

This month's Daf Digest is dedicated  
L'Ilui Nishmas Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev  
By Mr. and Mrs. Manny Weiss

## OVERVIEW of the Daf

### 1) A lechi visible only from outside the mavoi (cont.)

The Gemara finally succeeds at demonstrating that a lechi visible only from outside the mavoi is not acceptable.

R' Yosef claimed he was not familiar with the teaching of R' Huna permitting the use of a lechi visible only from the outside. Abaye, however, reminded R' Yosef that he deduced this ruling from a statement of R' Huna.

The Gemara rules: A lechi visible only from the outside is acceptable. Even though it was previously demonstrated from the Baraisa's interpretation of the Mishnah that such a lechi is unacceptable, nonetheless, since R' Chiya taught a Baraisa that accepts such a lechi halacha can follow that lenient ruling.

### 2) A mavoi entrance larger than ten amos

Abaye cited a Baraisa in which R' Yehudah disagrees with the ruling in the Mishnah and he permits the entranceway to the mavoi to be larger than ten amos.

The Gemara asks: According to R' Yehudah what is the maximum size of the entrance that would still be acceptable?

R' Achai suggested an answer that was rejected, and the question is left unresolved.

Levi cited a Baraisa which rules that if the entranceway of a mavoi is twenty amos it could be reduced by placing a pole in the center of the entranceway. Levi, however, stated that the halachah does not follow that Baraisa.

One suggestion to reduce the size of the entranceway is to place a board ten tefachim high and four amos long in the entrance along the length of the mavoi, thereby creating two

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By Dr. and Dr. Ron Sanders  
In loving memory of their father  
ר' ראובן בן ר' זונדל, ע"ה

Today's Daf Digest is dedicated  
In loving memory of Bracha Elisheva bas Menachem  
by Mr. and Mrs. Michael Segelstein, Las Vegas, NV

Today's Daf Digest is dedicated  
In memory of  
הרב דוב ז"ל בן חיים שמואל הלוי, ז"ל רוטמן

Today's Daf Digest is dedicated  
Today's Daf Digest is dedicated in loving memory of our mother  
מינדל בת אליעזר ע"ה  
Mrs. Mildred Gerber o.b.m.  
by her children Mr. and Mrs. Alan Gerber

## Gemara GEM

*It is disproved- but yet it is the Halachah!*

תיובתא והלכתא

Based upon a proof from a Baraisa, the Gemara had concluded that a lechi-post is not valid if it is not recognizable from the inside, although it is visible from the outside. Yet, the Gemara proceeds to inform us that the halachah is that such a lechi is valid. Immediately, the Gemara asks, "We have disproven the validity of such a lechi, and yet the halachah rules that it is valid!?"

The Gemara continues to resolve this halachic conclusion, based upon yet another Baraisa which validates such a lechi.

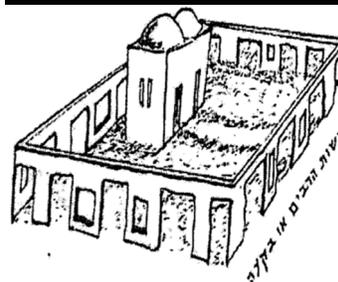
This give and take, where the Gemara proves one point of view, and then immediately concludes the halachah according to the opposite opinion is relatively uncommon. A computer check reveals that it appears only five times in Shas (here, Kesuvos 41b-twice, Bava Kamma 15b-twice, Bava Metzia 22b).

(סימן צ"ד) שו"ת חוות יאיר reports that when the Gemara uses the word תיובתא in disproving an opinion, that opinion is rejected from the halachah.

This explains why our Gemara was surprised to find the expression תיובתא which is nevertheless accepted as halachah. However, when the Gemara uses the word קשיא, that opinion is not to be dismissed from the halachah. (See also Rashbam, Bava Basra 52b, ד"ה קשיא). Mishna LaMelech (commentary to Rambam, Isurei Bi'ah 17:15) explains that there are many times in Shas that the Gemara fails to provide an answer when a particular opinion is questioned, and the Gemara is forced to say "קשיא—this is unresolved", but yet there is an answer to be had. In fact, Ritva in Bava Basra writes that there was a scholar in Provincia who was able to provide a solution to every קשיא in Shas.

