

3.9.3

91a (לא מינטרי) → 92a (ר' שמעון אומר)

- I. extent of ר'ס ruling in משנה – that all roofs, courtyards and open yards are a single רשות
- a. ר"ש follows הלכה.
 - b. דב. only if the houses and courtyards are *not* מערב together
 - i. *If they are*: concern that someone will take from house → courtyard → courtyard
 - c. ר"ש regardless – even if they made an עירוב together, we still rule like ר' שמעון אומר יוחנן.
 - i. *Challenge* (ר"ח): concern that people will be confused by 2 כלים, both in same חצר – 1 מותר and the other אסור
 - ii. *Answer*: follows ר"ש, who doesn't have such a concern
 1. *Per*: his position in ד:ו, above, in case of חצרות ABC; with עירובין from AB and BC
 - a) *And*: he allows carrying AB and BC, without concern that vessels of A will go to C
 - iii. *Challenge*: from our משנה – ר"ש's wording is בחצר כלים ששבתו
 1. *Must be*: that there is an עירוב – else how do "house-vessels" get into חצר
 2. *Answer*: could be handkerchiefs etc. that were worn outside and then left there
 - iv. *Support for דב*: ח:ג (above) – מרפסת and חצר may carry to each other – only if there is *no* עירוב between them
 1. *Block*: that follows רבנן (*contra* ר"ש – no mention of קרפף among permitted areas)
 - v. *Support for דב*: ברייתא – if 5 חצרות open to each other and 1 of them opens into מבוי
 1. *Without עירוב*: they may carry from חצר to חצר (ר"ש allows carrying to מבוי וקרפף also, only if there is no עירוב)
 2. *Block*: שיתוף עירוב here really refers to
 3. *Block2*: ר"ש is speaking לשיטת חכמים – but he would allow carrying even if there were an עירוב
 - d. *Tangent*: may not carry within מבוי (from previous ברייתא)
 - i. *Proposal*: this supports רב who only allows carrying ד"א in מבוי without שיתוף
 - ii. *Block*: read אסור to carry מבוי
 1. *Justification*: to preempt the possibility that רבנן agree with ר"ש if there is no עירוב
 - e. *Challenge*: to ר'ס ruling like ר"ש יוחנן
 - i. משנה ז:ד (unattributed) rules that we may not bring fruit down from/up to wall between חצרות (if ד"ט wide)
 - ii. סתם משנה ד' יוחנן always follows
 - iii. *Defense*: taking "down" in משנה means down to houses (but to חצר is permitted)
 1. *Note*: this is contrary to ר'ס understanding of the ruling
- II. Related מימרא – dispute ר' הונא/חייא בר רב regarding carrying in 2 חצרות separated by חורבה
- a. *If*: only one of the חצרות made an עירוב, ר"ה rules that the חורבה "belongs" to חצר that didn't make the עירוב
 - i. *Concern*: that he'll take from house → חורבה
 1. חייא בר רב (*version1*): belongs to both (→ both אסור)
 - a) *Rationale*: both can't be permitted; else, we could attach a non-מעורב to a מעורב
 - b) *Block*: could still be מותר – we make the following distinction
 - i. *In the case*: of 2 adjacent חצרות, חורבה כללית will be protected in חצר and he may carry בית חצר → חצר → חצר
 - ii. *But in case of חורבה*: חורבה כללית won't be safe in חורבה; he won't carry בית חצר → חצר → חורבה
 2. חייא בר רב (*version2*): "belongs" to both (→ both מותר)
 - a) *Rationale*: unlike a חצר w/o עירוב adjacent to one with an עירוב; distinction:
 - i. *In the case*: of 2 adjacent חצרות, חורבה כללית will be protected in חצר and he may carry בית חצר → חצר → חצר
 - ii. *But in case of חורבה*: חורבה כללית won't be safe there; he won't carry בית חצר → חצר → חורבה