

## 22.1.11

11a (משנה ר') → 12a (זימנן דדחקי בני רה"ר ועיילי טובא)

- I מְשֻׁנָּה ר' circumstances when separation of joing property can be coerced
- a חצר: if each member has ד"א (after the split)
- i ר' יוחנן – besides ד"א for each doorway
- 1 הונא ר': a חצר is divided based on its openings (A has 2 openings, he gets twice as much as B, with one)
- 2 ר"ח: each opening gets ד"א, and the rest is split equally (supporting ברייתא)
- (a) Note: ברייתא gives example of one with an 8-wide doorway; he gets 8 wide and 4 "in the חצר" –?
- (i) Meaning: he gets 8-wide X 4-deep (into the חצר)
- b Field: 9 קבין to each
- i Dissent: ר' יהודה – 4.5 קבין for each
- c Garden: ½ קב for each
- i Dissent: ר"ע – ¼ קב for each
- d Similarly: houses, dove-cotes, garments, bathhouse, olive-press, field – unless each partner will receive a utile portion
- i Rule: if it is split and maintains its name – may be split
- ii Caveat: this limitation only holds if one partner doesn't want to split;
- 1 But: if both agree to split, they may separate even if it is smaller
- iii Limitation: under no circumstances, even if they both agree, may they split כתבי הקדש
- II Additional rulings and applications:
- a אמימר: a food-pit (used for drying fruit) "earns" another ד"א on each side
- i Caveat: only if it isn't next to the opening, in which case the ד"א of the door are the access point
- b הונא ר': a portico gets no ד"א - since the owner can go inside and unload his pack (no need for ד"א outside for unloading)
- i Challenge: ruling that אכסדראות get ד"א
- ii Answer: that's in re: אכסדרה דבי רב (which has walls all around)
- 1 Challenge: that obviously needs ד"א
- 2 Rather: it is in re: אכסדרה רומייתא (low walls)
- c ברייתא: a gate house, portico and porch have ד"א
- i However: if five houses opened up into one porch, there's only ד"א
- ii Question (ר' ינאי ר' יוחנן): does a chicken coop get ד"א
- 1 Answer: no need, the owner (or, the chickens) can climb up (to feed)
- iii Question (ר"י ר' אבא): if a house is half-roofed, does it require ד"א?
- 1 Answer: even if the roof is towards the outside; he can still go in and unload his pack
- III Queries about rights of member of מְבוּי:
- a May a: member of the מְבוּי turn his doorway towards another מְבוּי against wishes of his neighbors in the מְבוּי?
- i Answer: no
- b Bivouac: is divided by people in house or doorways?
- i Answer: by people - supporting ברייתא; זבל is divided by פתחים, אכסניא, פתחים by people
- c הונא ר': a member of the מְבוּי who wants to build in his doorway (making it unusable) – may be stopped by neighbors
- i Reason: he causes them to have to go around, lengthening their route
- ii Challenge: ruling that embedded חצרות only have use of their own courtyard and others further out
- iii Answer: it is a מח' תנאים, as per reconstruction of ברייתא (רבי vs. רשב"א)
- 1 Note: in that ברייתא, ruling that if the מְבוּי was walled in, one may open up against will of neighbors
- (a) דבא: only if the opening wasn't fully sealed; if it was, they may prevent him from opening it
- (b) קבר: support from ברייתא; if a house is fully sealed, it doesn't get ד"א and טומאה radiates (as קבר)
- (i) But: if it is only sealed, without "erasing" the doorway – gets ד"א and טומאה doesn't radiate
- d ד' יוחנן: alleys that open to another city may not be sealed off without permission of other city
- i Even if: there is another way to get from the מְבוּי to that city, since it is considered בו רבים, since it is considered מוצר שהחזיקו בו רבים
- e שמואל: members of a מְבוּי who opens to רה"ר may be prevented – by the public – from putting doors there
- i Assumption: only if doors are within ד"א of רה"ר, as per ר"נ ר"א (רה"ר next to רה"ר are like רה"ר)
- ii Rejection: that's only a ruling within context of טומאה; here, the רבים sometimes push ahead and go in