

OVERVIEW of the Daf

1) Returning from outside the techum (cont.)

R' Nachman bar Yitzchak concludes his query regarding the exact issue that troubled R' Chisda.

Rava responded: R' Chisda was discussing a case where there were not enough people to form a partition all the way to the techum and his question was whether we follow the opinion of R' Eliezer who permits a person who is within two amos of the techum to return to it.

2) Constructing a partition on Shabbos

R' Nachman bar Yitzchak asked Rava, in reference to the previous incident, how R' Nachman could permit constructing a partition on Shabbos.

Rava responded with a second Baraisa that permits constructing partitions on Shabbos.

The Gemara makes two unsuccessful attempts to resolve the contradiction between the two Baraisos and on the third try finally succeeds.

The Gemara concludes this discussion by citing a number of instances where Amoraim made use of human partitions to transport items from a public domain to a private domain.

3) **MISHNAH:** The Mishnah discusses whether the techum restrictions apply and other issues related to one who left the techum with permission.

4) Clarifying the Mishnah

Rabbah and R' Shimi bar Chiya offer different explanations of the Mishnah's ruling, "If he was within the techum it is as if he never left."

The point of dispute is whether overlapping techumin are treated as one techum or not.

Abaye unsuccessfully challenges Rabbah's position. ■

REVIEW and Remember

1. What is R' Eliezer's lenient opinion regarding one who is two amos outside the techum?
2. What is the position of Rabanan regarding construction of temporary partitions on Shabbos?
3. Why did Shmuel administer lashes to the members of a wedding party?
4. Explain הבלעת תחומין.

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Gemara GEM

A person who exceeds the 2000 Amah limit, but is permitted to do so

מי שיצא ברשות ואמרו לא כבר נעשה מעשה יש לו אלפים אמה לכל

C hazal allowed certain people to exceed the 2000 amah limit of Techum Shabbos. According to Rashi here, this includes witnesses who are on their way to testify concerning the new moon, people going to save a person from bandits or from drowning, or a midwife who is going to assist a woman in labor.

In Sefer HaPardes, Rashi adds that it is also permissible to go beyond the techum in order to save a Sefer Torah. R' Yosef Engel posits that if it is permissible to go beyond the techum in order to save a Sefer Torah, it is also permitted, once the person reaches his destination, to go 2000 amos in all directions from that place.

However, R' Shlomo Zalman Auerbach notes that the basis of this leniency is the Rabbis' concern that if they do not allow the person some leeway, then the next time a similar situation arises, he will avoid it (see Mishnah Berurah 407:3). Hence, they could only permit this leniency in regard to their own decree. Hence, since most Rishonim are of the opinion that there is a Torah law prohibition to exceed 12 mil (2000 amos x 12; see Mishnah Berurah 404:7), the Rabbis cannot extend the techum beyond that limit. Thus, if a person had to travel for one of the permitted reasons, and he traversed 11.5 mil to get to his destination, he can only walk the additional 1000 amos to the 12 mil limit, and no more (Nishmas Avraham, Orach Chaim 507:1 – see there that in the end R' Shlomo Zalman is inclined to give even the person in this situation 2000 amos from his destination.)

Divrei Yechezkel (7:26) deals with this very question. He suggests that according to the Bavli, a person who violates the Torah prohibition of exceeding 12 mil is not violating a prohibition to leave a certain domain or area. Rather, the prohibition is the travel itself. Hence, it stands to reason that the entire trip must be prohibited. Thus, if one started the trip under one of the permissible circumstances, the initial permitted segment does not combine with the subsequent prohibited segment. In this respect, the person who walked 11.5 mil for a permitted purpose is like a person who ate half a kzayis of permitted fats and half a kzayis of forbidden fats.

