

In the previous daf we learned about ההוא מבוי עקום דהוה בנהרדעא –

There was this bent נהרדעא - which was actually a U - shaped מבוי - מבוי -

- רמי עליה חומריה דרב וחומריה דשמואל ואצרכוהו דלתות

They applied Rav's stringency of defining it as a מבוי מפולש, and שמואל's stringency of requiring a door on one end of a מבוי מפולש.

Therefore, they required doors at the 2 bends, and a לחי or at each outer end.

- The Gemara asked; וכתרי חומרי עבדינן כתרי do we indeed follow two stringencies of opposing opinions?

  After all, we find in a Braisa that, somebody who follows the After all, we find in a Braisa that, somebody who follows the בית הלל בית שמאי וחומרי בית הלל and בית הלל is considered to be בסיל בחשך הולך a fool who walks in the darkness?
- We've learned the first answer in the previous Shiur. Our Shiur began with the second answer:
  אמר רב שיזבי כי לא עבדינן כחומרי דבי תרי היכא דסתרי אהדדי
  We do NOT follow two stringencies only when they contradict each other.

For example, in the מחלוקת about how much of a skull or spine must be missing in order for them to be considered deficient.

We will use the spine as our example.

- שיעור שתי אומרים שתי - two vertebrae - a larger - שיעור - one vertebrae - a smaller - שיעור - שיעור

Regarding the Halachah that a human skeleton transmits - טומאה

The larger - חומרא הית שמאי of the חומרא הומרא - הומרא - stringency - in that anything less than that - such as a skeleton missing only one vertebrae is אטמא, because it is NOT considered deficient. The smaller שיעור of the בית הלל is a אין - leniency - והוא a skeleton missing one vertebrae is NOT אטמא, because it IS considered deficient.

Regarding the Halachah of טריפה - an animal that has a defect may not be eaten -

The larger שיעור of the בית שמאי is a קולא in that anything less than that - such as an animal missing one vertebrae is NOT or because it is NOT considered deficient.

The smaller שיעור of the בית הלל is a בית הומרא in that an animal missing even one vertebrae IS טריפה, because it IS considered deficient.

In other words - ONE missing vertebrae -

According to בית שמאי is NOT considered a deficiency - resulting in a חומרא - חומרא - it IS מטמא - but it is NOT טריפה - According to בית הלל it IS considered a deficiency - resulting in a אטריפה - it is NOT הטמא - but it IS טריפה.









Dedicated By: \_\_\_\_\_



4 Therefore, you must follow either בית הלל ar בית הלל in both situations - it is either deficient or not deficient.
If you follow both אין you are contradicting yourself - because it cannot be considered both deficient and not deficient.

However, in the case of מבוי עקום, the חומרא of considering it a מבוי מפולש, in no way contradicts the חומרא of adjusting it with doors - therefore, you may follow both.

The Gemara cites a Braisa where רבי עקיבא apparently followed two contradictory stringencies by treating an אתרוג followed two contradictory stringencies by treating an אתרוג that was picked on א' בשבט of the third year as both a second year fruit by separating א' בשבט - based on בית הלל - and as a third year fruit by separating טעשר עני - and as a third year fruit by separating אבית שמאי -based on בית שמאי who hold that the new year for fruit begins on בית שבט - ב"ח שבט.

Therefore...
If you follow both אוכזרות If you follow both חוכזרות...

CONTRADICTION!!!

It can't be considered deficient & Mot-deficient!

However...

בוי עקום

"U" shaped מבוי ספּ...

Considering it a Adjusting it with DOORS

DOES NOT contradict



However, the Gemara explains that he did this because – גמריה איסתפיק ליה he was not sure which date בית held and which בית שמאי held. Had he known, he certainly would have followed בית and only taken מעשר שני from it as a second year fruit, and

However he did this... גמריה איסתפיק ליה Had he known which date בית הלל held, he would have only separated **כועשר שני** 





not מעשר עני as a third year fruit.



7 In the previous Daf we had a Machlokes חנניה and חנניה and מבוי מפולש regarding

The תנא מוא said one end needs a תנא and the other needs a דורת לחי or a קורה.

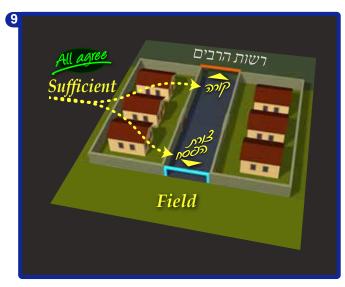
הניה said in the name of בית הלל that we must have a door on one end and a יחוב on the other.



אמר רב יהודה אמר רב – Rav Yehuda said in the name of Rav that the Machlokes is only where the מבוי מפולש is open to the רשות הרבים on both sides -



9 but if one side opens to a field, all agree that there is no need for doors, and a קורה הפתח on one side and a קורה or סלוי on the other would suffice.









Rav Yosef added in the name of רב יהודה himself, not in the name of מבוי opens to an unused lot of land אין צריך כלום, it does not need anything on the opening to the empty lot, just a קורה of the opening to the copens to the opens to the opens to the creat anything on the opens.

אביי comments that היא דרב יהודה דשמואל – this last comment of רב יהודה must have been said in the name of שמואל, and not רב, because it contradicts ס n two points:



(מבוי שנפרץ במלואו לחצר ונפרצה חצר כנגדו אופרץ במלואו לחצר ונפרצה חצר מבוי מחצר and the back of the חצר and the back of the חצר is directly open to a חצר, it is חצר to carry in the מבוי מפולש, presumably because it looks like a מבוי מפולש, since you can see straight through the back of it to a רשות הרבים. This contradicts that which רב יהודה said that a מבוי that opens into an empty lot which opens into a רשות הרבים does not require any adjustment at that end.



Second, from the fact that בי יהודה chose a case of an empty lot, it seems that he holds that a מבי that opens into a חצר is problematic even if the חצר does not open into a רשות הרבים. However, כי only prohibited carrying in a מבי that opens into a חצר when that חצר opens to a חצר.









תר ששת, however, explains that it does not necessarily contradict בר, because Rav only said its אסור אסור to carry in the מבוי because they did not make an עירובי חצירום between the חצר and the מבוי whereas by the חצר on חלוב would be required since it is not inhabited, and Rav would agree with Rav Yehuda that it is אותר to carry in the מבוי מפולשת rather an issue of מדוי חצירות. This discussion vontiues on the next daf.



