

3.9.5

94a (משנה ב) → 95a (סוף הפרק)

I. 2. רה"ר courtyard opened fully up to משנה ב2

a. א"א, status is that of רה"ר (→ if someone throws from רה"ר to there – חייב)

i. Per: his own ruling (in re: הלכות שכנים) – if the public "claims" a path, it becomes רה"ר

ii. Challenge: that is only if there had originally been a דרך הרבים there

1. Defense: perhaps our case is also one where there used to be a public path there

a) Block: if so, why did ר' חנינא report that the dispute was only up to the place of the wall?

b) Response: perhaps he meant "על מקום המחיצה" – i.e. the dispute is only about that place

iii. Alternate explanation: dispute is about צדי רה"ר – dispute here to show position of רבנן

1. That: even without fencing, still not considered רה"ר

a) Challenge: ר"א states "מתוכה" – i.e. from within the חצר (not just the edge)

b) Answer: parallel construction – רבנן said "מתוכה"

i. Question: why did רבנן use the term "מתוכה"?

ii. Answer: their argument to ר"א: since from within the חצר he is פטור; similarly from the edge

iii. Block: the רבים use the edge as a thoroughfare (not the middle)

b. חכמים status is כרמלית (→ exempt for bringing from either רה"ר OR רה"י to חצר)

II. משנה ג' breakdown of מחיצות on שבת; dispute יהודה' יוסי' ר' as to their status on that שבת

a. ד' יהודה permissible for that שבת only

b. ד' יוסי should be consistent; since it is אסור for the next שבת → אסור for this שבת as well

i. Case1: if a חצר is fully breached on both sides to רה"ר

1. question: if breach is <10 אמות, not a breach (even on both sides); if greater – even on one side

2. ד' was less than 10 – but on corner of חצר, where entryways aren't placed

ii. Case2: if a house is fully breached on both sides

1. Question: why not extend תקרה פי to the 2nd side?

2. ד' breach is on corner and roof is angled with corner

3. שמואל: in both cases, breach is greater than 10; חצר is נפרץ even from one side; "2 sides" due to בית

a) Challenge: why does בית require 2 sides open?

i. Challenge: שמואל (in re: אכסדרה) doesn't allow for פי תקרה – why is even 1 side מותר

ii. Answer: שמואל does accept פי תקרה if there are only 3 open walls, not 4

b) Answer: breach in corner; roof missing to ד"ט and breach jagged → 4 corners need coverage

i. שמואל reads it this way b/c משנה doesn't say "נפרץ באלכסון"

ii. ד' must be read this way, else it is just an אכסדרה (which, for him, is מותר)

iii. Case3: a מבי' s וקורה לחי were taken away (::fell down) on שבת

III. Tangential mention of dispute between רב ושמואל re: אכסדרה: רב permits (פי תקרה יורד וסותם); שמואל prohibits (ל"א פי תקרה)

a. Version1: dispute only if breach is >10; if <10, all agree that it is permitted

b. Version2: dispute only if <10; >10 agree that it is prohibited

i. Related ruling of יהודה ד' ד' ט wide makes a חורבה permitted (per v1 – space <10, all agree; per v2 – כרב –

1. Proposal: this dispute is aligned with אבי/רבא re: אכסדרה with poles for סוכה

2. Rejection: all agree that שמואל forbids there; only according to רב is there room for dispute

a) Alignment: אבי – permits like רב; רבא – רב only allowed b/c poles were made for אכסדרה – not for סוכה

IV. Final ruling – ר' חייא בר יוסף – ר' rules like יוסי; ר' שמואל rules like יהודה (permitted on that שבת)

a. Challenge (to שמואל): from his distinction between always following יהודה in ר' עירובין except for fallen מחיצות

b. Answer: if it opened up to רה"ר, he forbids; if כרמלית, he permits

V. משנה ד' carrying underneath overpass/building/bridge

a. ד' יהודה permitted – similarly, carrying in a מפולש

i. ד' cannot infer from here that יהודה ר' holds דאורייתא שתי מחיצות דאורייתא – his reason is וסותם פי תקרה יורד

1. proof (that it is פי תקרה) from juxtaposition of carrying under overpass and making עירוב in מפולש

2. But: can infer it from ברייתא re: 2 houses on opposite sides of רה"ר

b. חכמים: both prohibited