

## 3.3.7

34a (נתנו בבור) → 35a (לצורך תשמישן)

- I. Analysis of final clause of the משנה – if he places it in a בור, at any depth is still valid
- a. Location: cannot be רה"ר – since that extends all the way up or down
- Cannot be: רה"ר; if he intended to establish שביטה below – they are in same רשות; if above – different רשויות
  - Must be: that בור is רה"ר and he is in כרמלית (around בור); following רבי – no שבות during ביה"ש
- II. משנה ג: עירוב is valid, at any height, atop a board or reed
- a. conditions: must be disconnected from the ground (→ no problem of משתמש באילן) and stuck into the ground
- challenge (לרבא): implication that this is רבנן (since they disallow משתמש באילן – a שבות – can't be רבי)
    - answer1 (ר"ח): indeed – this clause is רבנן and the previous one is רבי
    - answer2 (רבינא): it is all רבי; here he concedes the גזרה – as reed may break
      - Support: story w/ר"ג who allowed students to prepare (and then sit on) soft reeds on שבת
      - And: when challenged from our משנה, distinguished between soft and hard reeds
        - Support: resolution from conflicting ברייתות (ביג: תוספתא כלאים vs. ברייתא) about כלאים
        - Note: distinction between קידה לבנה (considered tree [כלאים א:ח] and קידה (ירק)
- III. משנה ג: status of an עירוב placed in a tower and key is lost
- fully valid
  - if he doesn't know the location of the key – invalid
- IV. Analysis of ק"ת's position and the dispute
- a. Challenge: if locked tower, he and עירוב aren't in same רשות
- tower is built with bricks (w/o mortar) and this relies on ר"מ
    - such a building may be "torn open" to get fruit out (only on י"ט – not שבת) – not considered סתירה
    - Challenge: תוס' עירובין ב:טו – ר"א only dissents if tower is in field; but on י"ט, being in field doesn't matter
  - Rather: משנה must be reconstructed (נחמיה):
    - even if key is lost – valid, but only on י"ט; if on שבת – invalid
    - if found in city, valid (per ר"ש in ט:א about status of חצרות, חצרות etc.)
      - If: found in field, invalid (per רבנן who disallow שבות during ביה"ש, since field is כרמלית)
  - tower is made of wood
    - holds that wood structure is a כלי and בכלים → permitted to break it down
    - wood structure is an אהל and יש בנין באהלים → prohibited from breaking it down
      - Per: dispute in ג:ד whether a זב knocking on wooden box renders it טמא (מדין היסט הזב)
      - Challenge (אב"י): both כלים and אהלים are היסט if moved
      - And: that dispute (זבים ד:ג) is re: status of indirect moving (כח כחו)
  - key is tied to leather strip, needing knife to be cut, follows dispute in ז:ד
    - holds like ר' יוסי that a כלי (knife) may be used for other purposes
    - holds like ר' נחמיה (תוספתא שבת יד:א) that a כלי may only be used for its original purpose