *Mishnah* teaches that the principle of *levud* does not apply to the laws of *tumah* “even if it is less than a *tephach*”. One may recall that the principle of *levud* (see Volume 1 Issue 16) is where a space that is less than three *tephachim* is considered filled in. It may be surprising then that the *Bartenura* notes that here *levud* does not apply for a space “even less than a *tephach*”. Certainly it should have been enough to just state that *levud* does not apply to *tumah*. It is made particularly more difficult since the previous *Mishnah* taught a similar law with an *arubah* that was the size of a *tephach* and there the *Bartenura* makes not mention of *levud*.

The *Mishnah Achronah* answers this question. First however, we shall bring the opinion of the *Ritva* (*Sukkah* 18a). The *Ritva* explains *Torah* made one *tephach* for the laws of *tumah* (which is the minimum measure for *tumat met* to transfer between rooms) equivalent to the three *tephachim* for the laws of partitions. Indeed this is also the understanding of the *Mishnah Achronah*. Consequently the novelty is not that *levud* does not apply to the laws of *tumah* for an *arubah* the size of a *tephach*; it could never anyway just as *levud* could not apply for a space great than three *tephachim*. It is rather that it does not apply even for a space less than a *tephach*.

The *Mishnah Achronah* brings a proof that this is indeed the position of the *Bartenura*. Earlier (4:1) we learnt about a case of a *midgal* (chest) that was placed in a house such that the space between it and the walls, ceiling and floor was less than a *tephach*. The *Mishnah* ruled that if *tumah* was in the house and *keilim* (utensils) were in the spaces, they would be *tahor* – but only if the spaces were less than a *tephach*. The *Bartenura* there explains that this is because the principle of *levud* applies, thereby making it as if the *keilim* were not in the house. Consequently we find that the limit of *levud* for *tumah* is one *tephach*.

The proof however introduced a difficulty. Why does *levud* apply earlier where here it does not? Another important rule found in the *Rama* (*Yoreh Deah* 342:4), answers this question: the principle of *levud* is only applied when it results in a leniency and not stringency.¹ Here, if *levud* applied it would result in the entire house being *tameh* and thus a stringency, where as in the earlier *Mishnah*, *levud* protected those *keilim* from becoming *tameh*.

The *Taz* question the ruling of the *Rama*. If *levud* is applied in the case of a leniency then how could *tumah* ever transfer between rooms where the adjoining holes is a *tephach* in size? The *Mishnah Achronah* answers the question of the *Taz* with the principle already stated in this article. The reason why it does not apply for a *tephach* sized hole for the laws of *tumah* is because such a space is equivalent to three *tephachim*. In other words it is too large for the principle of *levud*. The question only arises for *tumah* when the space is less than a *tephach*.

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¹ There is much discussion on this ruling of the *Rama* however beyond the scope of this article. See for example the *Magen Avraham, Orach Chaim* 502:9.

Revision Questions

אהלות ט: י"ג – י"א ג:

- (Question A :) What is the law regarding an upright *kaveret* that is outside and: (ט: י"ג)
 - A *kezayit* from a *met* is found underneath the *kaveret*?
 - A *kezayit* from a *met* is found on top of the *kaveret*?
 - Inside the *kaveret*?
- (Question B :) Regarding the previous question what is the law if the *kaveret* is a *tephach* above the ground? (ט: י"ג)
- What other cases share the same law as the previous question? (ט: י"ג)
- In which three cases would the laws in questions A and B change and what is the law in both those cases? (ט: י"ד)
- What is the law regarding an "*aron*" that is wide at its base and narrow at the top where one touched "above"? "Below"? (ט: י"ו)
- What is the law if the *aron* was narrower at the top? (ט: י"ו)
- Explain the debate when the walls are vertical? (ט: י"ו)
- Explain how an *aron* is structured like a *gluskom* and the law in that case? (ט: י"ו)
- What is the law regarding an earthenware barrel that is seated on top of *tumah*? (ט: י"ז)
- What is the law if the *tumah* is under the belly of the barrel? (Provide both cases.) (ט: י"ז)
- In what four cases would the law change? (ט: י"ז)
- What is the law regarding a house with an *arubah* and *tumah* is found in the house? Under the *arubah*? (י: י"א)
- How does the law differ if a person placed their foot over the hole? (י: י"א)
- What is the law if a *kezayit* of *tumah* is placed partially under the *arubah*? (י: י"א)
- Regarding the previous three questions how does the law differ if the *arubah* is less than a *tephach*? (Include the opinions when where debated.) (י: י"ב-ג)
- What is the law regarding a case where multiple *arubot* are on top of one another and *tumah* is found in the house? Under the *arubot*? (י: י"ד)
- What is the law if a utensil that was susceptible to *tumah* was placed of one of the *arubot*? (י: י"ד)
- What is the law if the utensil was not susceptible to *tumah*? (י: י"ד)
- Regarding the previous three questions, how does the law differ if the *arubot* are less than a *tephach*? (Include the opinions where debated.) (י: י"ד)
- Regarding a house with an *arubah*, what is the law if an earthenware utensil the size of the *arubah* has *tumah* beneath it and is placed on the floor? Is a *tephach* above the ground? (י: י"ד)
- Regarding the previous case, what is the law if the utensil was placed under the lintel? (י: י"ד)
- Explain the debate regarding a case where a house's roof was cracked along its width and *tumah* was found in the inner part of the house. (י: י"א-י"ב)
- What is the law regarding a cracked *achsadrah* where *tumah* is found on one side? (י: י"א-י"ב)
- Regarding the previous question, in which three cases listed would the law change? (י: י"א-י"ב)
- Explain the debate regarding a case where a person was lying under the crack of the *achsadrah*. (י: י"א-י"ב)
- Can folded clothing lying on the floor beneath the crack in the *achsadrah* cause the *tumah* to transfer to the other side? (י: י"א-י"ב)

Local Shiurim

Sunday -Thursday

After maariv
Mizrachi Shul

Friday & Shabbat

10 minutes before mincha
Mizrachi Shul

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
2 nd August י"ב אב	3 rd August י"ג אב	4 th August י"ד אב	5 th August ט"ו אב	6 th August ט"ז אב	7 th August י"ז אב	8 th August י"ח אב
Ohalot 11:4-5	Ohalot 11:6-7	Ohalot 11:8-9	Ohalot 12:1-2	Ohalot 12:3-4	Ohalot 12:5-6	Ohalot 12:7-8

