

It is deep ten but it is not high ten

עמוקה י' ואין גבוהה י' –

Overview

טפחים ruled that if the ship is ten טפחים deep (so it is a רה"י) but it is not ten טפחים above the sea (so the airspace above the sea is a כרמלית), one may not draw water from the sea into the boat. Previously there was a dispute how to measure the ten טפחים height of a כרמלית in a sea. Do we measure the ten טפחים from the seabed and anything above that is a מקום פטור, or do we measure it from the sea level and ten טפחים above that is a מקום פטור. Seemingly ר' יהודה disagrees with one of them.

anticipates a difficulty: תוספות

מהכא אין להקשות למאן דאמר לעיל מארעא משחינן -

We cannot ask from the ruling of ר"י here on the one (רב הונא) who said previously that we measure the י"ט from the ground (seabed) –

replies: תוספות

דהכא מיירי בדליכא² זיז כל שהוא להיכירא:

For here we are discussing a case where there is even not a minimal protrusion to serve as a distinguishing marker

Summary

רב הונא agrees that if there is no כ"ש, one may not carry from the sea to the ship.

Thinking it over

1. What would רב הונא maintain if the ship is י"ט above sea level, but there is no זיז³ כ"ש?

2. What does the זיז כ"ש marker accomplish?

¹ רב הונא maintains that since a ship always travels in water which is (at least) י' טפחים deep, the area above the sea is a כרמלית, so it is permitted to draw water from the sea into the ship. However ר"י rules that if the ship is not י"ט above the sea level one may not draw water from the sea into the boat (indicating that we do not measure from the seabed but rather from the surface); contradicting this which רב הונא maintains. The רבנן of ר"י certainly agree to ר"י in this; see previous רבי תוס' ד"ה רבי.

² only permitted carrying from the sea onto the ship if there is a כל שהוא protruding from the ship; however if there is no כ"ש, even רב הונא would agree (with the רבנן ור"י) that one may not carry from the sea onto the ship (if the ship is not י"ט above sea level).

³ See מהרש"א [הארוך].