

3.2.7

25b → 26b (סוף הפרק) (ההיא בוסתנא)

note: the domain of all residents in a commonly owned area must be unified and nullified towards the "owner" to effect עירוב חצרות. If someone forgot to participate in an עירוב, he could, theoretically, nullify his portion in all of the areas under question and, thereby, allow all the other residents to carry.

1. פי אָויל עמי אותי לא זָדעוּ בָּנים סְקלים הָמה וְלא גְבוּגים הָמה חֲכמים הָמה לְהָרע וּלְהִיטִיב לֹא זָדעוּ: יוֹמיהוּ ד, כב
2. וְהִי זְשַׁעְיָהוּ לֹא יָצָא הָעִיר חָצֵר הַתִּיכְנָה וְדָבַר הָהִיא אֵלָיו לְאָמַר: מִלְּב כ, ד

- I. Case: Garden (more than ב"ס) was bounded by outer wall of palace (which made it לדירה) – wall fell
- a. ד' בני considered relying on inner wall of palace grounds
 - b. ד' פני that wall is made for the inside (not the garden) → cannot consider it as לדירה
- II. Case: gazebo in ריש גלותא's orchard; requested a solution to be able to eat out there on שבת
- a. ד' הונא בר חנינא fenced (with reeds at less than ג"ט spacing) a path directly to gazebo – as if אסור to carry in garden
 - b. ד' רבא felt solution unnecessary; since entire garden was חצר to palace
 - i. Therefore: he had it torn down
 1. And: his students hid the reeds
 - ii. But: on שבת, רבינא proved it necessary,
 1. Per: ruling that a "new" city is measured (for תחום) from its residents; an "old" city from the wall
 - a) Definition: "new" city was encircled before settled; "old" was settled first
 - i. And: this garden was encircled before being "settled" → walls aren't reckoned
 - iii. Then: ר' פפא proved it necessary,
 1. Per: ruling that temporary מחיצות of foremen (for shade) aren't מחיצות
 - a) Thus: if made for צניעות, not considered מחיצות
 - i. And: the walls around garden were made for privacy, not residence
 - iv. Then: ר' הונא בריה דר'י proved it necessary
 1. Per: ruling that a מחיצה made for resting things is not considered מחיצה
 - a) Proof: from רבה ב"ר הונא, would link all neighborhoods in מחוזה,
 - b) Since: the cisterns in the city were used for resting (the cows) – invalid מחיצות
 - v. ד' ר' ג' reckoned v. 1 as "referring" to these students (too little, too late...)
- III. Analysis of ר' אליעזר's reports of ר' אלעאי's rulings
- a. Allowance of בית כור doesn't jibe with ר' חנינא's approach – allows up to 40 סאה (כור=30 סאה) – allow חכמים (כור 60 – ב"ס allow חכמים; סאה=30=בית כור)
 - i. Sources: v. 2 – כתיב is העיר קרי; חצר קרי, teaching that king's חצר is size of average city
 - ii. Disagreement: size of average town
 - b. עירובי חצרות: if one of the members of the חצר forgot to participate etc.
 - i. Challenge: עירובין ו:ג – in that case, his house is אסור to them as well (ר"א – only to him)
 1. Resolution: that is per חכמים
 - a) ד' א"א someone who nullifies his חלק (see note) does so generously and includes his own house
 - b) חכמים: he does so sparingly and his own house is not אסור-בטל (to them as well) due to his חלק
 - ii. Question (ר"פ לאביי): according to ר"א, if he said "לא מבטילנא" or, לרבנן, if he said "מבטילנא" – any effect?
 1. א"א is his reasoning that he is מבטל his רשות – but if he states לא מבטילנא, it is still his אסור-בטל to them
 - a) Or: is his reasoning that a house w/o a חצר isn't used – so his statement is ignored
 2. לרבנן is their reasoning that he is not מבטל his רשות (house), but if he states that he is – valid (מותר-)
 - a) Or: is his reasoning that a person doesn't remove himself fully from בית וחצר → we ignore statement
 3. Answer: in both cases, if he explicates a different desire, we follow that and his statement is impactful
 - c. Identification: of ערקבלין – אצותא חרוזיאתא – ערקבלין (may be *heliotropium*, or *Euphorbia officinalis*)