

3.9.4; 92a (משנה ב) → 94a (והדר ביה משמעתייה)

- I. **משנה ב**: small roof/large roof; small courtyard/large courtyard which are adjacent to each other
- In each case*: the large one is permissible and the small one prohibited – considered an entry to the large one
 - Justification (for both rulings)*: can be explained according to both **רב** (who infers גג from **חצר**) and to **שמואל** (גג **חצר**)
 - רב**: just as **חצר** has recognizable **מחיצות**, may only carry on a roof with **מחיצות ניכרות**
 - שמואל**: just as a **חצר** has people trampling it, so too the people walking on roof cancel out **חציצה** between them
- II. Applications of the principle derived from our **משנה** – **אביי** and his students/colleagues
- Principle*: large area subsumes small and not vice-versa; applications:
 - גלאים**: Grapes planted in large; **אסור** to plant wheat in small. If planted, wheat **אסור**, grapes **ותר**
 - גירושין**: Woman in large, **נט** in small – divorced; vice-versa, not divorced
 - מוציא**: **ש"ץ** in large, **ש"ץ** in small – can be **מוציא**; inverse, cannot be **מוציא**
 - דבר שבקדושה**: 9 people in large and 1 in small – they are joined for a **דבר שבקדושה**; inverse, are not joined
 - זוהיה מחנך קדוש**: in large, may not recite **שמע** in small; vice-versa is permitted
 - Challenge (אביי)*: a **מחיצה** now creates a prohibition
 - Explanation*: without the **מחיצה** defining **גדולה/קטנה**, he could have moved **ד"א** away and planted)
 - Block (to אביי)*: supporting notion that **מחיצה אוסרת**
 - זריא**: our **משנה** - **חצר גדולה/קטנה** - **מותר**, but if **מחיצה** added that equalizes width – both **אסור**
 - Defense*: that is not an **addition** of a **מחיצה**, rather the **erasing** of a **מחיצה** (the sides)
 - דבא**: atop 4 pillars of portico – **כשר**; but adding walls that obliterate the pillars – **פסול**
 - Defense*: **אביי** holds that that is **כשר**; yet...) not an **addition**, but the **erasing** of the pillars
 - דבר"ח**: ½ roofed house –grapes in 1 part and wheat in the other is **מותר**; if roof completed – **אסור**
 - Defense*: that is not an **addition** of a **מחיצה**, rather the **erasing** of a **מחיצה** (edge of the partial roof)
 - דבא**: greater distance required for grapes/wheat if there is a wall
 - Defense*: (should've quoted the **משנה**!); that is a function of the space allotted to vineyard and wall
- III. **יהודה**: 3 **רב** in a row with 1 person in each –
- If*: outer **קרפיות** have recognizable walls and inside doesn't, area treated like caravan – they get full space
 - If*: inside **קרפ** is larger and the outer ones have no recognizable **מחיצות** – they get a total of 6 **סאה**
 - Question*: what if there are 2 residents in the middle **קרפ**
 - Lemma1*: the 2 may go out either side, creating 3 ("caravan" – permitting entire are)
 - Lemma2*: perhaps 1 will go to each side (there is no side of 3)
 - אח"ל*: if we don't allow for 3, what if there are 2 on either side (and 1 in the middle)
 - Lemma1*: 1 certainly goes to either side and creates 3
 - Lemma2*: since we don't know which side he will take – we can't reckon him as a third on either side
 - Answer (to both)*: we are lenient and allow both of these cases to be considered 3 and have full breadth
- IV. **ר' חסדא**: elevation 5 **מחיצה** ≠ 10
- Challenge*: **ברייתא** – if there are 2 **חצרות**; 1 **י"ט** higher OR 5+5 higher, they must make separate **עירובין**
 - Defense*: **ר"ח** agrees that the lower **חצר**, which "sees" 10, has a valid **מחיצה** (→separate **עירובין**)
 - Challenge*: if so, lower **חצר** should be able to make its own **מחיצה**, the upper one shouldn't be able to make one
 - Rationale*: the lower one impacts on the upper one (not properly divided from the lower)
 - Defense*: the area (<10 **אמות**) of the "mini-**מחיצה**" is part of a **פתח**
 - Challenge*: **סיפא** – "if <10, they must be **מעורב** as one"; if area is part of **פתח**, should have option of 1 or 2 **עירובין**
 - Defense*: lower (also narrower) is totally open to the upper (**נפרצה כולה**)
 - Challenge*: then the upper should still have the choice of 1 or 2 **עירובין**
 - Response*: indeed – "1 and not 2" in **סיפא** only refers to lower **חצר**, not upper
 - Final ruling*: 5+5=10 (**גיודוד+מחיצה**) is valid, *contra* **ר"ח**)

V. **ר' הושעיא**'s question: do residents arriving on **שבת** affect the **עירוב** (i.e. **אוסרים**)?

 - Proposal*: from our **משנה** – "**נפרצה**" seems to be on **שבת** (→status is changed by circumstances on **שבת**)
 - Block (דבה)*: "**נפרצה**" happened before **שבת**; since all **עירוב** issues are determined at onset of **שבת**
 - Tangential question*: if a wall between **חצרות** falls on **שבת** – may he carry there?
 - רב**: may only carry **ד"א**; **שמואל** – can carry up to base of (former) wall
 - Positions inferred from story*: in **נהרעא**, a wall between **חצרות** fell
 - שמואל**: put up temporary divider for privacy
 - רב**: turned away so they wouldn't think he'd recanted; didn't say anything **שמואל** של **מכבודו**