

Can it be considered as a כרמלית

מהו שתעשה ככרמלית –

OVERVIEW

אביי posed a query whether a hand which is extended into another רשות can be considered a כרמלית or not. The difference would be if he is permitted to retract his hand, with any object he is holding, back to רשות where his body is. If it is a כרמלית it would be forbidden, otherwise it is permitted. תוספות qualifies the scope of this query.¹

תוספות explains that this query (מהו שתעשה ככרמלית) is relevant in a case -

כגון שהוציא ידו מלאה לחוץ ולא הדורה אבל בענין אחר לא² –

Where, for instance, he stuck out his hand, which contained items, outside to the רה"ר, and the query is whether he is permitted to return his loaded hand back to the רה"י; however in other situations this query is not relevant -

תוספות proves that in other situations an extended hand is not considered a כרמלית:

דהא תנן בפרק בתרא דעירובין (דף צח,ב) –

For we learnt a משנה in the last פרק of עירובין -

עומד אדם ברשות היחיד ומטלטל ברשות הרבים -

‘A person may stand in a רה"י and move items with his hands in the רה"ר.³ This proves that (generally) an extended hand in the רה"ר is not considered a כרמלית; for if it were, he would not be permitted to move items in the רה"ר with his hands. It would be considered as if one is transferring something from a רה"ר to a כרמלית (his hand) which is prohibited מדרבנן.⁴

ולא הויא כרמלית אלא לענין רשות שהגוף שם שדומה יותר לשתי רשויות:⁵

And the hand will not be considered a כרמלית ([even] according to one side

¹ תוספות may be limiting the scope of the query based on our גמרא. After the גמרא asks ככרמלית, it continues מהו שתעשה ככרמלית, which is seemingly superfluous, unless we assume as תוספות will explain that the query is limited to the case of וכו' לאהדורי.

² See ‘Thinking it over’ # 1.

³ He may move them (only) less than a distance of אמות ד' in the רה"ר; we are not concerned that he may bring them into the רה"י.

⁴ See ‘Thinking it over’ # 2.

⁵ When one wishes to return the extended laden hand from the רה"ר to the רה"י there is a strong similarity to transferring an object לרשות, since his hand is in a different רשות from his body. However, when we are discussing the hand vis-à-vis the רשות in which it is found, there is no appearance of two רשויות; therefore we consider the hand as part of that רשות. One is therefore permitted to be מטלטל in the רה"ר even though his body is in the רה"י.

of the query) **only in respect to the other רשות where his body is present, for this** relationship between his hand and body **is very similar to two** separate **רשויות**.

SUMMARY

A hand extended in another רשות is generally not considered a כרמלית. The only possibility that it may be considered a כרמלית is whether he may return an extended laden hand to the רשות where his body is.

THINKING IT OVER

1. לאהדורי states that the query is only בב' רשויות and regarding תוספות, however in all other instances there is no query; indicating that it is not considered a כרמלית and would be מותר (as the case in עירובין).⁶ However in our משנה where the בעה"ב (for instance) extended his hand outside, the עני may not take it from him, seemingly indicating that the יד בעה"ב is a כרמלית; for if the יד בעה"ב would be considered a רה"ר (as in עירובין) why would the עני be prohibited from taking the object מיד בעה"ב?⁷

2. תוספות proves from the משנה in עירובין (which states that one may stand in the כרמלית and be מטלטל in the רה"ר) that an extended hand is not a כרמלית.⁸ Seemingly one can even assume that his hand is considered a כרמלית and nevertheless he is permitted to move objects (less than אמות ד' in the רה"ר since there was never a הנחה in a כרמלית (his hand); he merely moved the item from place to place. How can we justify תוספות proof?!⁹

⁶ See footnote # 2.

⁷ See אור החמה.

⁸ See footnote # 4.

⁹ See מנחת אריאל אות טו and ח"י רע"א.