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Digest
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סימן ת"ה סעיף ט'

Halacha Highlight

Fruit that was removed from and then returned to the *techum*

Shulchan Aruch Siman 405 Seif 9
פרות שהוציאו חוץ לתחום והחזירום
Fruit that was taken out of the *techum* and then returned

Shulchan Aruch rules that fruit that was removed, even intentionally, from its *techum* and then returned is treated as though it was never removed from the *techum* in the first place. Therefore, it may be transported throughout the city as though it is four *amos* and the fruit may be transported 2000 *amos* in any direction. He then notes that this is true concerning Yom Tov when there is no restriction against transporting objects. On Shabbos when it is prohibited to transport objects, the leniency that applies is that one may eat the fruit in its place. This is in contrast to Shulchan Aruch's ruling at the end of the *seif* that fruit that was intentionally transported out of the *techum* may not even be consumed in the place where the fruit presently rests.

The rationale for this ruling, explains Shulchan Aruch, is that the fruit is considered an *oness* in that it was removed from and then returned to the *techum* against its will and thus is not penalized once it is returned. Biur Halacha (ד"ה מאי טעמא) references Magen Avrohom who questions why the fruit that was intentionally transported and is returned is permitted and food that was intentionally cooked Shabbos, against its will, is prohibited. He answers that we are stringent regarding cooking since the prohibition is Biblical and are lenient concerning fruit that was transported out and back into the *techum* since the prohibition is only Rabbinic. Biur Halacha then relates that other commentators suggest other resolutions to this apparent contradiction. Ramban, for example, answers that in our *seif* we are lenient once the fruit was returned to the *techum* since at that point one is not benefitting from the prohibition that was violated since the fruit is back to where it was at the outset of Shabbos. Food that was cooked, on the other hand, underwent an irreversible process and once the prohibition was violated, if one were to eat it, he would inevitably benefit from that violation.

Overview

Siman 405 Seif 9:

Fruit that was transported out of the *techum* on Yom Tov and then returned, even intentionally, does not lose its place and the entire city is considered its four *amos* and may be transported 2000 *amos* in each direction as was allowed before it was transported. On Shabbos it is permitted for consumption in its place, even for the person for whom it was returned intentionally and the reason is that the fruit is transported against its will. If the fruit is not returned and remains beyond the *techum*, if it was removed inadvertently, it may be consumed but may not be moved beyond its four *amos*. If it was transported beyond the *techum* intentionally, it is prohibited for consumption even for those who did not transport it but some authorities permit it for those who did not transport it.

- The fruit does not lose its initial *techum* since it was removed and returned against its will. (M.B. 42)
- On Yom Tov it may be transported throughout the *techum* in contrast to Shabbos when it may not be transported more than four *amos*, even within the *techum* [unless the city has an *eruv*]. (M.B. 43)
- We are more lenient in this case than generally regarding objects imported into the *techum* since the fruit began Shabbos within the *techum*. (M.B. 46)
- It is permitted for even the one who transported them. (M.B. 48)
- They may be moved within their four *amos*. Shulchan Aruch refers to where they are in an open field but if they were transported to a city that is enclosed, even though a prohibition was violated, it is permitted to transport it throughout the city regardless of whether it was transported inadvertently or whether it was transported intentionally. (M.B. 50)
- This assumes that it was not transported for him for if it was, it would be prohibited. We follow the first opinion and it is prohibited for consumption even though it was transported for others. (M.B. 52)