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סימן ת"ג סעיף א'

Halacha Highlight

Expanding a city on Shabbos

Shulchan Aruch Siman 403 Seif 1

והקיפוה אינם יהודים בשבת מחיצות לדירה

Gentiles came on Shabbos and enclosed the area for residential purposes

Shulchan Aruch discusses one who established residence for Shabbos in an open field and then on Shabbos gentiles constructed partitions so that the area is now completely enclosed. Normally we consider an enclosed city as only four *amos* for calculating *techum* related matters, but in this instance the new partitions will not grant him any additional space and he remains within the *techum* that he acquired at the outset of Shabbos. The rationale is that wall's enclosing a city are effective to render the area into four *amos* only when the partitions were in place and the person established residence within them at the outset of Shabbos. In this instance, since the walls were not in place so he obviously did not establish residence within them at the outset of Shabbos, they are not effective to enlarge his four *amos* (מ"ב סק"ה).

Poskim discuss an interesting variation of this case. What happens when a person established residence in a city that was enclosed so that the entire city is considered his four *amos*. On Shabbos gentiles arrived and built houses on the edge of the city, thereby expanding the area of the city. In such an instance do we say that the size of the city expanded so that he is permitted to walk throughout the newly expanded city as well as 2000 *amos* outside of the new city boundaries, or do we say that the size of the city as far as this Jew is concerned remains fixed according to its size at the outset of Shabbos? Even HaOzer (סי' רס"ג סע' י"ז) contends that just like newly constructed walls do not enclose an area so that it should be considered four *amos*, so too, houses added to a city's perimeter do not add to the perimeter of the city. Taz (שם סק"ג) seems to disagree and maintain that houses added to a city on Shabbos do expand the boundaries so that the Jews may consider the wider area four *amos* and calculate the *techum* from the new perimeter of the city.

Overview

Siman 403 Seif 1:

One who established residence in a field and on Shabbos gentiles enclosed the area for residential purposes with partitions may not travel beyond his original 2000 *amos*. The reason is that the enclosed area is not considered 4 *amos* since his residence did not begin Shabbos enclosed by partitions. He may transport objects throughout the area by throwing objects, even if it lands beyond his *techum* since it is a private domain being that it was enclosed for residential purposes. (However, he may not transport objects by hand outside of his 4 *amos* even when he remains within his 2000 *amos*.)

- Partitions constructed on Shabbos qualify as partitions. (M.B. 2)
- The partitions do not permit walking beyond his *techum*. (M.B. 4)
- An enclosed area is categorized as four *amos* only when a person took residence in them at the outset of Shabbos. (M.B. 5)
- Even though as far as *techum* is concerned the new partitions are ineffective, they are effective as far as transporting since partitions constructed on Shabbos qualify as partitions. (M.B. 6)
- This is permitted to another person's objects where the object will land within what is that person's *techum* or ownerless objects because his objects may not go beyond his *techum*. (M.B. 7)
- The issue is that his 2000 *amos* are breached to an area where he is prohibited. Most *Poskim* disagree with Rema and maintain that he may transport objects within his *techum* in the normal manner and do not consider it a circumstance in which his area is breached to an area where he is prohibited. Authorities follow the latter opinion. (M.B. 9)