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Ruling like Rabban Gamliel

Rav rules like Rabban Gamliel, that one has 2000 *amos* from where we was put, in all cases – whether one was on a boat, or was placed in a pen or enclosed area, while Shmuel rules like him only in the case of one who was on a boat.

The *Gemora* asks why all agree that we rule like him in the case of a boat, and offers two possible answers:

1. When one is on a boat, he was inside the walls of the boat when *Shabbos* began, so we consider this his bona fide habitat, even though he is forced outside of this area as the boat moves. (Rabbah)
2. Since the boat constantly moves him 4 *amos*, each step he takes on the boat already takes him out of the 4 *amos* that would be allocated for him. We therefore allow him to traverse the whole boat. (Rabbi Zeira)

The *Gemora* says that if one is on a boat which has no walls, or if one moves from one boat to another on *Shabbos*, only the second answer would apply.

The *Gemora* explains that Rabbi Zeira didn't give Rabbah's answer, as the walls of the boat are simply to keep water out, and therefore are not considered valid walls to create a habitat. Rabbah didn't give Rabbi Zeira's answer, as he says that the dispute in the *Mishna* is specifically when the boat was stationary when *Shabbos* began, in which case Rabbi Zeira's reason doesn't apply.

Rav Nachman bar Yitzchak says that the text of the *Mishna* indicates that the only dispute is when the boat was stationary, as it tells the story when they were on a boat from Plandarsin, and Rabbi Akiva and Rabbi Yehoshua didn't want to walk beyond 4 *amos*, implying that they ruled it was permitted, but they simply didn't *want* to do so. Presumably, this was a case where the boat was moving, indicating that they agree in such a case. Rav Ashi proves this from the *Mishna* putting the case of a boat in the same category as a pen or enclosed area, implying that the boat is stationary like them.

Rav Acha the son of Rava told Rav Ashi that we rule like Rabban Gamliel in the case of a boat.

The *Gemora* asks whether this implies that a boat is a matter of dispute, and answers that it is, supporting this from a *braisa*. The *braisa* cites Chananya who says that for the whole day the *Tannaim* on the boat debated the ruling, and at the end, Rabbi Yehoshua ruled like Rabban Gamliel in the case of the boat and like Rabbi Akiva in the case of a pen and enclosed area, indicating that Rabbi Akiva disputes the case of the boat as well. (42b – 43a)

Techum above 10 Tefachim

Rav Chananya asks whether the prohibition of leaving the *techum* applies above 10 *tefachim*. If a pillar is 10 *tefachim* high but 4 *tefachim* wide, *techum* does apply, as it is considered a high part of the landscape, since it is wide enough to easily walk on. The cases in question are when the pillar is not 4 *tefachim* wide, or when one used



Hashem's name to fly above 10 *tefachim*. Some say the case is a ship which is above 10 *tefachim* from the ground.

Rav Hoshaya tries to resolve this from *Tannaim* in the *Mishna* who didn't want to walk beyond 4 *amos* on the boat. Even though the boat was presumably above 10 *tefachim*, they still applied the rules of *techum*.

The *Gemora* deflects this with Rava's answer (later) that the case is where the boat was in a shallow area, within 10 *tefachim* of the ground.

The *Gemora* tries to prove that *techum* apply above 10 *tefachim* from the *Mishna* which says that one time they arrived on a boat after *Shabbos* began. Since they only disembarked because Rabban Gamliel said that he knew they were within the *techum* when *Shabbos* began, this implies that *techum* applies in the boat, above 10 *tefachim*.

Rava deflects this by saying that the case was when the boat was in a shallow area, within 10 *tefachim* of the ground.

The *Gemora* tries to resolve that *techum* doesn't apply above 10 *tefachim* from the case of the 7 *halachos* that were said on *Shabbos* morning in front of Rav Chisda in Sura, and late that same *Shabbos* said in front of Rava in Pumpedisa. The *Gemora* assumes that Eliyahu Hanavi was the one who went from one to the other, beyond the *techum*, indicating that he was allowed to leave the *techum* since he traveled in the air above 10 *tefachim*.

The *Gemora* deflects this by saying that it was Yosef the demon, who doesn't keep *Shabbos*.

The *Gemora* tries to resolve this from a *braisa* which says that if one declares himself a *nazir* on the day that *Mashiach* comes, he may drink wine on *Shabbos* and *Yom Tov*, but may not do so the rest of the year. The *Gemora*

assumes that the reason for this is because *Mashiach* will not arrive on *Shabbos* and *Yom Tov*, since he couldn't travel outside of the *techum*, indicating that *techum* applies above 10 *tefachim*.

