

Moreover, said ר"י

יתר על כן אמר רבי יהודה –

## OVERVIEW

The גמרא stated that when the ברייתא said 'זו היא רה"י גמורה', its intent is to reject the view of ר' יהודה, who maintains that even two מחיצות are a רה"י (מדאורייתא). The ברייתא requires four (three) מחיצות (even דאורייתא).

Some concepts and terms pertaining to this תוספות:

פי תקרה יורד וסותם – literally “The edge of the beam descends and seals”, meaning that in many instances, we consider that the edge of the beam (which is raised [at least ten טפחים] from the ground) extends downwards, and it creates a wall or מחיצה, even though in reality there is no wall there.

מבוי – a (side) street. In a מבוי מפולש, the area of the מבוי is delineated by three partitions, on three sides, which separate the מבוי from the חצירות, which are on all three sides of the מבוי on the other sides of the partitions. Each חצר usually has a door or opening in this partition, by which the people of the חצר enter the מבוי, and subsequently go from the מבוי into the רה"ר, which is on the fourth and open side of the מבוי (similar to a cul-de-sac or a dead end street). According to most opinions, this מבוי מפולש is a רה"י, because it has three adjacent מחיצות. Nevertheless, since on the fourth side, the מבוי is completely exposed to a רה"ר, the חכמים forbade one to carry in the מבוי, unless a לחי or a קורה is placed at the entrance to the מבוי from the רה"ר, to clearly delineate the boundary between the מבוי and the רה"ר.<sup>1</sup> In addition, in order to be able to carry in a מבוי, if there is more than one חצר opening into the מבוי, the various חצרות that open into the מבוי must make an עירוב, called מובאות, in which they combine some of their food for שבת, and place it in one of the חצרות.

מבוי המפולש – is an open ended מבוי on two parallel sides, where it is exposed to a רה"ר (similar to our streets).

מבוי (והצר) – literally mixing or pooling. This term - in regards to a מבוי - refers, usually, to the pooling of food for שבת from the residents of the חצרות which open into the מבוי, to permit carrying in the מבוי (והצר). This is a

<sup>1</sup> The לחי is placed (vertically) on the side of (one of) the מבוי walls which open to the רה"ר. The קורה is placed (horizontally) on top of the two מבוי walls adjacent to the רה"ר.

requirement מדרבנן, that even in a valid רה"י, since there are different residents, who own separate domains, it is necessary to have them join together, otherwise the חצר or מבוי may be mistaken for a רה"ר.

צורת הפתח – literally “the shape of a door”, refers to one option of making a מחיצה, by placing two upright poles at a distance from each other, and placing a third pole, on top of them, which gives it the appearance of a doorway<sup>2</sup>.

A side post (placed vertically); beam (placed horizontally) at the entrance to the מבוי. Either a לחי or a קורה is placed by the entrance to a מבוי to delineate the separation between the מבוי and the רה"ר. The consensus of opinions is that a לחי וקורה serve only as a demarcation point. There is a minority opinion that a לחי וקורה may serve as a מחיצה.

-----

**הכי מיתניה בתוספתא פרק ז' דעירובין<sup>3</sup> –**

**This is how this ברייתא reads in the תוספתא of עירובין פרק ז':**

**אחד חלון שבין ב' חצירות ואחד חלון שבין ב' בתים כולי<sup>4</sup> –**

**Whether it is a window that is in the wall between two courtyards, or whether it is a window that is in the wall between two houses, etc.**

**וגשרים ונפשות ורשות הרבים מקורה מטלטלין תחתיו בשבת דברי רבי יהודה –**

**And bridges and mausoleums and a covered רה"ר, in all of the above the ד' underneath the one may carry even more than אמות is that the aforementioned places, on שבת. This is the opinion of ר"י, who maintains that underneath any area which is covered (even a רה"ר), that area is considered a רה"י, and we are permitted to carry underneath that entire area even more than ד"א.**

**יתר על כן אמר רבי יהודה כולי –**

**Moreover said ר"י, etc., he then continues with the case in our גמרא of שני בתים וכו'.**

**פירוש יתר על כן בשני בתים משני צדי רשות הרבים –**

**The meaning of the term ‘moreover’ refers to the case of two houses on**

<sup>2</sup> According to שו"ע אדמה"ז סי' שס"ב סי"ט when making, what is commonly called an עירוב (in camps etc.) by utilizing this idea of הפתח, it is *preferred* that the distance between the two upright poles be no greater than ten אמות (about 15 feet).

