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Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

### ***The dispute of Rav and Rav Yehudah***

The *Gemora* explains what we thought the dispute was when we thought that Rav and Rav Yehudah dispute whether or not the residents of the *mavoi* – alleyway and the residents of the courtyard made an *eruv*. In the case where they didn’t make an *eruv*, their dispute is whether a *lechi* – pole which is visible outside but not inside is a valid *lechi*. [Since the courtyard is wider than the *mavoi*, its walls along the entranceway are effectively a *lechi* which they can see, but which the *mavoi* residents cannot. We thought that Rav considers such a *lechi* valid, and only prohibited the *mavoi* residents from carrying because their dwelling is totally open to the street via the courtyard, but not for lack of a *lechi*, while Shmuel considers it invalid, and therefore only permitted carrying if the *mavoi* opened to a storage area, but not if it opened to a courtyard.] In the case where they did make an *eruv*, their dispute is about Rav Yosef’s statement that Rav Yehudah only allowed carrying if the *mavoi*’s opened to the middle of a storage area wall, but not if one side of the opening is adjoining a wall of the storage area. [Since Rav prohibited carrying due to its straight path to the street, we thought that would apply regardless of where in the wall the opening is.] (8a)

### ***Openings from a Courtyard***

The *Gemora* cites Rabbah who says that even if it opens up to the middle of another domain’s wall, it is only permitted if that door isn’t aligned with that domain’s door to the street, but if they are directly opposite the other, it is prohibited.

Rav Mesharshiya says that even if the doors aren’t aligned, it is only permitted if it’s a publicly owned storage area. However, if it’s privately owned, we’re concerned that the

owner may decide to build houses along one side (making the wall of the opening adjoin the wall of the storage area), and the *mavoi* would thus be one that terminated at the sides of a backyard [in which the movement of objects on the Shabbos] is forbidden.

The *Gemora* proves that we distinguish between privately and publicly owned because of the concern about an individual changing construction plans from a seeming contradiction about the status of a dump. For Ravin bar Rav Adda quotes Rabbi Yitzchak who told a story of a *mavoi* which had one wall formed by the seawall and one formed by a dump. Rebbe didn’t rule on this *mavoi* at all. He didn’t prohibit carrying, as it currently has walls, but he also didn’t permit it, as he was concerned that the dump may be cleared out or the seawall may slope due to buildup of debris.

The *Gemora* challenges the concern that a dump may be cleared from a *Mishna* which says that one may throw from a window above a dump in the street which is ten or more *tefachim* high, without any concern that it will be cleared. Thus it clearly follows that a distinction is made between a public rubbish heap and a private one, so here also we must resolve this contradiction by saying that the *Mishna* is a case of a public dump, which we assume will not be cleared, while the story of the *mavoi* was a private dump, which may be cleared out.

The *Gemora* asks what the Sages said in the case of the *mavoi*. Rav Yosef bar Avdimi says that it was taught in a Baraisa that they prohibited it, and Rav Nachman says we rule like them. Another version is that Rav Yosef bar Avdimi says that they permitted it, and Rav Nachman says we don’t rule like them.



Meraimar constructed walls of netting at the exits of the *mavois* in Sura which led to the sea, to account for the possibility that the seawall would begin sloping. (8a)

### **Bent Mavoi**

There was a bent *mavoi* in Sura, and the residents spread out a mat in the bend, to act as a *lechi*. Rav Chisda said that this doesn't satisfy either Rav or Shmuel's position on such a *mavoi*. Rav, who considers such a *mavoi* to be one *mavoi*, open on both sides, requires a doorway in the bend, while Shmuel, who considers it to be two closed ones, would require a sturdy *lechi*, while this mat will fly away in the wind. However, if they fasten the mat with a peg to keep it in place, it serves as a *lechi*. (8a)

### **What did Rav teach us?**

The *Gemora* returns to discuss Rav's statement, cited by Rav Yirmiyah bar Abba, that if a *mavoi* is totally open to a courtyard, and this opening faces an opposite door of the courtyard to the street, the courtyards' residents may carry, but the *mavoi*'s may not.

