



## Distinctive INSIGHT

### *A Central Thoroughfare (סרטיא) or Plaza (פלטיא)*

(excerpted from The Contemporary Eruv)

אמר רבי יהודה אמר רב מחלוקת בסרטיא מכאן ופלטיא מכאן

In his analysis of the definition of reshus ha'rabbim, the Aruch HaShulchan, Orach Chaim 345:14-22 takes this concept to a further extreme, and states that there are essentially no reshuyos ha'rabbim in our times. He opines that an essential component of the definition of reshus ha'rabbim is that it serve as the central thoroughfare (סרטיא) or plaza (פלטיא), for the entire city. Since none of our cities have one central thoroughfare that constitutes the main access route to and from the city, nor do they have one central plaza that serves to amass the population of the city - à la the Machane Levi'ah in the desert - there are no longer any true reshuyos ha'rabbim in our midst. Many Poskim will only use the Aruch HaShulchan's opinion as an additional reason to be inclined toward leniency (a "snif") when there are other mitigating factors. See Igros Moshe, Orach Chaim, 5:28:9 and Nesivos Shabbos 3:1, note 9.

The Rashba (Avodas HaKodesh 3:1) - and others, see

the Avodas Avoda there note 2 - holds that there are halachic distinctions between the two types of reshus ha'rabbim mentioned in the Gemara: A "sratya" - thoroughfare - and a "platya" - central public square or market. While doors serve to block a thoroughfare and render it a reshus ha'yachid, they do not render a public square a reshus ha'yachid. The generally accepted understanding of the Rashba's position is that a platya is not a reshus ha'rabbim because of a high volume of traffic - which may, indeed, be prevented by doors - but, rather, by the presence of a static multitude - upon which doors obviously have no impact. According to the Rashba, even when Yerushalayim was fully walled and doored, the public squares within the city retained their character as reshuyos ha'rabbim and carrying remained prohibited in those areas (although not in other streets of the city, as noted by the Sefer HaBattim, Sha'ar Sha'arei Issur Hotza'a 1:15 in his explanation of the Rashba's position).

Most sources argue with the Rashba, and the final, accepted ruling is that doors are effective in rendering a platya a reshus ha'yachid. (See the Avodas Avoda, ibid., that even the Rashba may concede the point where the platya itself - as opposed to the surrounding city - is surrounded by doors). ■

## Gemara GEM

### *The Torah is not in heaven*

רבי יהושע היא דלא משגח בבת קול

The citation to Rabbi Yehoshua and his policy of not relying on heavenly voices in halachic matters refers to the famous incident of the *תנור דעכנאי*—the Oven of Achnai, in Bava Metzia 59b.

The story started when an argument took place in the beis midrash between Rabbi Eliezer and the chachamim regarding the ritual purity of an oven made of bricks. Rabbi Eliezer was of the opinion that it was טהור, while the chachamim held it

was טמא. Rabbi Eliezer declared, "If the halacha is according to me, let the walls of the Beis midrash prove it!" Immediately, the walls began to sway. Rabbi Yehoshua reprimanded the walls not to interfere in the discussion, and they held firm. The walls did not straighten up, to defend the honor of Rabbi Eliezer, but they did not cave in, according to the instructions they received from Rabbi Yehoshua.

Then, Rabbi Eliezer declared, "If the halacha is according to me, let the heavens support me!" At that moment, a heavenly voice was heard, and it announced that, in fact, the halacha was in accordance with Rabbi Eliezer. Rabbi Yehoshua stood up

and proclaimed, "Torah is not in the Heavens! Once the Torah was given to the Jewish people at Sinai, we do not look to the heavens for intervention in halachic matters! The Torah teaches that we are to follow the majority of opinions, and that is how the halacha will be decided!"

The Gemara concludes that Hashem, כביכול, smiled and admitted that his children had correctly overruled the heavenly voice.

The halacha concurs with Rabbi Yehoshua, and we do not rely on heavenly voices to determine the halacha according to an opinion that is against the majority. (See Tosafos here, ד"ה כאן and Tosafos Berachos 52א ד"ה ור' יהושע). ■