Levud

This week many rabbinic laws have been studied that restrict the manner in which different produce may be planted so that it will not appear that the owner of the field is engaged in *kil'ei zeriam* or *kel'ei kerem*. In other words, even though there is no biblical prohibition against planting different species next to each other, the primary motivation for these rabbinic restrictions has been countering possible suspicion of transgression – *mar'it ayin* (eg, 3:5). One *Mishnah* (4:3) included the leniency that if a field contained a fence that divided between grapes and grain, each could be planted next to the fence without the ordinarily required empty space.

The definition of a continuous wall is important in the laws of *Shabbat (eruv)* and *sukkah*. The *Mishnah* (4:4) goes one step further adopting further leniencies from these halachic categories:

> A partition of (unconnected standing) reeds – if between reed and reed be less than three handbreadths (*t'fachim*) sufficient for a kid to enter, it counts as a valid partition (- this principle is known as *levud*). A fence that is breached up to a space of ten cubits is considered as an entrance; if it be more than this, planting opposite the breach is forbidden. If breaches be made therein, if what remains standing exceeds what is broken down it is permitted but if what is broken down exceeds what remains standing then opposite the broken down parts is forbidden.

Interestingly, even though the primary concern is *mar'it ayin*, since a fence with multiple breaches[1] is considered a complete fence in other halachic area, an imaginary line is drawn connecting the standing fence and one can even plant grapes and grain each on either side of the breach.[2]

How does one understand the first law of the *Mishnah - levud*? The *Tana* simply wrote that provided that the space between each of the reeds is less than three *t'fachim* then the fence is valid. Accepting that the fence is valid how does one treat the empty spaces between the reeds? *Rashi* (*Eiruvin* 16a) explaining the *Gemarah* that considers this reed fence, writes that even if the sum total of the space between the reeds adds up to a majority of the perimiter of the fence, the fence is still valid. Unlike small breaches which are viewed as permissible empty spaces or openings, *Rashi* explains that the principle of *levud* enables the reeds and spaces between them to be viewed as if they are one continuous standing section of fence.

A priori, there are two ways one could understand how *levud* enables one to see the fence as a continuous section. One could simply ignore the empty space and imagine it did not exist. Alternatively view the space as being filled in. *Rashi* (*Shabbat* 97a) writes that the *levud* is the basis for the rule that if a raised area in a public domain is less the three *t'fachim* high, it is annulled and considered part of the public domain. At first glance this would appear that *levud* enables one to ignore this difference in height. Nevertheless, one could still suggest that *levud* is being used to smooth (or fill) the difference in height of the two regions such that it is considered continuous.

The principle of *levud* is also used when validating a *sukkah* wall that is hanging less than three *t'fachim* above the ground. *Rashi* (*Shabbat* 97a) states explicitly that the empty region is considered to be filled in. Furthermore the *Ran* (*Sukkah* 4a) agrees with this assertion, claiming that if one was to imagine that the space did not exist, then the *levud* could not be used to complete the height of a small (ten *t'fachim*) *sukkah*.

David Bankier

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1. Provided they are each less than ten *amot* and in total less than a majority of the length of fence.
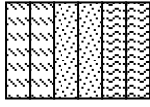2. One should note that in *hilchot Shabbat*, if the breaches exceed the standing fence that the fence is ineffective at defining the area as a private domain, and one cannot carry inside that area, even next to the fence. With *kil'ei kerem*, one does not need to define the area as a domain, instead they simply require a division. Therefore if the breaches exceed the standing fences then one can still plant on either sides the parts of the fence that are still standing provided that they are at least four *t'fachim* long (see *Eiruvin* 16a).
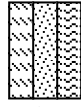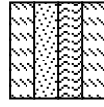
Revision Questions

כלאים ג':ד' – ה':א'

- Which of the following field structures is permissible/forbidden? (ג':ד')

(a)   (b)   (c)

- In what situation can two different species be planted in the same hole without any space separating them? (ג':ה')
- Explain the debate regarding inserting rows of pumpkins into a field of onions? (ג':ו')
- What spacing must be left between: (ג':ז')
  - A pumpkin planted in a vegetable field?
  - A row of pumpkins planted in a vegetable field? (both opinions)
- What is *karachat ha'kerem* and what is its minimum size? (Include both opinions) (ד':א')
- What is *machol ha'kerem* and what is its minimum size? (Include both opinions) (ד':א'-ב')
- How does *R' Yehudah* define *machol ha'kerem*? (ד':ג')
- How high must a fence be to be considered an adequate division? (ד':ג')
- How large can a breach in the fence be without rendering it unusable as a continuous division? (ד':ד')
- How many minor breaches can a fence have without rendering it unusable as a continuous division? If there are too many breaches, can one plant next to the existing fence? (ד':ד')
- How many vines are needed to define the region as a vineyard (include both opinions) and why is this important? (ד':ה')
- Which of the following vine configurations would define the region as a vineyard? (ד':ו')

(a)   (b)

- If two rows of grapes were divided by a fence, when is the regions still defined as a vineyard? (ד':ז')
- How wide must the spacing be between two rows of vines so that the region is not defined as a vineyard? (ד':ח')
- How wide must the spacing be between each row of vines in a field that has many rows of vines so that the region is not defined as a vineyard? (Include both opinions) (ד':ט')
- If a field contains vines that have been planted haphazardly, can it still be defined as a vineyard? (ה':א')

Local Shiurim

Sunday -Thursday
Between mincha & ma'ariv
<u>Mizrachi Shul</u>

9:50pm (after ma'ariv)
<u>Beit Midrash -
Naftali Herc</u>

Friday & Shabbat
10 minutes before mincha
<u>Mizrachi Shul</u>

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Audio Shiurim on-line!
- 613.org/mishnah.html
- www.shemayisrael.com/mishna/

MISSING THE HANDOUTS?

Different **pictorial aids** have been produced are continually being generated to help with learning the *Mishnayot*. If you are missing any or would like to receive them in the future send an email to mishnahyomit@hotmail.com .

To add another mishnah yomit shiur send an email to: mishnahyomit@hotmail.com

Next Week's Mishnayot…

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23rd Jan.	24th Jan.	25th Jan.	26th Jan.	27th Jan.	28th Jan.	29th Jan.
י"ג שבט	י"ד שבט	ט"ו שבט	ט"ז שבט	י"ז שבט	י"ח שבט	י"ט שבט
Kilayim 5: 2-3	Kilayim 5: 4-5	Kilayim 5: 6-7	Kilayim 5:9-6:1	Kilayim 6: 2-3	Kilayim 6: 4-5	Kilayim 6:6-7