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Digest
Mishna Berura
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סימן שצ"ח סעיף ה'-ו'

# Overview

Siman 398 Seif 5:

**Regarding any residence that extends from a city, if it is within 70 and 2/3 *amos* which is the length of a side of a two *bais seah* square or less, it is considered part of the city and when measuring 2000 *amos* we measure from past that residence.** Some maintain that we do not measure from the residence rather we extend a string from past the house the full length of the city and then measure 70 and 2/3 *amos* from there and begin measuring 2000 *amos* from that point. This is the general procedure for measuring and it appears to me to adopt a lenient approach.

- When there is no residence beyond the city we measure 70 and 2/3 *amos* before calculating 2000 *amos*. According to the first opinion we do not grant 70 and 2/3 *amos* and we measure 2000 *amos* from the wall of the city. It is only when connecting two cities do we count 70 and 2/3 *amos*. (M.B. 21)

Siman 398 Seif 6:

**If a house was within 70 *amos* of a city and a second house was within 70 *amos* of the 1st and a third within 70 *amos* of the 2nd, even if this continues for a number of days' journey, it is all considered part of one city and when measuring the *techum* it is measured from the last house. This assumes it is a residence that contains four *amos* by four *amos* or more. The same is true concerning a *bais haknesses* that contains a residence for the *chazzan,* a gentile house of worship that contains a residence for their priests, a storage facility that includes a residence, a bridge or grave that contains a residence. If a structure has three walls but no roof but still contains four *amos* by four *amos*, a house built on the sea, two walls that have a roof and plaster, a cave that has a structure at its opening that includes a residence, are all residences if they are located within 70 and 2/3 *amos* of the city and we take a string from past that structure and measure 2000 *amos* from that point. If there are two walls that do not have a roof overhead, even though people dwell therein or a bridge, grave, *bais haknesses*, gentile house of worship or storage facility that do not include residences or a pit, ditch, cave, dovecote or houseboat and similar structures they are not considered part of the city.** If there are two houses such as these at the ends of a city, it is categorized as a city shaped like a bow.

- According to Rema we add 70 and 2/3 *amos* beyond the house and then measure the *techum*. Biur Halacha maintains that one should follow Shulchan Aruch's position regarding this matter. (M.B. 24)
- The protrusion of a city does not have to be a Jewish residence. (M.B. 26)
- It was a residential structure that became destroyed. (M.B. 29)
- Shulchan Aruch refers to where there are multiple houses such as these that extend beyond a city so that it forms a bow and if the two ends are 4000 *amos* apart we measure the *techum* from the city rather than the actual houses. It is permitted, however, to walk to the last house. (M.B. 35)

# Halacha Highlight

## Making a structure residential

Shulchan Aruch Siman 398 Seif 6

**והוא שיהיה בית דירה זה ד' אמות על ד' אמות או יותר**

**Provided that the residence is 4 *amos* by 4 *amos* or more**

Shulchan Aruch (סעי' ו') continues the discussion of extending the borders of a city to widen its area before measuring its *techum*. In addition to the requirement for the structure to be within 70 and 2/3 *amos* of the city, it is also necessary for the structure to be residential. Therefore, when determining whether a structure is considered an extension of the city or not, one has to determine whether it is residential. For example, a *bais haknesses* in and of itself is not residential and may not be used to extend the boundaries of a city. However, a *bais haknesses* that includes a residential area for the *chazzan* can be used to extend the boundaries of the city. Interestingly, Aruch HaShulchan (סעי' י"ד) addresses a *bais hamidrash* and rules that a *bais hamidrash* is automatically considered residential and it is not necessary to have a wing for the *chazan's* residence. The reason is that people regularly study, eat and sleep in a *bais hamidrash* as opposed to a *bais haknesses* and thus by nature it is residential.

A similar type of structure addressed by Shulchan Aruch is a storage facility in which one stores wine or oil (מ"ב ס"ק כ"ז). Since storage facilities are not generally designed for residential purposes, it would not extend the boundaries of a city unless the storage facility contained a residential area for the guards. Biur Halacha (סי' שנ"ח סעי' א' ד"ה לדירה) rules that to qualify as residential it is necessary for the guard to be there day and night. In the event that guards take different shifts so that no single guard is there all the time, it still qualifies as residential provided that someone is there around the clock (תוספת שבת סי' שנ"ח סק"א). Proof for this can be derived from Tosafos (עירובין כ"ג. ד"ה שהוא) where he writes that the *bais hamikdash* is categorized as residential since guards are there through the night and the guards worked in shifts.