

3.8.4

85b (משנה ד') → 87a (כי אסיתא)

7. ישב עולם לפני אלהים חסד ואמת מן ונצרהו: תהלים סא, ח

- I. עירוב: definition of a residence which affects other members of חצר and a legitimate locus for עירוב
- a. *Non residences* (אינו אוסר ואינו מקום עירוב): gates, entryways and porticos
 - b. *Residences* (אוסר ומקום לעירוב): storage sheds and barns
 - c. *ד' יהודה*: if the בעה"ב has automatic access – any renter is not considered a resident
 - i. *ר"י בריה דר"ש*: any location whose resident does not affect other is unfit for an עירוב, except for בית שער דיחיד
 1. *And*: any location unfit for an עירוב is nonetheless fit for a מבוי מבוּי except for the space of a מבוי
 - a) *Challenge*: both of these rulings are implicit in our משנה
 - b) *Justification*: בית שער דיחיד (1st clause) and אויר מבוי (2nd clause) needed
 2. *Support*: ברייתא lists our "invalid" locations as valid for עירוב
 - a) *Correction*: must mean "שיתוף"
 - b) *Challenge*: it listed חצר ומבוי –but a שיתוף can't be guarded in a מבוי
 - c) *Must mean*: מבוי of חצר
 - ii. *שמואל*: if people were eating as שבת begins, the bread on the table is considered a valid עירוב
 1. *Alternate reading*: it counts as valid שיתוף
 2. *Resolution* (רבה): if they were eating in a house – valid ע"ח; if in the חצר – it's a valid ש"מ
 3. *Support* (אב"י): after correcting ברייתא – ע"ח are in a house in חצר; ש"מ in a חצר of the מבוי
 - iii. *Example of ב' בעה"ב*: story of בונייס, who was so rich he would keep his things in all of his rental properties
 1. *Tangential story*: his son came to רבי, who honored the wealthy per דרשה on v. 1 – only if they use it for חסד
 2. *Note*: the vessels must be בטלולים אסורים to establish his presence and remove שוכר from consideration as דייר
- II. משנה ה': the effect of a co-resident who leaves for שבת
- a. *ד"מ*: even a non-ישראלי is still a resident and affects his neighbors
 - b. *ד' יהודה*: even a ישראלי is considered a non-resident and no longer affects his neighbors
 - c. *ד' יוסי*: non-Jew may return on שבת → אוסר → שבת; ישראלי won't return on שבת → considered non-resident
 - d. *ד"ש*: even if he went to שבת with his daughter in the same town, he's a non-resident
 - i. *דב*: we rule in accord with ר"ש
 - ii. *Caveat*: only if he goes to his daughter; if he goes to his son, may have fight with his daughter-in-law and leave
- III. משנה ו': a cistern straddling 2 adjoining courtyards (part in each) – neither חצר may draw water without a proper מחיצה
- a. *ד"ק*: whether from ground down or within lip-space
 - b. *ב"ש/ב"ה*: this is a dispute
 - i. *ב"ש*: must be "below"
 - ii. *ב"ה*: must be "above"
 1. *דב הונא*: "below" and "above" are literal – i.e. from water line up/from ground down
 2. *דב יהודה*: "below" and "above" are below and above water line
 - a) "above": starting above water line but dipping into water
 - b) "below": inside water, with top sticking out
 - c) *Challenge*: if he's concerned about water mixing below מחיצה
 - i. *Then*: how can a נטר ד"ט-wide נטר permit carrying when over water – pail may come in from outside
 - ii. *Defense*: a pail can't move more than ד"ט laterally
 - iii. *Block*: nonetheless, the waters mix underneath the board
 - iv. *Answer*: חכמים were lenient concerning a "hanging מחיצה" over water
 1. *Therefore*: רב יהודה's approach is rejected; we understand ב"ש וב"ה in accord with הונא
 - c. *ד' יהודה*: disagrees with fundamental ruling – the wall between the חצרות is no worse than a מחיצה (→ כותל suffices)

IV. Analysis of יהודה ר' allowance of the divider to suffice

- a. *יוחנן ד' יהודה ר'* adopts יוסי ר' approach, allowing a hovering מחיצה even over dry land
- i. *Source:* זסוכה א:ט - יוסי ר' permits a wall of a סוכה that is י"ט, regardless of how far off the ground
 - ii. *Rejection:* perhaps יוסי ר' only applied גוד אחית regarding סוכה – which is an איסור עשה
 1. *And:* perhaps יהודה ר' only applied גוד אחית to עירוב חצירות, which is דרבנן
 2. *Challenge:* (since יוסי ר' was the authority in ציפורי, where this story took place:)
 - a) *Story:* they forgot to bring ס"ת ביהכ"נ before שבת
 - b) *Solution:* they hung sheets over poles aligning the חצר ביהכ"נ
 - i. *Note:* they didn't hand them (ביונה אהל עראי); rather, found sheets already hanging
 - c) *And:* the sheets covered י"ט vertically but were over ג"ט off the ground
 - d) *Then:* they carried the ס"ת through the חצר to the ביהכ"נ
 3. *Answer:* ר' ישמעאל ב"ר יוסי (who accepted יהודה ר' opinion) had already taken over as רב of ציפורי
- b. *דבה ד' יהודה ר'* and ר' חנניא בן עקביא have common approach
- i. *ד' יהודה ר':* his ruling here (מחיצה תלויה מתרת)
 - ii. *ד' רחב"ע:* a balcony which is 4*4 אמות and is over water
 1. *He may:* carve out a hole 4*4 טפחים in floor and draw water through
 - a) *Rationale:* we imagine 10 טפחים on each side to be bent down ("כוף וגוד")
 - i. *And:* 4 אמות=24 טפחים → there are 10 on each side of the hold, plus the 4 of the hole
 2. *Rejection:* perhaps יהודה ר' only accepts גוד אחית; but not כוף (bend) and גוד
 - a) *And:* perhaps רחב"ע only applies his principle around the כנרת which is bounded by piers and houses
 3. *אב"י:* applications of רחב"ע's ruling:
 - a) *If:* if the balcony is within ג' טפחים of the wall, only need balcony to be 4*2[+] אמות (=24*11[+] טפחים)
 - i. *Rationale:* only need 10 טפחים on outer side; wall serves as other מחיצה
 - b) *If:* the board is vertical, only needs to be 10*6[++]
 - i. *Rationale:* if it is ד"ט from the wall, need 1[+] on each side for לבוד and ד"ט for width (→6[++]
 - c) *If:* the board is on a corner, only needs to be 10*2[++]
 - i. *Rationale:* it is לבוד to 1 side, needs only 1[+] טפח, needs another 1[+] to get within ג"ט of other wall
 - d) *If so:* which scenario necessitates the 24² of his original ruling?
 - i. *Answer:* a pier or freestanding riser