(Divrei Yechezkel (ad loc.) posits that Yerushalmi follows the other logic.) ■

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HALACHAH Highlight

Disembarking an airplane on Shabbos

דאי סלקא דעתך בדמלו גברי עסקינן

Because if one considers that we are dealing with a circumstance in which there are sufficient number of people

The Gemara relates that one who goes beyond his techum may not travel more than four amos from that place. However, there is an option for him to return to his original city and he will then be permitted to travel throughout the city. If people will form a partition between where he is currently located and his original city he may return to this city. The rationale is that the area inside of partitions is considered four amos. Or Zarua¹ cites Rabbeinu Yoel who, based on our Gemara, rules that one who is travelling by boat which then docks on Shabbos within a walled city may walk anywhere in that city that Shabbos and is not confined to the boat where he was when Shabbos began. Shulchan Aruch² rules that one who was taken from his city by gentiles and then left in a walled city that is outside his original techum may walk throughout the city. Mishnah Berurah³ explains that since the city is surrounded by a wall, it has the status of a private domain and therefore is categorized as part of his four amos. The same is true regarding cities that have an eruv that surrounds the city and an actual partition is not essential.

This forms the basis of the discussion of one whose flight was delayed and lands after Shabbos began. In a circumstance in which the airplane was outside of the techum when Shabbos began is he permitted to disembark from the airplane or not? One basis for leniency is that issues of techum do not apply higher than ten tefachim and as such he is not penalized

Daf DIAGRAM



חזו יוקי דחזו שליון בריסוקא דמחזא בחדו דחזא רבא ספירקא ימי'.

that they were being "used" as a wall, Rava allowed the jugs to be picked up and brought from the public domain into the private domain. ■

There were leather jugs which were left in the square of the town of Mechuza on Shabbos. On the way returning from a shiur, Rava was surrounded by a wall of talmidim. Being that they were not aware

as one who travelled outside of his techum. Assuming that the traveler does not have food with him for Shabbos one may rely on the authorities cited in Beir Halachah⁴ that permits one to travel throughout the city where he arrived even if the city is not surrounded by partitions or an eruv and even though the city qualifies as a public domain. Additionally, since the airlines will not permit someone to remain on the plane for the duration of Shabbos it is considered as though he was forced by others to enter a city outside of his techum and it is permitted to travel throughout the city. ■

1. אור זרוע הלי ערב שבת סי' ו'.
2. שו"ע או"ח סי' ת"ה סעי' ו'.
3. מ"ב שם ס"ק כ"ב.
4. ביאור הלכה שם סעי' ו' ד"ה מוקפת חומה
5. קובץ אור תורה ח"ג סי' כ'.

Distinctive INSIGHT

Shabbos and avoiding animosity (איבה) כל היוצאים להציל חוזרים למקומן

Chasam Sofer (Teshuvos 2, Yoreh De'ah #131) writes, in the name of Shiltei Giborim in our sugya, that whenever Jews live among the idolaters, and there is a possibility of animosity on the part of the idolaters if we would refuse to heal an idolater because of our Shabbos, a Jew may violate the Shabbos, even in areas of Torah law. And in Choshen Mishpat #194, Chasam Sofer adds that

nevertheless that, whenever possible, violating a Torah law should be avoided. If this is not possible, then, as we mentioned, a Torah law may be broken.

Teshuvos Tzitz Eliezer (5:15) understands that the opinion of Tosafos (Avoda Zara 26a, d.h. יוסף ר' סבר) is that in order to avoid איבה/animosity we would only be allowed to violate a rabbinic law, but not a Torah law.

Ritva implies that we may never violate the Shabbos to simply avoid animosity of idolaters, not a Torah law, and not even a rabbinic law.

Obviously, there are varying conditions which can create animosity. If we

would inform the non-Jew that we cannot cure him because it is our Shabbos, this could solve the situation, but, more often than not, it may make things even worse. This, in turn, might lead to Jewish lives becoming at risk.

Therefore, whenever there is even a slight risk that our refusing to treat the ill idolater might lead to Jewish lives being at risk, we certainly can and should rely upon the opinion of the Chasam Sofer, and even a Torah law may be violated to avoid animosity or any breakdown of understanding and cooperation between our community and our idolater hosts. ■

