

## לימא תהוי תיובתא דרבא כולי –

**Shall we say that this will be a refutation of רבא, etc.**

### OVERVIEW

רבא stated that if a person moved an object four אמות in a רה"ר even though that 'העבירו דרך עליו', nevertheless he is חייב. The גמרא asked that there could be a refutation to רבא from the ברייתא which states that if a person is standing on a מקום פטור between a רה"י and a רה"ר he should not take an object from the רה"ר (who is in the רה"י) and give it to the רה"י (who is in the רה"ר) and vice versa; however if he did it, all three are פטור. This seemingly contradicts that which רבא said that 'העבירו דרך עליו' is חייב. Our תוספות will first cite רש"י's explanation of 'העבירו דרך עליו', reject it, and offer an alternate explanation.

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פירש רש"י אף על פי שהעבירו למעלה מ' זהו מקום פטור<sup>1</sup> –

explained that אע"פ שהעבירו דרך עליו means, **even though that he carried it (ד' אמות) higher than ten טפחים from the ground of the רה"ר, which is a מקום פטור**, nevertheless he is חייב.

פירש"י תוספות rejects:

ולא נהירא דאם כן<sup>2</sup> הוה ליה למיפרך מרבנן דאמרי (לעיל דף ה,ב) –

**And this interpretation is not acceptable, for if indeed this is the question as ברייתא גמרא should have contrasted this with the רבנן (instead of asking on רבא), who state -**

**המוציא מחנות דרך סטיו<sup>3</sup> חייב<sup>4</sup> –**

**One who carries out from a store to a square by way of a סטיו he is חייב.**

<sup>1</sup> The גמרא (then) asks, how can רבא rule that he is חייב if it was carried in a מקום פטור, when the ברייתא states that if it was passed from a רה"י to a רה"ר (or vice versa) via a מקום פטור he is פטור. The למעלה of מקום פטור between the עקירה והנחה of carrying ד' אמות is the equivalent of the מקום פטור between the עקירה והנחה of the רה"ר to the רה"י from the הוצאה.

<sup>2</sup> If the גמרא compares the case of רבא (where 'העבירו דרך עליו') to the ברייתא (of שלשתן פטורים), we can also compare the ברייתא to the ruling of the רבנן. See 'Thinking it over' # 1.

<sup>3</sup> A חנות is a רה"י, a פלטיא is a רה"ר, and a סטיו is a כרמלית (which is the equivalent of a מדאורייתא).

<sup>4</sup> This is in contradiction to the ברייתא which states וואם נתן ונטל שלשתן פטורים because it passed through a מקום פטור. The advantage of contrasting the ברייתא with the רבנן as opposed to רבא is, when we contrast the ברייתא with רבא we will be able or required to reject the view of רבא since he cannot argue with a ברייתא. However if we contradict the ברייתא with the רבנן, it will require some means of reconciliation or acknowledging that this issue is in dispute between the ברייתא and the רבנן.

asks an additional question:

ומאי פריך נמי לימא תהוי תיובתא דרבא לימא הא רבנן קיימי כוותיה –

And also why does the גמרא ask, 'shall we say that there is a refutation of רבא' from this ברייתא; the גמרא should have answered, 'but the רבנן agree with רבא' and maintain that he is חייב.<sup>5</sup>

asks a final question on פירש"י:

ועוד דבהמוצא תפילין (עירובין דף צח,ב) תנן –

And furthermore in משנה the פרק המוציא תפילין states –

עומד אדם ברשות היחיד ומטלטל ברשות הרבים ובלבד שלא יוציא חוץ לד' אמות –

A person may stand in a רה"ר and move objects in the רה"י,<sup>6</sup> provided that he does not take this object outside its אמות ד' in the רה"ר –

ודייק בגמרא הא הוציא חייב חטאת לימא מסייע ליה לרבא דאמר רבא המעביר כולי- And the גמרא infers from this משנה, but if he took it out of the אמות ד' he is חייב a חטאת; shall we say that this משנה supports the ruling of רבא, for רבא states המעביר, etc. citing the ruling of רבא mentioned here. This concludes the גמרא there, תוספות continues –

ולפירוש הקונטרס מה ענין זה לזה –

But according to פירש"י (למעלה מ' means דרך עליו) what connection is there between the משנה there and רבא's ruling here; how will that משנה prove the ruling of רבא regarding a מקום פטור?! There is no מקום פטור in the case of the משנה!

offers an alternate explanation of העבירו דרך עליו:

לכך נראה כפירוש רבינו חננאל דמפרש שהעבירו דרך עליו שהעבירו<sup>7</sup> לפניו נגד גופו – Therefore תוספות prefers the explanation of the ר"ה who explains העבירו to mean that he passed the item that he was moving in front of himself [from right to left], opposite his body<sup>8</sup> –

דהוה אמינא כיון שהגיע כנגדו הוה כמנחה ונמצא שלא העביר ד' אמות יחד –

For I may have said; since when the item came opposite him it is as if it is at rest, it turns out therefore that he did not carry ד' אמות together, but

<sup>5</sup> The previously mentioned רבנן who maintain חייב סטיו דרך לפלטיא agree with רבא that if one carries ד' אמות ברה"ר למעלה מ' he is also חייב. In both cases the עקירה והנחה was properly executed even though in between the object was in a מקום פטור (or כרמלית).

