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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ת"ד סעיף א'

Overview

Siman 404 Seif 1:

If one walks outside of the *techum* but more than ten *tefachim* above the ground, for example, one jumped on pillars that are ten *tefachim* high but are not 4 *tefachim* by 4 *tefachim* wide, it is uncertain whether *techumin* exist higher than ten *tefachim* or not and if the matter involves a Rabbinic prohibition, one could be lenient. However, if one were to walk on this path or by utilizing Hashem's Name to move from within 12 *mil* to beyond 12 *mil*, we adopt a stringent approach according to the opinion that maintains that the *techum* of 12 *mil* is Biblical. **Since seas and rivers are not subject to the Biblical prohibition of *techumin* according to all opinions, being that they are not similar to the encampment in the wilderness, if someone arrives on a ship on Shabbos to the port and from the onset of Shabbos until he reached the port he remained higher than 10 *tefachim* above the floor of the sea or river, he may disembark without hesitation and is permitted to walk 2000 *amos* in every direction from the point at which his feet reached within ten *tefachim* of the ground.** If it is uncertain whether he was above ten *tefachim* or not we assume leniently. If he already travelled 2000 *amos* from the point where he was within ten *tefachim* of the ground so that he only has 4 *amos*, nevertheless, if he must disembark from the boat due to rain that is falling on him, the sun is beating down on him or must relieve himself and to alleviate this condition he must leave the boat, the entire city is considered 4 *amos* and once he entered, he entered. See below *siman* 406. See above *siman* 266 regarding one who was riding when Shabbos began and what he should do.

- ❖ It is as if he is walking in the air but if the pillars are 4 by 4 so that it is easy to walk on them, it is as if he is walking on the ground and the prohibition of *techum* will be in force. (M.B. 3)
- ❖ If even one side is not 4 *tefachim* it is not easy to use and included in the uncertainty. (M.B. 4)
- ❖ Shulchan Aruch's wording implies that he maintains that 12 *mil* is Biblically prohibited but Gra indicates that he subscribes to the view that it is only Rabbinic. (M.B. 7)
- ❖ Meaning, even beyond 12 *mil* is not Biblically prohibited. (M.B. 8)
- ❖ Meaning the boat arrived at the port on Shabbos. (M.B. 9)
- ❖ If at any time on Shabbos it was within ten *tefachim* he would acquire residence there and if from that point until the port is more than 2000 *amos* he may not disembark from the boat since he only has 4 *amos*, meaning from his place on the boat which is considered 4 *amos*. (M.B. 10)
- ❖ If the boat is far from the port he may walk down the ramp. Whether he may take a ferry depends on whether it is attached to the boat and port. If so, it is permitted according to all opinions and if it is not attached it is subject to debate. (M.B. 11)
- ❖ We assume that from the outset of Shabbos until they reached the port that it was not within ten *tefachim*. (M.B. 14)
- ❖ Meaning they reached a spot within ten *tefachim* and he acquired residence in that spot and then he moved more than 2000 *amos* from that spot. If his movement was the result of an *oness* and he was forced into a city, he may consider the city his 4 *amos*. If he did not leave the *techum* but his *techum* ends halfway through the city, he may only travel as far as his *techum* permits. If someone arrived on Yom Tov from outside of his *techum*, on Shabbos which immediately follows he may travel 2000 *amos* from the place he arrived since Shabbos and Yom Tov represent different *kedushos*. (M.B. 15)
- ❖ This would certainly be true if he was forced by gentiles into the city. (M.B. 16)
- ❖ This assumes there was no place for him to go without entering the city but if there is, he may not enter the city. (M.B. 17)

Halacha Highlight

Eliyahu HaNavi travelling beyond the *techum*

Shulchan Aruch Siman 404 Seif 1
למעלה מעשרה טפחים
Above ten *tefachim*

Shulchan Aruch begins with a discussion raised in the Gemara whether the *techum* restriction applies more than ten *tefachim* above the ground or not. As an example of how one will travel more than ten *tefachim* above the ground, he mentions walking on narrow posts, less than four *tefachim* by four *tefachim*. He writes that since the matter is subject to debate, whenever the matter relates to a Rabbinic matter one could follow the lenient approach that *techumin* does not apply more than 10 *tefachim* above the ground. Rema then adds that if a person travels more than 12 *mil* he should follow the stringent opinion that the restrictions of *techum* apply above ten *tefachim* if one follows the opinion that maintains that travelling more than 12 *mil* is Biblically prohibited. Mishnah Berurah (סק"ז) notes that Shulchan Aruch's wording implies that he maintains that the *techum* restriction of 12 *mil* is Biblical but that Gra indicates that he subscribes to the view that even the *techum* of 12 *mil* is only Rabbinic.

Magen Avrohom (סי' רצ"ה סק"ב) explains that Eliyahu HaNavi will not arrive on Shabbos due to *techum* restrictions. In other words, since Eliyahu HaNavi will have to travel more than 12 *mil* and when travelling such a far distance the restrictions of *techumin* apply even more than ten *tefachim* off the ground. Chasam Sofer questions the assertion that Eliyahu HaNavi cannot arrive on Shabbos from the fact that at a *bris milah* that is performed on Shabbos the *mohel* declares, "This is the seat of Eliyahu HaNavi." Why would that declaration be made if he cannot travel on Shabbos? He therefore explains that Eliyahu HaNavi sometimes takes on human form and other times angelic form. When he takes on human form he is obligated in *mitzvos* and may not travel beyond the *techum*. For that reason he may not arrive on Shabbos to announce the end of days since at that time he will take on human form. When he comes to a *bris* he has angelic form and since angels are not obligated in *mitzvos* he can travel to be in attendance without concern for *techum* restrictions.