

**This is what the משנה is teaching; and similarly in an unclassified garden, etc.**

### Overview

אביי attempted to resolve the apparent contradiction in the משנה as follows: That when the משנה stated 'וכן בגינה מקום שנהגו לגדור מחייבין אותו', it meant that in a גינה and a מקום one is obligated to build a wall. anticipates the following question. How would we then understand the ספא of the משנה which states 'אבל בבקעה מקום שנהגו שלא לגדור מחייבין אותו'? Seemingly it is telling us that by a בקעה in a מקום one is not obligated to build a wall<sup>1</sup>. This implies, however, that by a סתם one is obligated to build a wall. However from the רישא we imply that a בקעה requires a wall only by a מקום and not by a סתם. The original contradiction remains (as far as a בקעה is concerned).

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resolves this problem:

**and we can similarly interpret the ספא likewise<sup>2</sup>.**

אביי now quotes and interprets the ספא of the משנה according to:

**however an unclassified valley –**

**– and in a place where it is not customary to fence in the gardens –**

**– we do not obligate him to build a dividing wall<sup>3</sup>.**

### Summary

When אביי interpreted the רישא, the same applies to the ספא that by a סתם he is not obligated to build a wall.

### Thinking it over

How did we understand s'רבא's question; 'א"כ מאי אבל' originally, and how do we understand it according to תוספות?<sup>4</sup>

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<sup>1</sup> אביי only reinterpreted the רישא of the משנה that states 'וכן בגינה'; giving the impression that the ספא should be read literally that by a מקום שנהגו לגדור אין מחייבין אותו.

<sup>2</sup> אביי did not intend to reinterpret only the רישא of 'וכן בגינה'. In fact the same reinterpretation applies to the ספא of 'אבל בבקעה' as well.

<sup>3</sup> If the ספא were not written as such, one may have entertained the idea that by a גינה it is always required to build a כותל even by a מקום שנהגו לגדור (especially and indeed truthfully according to the מ"ד מחיצה גודא (if it was רצו). When the ספא teaches us that אבל בבקעה and in a מקום שנהגו לגדור אין מחייבין אותו, this forces us to conclude that בגינה וכן refers only to גינה סתם and not לגדור.

<sup>4</sup> See מהרש"א.