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Eiruvin Daf 7

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The *Gemora* records: There was a certain bent *mavoi* (in the shape of the letter “ches,” meaning that there actually were two bends in it) in Nehardea upon which were imposed the stringency of Rav and the stringency of Shmuel, and doors were required (to be fixed at its bends, besides a *lechi* or *korah* at the openings into the public domain).

The *Gemora* explains: The stringency of Rav - who ruled that a bent *mavoi* is subject to the same law as one that is open on both sides (and therefore, here, both bends need to be adjusted accordingly). But Rav in fact stated that the *halachah* is in agreement with the first *Tanna* (that an open *mavoi* needs only a *tzuras hapesach*, and not a door)? The answer is that they also ruled in agreement with Shmuel who stated that the *halachah* is in agreement with Chananyah (that an open *mavoi* needs a door at its end). But Shmuel in fact ruled that a bent *mavoi* is subject to the same law as one that is closed (and no adjustment is necessary by its bends)? The answer is that they also ruled in agreement with Rav who ruled that a bent *mavoi* is subject to the same law as one that is open on both sides.

The *Gemora* asks: Do we, however, adopt the stringencies of two (authorities who differ from one another)? Was it not in fact taught in a *braisa*: The *halachah* follows Beis Hillel, and if one wishes, he can follow either the ruling of Beis Shammai or the ruling of Beis Hillel. One who follows the leniencies of Beis Hillel and the leniencies of Beis Shammai is wicked. One who follows the stringencies of both Beis Hillel and Beis

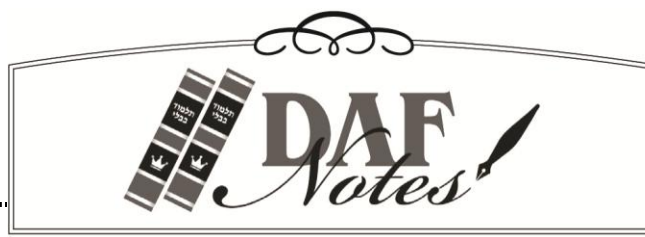
Shammai is considered a fool. One should follow either Beis Shammai consistently, i.e. their leniencies and their stringencies, or one should follow Beis Hillel consistently.

The *Gemora* answers: Although Rav himself ruled like the *Tanna Kamma* (who did not require doors), Rav only meant that this is the actual *halachah*, but we still advise people to make doors to a bent *mavoi*, in accordance with the opinion Chananyah.

The *Gemora* asks: Rav Adda bar Ahavah, however, maintains that not only does the *halachah* follow the opinion of the *Tanna Kamma*, but we do not advise people to make doors either; if so, how did the people of Nehardea follow the stringencies of both Rav and Shmuel?

The *Gemora* answers that we do not follow two stringencies when they contradict each other. If the stringencies do not contradict each other, however, then we can rule like both stringencies. [The people of Nehardea were able to follow the stringency of Rav that a bent *mavoi* is considered an open *mavoi* and they were able to follow the stringency of Shmuel who maintains that an open *mavoi* is required to have a door for its adjustment. Thus, even though neither Rav nor Shmuel would require that one place a door as an adjustment for the bent *mavoi*, the people of Nehardea were able to follow both stringencies.]

The *Gemora* cites an example where their rulings contradict each other: the case of the spine and the skull.



We learned in a *Mishna*: If the spine or skull (of a corpse) were deficient (it does not impart *tumas ohel*); and how much is deemed to be deficient in a spine? Beis Shammai ruled: Two vertebrae, and Beis Hillel ruled: One vertebra; and in the case of a skull, Beis Shammai ruled: A hole as large as that made by an auger (a type of drill), and Beis Hillel ruled: One that would cause a living person to die. And Rav Yehudah stated in the name of Shmuel: And the respective rulings apply also in the case of *tereifah*. [A defect in the spine or skull of an animal, discovered after it had been slaughtered, renders its flesh unfit for consumption. Beis Shammai's stringency in the former case (regarding *tumah*) results in a relaxation in the latter (fitness for human consumption), while Beis Hillel's relaxation of the law in the former case (no *tumah* even if one link is missing) results in a stringency (prohibition of consumption).]

Rav Mesharshiya asks: And where they contradict each other, we cannot follow both of them? But it was taught in a *braisa*: Rabbi Akiva once harvested an esrog tree on the first day of the month of *Shevat* in the third year of the *Shemittah* cycle, and he gave two tithes i.e. *ma'aser sheini* and *ma'aser ani*. [The law is as follows: first one separates *ma'aser rishon*, ten percent of the produce and gives it to the Levi. Then one separates *ma'aser sheini*, a tenth of the remaining produce that he brings to *Yerushalayim* and eats there. In the third and sixth year of the *Shemittah* cycle, one gives *ma'aser ani*, i.e. poor man's tithe which the poor receive and can eat anywhere, instead of *ma'aser sheini*. The *Shemittah* cycle commences on *Rosh HaShanah*, the first of *Tishrei*, and culminates on the day before *Rosh Hashanah* of the following year. For fruit trees, however, the year begins and ends in the month of *Shevat*. The esrog is different than other fruit because we look at when the esrog was picked from the tree, as opposed the formation of the fruit. An esrog picked from the tree before *Shevat* in the third year of the *Shemittah* cycle would be obligated in *ma'aser sheini*, the tithe of the second year. An esrog picked after *Shevat* would be obligated in *ma'aser ani*, the tithe of the third

