

## Overview

### Siman 405 Seif 7:

If a ship embarked on a journey a passenger may go throughout the boat since he established residence within its walls. If the height of the walls became diminished on Shabbos but the boat is still moving he may walk the entire area but if it is still, he may only walk four *amos*. If the middle part of the boat has a partition but the end does not, we follow the middle. Even if it does not have partitions but has material that could be carved to ten *tefachim*, it is acceptable since we employ the principle, "One can hollow to complete."

- ❖ Shulchan Aruch refers to where one boarded the boat when it was within ten *tefachim* of the ground with the intent to exit the boat and establish residence on land but a wind came and blew the boat beyond the *techum* to a place that is within ten *tefachim* of the ground. (M.B. 26)
- ❖ Since it is no longer ten *tefachim* it does not qualify as a partition and the same is true if there is a breach more than ten *amos* wide since this nullifies its status as a private domain. (M.B. 29)
- ❖ If it was more than ten *tefachim* from the ground it would be permitted to walk throughout the area even if there were no partitions. (M.B. 31)
- ❖ The middle section is deep and the end is sloped as is common amongst boats but nevertheless, the entire boat is categorized as a private domain. (M.B. 32)
- ❖ The beams at the bottom are thick enough that one could combine them with the partitions to reach a height of ten *tefachim*. (M.B. 34)

### Siman 405 Seif 8:

If one left the *techum* intentionally and was then returned to the *techum* by gentiles, he is limited to his four *amos*. If he is returned to his city (that is enclosed for residential purposes), it is considered four *amos* and this is true even if he left and returned intentionally. (See above *siman* 401 concerning regular cities.)

- ❖ We require that the exit and return must have occurred as a result of *ones*. (M.B. 37)
- ❖ If he was brought to another city he is confined to four *amos* since he left his *techum* intentionally. (M.B. 38)

## Halacha Highlight

### One who exited the *techum* and was returned to it

Shulchan Aruch Siman 405 Seif 8  
ומיהו אם החזירוהו לעירו

However, if he was returned to his city

Shulchan Aruch (סעי' ח') rules that one who intentionally exited his *techum* but was returned to his city by gentiles is confined to the four *amah* area where he was placed. However, if they returned him to his city, he may walk the entire area of the city and this is true even if he exited the *techum* intentionally and returned intentionally. Mishnah Berurah (ס"ק מ"א) notes that although once he is back in his city he may walk the entire area of the city, nevertheless, he may not exit the city at all, even one *amah*, since a person who exits his *techum* intentionally loses his *techum*.

Rema adds an interesting requirement to this *halacha*. He writes that the *halacha* that if the person is returned to his city he may consider the entire city to be four *amos* is limited to where his city was enclosed for residential purposes. Biur Halacha (ד"ה אם החזירוהו) references Bais Meir who questions this requirement. The primary rationale for Shulchan Aruch's ruling is that since he was returned to his city, he may consider his city to be four *amos*. However, a person's city is considered four *amos* regardless of whether it is enclosed or not. Why then does the Rema require the city to be enclosed for residential purposes in order for it to count as only four *amos*? Moreover, the sources that Rema cites to support his ruling all refer to where one was placed in another city and not the one where he established residence at the outset of Shabbos. Biur Halacha then notes that although Bais Meir adopts a stringent position about this matter and does not even allow one returned to his own city to consider it as four *amos*, nevertheless, there is strong support for Shulchan Aruch's ruling that one who is returned to his original city may consider it four *amos*.