Rabbah bar Ulla asked Rav Bibi bar Abaye if this was not just a restatement of the *Mishna* about a small courtyard which opens into a large one, which says that the small one is prohibited and the large one is permitted, because it is like an entrance of the large one. - He answered that we may have thought that the *Mishna* is only when there isn't so much foot traffic through it, but in Rav's case, where people from the street walk through the courtyard, one may not even carry in the courtyard.

He responded that we already know that as well, as a *braisa* teaches that a courtyard that has two doors, allowing it to be a passageway for people from the street, is considered a public domain for purposes of impurity, but a private domain for *Shabbos*. The *Gemora* answers that we may have thought that the *braisa* was only a case where the doors don't line up, while Rav's case is even if the doors line up.

According to Rabbah, who says that Rav's case was when the doors aren't aligned, the *Gemora* explains that we may have thought that the *braisa* is only at the Torah level, making someone liable if he throws from a public domain into this courtyard. Rav therefore teaches that one may even carry inside such a courtyard. (8a – 8b)

### **Centipede Alleyway**

The *Gemora* discusses a *mavoi* constructed like a centipede, with one main alleyway in the middle, and alleyways jutting out on either side (like legs). Abaye says that one must make a doorway for the main alleyway, and each small one needs just a *lechi* or *korah* – beam on top.

Rava challenges this ruling, which follows Shmuel's position on a bent *mavoi*, on two counts:

1. Since Shmuel considers such a *mavoi* to be closed, why is a doorway necessary
2. There was a bent *mavoi* in Nehardea (Shmuel's city), and they followed Rav's stringent position, indicating that we rule like Rav.

Instead, Rava says that each small alleyway must make a doorway, and the main alleyway then just needs a *lechi* or *korah*. (8b)

### **Mavoi with Uneven Walls**

Rav Kahana bar Tachlifa said in the name of Rav Kahana bar Manyumi in the name of Rav Kahana bar Malkiyu in the name of Rav Kahana, the teacher of Rav (some say that Rav Kahana bar Malkiyu was Rav's teacher) that if a *mavoi* has one side longer than the other, one may place the beam diagonally across the sides, as long as they are the longer is less than four *amos* longer. Otherwise, one must place the beam at the end of the shorter side. Rava says that in either case, he must place the beam at the end of the shorter side.

Rava explains both his position and that of Rav Kahana. He says that the beam's purpose is to be a visible sign to the residents that they may not carry out of the *mavoi*, and a diagonal beam won't be clear, as it extends beyond one wall. Rav Kahana says that the beam acts as a virtual wall, which



can be diagonal as well. Rav Kahana said: since the it is a teaching of Kohanim (as they were named Kahana), I will say something as well: That which you have said that the beam can only be placed diagonally (across the uneven mavoï) that is only if that distance is no more than ten *amos*, but otherwise everyone would agree that one must place it at the end of the short side. (8b)

### **Carrying under the Beam**

The *Gemora* asks whether one may carry under the beam. Rav, Rabbi Chiya, and Rabbi Yochanan say that one may, while Shmuel, Rabbi Shimon bar Rebbe, and Raish Lakish say that one may not.

The *Gemora* suggests that their dispute depends on whether the beam is meant to be a visible sign, which would apply under it as well, or acts as a wall, which would be at its inner edge.

The *Gemora* rejects this, saying that they may all hold that it is as a sign, but their dispute is whether the sign is for those inside (*making the boundary at the inner edge*) or for those outside (*making the boundary at the outer edge*). Alternatively, they may all hold that it is a virtual wall, but dispute from which edge this virtual wall descends. Rav Chisda says that they all agree that one may not carry beyond the inner edge of a *lechi*. (8b)

### **A Beam Outside the Mavoï**

Rami bar Chama asked Rav Chisda whether a beam which is outside of the *mavoï* walls (*held up by pegs*) is valid. He answered that those who permit carrying under the beam would say it isn't valid, as the outer edge must be inside the *mavoï*, while those who prohibit carrying under it would say that it is valid, as we focus on the inner edge only.