<sup>3</sup> ה"ט.

<sup>4</sup> It seems that this part of the תוספתא is referencing ה"ה regarding whether two adjoining בתים, חצרות, etc. are required to make a joint עירוב or a separate עירוב. It is not relevant to our discussion here. See מראה כהן who deletes this line (from אחד until כולי).

**two opposite sides of a רה"ר**. Tosfos explains that we refer to this case as 'moreover'; because there is a bigger חידוש, in this case than in the previous cases mentioned in the תוספתא; The חידוש is -

**אף על גב דליכא למימר פי תקרה יורד וסותם –**

**Even though** here in the case of שני בתים, **we cannot apply** the rule of “**the edge of the roof descends and seals**”, because in the case of שני בתים there is no roof on the רה"ר, as opposed to the cases mentioned previously -

**כמו בגשרים ונפשות ורשות הרבים מקורה דרישא אפילו הכי נושא ונותן באמצע –**  
**like bridges and mausoleums and a covered רה"ר** that is mentioned in the רישא of the תוספתא, where the domain in question is covered, and therefore the principle of פי תקרה וכו' applies, and therefore you may carry there because since we say פי תקרה יורד וסותם it is as if there are actual walls extending downwards from the roof, so it is considered a רה"י. Here however by שני בתים וכו' there is no covering roof; **nevertheless he may carry** objects more than ד"א **and place them down** in the street **between** the two houses. The reason for this is –

**דקסבר רבי יהודה ב' מחיצות דאורייתא כדאמרן בפרק כל גגות**<sup>5</sup> (עירובין צה,א) –  
**because ר"י maintains that two partitions** are sufficient to render a domain the status of a **רה"י מדאורייתא**, as the גמרא **states in גגות כל גגות**. This concludes the explanation of 'יתר על כן', which is mentioned in the ברייתא.

Tosfos asks:

**ואם תאמר אמאי לא מייתי הכא מתניתין**<sup>6</sup> **דכל גגות** (עירובין צה,א) –  
**And if you will say; why does not the גמרא cite here the משנה of כל פרק**  
**כל גגות –**

**דקתני התם ועוד אמר רבי יהודה מערבין למבוי המפולש –**  
**For the משנה stated there, 'and moreover says ר"י that it is permissible to make an עירוב**<sup>7</sup> **even in a מבוי which is open at both ends to a רה"ר.** We see from here that even though the מבוי has only two parallel walls, for the other two walls are completely open to the רה"ר; nevertheless it is still a רה"י. The question is; why

<sup>5</sup> In the גמרא there both רבה and אבוי agree that from our ברייתא of יתר ע"כ וכו' we can infer that ר"י maintains ב' מחיצות דאורייתא.

<sup>6</sup> It is always preferable to quote a משנה instead of a ברייתא, because the משניות were more universally known and accepted than the תוספתא.

<sup>7</sup> Tosfos assumes that by the term מערבין we refer to the act of pooling the שבת food, to accommodate this rabbinic requirement. It seemingly has nothing to do with adding מחיצות. See 'Overview'.

do we need to prove from the ברייתא that ר"י maintains that two walls form a רה"י, מדאורייתא, when there is a clear משנה, in which ר"י seemingly says the same thing.

answers: תוספות

**ויש לומר דמתניתין איכא לפרושי דמערבין בצורת הפתח וקסבר ג' מחיצות דאורייתא**  
**And one can say; that we can interpret the משנה**, that says you can make  
 an עירוב במבוי המפולש, **that he is making the עירוב** (in addition to the שיתופי  
 by erecting a “door frame”<sup>8</sup>, in one of the exposed sides, so there  
 are now three partitions<sup>9</sup>; the two parallel side partitions of the מבוי, and the  
 third partition which is formed by the צורת הפתח **and he would maintain**  
 according to this interpretation of the משנה, that **three partitions** form a רה"י  
 דאורייתא, but we would not know that he maintains that even two partitions are a רה"י  
 דאורייתא, therefore the גמרא prefers to quote the ברייתא, where there is no third partition<sup>10</sup>,  
 and still ר"י maintains that it is a דאורייתא רה"י with only two partitions.

