

תוך הפתח אף על פי שאין בו ד' צריך לחי אחר להתירו –

Within the doorway, even if it is not ד"ד it requires another לחי to make it permissible

OVERVIEW

The גמרא had a difficulty understanding the ברייתא which stated regarding an אסקופה that if the door to the מבוי is opened the אסקופה is considered as a רה"י even if there is no (additional) לחי, since the ruling is that תוך הפתח (which is where an אסקופה is situated) requires an additional לחי to permit carrying from the רה"י to the תוך הפתח and vice versa. Seemingly an explanation is necessary why indeed this תוך הפתח, which is not ד"ד, requires an additional לחי; for it should be considered as a מקום פטור. And indeed as תוספות points out there are restrictions to this ruling of להתירו לחי אחר and otherwise it does not require a להתירו לחי אחר. Our ברייתא discusses why our תוספות must be discussing cases which are included in these restrictions.

תוספות asks:

ואם תאמר לרבא דמוקי לה בפרק קמא דעירובין (דף ט,א ושם) –

And if you will say; according to רבא [in the first פרק of עירובין] who establishes this ruling that תוך הפתח אע"פ שאין ד"ד צריך לחי אחר להתירו –

דהיינו דוקא בפתוח לכרמלית משום דמצא מין את מינו ונעור¹ –

That this ruling is valid only when this תוך הפתח (or אסקופה) is exposed to a כרמלית because then we say מצא מין את מינו ונעור but if the אסקופה is exposed to the רה"ר and it is not ד"ד then it does not require an additional להתירו, therefore –

לוקי הכא בפתוח לרשות הרבים² –

Let us establish this ברייתא here (which states כלפנים) in a case where the אסקופה is exposed to the רה"ר and therefore one is permitted to carry from the אסקופה into the רה"י inside.

¹ literally means that one species found a similar species which caused it to be aroused. We are discussing תוך הפתח which does not have ד"ד, and therefore it cannot be considered a כרמלית. However since it is exposed to a כרמלית, we say that this unqualified כרמלית, which is תוך הפתח, found the qualified כרמלית to which it is exposed and it became aroused that it should also be a כרמלית by joining the large כרמלית to which it is exposed. [It should be noted that אסקופה is a כרמלית; they are one and the same רשות.] Therefore since the תוך הפתח becomes a כרמלית it requires an additional להתירו. However if it is exposed to a רה"ר there is no מצא מין את מינו therefore the תוך הפתח is not considered a כרמלית (and certainly not a רה"ר), but rather a מקום פטור and one may carry from the מבוי to the תוך הפתח.

² See 'Thinking it over'.

ולאביי נמי דלא מפליג התם בין פתוח לכרמלית בין פתוח לרשות הרבים –

And even according to אביי there who does not distinguish whether the אסקופה is exposed to a כרמלית or whether it is exposed to a רה"ר; in both instances the ruling remains that צריך לחי אחר להתירו nevertheless –

נוקי באסקופה גבוה ג' דבפרק קמא דעירובין (ג"ז שם) –

Let us establish our ברייתא (פתח פתוח כלפנים) in a case where the אסקופה is three טפחים high, for in the first פרק of עירובין –

מוקי אביי הא דצריך לחי אחר להתירו בדליכא אסקופה ד' או בדליכא אסקופה כלל – established that this ruling which requires an additional לחי is only when the אסקופה is not (four) [three] טפחים high, or where there is no אסקופה at all⁴ in the הפתח, תוך, however when there is an אסקופה ג' there is no need for an additional לחי –

ואמאי דחיק רב לשנויי בענין אחר –

So why did רב answer in a different and unusual manner that it was חציו מקורה when he could have simply said there was an אסקופה גבוה ג' or it was פתוח לרה"ר (according to רבא)?!⁵

answers: תוספות

ויש לומר דלא מצי לאוקמי הכי דאם כן אפילו נעול נמי כלפנים⁵ –

And one can say; that we could not establish the ברייתא in the aforementioned manner, for if indeed we are discussing פתוח לרה"ר (according to רבא) or באסקופה גבוה ג' (according to רבא), then even if the door is shut it should also be כלפנים (since it is מותר to carry there).

responds to an anticipated question: תוספות

וכי קאמר וכי תימא דלית ביה ד' הוה מצי למיפרך אי הכי אפילו נעול נמי:⁶

And when the גמרא stated, 'and if you will respond that there is no space of דע"ד', the גמרא could have refuted this answer by saying, if indeed it is so (that there is no דע"ד) then even if the door is shut, it is also permitted to carry there and into the רה"י.

³ This is amended to read 'ג' (see תוה"ר and לשון הזהב).

