

Overview

Siman 405 Seif 1:

If someone walked outside of the *techum* even one *amah* he may not reenter so that he should be considered a resident of the city and may only travel four *amos* from where he is standing and outwards.

- ❖ Shulchan Aruch follows his position that the person is assigned only four *amos* but according to the opinion cited by Rema that he is granted four *amos* in each direction if he walked out one *amah* he is permitted to walk three *amos* back into the *techum*. If his exit was the result of an *oness* or he became distracted and did not realize that he left, authorities agree that if he did not exit more than four *amos* outside of the *techum* he may return into the city. Certainly, if he exited to perform a *mitzvah* he may return to the *techum* and from there to the city if he did not exit more than 4 *amos*. (M.B. 2)

Siman 405 Seif 2

If one foot remains within the *techum* and the second foot is beyond the *techum*, he may reenter the *techum*.

- ❖ We follow the majority of his body. (M.B. 3)

Siman 405 Seif 3:

If Shabbos began and someone was even one *amah* outside of the *techum*, he may not enter the city to be considered a resident of the city and may only walk 2000 *amos* in each direction from the place where Shabbos began.

- ❖ Although he will be able to enter three *amos* into the city since he was only one *amah* outside of the *techum*, nevertheless, he is not considered a resident of the city that he should be permitted to walk throughout the city and 2000 *amos* beyond that . (M.B. 5)

Siman 405 Seif 4:

If someone unknowingly walked beyond the *techum*, it is permitted to form a partition of people that made an *eruv* in that direction so that they could walk there and then surround him forming a partition and he will enter between them. This is permitted provided that he does not inform them that they are forming a partition and it was for that purpose that they were called. If he exited intentionally, it is prohibited.

- ❖ This could be a circumstance of *oness*, *shogeg* or one who exited to perform a *mitzvah*. (M.B. 6)
- ❖ Once he returns to the *techum* with permission it is as if he never left. (M.B. 7)
- ❖ Even if the partition is more than 2000 *amos* he may

Halacha Highlight

Taking one step out of the *techum*

Shulchan Aruch Siman 405 Seif 2
היתה רגלו אחת תוך התחום

If one foot was out of the *techum*

Shulchan Aruch (סעי' א') writes that once a person exits the *techum*, even one *amah*, he may not return to the *techum* to be considered a resident of the city. Once he exited, he becomes confined to his four *amos* and he may only move away from the *techum* and may not go four *amos* backwards towards the *techum*. Mishnah Berurah (סקי"ב) notes that Shulchan Aruch is following his position elsewhere that a person who exits the *techum* is confined to a four *amah* square. Rema, however, cites authorities who maintain that one who exits the *techum* is granted four *amos* in each direction from his current location. Accordingly, he could walk back four *amos* which will put him three *amos* into the *techum*. Mishnah Berurah (סקי"א) also explains that Shulchan Aruch presented the case of one who stepped one *amah* out of the *techum* so that one should not think that walking one *amah* out of the *techum* is inconsequential and he retains his status as one of the residents of town.

Shulchan Aruch (סעי' ב') proceeds to address a circumstance in which one was walking out of the *techum* but caught himself with one foot out of the *techum* but the other foot still within the *techum*. He rules that in such a case the person may return into the *techum* and does not lose any of his *techum* as a result of that one step. The rationale for this ruling is that despite the fact that one foot was out of the *techum*, since the majority of his body remained within the *techum* his *halachic* status is determined by the majority of his body and it is assumed that if only one foot is out of the *techum* the majority of his body would remain within the *techum*. If he walked with outstretched arms so that the majority of his body would, in fact, be outside of the *techum*, Sefer Tosefes Shabbos (סקי"ב) asserts that we would still allow him to return since Chazal's lenient ruling applies in all cases (לא פלוג). Sefer Derech Tamim (סקי"ב) disagrees and rules that when the majority of his body is outside the *techum* he may not return.

walk the entire area. (M.B. 8)

- ❖ Once he reenters the *techum* he may walk the entire area even without the partitions. If the partitions of people gets him within four *amos* of the *techum* that is also sufficient since his 4 *amos* from that spot will bring him into the *techum*. (M.B. 9)
- ❖ Even if he was inside of actual partitions he may not walk beyond four *amos*. (M.B. 11)