offers an alternate explanation<sup>11</sup> to the previous question: תוספות

**אי נמי הוא אמינא דמתניתין איירי במבוי המפולש לרשות הרבים –**  
**Or you may also say the reason the גמרא chooses to quote the ברייתא instead**  
**of the משנה, is because, I may think that the משנה may be discussing a**  
**רה"ר which is exposed on both ends to the רה"ר –**

**אבל אין רשות הרבים עוברת לתוכה –**  
**However the רה"ר itself does not pass through the מבוי<sup>12</sup> –**  
**להכי מייתי הברייתא דיתר על כן דאפילו רשות הרבים (גמורה) עוברת בה –**  
**Therefore the גמרא quotes the ברייתא of "יתר על כן" that even if a רה"ר**  
**(גמורה) passes through between these two houses, nevertheless –**  
**מטלטלין על ידי לחי וקורה משום דשתי מחיצות דאורייתא –**

<sup>8</sup> Even though the term מערבין (usually) refers to the pooling of שבת food, not to the erecting of מחיצות, nevertheless, since a regular עירוב permits us to carry in the מבוי, and erecting this צורת הפתח also enables us to carry in this מבוי, we may use the term מערבין to include erecting a צורת הפתח as well.

<sup>9</sup> The חכמים, who argue with ר"י in that משנה, will maintain (according to this interpretation) that a צורת הפתח is not a valid מחיצה if the מבוי is פרוץ לרה"ר. See עירובין ו,ב.

<sup>10</sup> He is just placing a לחי וקורה at both ends (which is merely a היכר), but not constructing a צורת הפתח.

<sup>11</sup> See “Thinking it over” # 3.

<sup>12</sup> Therefore that מבוי המפולש may not have the status of a רה"ר, and it is a מדאורייתא מקום פטור, and the איסור להי וקורה would be only מדרבנן, therefore only there does ר"י maintain that two מחיצות with a לחי וקורה may remove this מדרבנן איסור מן המפולש, but not necessarily does it become a רה"י. We cannot therefore derive that our ברייתא excludes this case, for our ברייתא intends to exclude only another type of רה"י. See ‘Appendix’ (and footnote # 26).

**One may carry more than ד"א, in this area by just erecting a להי וקורה because ר"י maintains that two partitions מדאורייתא to render a domain (even a רה"ר) the status of a רה"י<sup>13</sup>.**

responds to an anticipated question; how can we say that even if a רה"ר, which is sixteen אמות wide<sup>14</sup>, passes between the houses, it can be made into a רה"י.

**ואף על גב דבפרק קמא דעירובין (דף י,א) אמתניתין דהרחב מי' אמות ימעט –**

**And even though we have learnt in the first פרק of עירובין concerning the מבוי there, which states that if the opening of the מפולש to the רה"ר is wider than ten אמות, he should decrease the width of the opening, until it is no more than ten אמות ר"י. אמתניתין disagrees with the תנא קמא there and maintains that even if the opening is more than ten אמות it is not necessary to decrease the size of the opening. Concerning this statement of ר"י –**

**משמע<sup>15</sup> דלכל היותר לא התיר רבי יהודה אלא עד י"ג אמה ושליש –**

**it seems from the גמרא that even though ר"י allows the opening of the מבוי to be larger than ten אמות, nevertheless, the greatest width that ר"י permitted was only up to thirteen and a third<sup>16</sup> אמה, so how did תוספות say previously that the ברייתא teaches us that ר"י maintains that even a רה"ר, which by definition is a minimum of sixteen אמות wide, can be transformed into a רה"י when there are two partitions, when from the גמרא in עירובין we know that the opening of the מבוי cannot be greater than thirteen and a third אמה, for it to be a proper רה"י .**

answers:

**היינו מדרבנן –**

**This stipulation that one cannot transform a מבוי into a רה"י if the opening is greater than thirteen and a third אמות is only a rabbinic decree<sup>17</sup> -**

<sup>13</sup> The להי וקורה are needed just to delineate the boundary between the רה"י and the רה"ר. See 'Overview'.