<sup>6</sup> He may stick his hand out to the רה"ר through a door or window (for example) and move an item back and forth in the רה"ר, provided it does not leave its original אמות ד'.

<sup>7</sup> The תוספות הרא"ש and ר"ה (see לפניו מימינו לשמאלו נגד גופו) amends this to read מהרש"ל.

<sup>8</sup> Let us assume that the item was lying in the רה"ר two אמות to the right of the person. He stretched out his hand picked up the item and brought it towards him (from right to left), passing in front of his body, and placing it down (or throwing it) two אמות to the left of him. The object traveled (more than) אמות ד'.

rather there was a הנהח in between (when it passed in from of him),<sup>9</sup> nevertheless רבא maintains that he is חייב.<sup>10</sup> The גמרא asked from the ברייתא where it states that if it passes a מקום פטור he is פטור, so why is the case of רבא any different -

ומשני התם לא נח דאין זה הנחה [דרך עצמו<sup>11</sup>]:

**So the גמרא answered; there** (in the case of רבא) **the item did not rest, for this [that it passes in from of him] is not considered a הניחה.** He was מעביר ד' without a הניחה, however in the ברייתא, where the person was standing in the מקום פטור when he took an item from the רה"י it is considered מונח in the מקום פטור.<sup>12</sup>

## SUMMARY

<sup>10</sup> רש"י interprets דרך עליו to mean למעלה מ', while תוספות maintains that he passed it in front of his body.

## THINKING IT OVER

1. asks (that according to פירש"י) the גמרא should have contrasted the המוציא מחנות לפלטיא דרך סטיו of רבנן<sup>13</sup> with the אסקופה of ברייתא. Seemingly there is no contradiction between the אסקופה and רבנן, because by אסקופה the person is at rest in the מקום פטור (therefore he is פטור for חפץ כהנחת גופו כהנחת חפץ), however by רבנן who maintain that לאו כעומד דמי (דמי), therefore he is חייב. However there is a question on רבא, because in the case of רבא he was also standing in one place and his hand

<sup>9</sup> Generally we assume that when an object is in a person's hand, it is considered מונה in the רשות where the person is standing. This explains why the ברייתא states וראם נטל ונתן פטור, for the item is at rest (in the מקום). Similarly here when the item passed in front of him it should be considered at rest in the רה"ר, so that he did not carry ד' אמות without a הנהח in between. Even if we consider it a proper עקירה (for he picked up the item from the רה"ר) and the הנהח (four אמות distance) a proper הנהח (for he placed the item down on the רה"ר), nevertheless in between the עקירה והנהח the item was at rest so there was no העברה of ד' אמות ביחד in the רה"ר. See 'Thinking it over' # 2.

<sup>10</sup> It is now understood the support to רבא from the גמרא in עירובין (regarding "ומטלטל ברה"ר (עומד אדם ברה"י ומטלטל ברה"ר) (עירובין 101a) is that if he was אמות ד' מטלטל he is חייב even though the item was being carried in front of the person; nevertheless it is not considered a הנחה.

<sup>11</sup> This is the amended text according to the מהרש"ל.

<sup>12</sup> There is a difference if he is standing in a מקום פטור then we consider it a הנהגה, however here since the object is always in the רה"ר which is a מקום חיוב for everyone therefore we cannot consider it as if it rested [in a מקום פטור (see א"ש שפ"א, מהרש"א, and תולדות זאב)]. From the פ"ר ר"ה it seems that by the אסקופה the person actually rested his hand on the אסקופה before giving it to the עני; however by רבא his hand was moving continuously, without stopping (which fits in better with the words of the גמרא [see רע"א]). [Alternately; by the אסקופה we consider it פטור במקום פטור, because it entered the מקום פטור from another רשות (the רה"י or the רה"ר) and the person is at rest in a מקום פטור; however here it is in the רה"ר the entire time; we cannot consider it נה just because it passed his body, since the item is moving continuously (see אור החמה).]

<sup>13</sup> See footnote # 2.

<sup>14</sup>רש"י question on תוספות. How do we explain מקום פטור was in a

2. maintains (in the ה"א according to the ר"ה) that when it passes in front of him, it should be considered נה.<sup>15</sup> Seemingly it should be considered נה because the body is נה and the hand is נגרר after the body. If that is the reason then why should it be considered נה when it passes גופו; it should always be considered נה, since the person is at rest?!

3. According to the ר"ה if one carries אמות ד' from his right to his left he is חייב. However תוספות previously<sup>16</sup> taught (according to the ר"ה) that if one is נותן מימיו לשמאלו even though that ד"א העבירה, nevertheless he is פטור. How can we reconcile these two תוספות?!<sup>17</sup>

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<sup>14</sup> פני אברהם.

<sup>15</sup> See footnote # 9.

<sup>16</sup> ה,א ד"ה כשני (בסופו).

<sup>17</sup> See שבת של מי.