The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שצ"ט סעיף ה'-ח'

Overview

Siman 399 Seif 5:

If they reach a valley and when they drop a plumb lihe it moves horizontally four *amos* we consider the following: If we can incorporate it with a rope of 50 *amos* we do so but if not, we measure it with a rope of 4 *amos*. This assumes the valley is not more than 2000 *amos* deep but if it is we include the slope of the descent and ascent. If the plumb line does not move horizontally four *amos* but we could incorporate it by measuring with a rope that is 50 *amos* we do so but if not we do not include the slope of the descent and ascent, just the flat ground at the bottom, even if it is deeper than 2000 *amos*.

- Since the edge is not so steep we can use הבלעה or קידור but when the edge is steep, קידור is not an option. (M.B. 18)
- In this instance even if the ground rises ten *tefachim* in four *amos* we use הבלעה. (M.B. 19)
- This is קידור. (M.B. 20)
- We measure it as though the ground is flat. The reason is that since it is more than 2000 *amos* deep it is considered an independent domain. (M.B. 21)
- Effort is not required to use הבלעה for a valley. (M.B. 22)
- It is not necessary to measure with קידור ground that is so steep. (M.B. 23)

Siman 399 Seif 6:

If they reach a mountain (or valley) **and what corresponds to the city is more than 50 *amos* wide so that הבלעה cannot be utilized, for example, it is to the east of the city and it is not possible to use הבלעה on that side, if they could move 2000 *amos* to the north or south to perform הבלעה they should do so since it remains within the *techum* of the city. If it is not possible to perform הבלעה within 2000 *amos* of one side of a city they should not travel further to perform הבלעה.**

- The concern is that the people who see them measuring may assume that they are still within the *techum.* In such an instance they will have to use קידור when measuring the mountain that corresponds to the city. (M.B. 27)

Siman 399 Seif 7:

We only rely on the measurement of an expert who knows how to survey land.

Siman 328 Seif 8:

If there was an assumed length of the *techum* and an expert came and measured and in one place was longer and another place was shorter, we follow his measurements even when his is longer. If he measured and his northeast corner was longer than the southeast corner we extend the rope used to mark the *techum* at that angle. Some maintain that we measure it straight from the longer corner.

- Shulchan Aruch refers to where we do not know that the presumed *techum* was measured by an expert because if it was, we would only follow the new expert when he adds length but not when he shortens the distance. (M.B. 29)
- The concern is that he did not err when he measured the south-east corner since short mounds are included in the measurement and as a result will produce a shorter horizontal measurement. (M.B. 32)
- We assume they did not pull the rope tightly enough and this may certainly be assumed if that corner was measured by another person. (M.B. 33)

Halacha Highlight

Measuring a valley

Shulchan Aruch Siman 399 Seif 5
והוא שלא יהא עמק יותר מאלפים

But this is provided that it is not deeper than 2000 *amos*

Shulchan Aruch (סע' ה') discusses the procedure for measuring the *techum* when in the process of measuring the surveyors come upon a valley. The first step mentioned by Shulchan Aruch, although it is relevant for subsequent considerations, is to determine whether the slope is traversable or not. This is done by dropping a plumb line and measuring whether the weight at the bottom moves four *amos* horizontally or not. If it does that means that the slope is traversable and the next matter to consider is whether the valley is narrow so they could use a 50 *amah* rope and extend it from one ledge to the other, or not. In the event that the valley is wider than 50 *amos,* they will have to employ the measuring procedure called קידור which involves a four *amah* rope and the two surveyors measure their way up and down the slope measuring in four *amah* increments.

Shulchan Aruch then adds that the above steps are applicable assuming that the valley is not more than 2000 *amos* deep. In the event that the valley is more than 2000 *amos* deep, one measures it as though it is flat ground including the horizontal distance of the slopes even if it is no wider than 50 *amos* so that one could theoretically measure with a 50 *amah* rope from one ledge to another. The reason is that since it is 2000 *amos* deep which is the measure for *techum* it is considered an independent domain (מ"ב ס"ק כ"א). Shulchan Aruch's wording implies that the bottom of the valley is 2000 *amos* lower the ground level (וע' גאון יעקב עירובין נ"ז: בדעת רש"י). However, Rashba (עירובין שם) writes that when determining whether the bottom of the valley is 2000 *amos* deep we combine the depth of the slope on each side. Therefore, if the bottom is merely 1000 *amos* below ground level it fits into this category since we add 1000 *amos* on each side which in total equals 2000 *amos*.