The *Gemora* deflects this by saying that the reason *Mashiach* won't come on *Shabbos* and *Yom Tov* is because the verse says that Eliyahu will come (*one day*) before *Mashiach* does. Since Eliyahu didn't arrive the day before *Shabbos* or *Yom Tov*, we know *Mashiach* won't come that day.

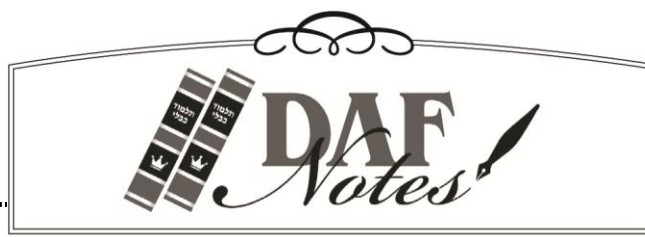
The *Gemora* challenges this, as we can apply this reasoning to permit wine on every day, as Eliyahu didn't arrive yesterday. We must assume that Eliyahu may have arrived yesterday at the main court, and we just didn't hear about it, so we must be consider this possibility on *Shabbos* and *Yom Tov* as well.

The *Gemora* explains that we have a promise that Eliyahu will not arrive on the day before *Shabbos* or *Yom Tov*, to not disturb the Jews' *Shabbos* and *Yom Tov* preparations, and we therefore know that *Mashiach* will not arrive on *Shabbos* or *Yom Tov*.

The *Gemora* says that the fact that the *Mishna* didn't say that he is permitted on the day after *Shabbos* or *Yom Tov* implies that Eliyahu can arrive on *Shabbos* or *Yom Tov*, implying that *techum* doesn't apply above 10 *tefachim*.

The *Gemora* deflects this by saying that this *braisa* may be unsure whether it applies, and therefore doesn't permit him to drink wine on these days.

The *Gemora* clarifies that if he declares himself a *nazir* on a regular day, it takes effect, and isn't removed by *Shabbos* or *Yom Tov*. When the *braisa* says that he is permitted on these days, it means that if he declared himself a *nazir* on these days, he is permitted on that day, but then becomes a *nazir* afterwards. (43a – 43b)



Measuring Distance

The *Mishna* told the story of when the *Tannaim's* boat docked after *Shabbos* began, and Rabban Gamliel assured them that he saw they were inside the *techum* when *Shabbos* began.

The *Gemora* cites a *braisa* which describes Rabban Gamliel's tube, which was set to allow one to see a distance of 2000 *amos* on dry land or from the sea. The *braisa* explains that if one wants to measure how deep a valley is, he should first measure on straight land how far he can see with the tube, and then see how far from the valley he can go and still see the low area. He can then subtract his distance from the valley from the distance he saw on dry land, and the remainder is the depth of the valley.

The *braisa* gives more examples of indirect measurements:

1. If one wants to measure the height of a palm tree, he should measure his own height, the length of the palm tree's shadow, and the length of his own shadow. He can then apply the proportion of his height and his shadow to the shadow of the tree to calculate the height of the tree.
2. If one wants to prevent a wild animal from resting in the shade of a gravestone, he should put a beam in the ground at the hottest time in the day (4 hours), and determine which direction its shade falls. He should then slope the gravestone in that direction, removing its shade at that point in the day. (43b)

Reentering the Techum

Nechemiah the son of Rav Chanilai was involved in his learning, and inadvertently left the *techum*. Rav Chisda told Rav Nachman that his student was uncomfortable,

since he was stuck outside, and Rav Nachman said that they should make a wall of people to allow him to reenter. Rav Nachman bar Yitzchak was sitting behind Rava, who was sitting in front of Rav Nachman. He asked what Rav Chisda was unsure of when he asked Rav Nachman what to do about his student. Perhaps there were enough people to reach all the way to him, and his question was whether we rule like Rabban Gamliel, who says that one can move anywhere inside an enclosed area, even if it is outside of his original *techum*. Or perhaps there were only enough people to reach within 2 *amos* of him, but his question was whether we rule like Rabbi Eliezer, who allows one to return 2 *amos* from where he left the *techum*.

The *Gemora* says that it was the latter option, as Rav rules like Rabban Gamliel, leaving no question about that. The *Gemora* supports this from the fact that the question was whether he can "reenter," implying that even after the people made the wall, he would still have to enter their domain. (43b – 44a)

INSIGHTS TO THE DAF

Traveling on Boats

The *Gemora* asks whether *techum* applies above 10 *tefachim*. The *Gemora* doesn't resolve the question, suggesting that the *braisa* which implies that Eliyahu will not arrive on *Shabbos* is itself unsure about it.

The Rosh (3) rules strictly, while the Rif and Rashba rule leniently.

The Bais Yosef (404) suggests that the Rosh rules strictly since the *braisa* is strict about this doubt.

