

3.6.4

65b (אמר רב יהודה) → 66b (כחצר לבתים)

.7 תן להקם וְהִקָּם עוֹד הוֹדַע לְצִדִּיק וְיוֹסֵף לְקַח: מְשַׁי ט, ט

- I. רב's ruling, based on פסק of רבי and ר' חייא re: ישראל together in internal חצר and 1 in external
- a. *Ruling*: internal חצר creates prohibition for external
  - b. *ששת*: this accords with מאיר ר' (that internal חצר is אסור due to presence of גוי, even with only 1 ישראל)
  - c. *דבה*: concurred with ר"ש
  - d. *רב יוסף*: surprised at both רבה ורב יוסף – if ר"מ, it would be אסור even without external חצר
    - i. *Proposal*: perhaps that's the way the case happened - but w/o external חצר, ruling would be the same
      1. *Block*: רב was asked about internal חצר (if no חיצון); ruled that the ישראל may carry there (in spite of גוי)
    - ii. *Proposal*: it follows רב"י
      1. *Block*: in that case, we would require 2 ישראלים in the same חצר to prohibit; internal חצר should be מותר
    - iii. *Proposal*: it follows ר"ע, who rules that המותרת במקומה אסרת שלא במקומה (re: inner/outer חצרות – see note p. 50)
      1. *Block*: if ר"ע, no need for גוי in inner חצר to prohibit (see his ruling, ahead ט משנה)
    - iv. *Answer*: if follows רב"י and ר"ע:
      1. *Block*: internal חצר is permitted, since only 1 ישראל
      2. *Block*: in spite of the permit for internal חצר, external one is now אסור
        - a) *Note*: only works if there is a גוי to create the extending prohibition
  - e. *Question posed to רב*: does this hold equally true if גוי ישראל in external חצר and 1 ישראל in internal
    - i. *Similarity*: ישראל might live with גוי in external due to exposure or
    - ii. *Distinction*: might not live there since his "disappearance" could be explained
      1. *Ruling*: rule applies equally (v. 1 applied metaphorically)
- II. Two stories about renting space from a גוי to allow an עירוב
- a. *ל"ל and some students*: were at an inn; a גוי (absent) was renting a room from another גוי (present)
    - i. *And*: owner (present) had the rights to immediately evict the (absent) renter if he chose to do so
    - ii. *Question*: may they rent space from the owner to allow עירוב?
    - iii. *Ruling* (ל"ל): since it was a ספק, he ruled leniently and allowed it; ר' אפס confirmed ruling
  - b. *Students of יוחנן* arrived at an inn with no גויים present and made an עירוב before שבת; on שבת, owner (גוי) arrived
    - i. *Question*: will renting work? Depends if שוכר כמערב (won't work; עירוב must be before שבת) or שוכר כשבות (works)
    - ii. *Ruling*: they ruled in accord with ר' חנינא בר יוסף and allowed renting – ר' יוחנן confirmed ruling (→ שוכר כשבות)
      1. *Challenge* (מהרדעי): ר' יוחנן had ruled that שוכר כמערב (should be invalid)
      2. *Response*: his analogy was for 3 other rules of מערב
        - a) *פחות משווה פרוטה*: just like this is sufficient for מערב, so too for שוכר
        - b) *שכירו ולקיטו*: just as his workmen may represent him for עירוב, so too for renting
        - c) *שליחות*: just as עירוב may be done for 1 ישראל on behalf of rest, so too with renting
      3. *Challenge* (ר"א): based on שמואל's complex statement
        - a) *מערבין ואוסרין*: wherever 2 properties affect each other and may be joined – nullification works
          - i. *Example*: an internal and external courtyard
        - b) *מערבין ואין אוסרין*: if neither prohibits the other, even if they may be joined – nullification is invalid
          - i. *Example*: 2 parallel courtyards, both opening to the public, with a door between them
        - c) *אוסרין ואין מערבין*: wherever joining is impossible, even if they prohibit each other – ביטול is invalid
          - i. *Only example*: where a גוי arrives on שבת (if before שבת, could have rented and made an עירוב)
      - d) *רב יוסף's confusion*: claims never to have heard ruling of שמואל; אב"י reminded him:
        - i. *Context*: שמואל had ruled that 2 חצרות may not be מבטל רשות to each other
          1. *רב יוסף*: had added that this is only true regarding parallel חצרות, not one inside the other
          2. *And*: רב יוסף thought he had forbidden this on account of "exact reading" (חצר)
            - a. *אב"י*: reminded him that his insistence on "exact reading" related to another משנה:
            - b. *משנה*: the מבי to the חצרות has an analgous relationship as that of חצרות → houses
            - c. *שמואל*: inferred from "חצרות" that there must be at least 2 חצרות to permit מבי via לחי