<sup>14</sup> See שבת דף צט,א that the width of the עגלות that carried the קרשים plus one אמה in between the עגלות took up a width of sixteen אמות.

<sup>15</sup> [From the גמרא there it seems that this is inconclusive.]

<sup>16</sup> See גמרא ו,ב (see our פסי ביראות) that the space between the עירובין דף י,א, which is the space needed for two teams of four oxen each, to pass through; the width of each ox being one and two-third אמה.

<sup>17</sup> This does not contradict what we are saying here that ר"י permits carrying in this רה"ר bounded by two houses even מדרבנן, because as תוספות explains in וי תימא that we are discussing a רה"ר which is sixteen אמות wide in its entire length, however when it passes between these two houses it narrows down to thirteen and a third אמות. Had there been no houses in this narrow section, it would have retained its status as a full רה"ר, regardless of its width, however since it is bordered by two partitions, the two houses, it is a דאורייתא רה"י, and with the להי וקורה one is permitted to carry there even מדרבנן. See לשון הזהב.

**אבל מדאורייתא אפילו ברוחב י"ו אמות מטלטלין דאית ליה ב' מחיצות דאורייתא -**  
**However, מדאורייתא even if the opening is sixteen אמות wide we may carry**  
**more than א"ד, if there are two מחיצות because ר"י maintains that even two**  
**partitions are sufficient מדאורייתא to make a רה"י, no matter what the width is.**

מבוי המפולש לרה"ר which may be discussing a משנה differentiated between the מבוי, however the רה"ר does not pass through the מבוי, while the ברייתא is discussing a case where a גמורה רה"ר passes through. תוספות supports his contention:

**דעל כרחק צריך לומר דרבי יהודה איירי ברשות הרבים גמורה שבוקעין שם רבים -**  
**For perforce we must say that ר"י is discussing the case where it is a רשות**  
**רשות in which many people traverse through it -**

**כדמוכח פרק קמא דעירובין (דף ו,ב ושם) גבי כיצד מערבין רשות הרבים ושם פירשתי -**  
**as is evident from we learnt in the first פרק of עירובין concerning the topic**  
**of how one can be מערב a רה"ר, and there<sup>18</sup> I explained this proof.**

תוספות poses an additional question:

**ואם תאמר הא מדקתני סיפא דמבואות המפולשין הוי רשות הרבים -**  
**And if you will say; since it states in the סיפא of this ברייתא of רשויות וכו' בר"י**  
**that streets that are open at both ends to a רה"ר are considered a רה"ר -**  
**שמעינן שפיר לאפוקי מדרבי יהודה -**

**We can quite rightly assume that the ברייתא rejects the view of ר"י -**  
**דלידיה מבואות המפולשות לא הוו רשות הרבים כיון דאיכא שתי מחיצות -**  
**For according to ר"י the מבואות המפולשות are not a רה"ר since there are**  
**the two partitions of the מבוי. The question then is; why is it necessary for the ברייתא**  
**to add the phrase הוי רה"ר to exclude the opinion of ר"י; by merely stating that מבואות**  
**המפולשות are a רה"ר, even though they have two מחיצות, the view of ר"י is naturally**  
**excluded.**

תוספות responds:

**ויש לומר דמסיפא לא הוה שמעינן לאפוקי מדרבי יהודה -**  
**And one can say; that from merely stating the סיפא of the ברייתא, that**  
**מבואות המפולשות are a רה"ר, that would have not been sufficient to teach us**

---

<sup>18</sup> The גמרא there states that you cannot be מערב this רה"ר of ר"י even if doors are placed on both ends, unless you close the doors of the מבוי at night; indicating that it is a גמורה, ועיי"ש רה"ר.

that the ברייתא rejects the view of ר"י, that one is permitted to carry between these two houses, for it could be that even our ברייתא agrees to the ruling of ר"י -

**דהוא אמינא טעמא דרבי יהודה משום דקסבר לחי וקורה משום מחיצה**<sup>19</sup> – **for I might think that the reason ר"י permits carrying between these two houses when a לחי וקורה are erected, is not because he maintains that two form a רה"י, but rather, because he maintains that by placing a לחי וקורה in this רה"י, it functions as a partition,** making this area completely surrounded by walls, the two real walls of the houses and the additional ‘walls’ of the לחי וקורה, and therefore one is permitted to carry there, and we do not know that our ברייתא rejects this view that לחי וקורה משום מחיצה, since our ברייתא, merely said that מבואות ברייתא would also agree to ר"י that you may carry there, because לחי וקורה משום מחיצה -