Rava says that according to all it is invalid, as all require that the beam be on top of the *mavoï*, and not outside it.

Rav Adda bar Masnah challenges Rava from a *braisa* which says that if the beam dragged out or hanging, it is valid only if

it is within three *tefachim* (or four *tefachim*, according to *Rabban Shimon ben Gamliel*). Rav Adda assumes that "dragged out" means outside of the *mavoï*, while hanging means inside, but not reaching the walls, indicating that it is valid, as long as it is within three *tefachim*.

The *Gemora* deflects this, saying that "dragged out" means far away from one wall, while hanging means far away from both walls, and the *braisa* is teaching that we say *lavod* to fill in the gap (*within three tefachim*) on both sides.

Rav Ashi says that the *braisa's* case is one where the beam is within the *mavoï*, but is away from the walls vertically (*dragged out*) and horizontally (*hanging*), propped up by pegs sticking up diagonally from the walls. The *braisa* teaches that as long as the beam is within three *tefachim* in height and the pegs are less than three *tefachim*, it is valid. We may have thought that we either say *lavod* to fill in the gap or *chavot – throw down* to consider the beam lower than it is, but not both simultaneously. The *braisa* therefore teaches that we can say both simultaneously, making it valid. (8b – 9a)

### **INSIGHTS TO THE DAF**

The *Gemora* tells the story of the *mavoï* which had one wall formed by the seawall and one formed by a dump. Rebbe didn't prohibit nor permit it, and the *Gemora* explains that he was concerned that the seawall would be undermined by sediment washed up by the sea, and that the dump would be cleared out.

The *Gemora* explains that he was only concerned about the dump being cleared out if it was a private dump, but not if it was publicly owned.

The *Gemora* states that the Sages prohibited such a *mavoï*, and Rav Nachman rules like them.

The *Gemora* concludes with the story of Meraimar who closed up the openings of Sura (*which led to the seawall*) with netting.



The Rosh (9) and Tur (363) rule like this reading of the *Gemora*, prohibiting the use of the seawall as a barrier, due to the concern of sediment.

The Rif doesn't cite this *Gemora* at all, while the Rambam (Shabbos 17:5) rules that we may use a seawall as a barrier.

The Magid Mishneh explains that the Rambam's understood that the Sages' position cited by the *Gemora* was only on the private dump barrier, but not the seawall. He also understands the story of Meraimar to be that he used the seawall as one barrier, and only closed up *other* openings with the netting, since he said we are *not* concerned about sediment.

The Beis Yosef suggests that the Rif agrees with the Rambam, and therefore didn't cite this *Gemora*, indicating that we have no special concerns with such a barrier.

The Shulchan Aruch (363:29) rules like the Rambam, while the Rama cites the stringent position of the Rosh and Tur.

The Mishna Berura (121) rules like the Rama, but states that this concern only applies to a seawall, but not the edge of a river. If the river dries up in the summer, leaving a shallowly sloped bank, the same concern applies, and when the river freezes its water is considered ground, nullifying any barrier.

The *Gemora* discusses a *mavoi* shaped like a centipede, i.e., one central alleyway with alleyways opening out of it on either side, like legs. Rava rules that each leg is considered a bent *mavoi*, requiring a doorway at its entrance to the main alleyway (the equivalent of its bend), and a *lechi* or *korah* at its entrance to the street. The main alleyway requires a *lechi* or *korah* at its entrance (and a doorway at its other end, if also opened to the street).

Rabbeinu Tam (Tosfos 8b *mavoi*) says that the openings to the main alleyway on either side are not aligned, and therefore each alleyway is considered separate, requiring its own doorway and *lechi* or *korah*.

If they are aligned, the Rashba says that we consider each full pathway (from one side of the main alleyway to the other) to be one *mavoi*, necessitating a doorway on one side, and *lechi* or *korah* on the other, but nothing the middle.

