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

Overview

Siman 399 Seif 9:

If two experts measured the *techum* and one was further and the other closer, we follow the one who was further provided that it is not longer than the measure of the corner of the city. What is an example? When the second one measured larger we assume that the first one measured from the corner and thus shortened the length so it would emerge that the side would be less than 2000 *amos* as opposed to the second one who measured directly from the side. We would not assume that the first one erred more than this.

- If one is not an expert we disregard his measurement altogether. (M.B. 34)
- This is because *techumin* is only Rabbinic. (M.B. 35)
- Meaning we follow the second person only when the discrepancy is no more than 580 *amos*. If the discrepancy is greater, it is logical that they should measure again. (M.B. 39)

Siman 399 Seif 10:

We measure the *techum* like a square frame. Meaning, we measure 2000 *amos* to the east of the city and then 2000 *amos* to the north. We then imagine as though there is 2000 *amah* square frame to fill that corner so that the distance of the *techum* in the corner will be 2800 *amos*. We do not measure 2000 *amos* from the middle of one corner and then 2000 *amos* from another corner and then place a sting from one corner to the other since by doing so one will lose 800 *amos* in the corner and the *techum* opposite the city will only amount to 1428 *amos*.

- If one walks diagonally from the corner he may walk that distance. (M.B. 41)

Siman 399 Seif 11:

Even a slave or maidservant is reliable to inform us of the end of the *techum* but a child is not while yet a child. An adult is reliable to inform us that he recalls as a child that he would not travel beyond this point and we rely on that testimony.

- Since *techumin* in Rabbinic we rely upon their report. (M.B. 43)

Halacha Highlight

Credibility to identify the end of a *techum*

Shulchan Aruch Siman 399 Seif 11
נאמנין לומר עד כאן תחום שבת
Are believed to say that this is the end of the *techum* Shabbos

Shulchan Aruch (סעי' י"א) writes that even a slave or a maidservant is believed to say that this is the end of the *techum*. Mishnah Berurah (ס"ק מ"ג) explains that since the restriction of *techumin* is Rabbinic we may rely on their report. Biur Halacha (ד"ה עד כאן) further explains that their reliability is just to report that it was known that this was treated as the end of the *techum*. Slaves and maidservants are not considered reliable to have measured the *techum* personally since that must be done by an expert rather than a novice. Rashba (תורת הבית בית א' שער א', ז', ב'), however, implies that even if a slave or maidservant measured the *techum* we may rely on their measurement since *techumin* is only Rabbinic. There is a disagreement concerning the extent of credibility we would assign a slave or maidservant if *techumin* was Biblical. Rashba implies that if it were Biblical a slave and maidservant would have no credibility whatsoever. Ra'ah, on the other hand, implies that it is only if another witness contradicts the slave or maidservant would we disregard their testimony but if it was not contradicted, we would rely on their testimony even if the *techumin* restriction was Biblical (מ"ב מהדי' דרשו אות 28).

Although it is not mentioned by Shulchan Aruch, Tosafos (עירובין נ"ט. ד"ה ותחומין) writes that a woman is also reliable to identify the end of the *techum*. Tosafos further explains that it is only because *techumin* is Rabbinic that women are reliable, but were *techumin* Biblically prohibited we would not rely on a woman's testimony concerning the end of the *techum*. Rav Moshe Feinstein (אג"מ או"ח יו"ד ח"ב סי' מ"ד) explains that since people did not regularly travel to the end of the *techum,* the prohibition is categorized as איתחזק איסורא—as though there is a presumption of a prohibition—and when the prohibition is Biblical we require testimony from someone who is a Biblically qualified witness.