**דאיכא מאן דסבר הכי בפרק קמא דעירובין (דף טו,א) –**

**For there is someone who maintains this view that לחי וקורה משום מחיצה in the first פרק of עירובין,** therefore I might have thought that ר"י and indeed the ברייתא also maintain this view -

**להכי איצטריך למיתני זו היא רשות היחיד גמורה**<sup>20</sup> **למעוטי דרבי יהודה -**  
**Therefore it was necessary for the ברייתא to state this additional phrase “ זו היא רה"י גמורה”, to exclude the ruling of ר"י,** and therefore it is not permitted to carry between these two houses -

**דלא הוי רשות היחיד דלחי וקורה לא חשיב מחיצה –**

**Because that area is not a רה"י, for a לחי וקורה is not considered a מחיצה** and the two actual מחיצות cannot render it a רה"י.

## SUMMARY

ר"י maintains that we say פי תקרה יורד וסותם, even by two exposed opposite sides. There is no need in such a case for any סימן such as a לחי וקורה to permit טלטול ד"א.

ר"י maintains that שתי מחיצות דאורייתא even when a רה"י passes through in between these two מחיצות. By placing a לחי או קורה מכאן ומכאן one may be מטלטל ד"א אפילו מדרבנן, provided that the width between the two מחיצות does not exceed thirteen and a third אמות. However, מדאורייתא he may be מטלטל regardless of the width between these two מחיצות.

<sup>19</sup> See ‘Thinking it over’ # 1.

<sup>20</sup> See gloss from תוספות ישנים.

### **THINKING IT OVER**

1. How can we be certain that ר"י maintains שתי מחיצות דאורייתא, perhaps he holds that <sup>21</sup>לחי וקורה משום מחיצה, just as תוספות said that we cannot derive from the משנה of למבוי המפולש that מערבין means with a צורת הפתח (which is an unusual interpretation), similarly here too you may carry by <sup>22</sup>because ב' בתים is מחיצה לחי וקורה?

2. Does our ברייתא of ד' רשויות וכו' require ג' מחיצות or ד' מחיצות to create a רה"י?

3. Why are the relative strengths of the two תירוצים on first תוספות <sup>23</sup>קשיא?

### **APPENDIX**<sup>24</sup>

first question was; why does the גמרא quote the ברייתא of יתר על כן to prove that ר"י maintains שתי מחיצות דאורייתא, when the גמרא could have quoted the משנה of למבוי המפולש and that would have proved the same thing.

I gives two answers, that seemingly say in essence that from the משנה, I would not know that ר"י maintains שתי מחיצות דאורייתא, because: a) in the משנה he erected a צורת הפתח, so there are ג' מחיצות, or b) the למבוי המפולש of the משנה is not really a רה"י, and therefore it does not prove that ב' מחיצות דאורייתא even in a גמורה רה"י.

It seems that תוספות maintains that the גמרא is interested in proving that ר"י holds ב' מחיצות דאורייתא, and therefore the משנה is not sufficient.

However the plain reading of the גמרא indicates that we are interested, not so much in the view of ר"י, but rather, what does our ברייתא wish to exclude by saying גמורה רה"י. Therefore if the גמרא could have quoted the משנה,

---

<sup>21</sup> See footnote # 19.

<sup>22</sup> מתק שפתים.

<sup>23</sup> See footnote # 11.

<sup>24</sup> See footnote # 12



and said that *משנה*, of *ר"י* in the *דין* of *ר"י* comes to exclude the *זו היא רה"י* *גמורה*, meaning that our *ברייתא* disagrees with that *דין*, and our *ברייתא* maintains that *מערבין למבוי המפולש*, so **certainly** the *ברייתא* will disagree with the idea that *ב' מחיצות דאורייתא*, for if *ב' מחיצות דאורייתא*, then surely we can be *מערב למבוי המפולש*. The original question seems unanswered, why did not the *גמרא* quote the *משנה*.