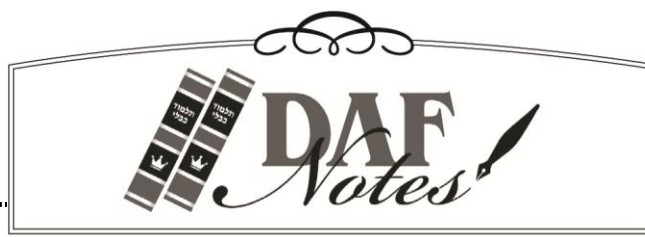
year. Beis Shammai maintains that the new year for trees is the first of *Shevat*, and Beis Hillel maintains that the new year for trees is the fifteenth of *Shevat*. Rabbi Akiva followed Beis Shammai, so by picking an esrog in the first of *Shevat*, he was obligated to give *ma'aser ani*, the tithe for the third year. Rabbi Akiva also followed Beis Hillel, who maintains that the new year for fruits begins on the fifteenth of *Shevat*, so the esrog Rabbi Akiva picked was in the second year that obligated Rabbi Akiva to give *ma'aser sheini*.]

The *Gemora* answers: Although this would seem to be a ruling that would follow two dissenting opinion's stringencies, Rabbi Akiva really followed Beis Hillel, but he was uncertain if Beis Hillel ruled that the new year for fruits was the first of *Shevat* or the fifteenth of *Shevat*. Out of doubt, Rabbi Akiva was stringent and gave tithes on account of both possibilities. (6b - 7a)

The dispute of the Tanna Kamma and Chananyah concerning the adjustment of an open *mavoi* is when the *mavoi* opens at both ends of a public thoroughfare.

[We learned previously (6a) that when a street opens to a public domain, the Tanna Kamma maintains that one makes a *tzuras hapesach* at one end of the street and places a *lechi* or *korah* at the other end of the street. Chananyah maintained that according to Beis Shammai, one makes doors at both ends of the street, whereas Beis Hillel maintains that one makes a door at one end and a *lechi* or *korah* at the other end.]

Rav Yosef quotes Rav Yehudah who said in the name of Rav that the dispute between the Tanna Kamma and Chananyah is regarding a *mavoi* that opens to a public thoroughfare at both ends, or to a public square at both ends. If the *mavoi* ends in a public thoroughfare and the other end is an open field, or if both ends are open fields, then Chananyah will agree that one only needs to make a *tzuras hapesach* at one end and a *lechi* or *korah* at the other end.



The *Gemora* qualifies this statement to mean that a *mavoi* that opens to a public thoroughfare at one end and to an open field at the other end is akin to a *mavoi* opening to open fields at both ends, and all one needs is a *tzuras hapesach* at one end and a *lechi* or *korah* at the other end. (7a)

If the *mavoi* at one end opens to a public domain but ends at a back lot at the other end, and the back lot opens into a public domain, the back lot does not need to be adjusted at all.

Rav Yosef said in the name of Rav Yehudah that a *mavoi* that is opened to a public domain at one end and the other end culminates in a back lot, which opens into a public domain, the back lot area does not require any sort of adjustment, and the side opened to a public domain requires either a *korah* or a *lechi*. (7a)

Rav said that if a *mavoi*'s wall was breached completely, leaving the *mavoi* opened to the *chatzer*, courtyard behind it, and the back wall of the *chatzer* was breached opposite the *mavoi*, and this opens the *chatzer* to the public domain, one can carry in the *chatzer* but not in the *mavoi*.

Rav Yirmiyah bar Abba said in the name of Rav that if the wall of a *mavoi* was breached so that the entire *mavoi* is open to a *chatzer*, i.e. the back wall of the *mavoi* fell down completely, leaving the back of the *mavoi* completely open to the *chatzer* behind it, and the *chatzer* still has its back wall on the sides of the breach, and the wall of the *chatzer* opposite the *mavoi* was breached, and the *chatzer* is opened to a public domain, one can carry in the *chatzer* but not in the *mavoi*. The *chatzer* retains its status of a legal enclosure, because its openings are ten *amos* or less. One cannot carry in the *mavoi* because it is open to the public domain for both ends, and it is viewed as an open *mavoi*, which would require making a *tzuras hapesach* at one end. (7b)

There was an incident in a shepherd's village where a *mavoi* ended in a back lot and Rav Yehudah did not require the *mavoi* to be adjusted.

There was an incident in a shepherd's village where a *mavoi* ended in a back lot, and the back lot opened into a public domain through its breach, and when Rav Yehudah was asked, he did not require an extra adjustment to allow people to carry in the *mavoi*. The reason for this is because the *mavoi* ending in a closed back lot is considered a closed *mavoi*, and one can carry because of the original *lechi* or *korah* that was placed in the front of the *mavoi*. (7b)

There is a distinction between cases where the people residing in the *mavoi* and the *chatzer* made an *eruv* together or if they did not make an *eruv* together.

The *Gemora* states that Rav did not always forbid one from carrying in a *mavoi*. The ruling would depend if the people residing in the *mavoi* and a *chatzer* made an *eruv* together or not. If there was no *eruvei chatzeiros* made, then Rav prohibited carrying in the *mavoi*, but only because an *eruv* was not made, and not because Rav considered the outer breach of the *chatzer* to the public domain as a *mavoi* open at both ends to a public domain. If that were the reasoning, then even an *eruv* would not help. Thus, when we learned that Rav Yehudah did not require any further adjustment where the *mavoi* ended in a back lot, this was because the back lot does not cause the *mavoi* to be forbidden, even if there was no *eruv* between the people residing in the *mavoi* and those residing in the back lot. (7b)