The Rambam (Shabbos 17:19) says that one must put a doorway at one end of each alleyway and a *lechi* or *korah* on the other end "even if they are not aligned."

The Bais Yosef (364) infers from the Rambam's use of the word "even" that this is definitely needed if they are aligned, and the Rambam is teaching that even if they are not aligned, they are still considered open on both ends, since they run into the main alleyway. He states that this in dispute of Tosfos, who implies that the *Gemora's* case is only when they are not aligned, but otherwise we would consider each full pathway as one *mavoi*. The Shulchan Aruch (364:8) rules like the Rambam.

The *Gemora* discusses how one may place the beam if one wall of the *mavoi* is longer than the other. Rav Kahana says that if the difference is less than 4 *amos*, one may place it diagonally, but Rava says that one must place it perpendicular to the end of the shorter wall, since a beam serves as a sign, which will only be understood if placed where there are walls on either side.

The Rosh (10) cites the Maharam and Rambam who rule like Rava. He notes that the Rif cites the *Gemora's* statement that all agree that one may not place it diagonally if that distance is more than 10 *amos*, implying that he rules like Rav Kahana, as this statement is only relevant for him. The Rosh himself also rules like Rava.

The Bais Yosef (363) says that the Rif may also rule like Rava, but only cited the *Gemora's* statement to illustrate that Rava is even referring to a case where the diagonal distance is 10 *amos* or less.

The Rosh cites the Raavad saying that one can make a doorway diagonally across the two sides, and then carry until the doorway, as that is a proper barrier and not just a sign.



He also cites the Maharam and Mordechai saying that within the *mavoi* itself one may place the beam diagonally, and carry only until the beam.

The Shulchan Aruch (363:30) rules like the Rosh in all of these statements.

The Biur Halacha cites the Machtzis Hashekel who says that even according to Rava, one may place it diagonally, but only carry until the end of the shorter wall. He cites the Pri Megadim who disagrees, and tends to agree with him.

Tosfos (8b mainiach) asks how Rav Kahana can say that one can carry beyond the shorter wall, as there are only two barriers surrounding that area, making it not a private domain, even in Torah terms.

Tosfos offers two answers:

1. The opinion that considers a beam to be a wall considers it so even in Torah terms, making this area enclosed by three proper walls.

Since one wall extends further, people don't enter that area, making it not a public domain, but a karmelis. Since this area adjoins the *mavoi*, the Sages didn't prohibit carrying there once one placed a beam on top of it.

DAILY MASHAL

### ***The Debate Between Beis Hillel and Beis Shammai***

The Gemara cites a Beraisa that seems to contradict itself, "The halacha always follows Beis Hillel, but if a person so wishes, he may follow Beis Shammai." If the halacha follows Beis Hillel, what right does one have to follow Beis Shammai? To explain, the Gemara refers to an incident discussed later in our masechta (13b). For three years, the students of Beis Hillel and Beis Shammai debated and were unable to reach a conclusion until finally a *bas kol* emanated from the Heavens, pronouncing, "Both opinions are the words of the Living G-d, but the halacha follows Beis Hillel."

Before the *bas kol*, one could follow either opinion, since the issue was not resolved. After the *bas kol* one must follow Beis

Hillel's opinion. Alternatively, the Gemara explains that even after the *bas kol*, one may follow Beis Shammai, according to R' Yehoshua, who once proclaimed, "The Torah is not in the Heavens," and decreed that the halacha must always follow the Talmudic process of developing our traditions based on logic, majority opinion, and the thirteen rules by which the possukim of the Torah are interpreted. Even if a *bas kol* rules contrary to these principles, it must be ignored.

R' Nissim Gaon (Berachos 19b) explains that one of the fundamentals of our faith is that the Torah given to us on Har Sinai will never be exchanged. Since the Talmudic process is part of the Torah itself, any *bas kol* that rules contrary to it is in effect replacing the Torah we received on Har Sinai. Therefore, it is no more than a test from the Heavens, to see if we will remain faithful to the Torah delivered by Moshe Rabbeinu.