The Rambam (*Shabbos* 27:3) states that there is a doubt about this, but does not explicitly rule either way.



The Bais Yosef cites a responsum of the Rambam in which he explains that since it is a doubt, we rule strictly in any case which is from the Torah, while we rule leniently in any Rabbinic case.

The Shulchan Aruch rules like the Rambam, and therefore states that in the context of the sea or rivers, where *techum* is definitely only Rabbinic (as these are unlike the camp of the Jews in the desert), one can be lenient, while traveling on land more than 12 mil is a case where we would be strict, as this may be from the Torah. Therefore, if one was on a boat on *Shabbos*, which was more than 10 *tefachim* above the sea floor, he only acquires his habitat whenever the boat enters 10 *tefachim* off the floor. When the boat docks, he may disembark and go 2000 *amos* from where the boat entered 10 *tefachim*.

The Rama adds that even if he is unsure if it entered 10 *tefachim* while it was traveling, he can be lenient. If the boat has gone more than 2000 *amos* from where it entered 10 *tefachim*, he must remain on the boat, as he has effectively left his *techum*. However, if he had to exit the boat to within the city (e.g., to avoid rain, or to relieve himself), he may then walk anywhere in the city.

The Rishonim discuss the parameters for entering a boat on or before *Shabbos*.

The *braisa* (*Shabbos* 19a) states that one may not embark on a ship within 3 days of *Shabbos*.

Rabbeinu Chananel and Rabbeinu Tam say that this restriction is due to the ship leaving the *techum*, which would only apply to bodies of water less than 10 *tefachim* deep.

The Rif and Rosh say that the restriction is due to *oneg Shabbos*, since people get seasick during the first three days.

The Behag says that if one dwelled in the boat before *Shabbos*, making it his habitat, this removes the issue of *techum*, and he may embark on his journey on *Shabbos*.

Tosfos (43a halacha) cites the R"i, who disputes this, as going on a boat on *Shabbos* is prohibited just like swimming is, lest one build a structure.

Tosfos also cites the Rashbam, who allows one to embark, as long as he entered the boat before *Shabbos* and remained there.

The Shulchan Aruch (248:1-2) rules like the Rif, and the Rama even permits one to enter a boat which will be below 10 *tefachim*, as long as he entered before Wednesday.

The Shulchan Aruch therefore rules that if one isn't going in salty seawater, which induces seasickness, then he may even leave on Erev *Shabbos*, as long as we don't know that it will go in an area less than 10 *tefachim* deep.

The Shulchan Aruch (3) rules like the Rashbam, allowing one to embark on a boat if he entered before *Shabbos* and remained there, while the Rama cites the Behag, and states that we need not protest those who rely on him.

Kohanim Drinking Wine

The *Gemora* cites a *braisa* which says that if one accepts *nezirus* on the day that *Mashiach* comes, he is a *nazir* unless it is *Shabbos* or *Yom Tov*, since otherwise *Mashiach* may come today.

Tosfos (43b v'asur) asks why we don't apply this to a *Kohen*, since he may need to perform the service in the Bais Hamikdash, which may not be done if he has drunk wine.

Tosfos answers that there are alternatives for a *Kohen* if *Mashiach* comes (another *Kohen* can perform it, or he



can sleep off his wine), whereas a *nazir* may not drink wine under any conditions.

DAILY MASHAL

Eliyahu's Locker Room

The *Gemora* at first says that there is a seeming proof that there is no *techum* higher than *tefachim*. This is because Eliyahu the Prophet was teaching both of the Torah classes above, and the two places were not within each other's *techum*. The *Gemora* answers that it is possible that there is a *techum* higher than ten *tefachimim*, and the teacher was in fact Yosef the demon (who did not have to keep *Shabbos*).

However, there seems to be an obvious question on this *Gemora*. We know of at least two famous instances where Eliyahu is known to travel outside the *techum* on *Shabbos* and *Yom Tov*. Eliyahu is said to be at every *bris milah*. How could Eliyahu travel to every *bris* on *Shabbos* if they are outside of each other's *techum*? Additionally, how can Eliyahu come to every Pesach Seder? This must be a proof that there is no *Techum Shabbos* higher than *tefachim*. However, if so, why didn't the *Gemora* quote these sources as a knockout proof?

The Chasam Sofer (Likutim at the end of Teshuvos Chasam Sofer) says that Eliyahu is bound by two different sets of laws. When he appears in bodily form, he must abide by the Mitzvos, as he is appearing as a person. This is why the *Gemora* was able to ask a question from Eliyahu's teaching Torah, as he taught in bodily form. However, when he comes to a *bris* or *seder* he comes in spirit, so to speak "as an angel." In such a case he is clearly not bound by Torah laws.