The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Mon, Apr 28 2025 ■ ל' ניסן תשפ"ה
סימן ת"ו סעיף א'-סימן ת"ז סעיף ג'

Overview

Siman 406 Seif 1:

If someone unintentionally exited the *techum* so that he is assigned four *amos* and feels the urge to relieve himself, he may exit that area until he finds a private place to do so. It is advised to walk towards the *techum* because if he does not find a private place until he reaches the *techum* he may reenter the *techum* and once he is within the *techum* it is as though he never left since he reentered with permission. However, if he finds a private place before reentering the *techum* he may not reenter and must relieve himself there and then may go away from the smell and from that location he has four *amos*. If he left the *techum* intentionally he has no option. Some say that the leniency for one who must relieve himself includes urinating whereas others contend that it is limited to one who feels the urge to defecate.

- Authorities write that one may go to a Jewish home. Meaning, if one finds a private place near an idolater's home one may continue searching for a private place near a Jew's home if he is concerned that the idolater will strike him or frighten him. (M.B. 2)
- If he finds a place that is within four *amos* of the *techum* he may reenter the *techum*. (M.B. 4)
- He may travel 2000 *amos* in every direction. (M.B. 5)
- Although he is permitted to find a private location to relieve himself, it will not be considered as though he never left the *techum* unless he reenters his city so that the entire city is considered his four *amos*. (M.B. 8)

Siman 407 Seif 1:

If one exited the *techum* with permission, for example, a midwife to deliver a baby and similar circumstances, he has 2000 *amos* in each direction from where he works. If he reaches a city he is considered a resident of the city and is granted 2000 *amos* in each direction outside of the city (See above at the end of *siman* 248).

- If his present *techum* overlaps his original *techum* he may return home and has 2000 *amos* in each direction from there. (M.B. 2)

Siman 407 Seif 2:

If one had permission to exit and during the trip was informed that the *mitzvah* that he intended to perform was completed, he has 2000 *amos* from his current location. If some of his original *techum* overlaps his current *techum*, he may go back as if he never left.

- Shulchan Aruch implies that if he returns he loses the 2000 *amos* he was granted for travelling. (M.B. 7)

Siman 407 Seif 3:

Anyone who exits to save someone from idolaters, from a river or collapsed building is given 2000 *amos* in each direction from the place of the life-saving mission. If idolaters maintained control and there is reason to fear remaining in the place of the life-saving mission, they may return home on Shabbos with their weapons.

- Returning with one's weapons if one is within the *techum* is permitted even when the Jew's have control out of concern that if they leave their weapons behind, the idolaters will attack again. (M.B. 10)

Halacha Highlight

Accompanying a midwife

Shulchan Aruch Siman 407 Seif 1

מי שיצא חוץ לתחום ברשות

One who exited the *techum* with permission

Shulchan Aruch (סי' ת"ז סע' א') discusses someone who exits the *techum* with permission. The *halacha* is that although a person who exits the *techum* is normally confined to the four *amos* of their present location, a person who exited with permission is treated more leniently. This person is given 2000 *amos* in each direction from their destination and if their destination is within a city, they are treated like a resident of that city. Mishnah Berurah (סק"ד) explains that this means that we consider them as though they were in the city during *bein hashemashos* so that the city is considered their four *amos* and are given 2000 *amos* in each direction outside of the city. The reason Chazal instituted this leniency was out of concern that if someone had permission to exit the *techum* and then becomes confined to only four *amos*, he will refrain from performing such a vital mission in the future (מ"ב סק"ג). Examples of people in this category are midwives who travel to deliver a baby or someone on some other life-saving mission.

Poskim debate what should be done when a midwife has to travel more than 12 *mil* in order to deliver a baby and the wagon driver who will transport her to that location is a gentile so that there is a prohibition of *yichud*. Is it permitted for another Jew to accompany her to avoid the prohibition of *yichud* or not since that person will not be performing a life-saving mission? Shem Aryeh (סי' ל"ז) argues that it is better to have someone accompany her and violate the prohibition of traveling more than 12 *mil* which according to most *Poskim* is only Rabbinically prohibited than to have the midwife violate the Biblical prohibition of *yichud*. Teshuvas Emek She'alah (סי' י"ד), disagrees based on the principle that we do not instruct one person to sin in order to benefit another person. Therefore, we would not tell someone to travel beyond the *techum* to save the midwife from violating the prohibition of *yichud*.