The Achronim cite the Gemara (Kesuvos 42b) where a matter seemed problematic, and Rabba and Rav Yosef discussed it for twenty-two years without resolving it. Finally, when Rav Yosef became rosh yeshiva, he came up with an answer to the question. We see, therefore, that there are difficult problems, which are even dismissed with the expression קשיא, which actually have solutions, and are even to be adopted according to the halachah. ■

## Daf DIAGRAM



חצר שרובה פתחים וחלונות

A mavoi, or in the case of the picture, a chatzer/courtyard, where the gaps are greater than the walled portion. ■

# HALACHAH Highlight

*The width of the material on the shoulders of a talis koton*  
 דאתי אוריא דהאי גיסא וכו'

*The airspace of this side comes etc.*

The Gemara discusses the construction of a partition to minimize the opening of a *mavoi* where the airspace between the new partition and the existing wall is longer than the partition itself. We are taught that in this case, the airspace on the two sides of the partition nullify the partitions existence and it is considered as though the partition is non-existent. The same is true if the airspace on the two sides of the partition is equal in length to the partition. Tosafos<sup>1</sup> writes that this halachah applies only when one intends to include the open space between the partition and wall as closed. If one has no need for that empty space to be considered closed, the empty space does not render the partition non-existent.

It seems from Magen Avrohom<sup>2</sup>, however, that this is not the case. He writes in the name of Maharil that when making a *talis koton* one should be careful that the material that will rest on one's shoulders should be wider than the empty space through which one places his head. The reason is that if the empty space is wider than the material on the shoulders the void will combine with the empty space outside of the garment and the material that rests on the shoulders would be rendered non-existent, thus leaving the garment without the minimum size it needs to be valid. This clearly indicates that even when it is not necessary to consider the empty space as closed the principle that the airspace

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 mevoyim each with an entrance less than ten amos wide.

A second suggestion is an application of a ruling of R' Yehudah. In our context one could take two three-amah boards and place them two amos from the *mavoi's* walls, or place one six-amah board and place it four amos from one of the *mavoi's* walls.

### 3) The walled portions exceed the gaps עומד מרובה על הפורץ

R' Yehudah ruled that an entranceway fifteen amos wide can be reduced by placing a three-amah board two amos away from the wall.

The Gemara attempts to draw conclusions regarding the issue of "the walled portions exceed the gaps" but the conclusions are rejected.

The Gemara questions why R' Yehudah is not concerned that people will use

the two-amah gap and thereby nullify the effectiveness of the *lechi* or *korah* placed in the ten-amah entranceway.

The reason this is not a concern, explains the Gemara, is the *chazakah* that people will not use a small entrance if there is a large entrance available.

A Mishnah rules that a toilet seat made of leather that is an amah wide conveys *tum'ah* to items underneath it even if there is a gap in the middle. R' Dimi ruled that the seat is considered closed if there are two finger-widths of leather on each side and a two-finger-width gap in the center. Ravin ruled that the seat is considered closed if there is a finger and a half width of leather on each side and a one-finger-width gap in the center.

R' Dimi initially asserted that he does not dispute Ravin because the discrepancy between the numbers can be explained by the fact that R' Dimi measures a *tefach*

with six little fingers and Ravin measures a *tefach* with four thumbs.

Abaye asserted that they disagree regarding the principle of "The walled portions exceed the gaps." The issue is whether each walled portion must be larger than the gap in the middle to be acceptable or perhaps it is acceptable even if it is necessary to combine the two walled portions to exceed the gap in the middle.

R' Dimi rejected Abaye's assertion and states that if there is a point of dispute it is with regard to the halachah when the gap is equal to the walled portion.

### 4) The effectiveness of a *tzuras hapesach* and prominence

The Gemara questions whether a *tzuras hapesach* will be effective if it is higher than twenty amos, as is a prominence, and whether a prominence will be effective for an opening wider than ten amos, as is a *tzuras hapesach*. ■

# REVIEW and Remember

1. What three positions did the Gemara extract from 'Huna's statement?

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2. What is the maximum permitted width of a *mavoi* entranceway?

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3. How should one adjust a *mavoi* entranceway twenty amos wide?

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4. According to the Gemara's conclusion, what is the point of dispute between Ravin and R' Dimi?

on two sides nullifies what is in the middle applies. Rav Yaakov Emden<sup>3</sup>, in fact, questions Maharil's ruling from our Tosafos. Another difficulty with Maharil's ruling is that Tosafos writes that this principle is limited to partitions and does not apply to utensils. Since a garment is considered a utensil the principle should not apply. *Machatzis HaShekel*<sup>4</sup> answers that Maharil invoked this principle as a borrowed term but the primary reason it is invalid is that regarding *tzitzis*, is necessary for the material to be wide enough that it appears part of the garment rather than a mere strip of material connecting its front and back panels. ■

1. תוס' ד"ה ואצבעיים בשם הריצב"א.
2. מג"ה הקדמה לסי' ט"ז.
3. שו"ת שאילת יעבי"ץ סי' כ"י.
4. מחצית השקל שם. ■

