

3.4.6

(הלכה כר' שמעון) 49b → (אמר רב יהודה אמר רב זו דברי ר"ש) 48b

- I. רב quoting ר' יהודה: our משנה follows ר"ש, but חכמים disagree:
- a. one area cannot simultaneously be מעורב with 2 areas
 - i. Therefore: B cannot carry to A or C; A and C may carry to B
 - b. שמואל (his response to ר' יהודה, who reported it to him in ר"ב's name): ר"ש agrees that B is prohibited from A and C
 - i. חכמים maintain that all 3 are אסור
 1. Note: שמואל supports ברייתא: ר"ש compares our case with 3 חצרות open to each other and to רה"ר
 - a) and: the two outer ones each made an עירוב with the middle one
 - b) in which case: each may bring out to its חצר and eat and return food, but not to other חצרות
 - i. חכמים: since they are אסורות to each other, they may not even carry out to their own חצרות
 - ii. Consistency of שמואל's approach: in the case of a חצר between 2 מבואות
 1. If: the חצר is joined to both מבואות – all are prohibited
 2. But if: the חצר isn't joined to any of the מבואות – it generates a prohibition for them to carry
 3. If: one of them was generally used by the residents of the courtyard and the other was not
 - a) only: the residents of the "ignored" מבוי may carry
 - b) דבב"ח: if the "used" מבוי made its own עירוב and neither the other מבוי nor the חצר made an עירוב
 - i. Then: we force the residents of the חצר to use the "ignored" מבוי to allow other מבוי to carry
 1. Note: this is an example of כופין על מדת סדום (זה נהנה וזה לא חסר)
- II. עירובי חצרות שמואל's two invalid
- a. מקמי: if one of the members of the חצר insists that no one eat from the עירוב – invalid;
 - i. Reason: it is called "עירוב" – i.e. a mixing and shared ownership
 - ii. Dissent (ר' חנינא): it is valid, but he is considered a miserly person
 - b. חולק: if he divides the עירוב into two containers – invalid
 - i. Challenge: this seems to follow ב"ש who invalidate (ב"ה) an עירוב placed in two containers
 1. Answer: even ב"ה would agree here; in that case, one basket was filled so they used a 2nd
 - a) Whereas: here, they deliberately put it into two baskets, indicating a lack of sharedness
 - ii. Justification: from (a) we wouldn't infer (b); in (a) he insists on disallowing others from using it
 - i. And: from (b) we couldn't infer (a); in (b), they are actually in two separate baskets
 - ii. Challenge (to חולק): שמואל ruled that the owner of the house which "hosts" the עירוב need not contribute
 1. Assumption: reason is because his own bread (in the kitchen e.g.) is reckoned with their basket
 2. Correction: he doesn't require any bread at all – as they all "live" there → עירוב
- III. Principle of עירוב חצירות
- a. שמואל: it is fundamentally a קנין
 - i. Challenge: if so, we should be able to use money
 1. Answer: since food is readily available on ערבי שבתות, we use that
 2. Challenge: if so, money should work בדיעבד
 - a) Answer: people would think money was עיקר and if they didn't have it on ע"ש, wouldn't make עירוב
 - b) And: the institution of עירוב would be forgotten
 - ii. דבה: it is fundamentally a representative residence
 - b. Practical difference: if they used a כלי (שמואל) less than ש"פ (רבה) or if a member of the חצר was a קטן (רבה)
 - c. Challenge (אב"י לרבה): to both positions – if 5 made an עירוב together, one may take it elsewhere
 - i. Challenge: only one can be קונה and only one can redefine his residence
 - ii. Answer: in both cases, he is acting as agent of other 4
- IV. Epilogue to analysis of משנה
- a. דב: we rule like ר"ש (and allow carrying from חצר to חצר)