

1 רבי חנינא בר יוסף ורבי חייא בר אבא ורבי אסי איקלעו לההוא פונדק –
Three אמוראים went to an inn where only Jews were staying,
and then the non-Jewish owner of the inn came home on שבת.



אמרו מהו למיגר מיניה – Is it permissible to rent the rights of the non-Jew on שבת?

- שוכר כמערב דמי

Is renting like making an עירוב, which cannot be done on שבת?

OR-

- שוכר כמבטל רשות דמי

Renting is like ביטול רשות - relinquishing one's rights, which can be done on שבת?

They decided to rely on the senior among them, רבי חנינא - who was of the opinion that they can rent from the non-Jew on שבת.

ר' יוחנן later confirmed this decision, and said; יפה עשיתם ששכרתם

You were correct in renting on שבת.

The גמרא asks that elsewhere יוחנן taught; ר' taught; ד' renting follows the same rules as making an שבת starts? שבת starts?

The גמרא answers, as Rashi explains, based on the principle of

- כל בעירובין להקל

ר' יוחגן did not mean to compare it

- to rule stringently, that renting cannot be done on שבת.











- Rather he meant to compare it in 3 other ways which will result in leniencies.
 - בפחות משוה פרוטה -1-

Both the שירוב and the שכירות can be done with less than a פרוטה.

-2- אפילו שכירו ולקיטו

Both the שכירות and the שכירות can be done through a Jewish employee or farmhand.

- -3- אחד מערב על ידי כולן -just like a group joined in an עירוב מירוב על ידי כולן -just like a group joined in an אירוב מאר one representative then join them with a neighboring אחצר, so too, when renting the rights of a non-Jew, one can do it on behalf of the others.
- In the above mentioned incident, יוחנו, also paskened that in order to allow carrying in the חצר, in addition to renting the חשבת of the non-Jew on שבת, the Jewish residents must all be מבטל רשות to one person.

תהי בה ר' אלעזר – R' Elazar questioned this פסק. בסק explains; Because it is inconsistent with the criteria of שמואל taught by his Rebbe שמואל.



The Gemara will conclude that it is indeed a Machlokes מרי יוחנן and יוחנן.

As Rashi explains here, and on דף ס"ז ע"א; Shmuel holds; The Chachamim only allowed ביטול רשות where BOTH of the following conditions are met.

- -a- They could have made an עירוב. And now that they did not
- -b- They were restricted from the onset of שבת.

The Gemara there also says; That R' Yochanan holds that only one - either one - of these conditions suffices to utilize ביטול רשות.









7 Shmuel categorizes 3 types of scenarios.

- כל מקום שאוסרין ומערבין, מבטלין -1 In a scenario of שתי חצירות זו לפנים מזו –

Two חצירות, one behind the other, where the residents of the inner אבר restrict the residents of the outer אבר הצר והאבר from using the אבר because of their דריסת הרגל - their right to pass through, AND they could have joined the outer אירוב in an אירוב והאבר to the residents of the outer אבר השבר, because this scenario meets both criteria.

The outer residents will now be able to carry in their חצר.

- מערבין ואין אוסרין, אין מבטלין , In a scenario of שתי חצירות ופתח אחד ביניהן -

Two חצירות, which have their separate exits, plus a doorway between them -

They could have joined in one עירוב, but would not restrict each other without a joint עירוב. They can each carry in their respective חצירות based on their separate עירובין.

They cannot be מבטל רשות to each other, to allow carrying from one חצר to the other, because they are each not restricted within their own חצר.

The Gemara will later point out that ר' יוחנן disagrees with שמואל in this scenario, because one condition exists - that of עירוב - they could have made a joint - מערביץ.

אוסרין ואין מערבין, אין מבטלין -3- –

This must be referring to the case of דאתא בשבתא -

Where the non-Jew arrived on שבת.

The Jews restrict each other, and could not have made a valid עירוב before שבת before.

Therefore, they cannot be מבטל רשות either, since only one condition exists - that of אוסרין - they restrict each other. However, מבטל רשות Paskened that they can be שבת when the non-Jew arrived on שבת!









Review



As mentioned before, יוחנן also disagrees with שמואל in the second scenario of

הד ביניהן שתי שתי - which ביניהן expressed as follows:

- אמר שמואל אין ביטול רשות מחצר לחצר

The 2 חצירות cannot be מבטל רשות to each other

- ר' יוחנן אמר יש ביטול רשות מחצר לחצר

They can be מבטל רשות to each other.



11 Similarly, רב יוסף taught regarding a חורבה - a house in ruins, situated between two inhabited houses. Since both homeowners can use it, it is considered a common חצר, and they both may not carry there without עירוב חצירות. If they did not make an עירובי חצירות. If they did not make an אירובה חצירות. - אמר שמואל אין ביטול רשות בחורבה

One cannot be מבטל רשות to the other on שבת, so that at least one of them may carry there, because the Chachamim only allowed ביטול רשות in חצירות, which people need, and are accustomed to use.

- ר' יוחנן אמר יש ביטול רשות בחורבה

They CAN be מבטל רשות to each other.

ר' יוחנן holds that the Chachamim did not restrict the use of to this extent.

The Gemara continues: אביי agrees with רב יוסף 's understanding of שכוואל's statement 's statement '- אין ביטול רשות מחצר לחצר - That it's referring to

הארי ביניהן ביניהן - Two מבירות ופתח אחד ביניהן side by side. They cannot be מבטל רשות to each other, because

אין אוסרין - they do not restrict each other within their respective חצירות. However, שתי חצירות זו לפנים מזו - שתי חצירות one behind the other,

חצר - מתוך שאוסרין מבטלין - Since the residents of the inner חצר restrict the residents of the outer חצר, they can be מבטל רשות to the residents of the outer חצר.

רבא אמר אפילו שתי חצירות זו לפנים מזו פעמים מבטלין ופעמים אין - Rava says; even in this case, sometimes they can be מבטל רשות. Rashi adds; מבטל רשות - Even though they restrict the outer אין ביטול רשות, and both conditions are met. Rava understands אין ביטול רשות simply - we cannot be מבטל רשות from one חצר מחצר לחצר מחצר לחצר שנות מבטל רשות מבטל רשות מבטל רשות מבטל רשות מבטל רשות חצר.

The various scenarios are discussed in detail on דף ע"ה, the primary source of this topic.







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