

3.5.7

58b (משנה ה) → 60a (זמורתא תהא)

Note: a public city cannot be completely מעורב, whereas a privately owned city may – as well as a publicly owned city with only one entrance. This is intended as a precaution, so that people will not forget about the prohibition of carrying in the public domain. משנה ו notes that even if a city changed its status, it retains its former limitation or permission.

Note: in a later משנה (ו:ט), there is a dispute between ר"ע וחכמים about 2 courtyards, one inside the other, that were not joined via חצרות עצרות; ר"ע maintains that even if each had an independent עירוב, the outer one is forbidden from carrying since the inner ones have legitimate easement through there and במקומה אסרת שלא במקומה. רגל המותרת במקומה אסרת שלא במקומה. חכמים disagree – unless the inner courtyard did not make an עירוב of their own, in which case their existence forbids the outer courtyard residents from carrying.

- I. משנה ה: Acceptable surveyors – only experts; if there is a conflict (2 directions or 2 surveyors) – accept longer one
 a. Memory: any testimony is acceptable to determine location of prior תחום, since 2000 אמות
 II. משנה ו: a changed city vis-à-vis חצרות עירובי (שיתוף המדינה)
 a. If: it was a private city (not many coming and going) and became של רבים – still no need for שיתוף
 b. But if: it was originally של רבים and became (even) של יחיד still requires שיור (see note) to allow עירוב
 i. Example: of עיר של רבים (not ריש גלותא) – דיסקרתא דנתוזאי (owned by individual, rented portions out)
 ii. ד' יהודה: must have a suburb of at least 50 residents excluded from עירוב
 iii. ד' ש: just require 3 חצרות of 2 houses each
 III. משנה ז: expanding on our משנה – if a city is owned by רבים
 a. If: it was originally של יחיד and has רה"ר passing through, put לחי or קורה on each side
 i. Note: ברייתא must be authored by ר' יהודה, who allows לחי/קורה x2 to permit carrying from רה"י to רה"י thru רה"ר
 b. And: may not make split עירוב – either entire city is מעורב or each מבוי is on it sown
 i. ר"פ (1): may divide lengthwise, such that each half has access to gate
 1. Accords: even with ר"ע (see note) – here they have independent access to outside
 ii. ר"פ (2): may not divide – even lengthwise, since their presence generates איסור for other half
 1. Accords: even with רבנן (see note) – here they cannot be closed off from רה"ר
 iii. 2nd clause: if each מבוי is independent, each must make a marker (דקה) to separate it so as not to generate איסור
 c. If: it was always של רבים but has only 1 entrance, entire city may be מעורב as one
 i. Story: ר"ז made עירוב for entire town of בי חייא without שיור, based on testimony of old-timers
 1. אב"י: originally there was only 1 gate; אשפה has been moved - now there are two and עירוב requires שיור
 IV. Discussion re: status of ladder at entrance to town or between חצרות
 a. דב (דבה): always considered a פתח – i.e. negates the wall
 b. דב (דב) functions as a wall and as a פתח
 i. Wall: in our case – at opening to מבוי or city
 ii. פתח: if between חצרות, may be considered either, leaving option for them to join or separate
 iii. Challenge: ר"נ quoted שמואל – if residents of מרפסת, joined to קרקע via סולם, didn't make עירוב with ground floor
 1. Then: if they have no דקה (marker), they are all אסור from carrying (each דירה bans other) – סולם is only פתח
 2. Answer: מרפסת is less than י"ט above קרקע (ladder can't operate as מחיצה)
 a) And: מרפסת is surrounded by fence of אמות → w/דקה, it is a separated area
 c. שמואל (רב יהודה): if he put ladders all along a wall even up to אמות י' width – still considered a מחיצה (not פתח)
 i. Challenge: as above, from שמואל's ruling about מרפסת
 ii. Answer: as above – case of מרפסת where it was within י"ט of ground etc.
 d. בני קקונאי: requested of רב יוסף a town-wide עירוב; he directed אב"י to set it up without room for dispute
 i. Originally: he thought to use homes on water (not connected to town) as שיור
 1. Then: since they couldn't join, not considered שיור – thought to make openings to make them "joinable"
 2. Then: considered that unnecessary, as רב"א made all of מחווא by שכונות, considering each a שיור to the other
 3. Then: rejected that, since those neighborhoods could have joined via rooftops
 4. Ultimately: rejected need for windows, as in פומבדיתא they used one storehouse (disconnected) as שיור
 V. Analysis of משנה ו: עיר "חדשה" – ר' יהודה עיר "חדשה" with 50 residents)
 a. Question: can the חדשה make its own עירוב (w/o שיור)?
 i. Answer: dispute הונא ר' יהודה as to whether it needs שיור or the main town is its שיור
 b. הלכה: follows ר"ש (3 חצרות with 2 houses each)
 i. ד' יצחק: expands it to even 1 חצר with 1 house (may be tradition, may be reasoned out)