Pertaining to the first answer of *תוספות*, that the *משנה* may be discussing a *גמרא*, so there are *ג' מחיצות*, we can perhaps understand that the *גמרא* cannot say that our *ברייתא* disagrees with the *משנה*, because most opinions agree that *ג' מחיצות מדאורייתא*.<sup>25</sup> Therefore the *ברייתא* may agree with the *משנה*. Concerning the second answer of *תוספות* however, that the *מבוי* of the *משנה* is not a *רה"ר*, that is not sufficient to explain why we cannot say that our *ברייתא* comes to exclude that such a *מבוי* cannot be made into a *רה"י* with two *מחיצות*, and **certainly** in the case of *יתר על כן* where it is a *גמורה רה"ר*, two *מחיצות* cannot render it a *רה"י*.

One possible explanation has been offered in footnote # 12.<sup>26</sup>

Another approach may be that the *גמרא* is looking for a clear *שיטה* concerning a *רה"י*, which our *ברייתא* will exclude. Since the *משנה* is not that clear, as evidenced by the various *אקימתות* of *תוספות וכו'*, therefore the *גמרא* chose the option of *יתר על כן*, where *ר"י* maintains clearly *ב' מחיצות דאורייתא*.<sup>27</sup>

Another difficulty:

*שתי* concludes that we know that the *תנא* of our *ברייתא* maintains that *מבואות המפולשין* are a *רה"ר*. The *מיעוט* of *לחי וקורה אינו חשוב מחיצה*, since he says that *זה היא רה"י גמורה*, because we may have thought that the reason of *ר"י* is because he maintains *משום* *לחי וקורה*. This seems to go against the entire thrust of *תוספות*, which was said in

<sup>25</sup> Even if the *ברייתא* would disagree with *ר"י*, but all would agree that it can be a *רה"י*; they would argue perhaps whether *מערבין* or not.

<sup>26</sup> The difficulty with this explanation is that the consensus (besides the *רמב"ם*) is that an *עירוב* is *מתיר* only in a *רה"י דאורייתא*, ועי' *שיעורי הרב גרליצקי שליט"א*.

<sup>27</sup> See however end of *תוספות*, that it may be *משום* *לחי וקורה* and not because *ב' מחיצות דאורייתא*.

the introduction, that since ר"י says יתר על כן, it means to say conclusively that שתי מחיצות דאורייתא<sup>28</sup>.

Perhaps we can say as follows:

Our סוגית הגמרא was certain that since ר"י says יתר על כן he maintains ב' obviously excludes since he maintains that תנא דברייתא, which our דברייתא obviously excludes since he maintains that מבואות המפולשין are a רה"ר. However the תנא דברייתא felt it important to state לחי וקורה משום מחיצה, in case we would mistakenly think that זה"ר, therefore he comes to exclude even that remote possibility.<sup>29</sup>

This may also explain why the גמרא does not exclude the משנה, and consequently certainly also the דין of ב' בתים וכו' as was asked above, because if we would say that זה"ר comes to exclude the משנה, some may think that our דברייתא may still agree with ר"י in the case of ב' בתים, since they may both hold לחי וקורה משום מחיצה. Therefore our גמרא chose to exclude explicitly the case of ב' בתים<sup>30</sup>.

<sup>28</sup> See [האר"י]. מהרש"א [האר"י]. A possible explanation may be; when תוספות says לאפוקי מד"ר or וכו' דה"א דטעמא דר"י וכו' (in the case of תנא דברייתא) but to the person of ר"י does not refer to the person of ר"י but to (the case of רש"י, namely ב' בתים וכו'). תוספות may be saying that if we would not have excluded this case specifically, we may have thought that the תנא דברייתא (not ר"י) would maintain that the case of ב' בתים is a רה"ר because [דוחק הכי גדול]. [This is a valid question. Since the first question of תוספות is only as to why choose the דברייתא over the משנה, while the second question demands why do we need the לחי וקורה משום מחיצה.]

<sup>29</sup> See [הזהב]. לשון הזהב.

<sup>30</sup> The difficulty with this interpretation is more than obvious. In addition תוספות should have asked the second question first. [This in its own right may also be a valid question. Since the first question of תוספות is only as to why choose the דברייתא over the משנה, while the second question demands why do we need the לחי וקורה משום מחיצה, since we know it from the דברייתא.]