

3.6.12

74b (אמר רב יהודה אמר רב) → 76a (סוף הפרק)

- I. רב's statement re: 1 ישראל and 1 גוי in a מבוי (on opposite sides)
- Ruling*: cannot make an עירוב through the windows between חצרות to allow carrying in the מבוי
  - רב יוסף*: this applies even within a חצר
    - אבוי*: perhaps רב's reason is that a מבוי cannot be permitted via לחי וקורה w/o וחצרות open to it
    - Challenge*: if so, why should רב teach that principle twice
      - Justification*: if we only had רב's main ruling, סד"א that he holds that דירת נכרי is a residence
        - And*: if we only had this local ruling, סד"א that he doesn't require multiple houses – קמ"ל
- II. משנה ט: relationship between inner and outer courtyard (where "inner" only has egress via the "outer")
- If*: only the inner made an עירוב – they may carry, but the outer may not carry
  - And if*: the outer alone made an עירוב, both are prohibited
  - If*: they made 2 separate עירובין, they may carry but not to and fro
    - Dissent*: ר"ע disallows the outer one (unless they joined with inner one in a single עירוב) due to egress of inner
      - Authorship*: of our משנה
        - אפילו רגל האסורה* (אפילו רגל האסורה) authored by ר"ע רבנן hold that egress never forbids ר' ינאי
          - Challenge*: clause #1 – outer should be prohibited even if it made an עירוב
            - Answer*: ר"ע is including both cases, beginning with the more moderate one (לא זו אף זו קתני)
          - Challenge*: 3<sup>rd</sup> clause – why are both permitted if they didn't join as one?
          - Challenge*: if final clause is explicitly ר"ע, doesn't it follow that the earlier part is רבנן?
            - Answer*: רבנן must be reconstructed (הכסורי מיחסרה והכי קתני)
              - Limitation*: each is permitted on their own if they constructed a barrier to separate them
              - But*: if there is no barrier, even if each has a legitimate עירוב, outer one is אסור (ר"ע)
          - Challenge*: last clause of משנה י (below); if חצר is owned by יחיד, no עירוב needed
          - Challenge*: משנה י – only if 1 forgot are they prohibited
            - Implication (of both)*: רגל המותרת במקומה doesn't prohibit the other (outer) חצר (contra ר"ע)
              - Therefore*: ר' ינאי's report in ר' דמי's name is rejected
- III. משנה י: continuation of rules covering inner and outer courtyards
- If*: an outside resident forgot to join his עירוב – only outside is prohibited
  - But if*: an inner resident forgot to join his עירוב – both חצרות are prohibited
  - If*: they placed the עירוב in "מקום אחד" and any resident (inner or outer) forgot – all are prohibited
    - דב*: "מקום אחד" means in the outer courtyard – as it is accessible to both (מיוחד לשתיהן)
      - Support*: ברייתא – if the עירוב was placed in the outer חצר and anyone forgot to join – all are אסור
        - But if*: placed in the inner courtyard and one forgot to join
          - If*: the one who forgot was a resident of the inner courtyard – both אסור
          - But if*: the one who forgot was a resident of the outer courtyard
            - Then*: ר"ע still prohibits both, but חכמים, in this case, permit the inner courtyard
2. *Analysis of dispute in ברייתא*: חנן בר חנן asked רבה אבוי why the distinction in the last case (inner עירוב, outer שוכה)
- רבנן*: permit inner because they can close off their door and use the חצר alone
    - ר"ע*: should accept that argument
    - Answer*: ר"ע holds that the עירוב between them connects them (עירוב מרגילה)
    - Question*: why don't רבנן accept the principle of עירוב מרגיל – which would forbid the inner חצר?
      - רבנן*: inner חצר claims that their agreement to joint עירוב was to make things better – not worse
      - Question*: ר"ע should accept that argument and permit the inner חצר
      - Answer*: he would accept it if the חיצונה annuls its stake to the פנימית
      - רבנן*: (שמואל per) אין מבטלין מחצר לחצר

- iv. *proposal*: perhaps רבנן/ר"ע have same dispute as שמואל/ר' יוחנן (מבטלין רשות מחצר לחצר) or not
1. *rejection*: שמואל even accords with ר"ע: ביטול only works when one חצר affects the other
- a. *but*: in שמואל's own ruling, the חצרות were side by side, not affecting each other
- b. *and*: ר' יוחנן even accords with רבנן: ביטול only works when it doesn't create an איסור
- i. *But*: in ר' יוחנן's own ruling, there was no איסור generated via the ביטול
- d. *But if*: the חצר belonged to 1 person/family – no need for an עירוב at all
- i. *דב יוסף*: taught in רבי's name that if there were a total of 3 residents (חיצונה+פנימית) - require עירוב
1. *דב ביבי*: corrected him – he had taught it and "רבי" was really "רבים"; if there are רבים (2) in חיצונה – need עירוב
2. *שמואל*: no עירוב needed unless there are 2 in the inner חצר and 1 in the outer חצר
- a) *ד"א*: a non-Jew is considered like רבים (i.e. if 1 גוי in inner חצר and 2 ישראלים in outer- (אסור
- b) *Distinction*: in case of ישראלים, those who know that there is only 1 on the inside know it
- i. *And*: those who are unaware, assume that they made an עירוב between חצרות
- ii. *But*: if they don't know that there is only 1 גוי, they will *not* assume that the ישראלים rented
1. *Reason*: if they rent from him, he talks about it → his silence proves that they *didn't* rent
- a. *And*: then people will think that חרית רגל doesn't forbid, or that עירוב may include גוי
- IV. The case of the 10 "row houses", where only the outer one opens into the חצר
- a. *שמואל*: only the innermost one puts his עירוב into the חצר; all the rest are considered "exits"
- b. *ד' יוחנן*: even the outermost one must put an עירוב into the חצר
- i. *Challenge*: the outermost one is a "gate" for the rest
- ii. *Rather*: he meant the outer of the פנימית (i.e. the ninth house, adjacent to the innermost)
- iii. *Explanation of dispute*: whether an exit for 1 is considered an exit (שמואל – it is → only inner needs)
- V. The case of 2 courtyards with 3 houses in between them (middle house opens to both houses)
- a. *דב*: each courtyard brings their עירוב to the middle house, middle house needs no עירוב as it is placed there
- i. *Rationale*: each house becomes a gateway to the adjacent חצר for the other houses
- b. *Twist (רחבה tested the students with this case)*: what if there are only 2 houses in between the חצרות?
- i. *If*: each brings an עירוב into the other's house – is it valid?
- ii. *Answer*: invalid however we approach it
1. *If*: the inner house (A to A) is considered an exit – an עירוב cannot be placed in an exit
2. *And if*: the inner house is considered a house – you've passed through an excluded house
- iii. *Distinction*: from רבא's ruling: if someone asked 2 people to set up his עירוב (תחומין)
- iv. *And*: X set it up during day and it was eaten השמשות בין; Y set it up during השמשות בין and it was eaten after dark
1. *דבא*: both are valid
2. *In that case*: it is a ספק לילה, ספק יום, ספק – nothing visible confuses the rule
3. *But here*: if the house is considered a gateway for A, it is also considered thus for B