

ומוקף לכרמלית ועשאו רשות היחיד –

רה"י a כרמלית and it made it into a

OVERVIEW

posed this query; there was a wall which was ten טפחים high, however the top of the wall was not רוחב ד' (so on its own, the top is not a רה"י), however it enclosed an area which originally was a כרמלית, but since the wall now surrounds it, the כרמלית became a רה"י. The query is, whether the top of the wall can become a רה"י, for since it made the כרמלית a רה"י, it is considered as if the entire area (the כרמלית and the wall) is filled (so the wall is part of the רה"י).¹ Our תוספות discusses why the query was in a case where it enclosed a כרמלית, but not a רה"ר.

אומר רבינו יצחק דמשמע דדוקא מוקף לכרמלית -

The רה"י says that it seems that the query is specifically when the wall is enclosing a כרמלית; it is only then that we are not certain whether the wall is a רה"י -

דכיון דמוקף לכרמלית אין כל כך סברא -

For since it is enclosing a כרמלית the logic is so compelling -

שיעשה רשות היחיד מטעם דלאחרים עושה מחיצה² -

That it should become a רה"י for the reason that since it is a מחיצה for others it is certainly a מחיצה for itself. This is regarding a כרמלית -

אבל מוקפת לרשות הרבים ועשאו רשות היחיד פשיטא דלעצמו נמי מהני³ -

However if this wall enclosed a רה"ר and made the רה"ר into a רה"י, it is obvious that it is effective regarding itself that the wall is a רה"י. Therefore the query was only regarding מוקף לרה"ר, but not מוקף לכרמלית

⁴ responds to an anticipated difficulty:

ומשום חורי רשות היחיד⁵ ליכא לחיוביה כמו רמיא בחריצא דלעיל⁶ –

¹ responded that if this wall can make a (valid) מחיצה for others (it made the כרמלית a רה"י), it can certainly make a מחיצה for itself (that the [top of the] wall should be considered a רה"י. See 'Thinking it over' # 1.

² See footnote # 1.

³ Possibly the reasoning for this distinction is that regarding a רה"ר, the wall was effective in making it permissible to carry in this area (which is now a רה"י), which was previously prohibited (for it was a רה"ר), however a in a כרמלית one may carry מה"ט (just as one may carry in a רה"י), so the wall was not that effective in changing its status.

⁴ One should be חייב for placing something on this wall even if technically it is not a רה"י, as תוספות explains.

⁵ חורי רה"י are holes in the walls surrounding the רה"י, even if they are not רוחב ד' and are considered a רה"י. See [אינו ברור]. The top of the כותל should be considered the חורי רה"י of the enclosed area which is now a רה"י. who writes שהם כרה"י ובהם חורים כלפי רה"י זב, ד"ה והשלימו

⁶ See previously on this עמוד. If the needle settled in a crevice of the rock even though the crevice is not רחב ד', he is חייב for it is considered חורי רה"י. The same should seemingly apply here.

And we cannot hold him liable on account of רה"י like the previous case where he placed it in the crevice; the reason is because –

דלא ניחא תשמישתיה⁷ לבני רשות היחיד כולי האי על הכותל:

It is not so convenient for the people of the רה"י to utilize the top of this wall

SUMMARY

A wall (which is not רוחב ד' and surrounds a רה"ר and made it into a רה"י is certainly considered a רה"י.

THINKING IT OVER

1. Are the two stated reasons for making this wall a רה"י (that כיון דעשאו רה"י כמאן [which ר' יוחנן said], and עולא [which לא עושה מחיצה לעצמו לא כ"ש [which ר' יוחנן said]) the same reason, or are they different?⁸
2. Which part of the wall makes the enclosed area a רה"י; the inside of the wall or the outside?⁹
3. The גמרא seems to be discussing only whether the top of the כותל is a מקום פטור or a רה"י. However, even if it is a רה"י there may still be an issue that we require a מקום דע"ד for there to be a proper הנחה. Is תוספות perhaps addressing this issue?

⁷ This is possibly because it is exposed to the outside. רה"י are חורי רה"י because the בני רה"י use it; however if it is not a convenient usage, this ruling does not apply.

⁸ See מלאכת שבת לר' דוד זכרי' ניומאן.

⁹ See חי' ר' חיים הלוי פי"ד מהלכות שבת ה"א.