

If you say; that if it has a height of ten טפחים, then it is a כרמלית, and if not it is not a כרמלית

Overview

said concerning a כרמלית that: "ותופסת עד עשרה". The גמרא asks does he mean that: "דעד עשרה הוא דהוי כרמלית ואי לא לא הוי כרמלית". The גמרא goes on to refute this אמינא from a statement by רב גידל.

This הוה will be discussing the פשט of רש"י and the ר"י about this אמינא.

explained; what is meant by – “if it has a height of ten טפחים it is a כרמלית”, this refers to a fenced-in field בית סאתיים¹ – והיא יתירה על בית סאתיים and in was not fenced-in for residential use, therefore it has the דין of a כרמלית, in the sense that you may not carry there more than אמות 2. This was the הוה אמינא².

The ר"י has a difficulty with s"י's explanation of what we thought a כרמלית is, for this which רש"י claims is a כרמלית, in reality it is a רה"י

whether we follow the interpretation of רב עולא or of רב אשי in the previous (ו,ב), nevertheless they both agree that this is a רה"י – and it would not have been necessary to quote רב גידל in order to refute this assumption³, because we know it already from רב אשי

and furthermore – there is another difficulty with s"י's explanation – how does the גמרא say: “and if it does not have ten טפחים it is not a כרמלית, how can we say this –

for a ים ובקעה which are specifically mentioned in the ברייתא as example of a כרמלית, and they have no partitions surrounding them!

¹ A בית סאה is an area the size of 50 by 50 אמות, a בית סאתיים is two בית סאה or 100 by 50 אמות. This was the חצר המשכן.

² רה"י דאורייתא this is a למסקנא רש"י.

³ Even if we will say that in the הוה אמינא we may have thought that it is a כרמלית, but the גמרא should have refuted this from the opinions of רב אשי and רב עולא who are discussing this same situation of a קרפף יותר מבית רה"י מדאורייתא, and they say that it is a כרמלית.

Furthermore from רב גידל's statement we are refuting only what we deduce from רב ששת (that if it is not ten it is not a כרמלית), not his actual statement, it would be therefore better to quote רב אשי and רב עולא to refute the basic statement of רב ששת, that עשרה הוי כרמלית (in the way we understand it now); that this is not so, for it is a רה"י.

and it seems to the ר"י that this is how we should interpret this statement:

“If you say that if it has partitions of ten טפחים”, means; not if it actually has partitions, for then it would be a רה"י, but rather –

– היינו אויר הראוי למחיצת עשרה – it means that if there is sufficient air space to erect partitions ten טפחים high, only then is it a כרמלית,

– לאפוקי בקעה מסוככת בפחות מ' על גבי קונדסין – it comes to exclude a field that is covered with a roof lower than ten טפחים from the ground and the roof is supported by posts.

– דלא הוי כרמלית כיון דאין גבוהה י' – for this is not a כרמלית, since it is not ten טפחים high, meaning that it does not allow us to erect מחיצות י' because the roof interferes.

– והוי מקום פטור ומותר לטלטל בכולו – and this area is considered a מקום פטור and it is permissible to carry in the entire area. To this the גמרא replies; how can you say this –

– והאמר רב גידל כולי – did not say etc. that inside a house, which is less than ten טפחים high, one may not carry in the house more than אמות ד', so we see that even in an area where one cannot erect מחיצות י' it can still be a כרמלית.

Summary

in its literal sense that it has מחיצות י' interprets רש"י (and it is more than a בית סאתים), and if not, it is not a כרמלית.

we should have quoted רב עולא ורב רש"י that to refute this הו"א asks on תוספות. And also רה"י דאורייתא is a קרפף יותר מבית סאתים וכו' אשי, who maintain that a בריתא states clearly that a כרמלית, and they have no מחיצות י'. מחיצות י' means that it is possible to erect י' עשרה וכו' תוספות explains that, and if not, it is a מקום פטור.

Thinking it over

1. רש"י asks two questions on תוספות. Point out the relative strengths of each question (and the order of the questions)?

2. Why is it necessary in the פירוש ר"י to say that it was מסוככת בפחות מ' ע"ג, the קונדסין would seemingly be the same if it was מסוככת בפחות מ' ע"ג כותל?