

## 3.7.5

79b (משנה ו) → 80b (מיכתת שיעוריה)

## I. שיתופי מבואות: משנה ו'.

- a. *Barrel*: place a barrel of wine or food on behalf of all the residents of the **מבוי**
- b. *Acquisition*: make a **קנין** on their behalf (זכין לאדם שלא בפניו)
  - i. **דב יהודה** must lift it up at least a **טפח** from the ground
    1. *Tangent* (**רבא**): this is one of two הלכות transmitted by **סבי דפומבדיתא**
      - a) *Other ruling*: if someone makes **קידוש**, he must drink at least a "mouthful" of wine
      - b) *Additional ruling* (per **ר' חביבא**): in **שמואל**'s name – may make a bonfire for a **חיה** on **שבת**
        - i. *Assumption*: only for a **חיה**, and only when it is cold (winter)
        - ii. *Correction*: may be done for any **סכנה** **בו שיש**, and even when warm (summer)
          1. *Per*: **שמואל**'s ruling that if someone let blood, may have **מדורה** made for him – even in summer
      - c) *Additional ruling* (per **אמימר**): **אשירה** defined as a tree guarded by the priests of the cult
        - i. **דב** and they refuse to eat of its fruit
        - ii. **שמואל**: if they declare that this fruit will be used for mead to be drunk on their festival **הלכה**
  - ii. *Challenge*: **ברייתא** parallel to our **משנה** – bring barrel of wine or any fruit
    1. *If*: it belongs to him – must be **מזכה** for them
    2. *But if*: it is theirs, he must notify them
    3. *And then*: pick it up any amount (**משהו**) from the ground (no need for **טפח**)
    4. *Answer*: "משהו" here means **טפח**
- c. *May use*: his adult children or **עבד עברי/אמה העבריה** or his wife;
  - i. *But not*: via minor children or **כנעני/שפחה כנענית**

II. Acquiring on behalf of others (לזכות) in various **עירובין**

- a. **שמואל** does require **הקנאה**, **רב** does not require **עירובי חצירות/שתופי מבואות**
- b. **שמואל** does not require a **קנין** on behalf of others, **רב** requires **עירובי תחומין**
  - i. **שמואל**: is understood – in our **משנה**, **הקנאה** (in re: **שתופי מבואות**) is mentioned; no mention in re: **עירובי תחומין**
  - ii. **רב**: difficult to understand, as our **משנה** explicitly rules that there must be **זכיה** in case of **ש"מ**
    1. *Defense*: this is a dispute between **ר' חייא** (who requires it) and **ר' יוסי**, in his father's name
      - a) *Case*: woman ended up beyond **תחום** and her mother-in-law made an **ע"ת** for her to return from **מרחץ**
      - b) **ר' יוסי** permitted it – as we are always **בעירובין**, **ר' חייא** forbade, but **ר' יוסי** citing **ר' שמעאל ב"ר יוסי**, permitted it – as we are always **בעירובין**
      - i. *Discussion*: was it the girl's food and the dispute was whether she needs to be informed?
        1. *Or*: was it the MIL's food, and the dispute is whether or not there is a requirement of **זכיה**?
          - a. *Answer*: from all reports, it was the mother-in-law's food – **ר' חייא** requires **זכיה** (רב: זכיה הוא ופליג)
    2. *Note*: **רב**'s position re: our **משנה**; every resident has "power" to forbid → no need for **זכיה** (רב תנא הוא ופליג)
- c. *Final ruling* (**ר"נ**): require **זכיה** for all of the above
  - i. *Question* (posed by **ר"נ**): does **עירובי תבשילין** require a **זכיה**?
  - ii. **רב** heard that **שמואל** explicitly ruled that **זכיה** is needed for **עירובי תבשילין** as well
    1. *Note*: clearly, **ר"נ** had not heard that ruling; if he had, he wouldn't have asked the question (**הלכה פסוקה**)

III.2 stories of renting from a recalcitrant **אגוי**'s wife

- a. *Rulings*: both in **א"י** and **בבל** – a man's wife may make an **עירוב** (→ may also rent) without his consent
  - i. *Challenge*: **ברייתא** rules that if woman makes **עירוב** or **שיתוף** without husband's consent – invalid
  - ii. *Resolution*: if his presence forbids on the other residents – we are lenient and allow; if not – invalid
    1. *Support*: **שמואל** ruled that if someone is accustomed to joining **עירוב/שיתוף** and doesn't do so one **שבת**
      - a) *Then*: the other residents may enter his house and take it against his will
      - b) *Note*: this is only if he is **רגיל** – implying that if not, **שמואל** would not allow
      - c) *Therefore*: **שמואל** must have ruled that it can be done w/o his consent (e.g. by his wife) only if he is **אוסר**
    2. *Proposal*: this is supported by **תוס' ב"מ יא:יח** – that members of **מבוי** may force each other to provide **לחי/קורה**
      - a) *Rejection*: in that case, it isn't for purposes of carrying, but just for closing it off

IV. **לחי וקורה**: using **אשירה**-wood for **לחי וקורה**

- a. **ד' חייא בר אשי** may use it for **לחי**
- b. **דשב"ל** may use it for **קורה**
  - i. *Note*: **רשב"ל** would certainly allow it for **לחי**; but **רחב"א** would not allow it for **קורה**
    1. *Reason*: **קורה** has minimal **שעור** and that **שעור** is "diminished" (as **אשירה** must be destroyed)