

The גמרא discusses how large a breach in the walls of a מבוי would make it מבוי to carry in that מבוי:

בד בעשר מראשו בד 'אמר רב חנין בר רבא אמר רב מבוי שנפרץ מצידו בעשר מראשו בד 'If a side wall of a מבוי has a breach of ten אמות in it, or the front wall that partially covers the entrance has a breach of four טפחים, it would be אסור to carry in the מבוי.

The אמרא explains that even the front wall may have a breach of up to ten אמות, and the four טפח limit is only when the breach is in a corner where it cannot be called an entrance, because – פתחא בקרן זוית לא עבדי אינשי – people do not make an entrance in the corner.

- ורב הונא אמר אחד זה ואחד זה בארבעה

Rav Huna says that whichever wall the breach is on, anything larger than four ספחים is unacceptable.

Rav Huna thought that Rav agreed with him, since Rav paskened this way when he visited the town of דמחריא. Rav Chanin told him, Rav was just being extra strict on that town, because

– בקעה מצא וגדר בה גדר

He found the people of that town to be overly lenient in הלכה, therefore, he ruled more stringently for them.

רב נחמן בר יצחק supports ב הונא based on the מחלוקת about ב מחלוקת - an L - shaped מבוי that is less than ten אמות wide. בורת הפתח and therefore needs a צורת הפתח at the bend, and a לחי or and the outer ends.

שמואל holds it is considered a מבוי מחום and therefore only needs a לחי or קורה at each end.

Apparently, Rav considers the bend of the מבוי to be a breach even though it is less than ten אמות.!

רב חגן בר רב would respond that an L - shaped מבוי is different

בים - the public travels through it from the בקעי בה רבים at both ends.

Rav Huna who holds that a small breach of 4 טפרים is a problem, said so only if the breach is down to the ground level and is easily passable. However, if יאיכא גדודי there are ridges - as Rashi explains, some of the wall remain above ground level that make it difficult to pass through, even larger breaches of up to ten אמות would not pose a problem.









Review
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– תנו רבנן כיצד מערבין דרך רשות הרבים

The ברייתא quotes three opinions about how to make it permissible to carry in a רשות הרבים, which the גמרא clarifies, cannot really mean a רשות הרבים, since

בכך בשות הרבים בכך - short of building walls around it, there is no way to make it permissible to carry in a רשות הרבים. Even if one builds doors at one end of a real רשות הרבים it would not permit carrying, as י' יוחנן said;

ירושלים אלמלא דלתותיה ננעלות בלילה חייבין עליה משום רשות הרבים if not for the fact that ירושלים was completely surrounded by walls and doors that were actually closed at night, it would be considered a רבים.

Instead, the question is about a מבוי מפולש that opens to a רשות הרבים



The three opinions are:

-1- The תנא קמא holds

- עושה צורת הפתח מכאן ולחי וקורה מכאן

One end needs a צורת הפתח and the other needs a קורה or a קורה.

-2- חנניה reports that בית שמאי holds - עושה דלת מכאן ודלת מכאן –

We need to make doors on both sides that must be closed as soon as one enters through them.

-3- חנניה reports that בית הלל holds - עושה דלת מכאן ולחי וקורה מכאן

We must build a door on one end and put a קורה or a קורה on the other.

In terms of how we pasken:

רב אמר כתנא קמא – Rav paskens like the first opinion that requires a on one end and a קורה on the other.

בית - Shmuel paskens like the third opinion – בית הלכה כחנניה according to - הנניה - that we need an actual door on one end and a סקורה on the other.

The גמרא clarifies that Shmuel does not require actually closing the door.

We cannot cite proof from the gates of נהרדעא where Shmuel never required them to be closed, because

הואי - those doors were partially closed. Perhaps partial closure is sufficient.

רב נחכון demanded that they move the sand that was blocking the door - not necessarily because he holds צריך לנעול, that the doors need to be closed, but they must be

האיות לנעול – fit to be closed, even if not actually closed.









Before we go to the next case, we must review the following: On this אד we had two separate מחלוקת between בים and שמואל one, regarding מבוי ב- an L - shaped מבוי עקום.

רב holds it is considered to be a מבוי מפולש - an open מבוי - an open מבוי מפולש - a closed ממני מבוי - a closed ממוים - a closed ממוי

Two, regarding מבוי מפולש;

רב holds that all it requires is a צורת הפתח on one end, and a לחי or on the other.

שמואל holds it requires שמואל - a door on one end, and a קורה on the other.

- ההוא מבוי עקום דהוה בנהרדעא

There was this bent נהרדעא י - which was actually a U - shaped מרוי - מרוי

- רמי עליה חומריה דרב וחומריה דשמואל ואצרכוהו דלתות

They applied Rav's stringency of defining it as a מבוי מפולש, and מבוי מפולש stringency of requiring a door on one end of a. מבוי מפולש Therefore, they required doors at the 2 bends, and a קורה or אורה at each outer end.

7 The גמרא asks:

ומי עבדינן כתרי חומרי - do we indeed follow two stringencies of opposing opinions?

After all, we find in a Braisa that, somebody who follows the חומרי חומרי שמאי וחומרי בית הלל and בית הלל and בית הלל and בית שמאי וחומרי בית הלל

- בחשך הולך - a fool who walks in the darkness?

Parenthetically, the ברייתא asks how the בריית can at first say בריית הלל – that we always rule like לעולם הלכה כבית הלל - and then say – הרוצה לעשות כדברי בית שמאי עושה כדברי בית הלל עושה

One has the option, and may follow בית שמאי if he so desires? The ממרא gives three answers:

- - כאן קודם בת קול כאן לאחר בת קול

Before the בת קול which said;

- הלכה כבית הלל - The Halachah follows the opinion of - הלכה כבית הלל - as the Gemara will relate further on דף י"ג - we were permitted to follow בית הלל we must follow בית הלל .

-2- The 2 statements of the Braisa are actually a מחלוקת whether we are bound by the בת קול to follow בית הלל. The opinion of ר' יהושע is that

- אין משגיחין בבת קול

We do not heed the בת קול - Halachos are to be decided by the Chachamim in this World - and one may follow the opinion of בית שמאי.

-3- Actually we must always follow בית הלל. When the ברייתא said we can choose which opinion to follow it was using the names of and בית הלל as an example for when we are faced with a אמוראים between different אמוראים.

As for the question of how we can follow two opposing stringencies, the κ offers two answers:

First - Rav's stated opinion regarding מבוי מפולש was in the vein of הלכה ואין מורין כן - הלכה האין מורין כן

This is indeed the הלכה, but we do not rule so in practice.

Theoretically, it does NOT require doors, but Rav himself would have recommended that they follow both stringencies, and put doors on one end of each מבוי.

The second answer and further elaboration of this topic follows in the next Shiur.









Dedicated By: _____