⁴ It is only in these cases that an additional לחי is required for since there is no noticeable demarcation to separate it from the רה"ר there is the concern that one may carry straight out into the רה"ר (and therefore an additional לחי is required for this type of הפתח). However, if there is an אסקופה גבוה ג', this forms a proper demarcation line and even if we allow to carry onto the אסקופה one will not carry into the רה"ר.

⁵ Any area which is גבוה ג' and is not wide דע"ד is a מקום פטור.

⁶ See 'Appendix' for an explanation (and discussion) of this question.

SUMMARY

The **ברייתא**, which states (פתח פתוח כלפנים) ופתח נעול כלחוץ cannot be referring to those **אסקופות** which do not require a **לחי אחר להתירו**, for why is פתח נעול since it a **מקום פטור**, therefore it must be discussing either a **אסקופה** (according to **רבה**) or a **אסקופה** which is not **גבוה ג'** (according to **אביי**). Therefore the **גמרא** rightfully asks that such an **אסקופה** requires a **לחי אחר**.

THINKING IT OVER

תוספות asked that according to **רבה** let us establish the **תוך הפתח** that it was previously⁷ had a difficulty with the expression **פתח נעול כלחוץ** since the **אסקופה** is not a **רה"ר**. The second answer of **תוספות** was that we are discussing an **אסקופה** that is **פתוח לכרמלית**. This answers why **רבה** did not want to establish this **ברייתא** that it is **פתוח לרה"ר** for this very same difficulty; what is **תוספות** question?!⁹

APPENDIX¹⁰

The **תוך הפתח צריך לחי** asked why is the **אסקופה כלפנים** since the rule is **לחי אחר להתירו**. The **תוצן** anticipated the answer of the **תוצן** that since the **אסקופה** is not **דע"ד**, therefore it does not require a **לחי אחר**. The **תוצן** who anticipated this answer assumed that the **תוצן** meant that even if the **אסקופה** is **פתוח לכרמלית** (according to **רבה**) or even if it is not **גבוה ג'** (according to **אביי**), it does not require a **לחי אחר** since it is a **מקום פטור**. The **תוצן** therefore responded, but this is not true for in the aforementioned cases (of **פתוח לכרמלית** or **אין גבוה ג'**) a **לחי אחר** is required. **תוספות** question (according to the **מהרש"א**) is that since the **תוצן** maintains that if **אין בו דע"ד** it is [always] a **מקום פטור**, so why did not the **תוצן** ask, that according to the **תוצן** that it is always a **מקום פטור** if **אין בו דע"ד**, then why by **פתח נעול** is it considered **כלחוץ**.

The **מהרש"א** asks why should we assume that the **תוצן** (when he 'said' **אין בו**) meant even if the **אסקופה** is **פתוח לכרמלית** or **אין בו ג'**, it is a **מקום פטור** and therefore the **תוצן** could have asked **אפילו פתח נעול נמי**; perhaps the **תוצן**

⁷ See footnote # 2.

⁸ (see there footnote # 19). **בד"ה אע"ג**.

⁹ See **מהרש"א** and **אורי**.

¹⁰ See footnote # 6.

meant only that where the *אסקופה* is *לכרמלית* or *פתוח* *אין בו ג'* it does not require a *לחי* if *פתח פתוח* (only) on account of *רשות* (as mentioned previously¹¹), but not because it is a *מקום פטור*. Therefore the *גמרא* could not have asked *נמי פתח נעול* *אפילו פתח נעול*, for by *פתח נעול* there is no *רשות*. Therefore the *גמרא* asked instead, but according to *רחב"ג* even in such a case a *לחי אחר* is required *להתירו* (for there is no *רשות*). The *מהרש"א* does not answer this question.

Others answer the *מהרש"א* and explain *תוספות* as follows.

1. *ממה נפשך* asks that the *תוצן* should have refuted the *מקשן* with a *ממה נפשך*. If the *אסקופה* is *לרה"ר* or *גבוה ג'* then why is *כלחון* *פתח נעול* and if it is *פתוח* or *לכרמלית* *אינו גבוה ג'*, then we have the ruling that *לחי אחר* *צריך* *להתירו*.¹²

2. When the *גמרא* answered *דלית ביה דע"ד*, it was not necessary to refute this answer by citing *רחב"ג*, because (even) if we do not agree with *רחב"ג* and maintain that *תוך הפתח* does not require a *לחי להתירו* [in any case], then there is the question, why by *פתח נעול* is it *כלחון*.¹³

¹¹ ד"ה אע"ג. [See there footnote # 15 & 16.]

¹² See *מנחת איש* and *יד דוד*.

¹³ See *פני אברהם*.