The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ת"ה סעיף ה'-ו'

Overview

Siman 405 Seif 5:

If someone was removed from the *techum* by gentiles, by virtue of insanity or some other *ones*, or if one inadvertently left the *techum* he is limited to his four *amos*. If he was returned to within the *techum* it is as though he never left and he can go 2000 *amos* in any direction. If he intentionally returns he is limited to four *amos*. Similarly, one who enters a boat and the boat travelled beyond the *techum* and then returned to the port from which it left, it is considered as though he never left, similar to one who was removed by a gentile and then returned.

- Even though he was *removed* against his will, he is limited to four *amos*. (M.B. 12)
- Shulchan Aruch refers to where he did not enter a city but if he entered a city enclosed by walls, the city is considered four *amos*. (M.B. 17)
- Rema refers to where he acquired residence on land and entered the boat without the intent that it would travel but it did anyways. (M.B. 18)
- The place that was beyond the *techum* was within ten *tefachim* of the ground. (M.B. 19)

Siman 405 Seif 6:

If gentiles placed him outside the *techum* in a fold, pen, cave or another city enclosed for residential purposes or if another *oness* occurred or if he inadvertently left the *techum* and entered one of these locations and realized while inside, he may walk the entire area. If he intentionally left the *techum*, even though he is in one of these areas, he is limited to his four *amos*.

- Shulchan Aruch does not mention that it was enclosed for residential purposes since that is a factor for areas larger than two *bais seah* and a pen and fold are generally not that large. (M.B. 21)
- If a gentile drove a boat he may not disembark on his own if it is within ten *tefachim* of the ground unless the boat entered an enclosed city. Some maintain that the depth of the water can serve as a partition for this purpose. (M.B. 22)
- If he realized he was beyond the *techum* before he entered and then entered, it is considered intentional and is limited to four *amos*. (M.B. 24)

Halacha Highlight

One who is outside of the *techum* but in an enclosure

Shulchan Aruch Siman 405 Seif 6
מהלך את כלו
He may walk the entire area

Shulchan Aruch (סע' ו') discusses someone who is outside of the *techum*, whether due to circumstances beyond his control (אונס), e.g., gentiles forcibly removed him, or whether he walked out of the *techum* inadvertently (שוגג), e.g., he was thinking deeply about something and did not realize that he exited the *techum* (מ"ב ס"ק כ"ג). In this circumstance the place where he now finds himself is an area that is enclosed with partitions. This could be a city that was enclosed for residential purposes or even a fold or pen for animals. The *halacha* in such a case is that since he did not leave the *techum* intentionally and now finds himself within an enclosure, he may consider the entire area of the enclosure as four *amos* and may walk the entire area. Mishnah Berurah (ס"ק כ"ד) emphasizes that this leniency applies specifically when the person realizes that he is already inside of an enclosure. If one realizes before he is within an enclosure, he is confined to his present four *amos*.

Shulchan Aruch then emphasizes that the leniency is limited to one who exited the *techum* either inadvertently or due to circumstances beyond his control but one who left the *techum* intentionally and now realizes that he is inside of an enclosure is limited to his four *amos* and may not walk the entire area of the enclosure. Mishnah Berurah (ס"ק כ"ה) explains that it does not matter whether he entered the enclosure willingly or not, once he intentionally left the *techum* he is not afforded this leniency. Chazon Ish (או"ח סי' ק"ט ס"ק י"ז) notes that the stringency applied to one who intentionally left the *techum* also produces a leniency. Those who are permitted to walk the entire area of the enclosure are not permitted to exit the enclosure at all. However, the person for whom the enclosure is not considered four *amos* is assigned four *amos* around his present location. In the event that he is at the edge of the enclosure he may walk four *amos* even if he will end up outside of the enclosure.