

3.6.8

69b (משנה ג/ד) → 71a (שפיר דמי)

I. ביטול רשות: fundamentals of nullification of ownership (משנה ג)

- a. If: 1 member of the חצר forgot to join עירוב, his house is אסור to all of them; other houses are מותר to all
- Inference: only his house is אסור to them, not the חצר
 - Case: he nullified his חצר only; per רבנן (ר"א contra) ביטול רשות חצרו → ביטול רשות ביתו
 - Reason (he may carry in their houses): he is considered their guest
- b. And if: all nullified רשות to him, he may carry everywhere and they are prohibited everywhere
- Reason: 1 may be guest of many; not the inverse (→ they can't be considered his guests)
 - Assumption: both happened on 1 שבת → we may "swap" ביטול (מבטלין וחוזרין ומבטלין) – against שמואל (above)
 - Correction: two separate cases and rulings
- c. If: there were 2 who forgot, all are אסור
- Challenge: this should be obvious
 - Defense: even if the one was later מבטל to the other - still doesn't work
 - Reason: when he nullified, he no longer had rights there (already אסור)
- d. Reason: 1 may grant or take רשות; 2 may grant but may not take רשות
- Justification: for last clause – 2 may give רשות
 - Even though: we may be גוזר not to allow this, as they might then be given רשות – קמ"ל
 - Defense (of last clause): may not take רשות – even if given in order to assign it to one of them

II. משנה ד: point from which ביטול and נטילת רשות (cancellation of ביטול) may take place

- שבת ז"ש: must be before שבת
 - שבת ז"ה: even on שבת
- c. Cancellation: if the person who nullified his claim subsequently carried out in the common area
- ד"מ: whether he carried intentionally or even inadvertently
 - ד' יהודה: only if he carried intentionally

III. Collective nullification: in case one forgot to join עירוב, must he annul his stake to each or may he declare one ביטול?

- a. רבה (in answer to אמרי's question): must annul to each]
- b. Challenge (אבוי) defining acceptable and unacceptable ביטול
- If: if 1 forgot he may annul to 1 who made an עירוב
 - Cannot mean: that there was only one other (who made the עירוב) – with whom did he make an עירוב?
 - Therefore: must be others, and his ביטול to the one works for all
 - Defense (רבה): case is where the 2nd fellow (with whom he made an עירוב) died on שבת
 - Block (אבוי): from case (iv) below, must be that "silent" co-resident is still alive → so too in our case
 - Response (רבה): perhaps each case is different –
 - Proof: as in case (iii) below – 2 may also annul to 1, not just 2
 - Rejoinder (אבוי): "2" in case (iii) means "one of two"
 - Challenge: then it should state "one" - קשיא
 - And: 2 who made an עירוב may nullify to 1 who forgot (and we don't fine him for forgetting)
 - And: 2 who forgot annul to 2 who made an עירוב or to 1 who (also) didn't annul
 - However: if 1 joined, he may not be מבטל to one who forgot
 - Nor: may 2 who made an עירוב annul to 2 who forgot
 - Nor: may 2 who forgot annul to another 2 who forgot
- c. Conclusions: justifications of each case in ברייתא
- 1st case: לאבוי, teaches that he may annul to one on behalf of all of them
 - לרבה: (case where other resident died) and we don't forbid as a precaution against his being alive
 - 2nd case: teaching that we don't fine him for forgetting and we allow them to use ביטול to allow carrying
 - 3rd case: לרבה, teaches that case (i) was also two making an עירוב (one died)
 - לאבוי: teaches that 2 may nullify; no concern that others will nullify to them
 - And: "or to one" - we don't fine them for all forgetting
 - 4th case (invalid #1): לאבוי – teaches that case (i) also involves living coresidents; לרבה – parallel construction
 - 5th case (invalid #2): even if the one later nullifies to the other
 - 6th case (invalid #3): even if they nullified on condition of subsequent nullification to one

- IV. Ability of an heir to nullify (i.e. if the owner, who was not part of the עירוב, died on שבת, per רבה's scenario above)
- a. ר"נ (in response to רבא's question): may nullify (even though he couldn't have made an עירוב on ע"ש)
 - b. Students of שמואל deny right to nullify
 - i. Challenge1 (to ר"נ): הזה הכלל: anything that became permissible for part of שבת is permissible for all of שבת
 - 1.And: anything that was prohibited for part of שבת is prohibited for all of שבת
 - 2.Exception: מבטל רשות
 - a) 1st line: covers case of עירוב made via a doorway/window that later got sealed up
 - i. כלל: expands to include case of מבוני whose לחיין וקורת were removed on שבת
 - b) 2nd line: covers case of 2 houses across רה"ר that were fenced in by גויים on שבת
 - i. כלל: covers case of uncooperative גוי who dies on שבת
 - c)Exception: seems to include only the owner himself (→heir may not annul רשות)
 - i. Correction: means "rule of nullification" and extends to heir
 - ii. Challenge2 (לר"נ): a member of the courtyard who died
 - 1.And: left his property to an outsider:
 - a) If: he died before שבת, his presence prohibits carrying (he is an owner w/o being included in עירוב)
 - b) But if: he died on שבת, his presence is of no consequence (since it was מותר for part of שבת)
 - 2.But if an outsider: died and left his property to a בן חצר
 - a) Then: if he died before שבת started, his presence doesn't affect (b/c יורש will be included in עירוב)
 - b) But if: he died after שבת started, his presence prohibits carrying
 - i. Question: why doesn't the "heir" just nullify?
 - ii. Answer: he only prohibits before ביטול (i.e. "אוסר" means if he isn't מבטל)
 - iii. Challenge3 (לר"נ): if a ישראל and גר (with no heirs) share a granary and the גר dies
 - 1.If: he dies before שבת, even if another ישראל took possession of his property – he prohibits
 - a) Meaning: even if he took possession after שבת started, since he could have done so on ע"ש – prohibits
 - b) Answer: only prohibits until he nullifies (as above)
 - 2.But if: he dies after שבת began, even if no one took possession – his presence doesn't אוסר
 - a) Meaning: even if he took possession after dark, since he couldn't have done so on ע"ש, doesn't אוסר
 - 3.Note: alternate response of behalf of ר"נ –
 - a) ר"נ's last 2 citations are associated with ב"ש; may only nullify before שבת
 - i. ר"נ's analysis of ב"ש/ב"ה equates ביטול with אצל יפות – clear indication of his רצון
 - ii. ר"נ: sees a dispute as to nature of ביטול
 1. ב"ש: it is a קנין – prohibited on שבת
 2. ב"ה: it is סילוק רשות – permitted on שבת