

## 3.6.5

(אינו אוסר) 67b → (גופא אמר שמואל) 66b

- I. Reassessing שמואל's ruling, disallowing ביטול רשות from courtyard to courtyard and in a חורבה
- a. *disagrees and explicitly allows ביטול רשות in both cases – מחצר לחצר and in a חורבה*
  - b. *Justification: if we only taught מחצר לחצר, מחצר לחצר since each has its own use, שמואל doesn't allow (~→חורבה)*
    - i. *And if: we only taught חורבה, חורבה since there is join use, ר' יוחנן permits (~→מחצר לחצר) – קמ"ל*
  - c. *Analysis and application: of שמואל's position*
    - i. *אב"י: he limits inability to nullify to 2 חצרות with equal access to רה"ר; if one חצר inside another, may nullify*
      1. *Reasoning: since the internal חצר generates איסור on outer one, it may be מבטל*
    - ii. *דבא: שמואל does not limit the inability of ביטול; even internal/external, under some circumstances, may not מבטל*
      1. *If: עירוב is placed in outer courtyard, regardless of which resident forgot – no ביטול*
        - a) *if: an insider forgot*
          - i. *If: he nullifies to other members of his חצר, the עירוב isn't there*
          - ii. *And if: he nullifies to the outer חצר – אין מבטלין מחצר לחצר (application of שמואל's rule)*
        - b) *if: an outsider forgot*
          - i. *if: he nullifies to fellow outsiders, insiders still prohibit them*
          - ii. *and if: he nullifies to insiders – אין מבטלין מחצר לחצר*
      2. *but if: עירוב is placed in inner courtyard*
        - a) *If: an insider forgot*
          - i. *If: he nullifies to fellow insiders, outsiders have a claim there and generate איסור*
            1. *Note: this is according to רבנן who maintain that each דייר requires separate ביטול*
            2. *But: according to ר"א, who allows a generic nullification, this will work*
          - b) *and if: an outsider forgot – he may nullify to the insiders and they close off their property*

II. Discussion חסדא ר' ששת'ר regarding mutual ביטול of 2 ישראלים on 2 sides of רה"ר who get fenced in by שבת on גויים

    - a. *ח"ח (who asked): only asking according to ר' יוחנן, ר' who permits מחצר לחצר ביטול*
      - i. *Reasoning: if שמואל doesn't allow ביטול even where an עירוב would have been valid if made on ע"ש*
        1. *Then: he certainly wouldn't allow it here, where making an עירוב before שבת was impossible*
      - ii. *But: according to ר' יוחנן, ר' who permits מחצר לחצר ביטול – does he require potentiality of עירוב before שבת?*
      - iii. *Answer (ר"ש): even ר' יוחנן wouldn't allow*
      - iv. *Tangent: if a גוי in the courtyard died on שבת –*
        1. *If: the ישראלים did not rent - may they nullify to each other?*
          - a) *Note: according to ר' יוחנן, ר' who allows renting from a גוי who arrives on שבת, certainly allowed here*
            - i. *Reason: there we employ 2 mechanisms (ביטול and שכירות) and here we only need 1 (ביטול)*
            - b) *But: would שמואל, who doesn't allow for שכירות, permit one mechanism (ביטול) or none?*
          2. *Answer (ר"ש): allowed – but ר' המנונא dissents and forbids*

III. שמואל's ruling: גוי whose חצר has "back opening" of at least ד"ט to an open field – even if he makes lots of use of the מבו

    - a. *Ruling: he doesn't prohibit the מבו from making their own עירוב*
      - i. *Reasoning: he views the back opening as his main access point*
    - b. *And: per רנב"י – this applies if his חצר is open to a קרפף as well*
      - i. *If: קרפף is greater than בית סאתים, he doesn't affect the other residents*
      - ii. *And if: בית סאתים or smaller, it does prohibit*
      - iii. *Note: the opposite is true for a ישראל*
        1. *Reasoning: גוי prefers the wider space of the מבו – but if his קרפף is בית סאתים, he prefers that*
        2. *But: the ישראל is not allowed to carry in a בית סאתים >קרפף, so he'll use the מבו*