



Forcibly Taken Outside the Techum

The *Mishnah* (4:1) teaches that if one walks out of the *techum*, even if he was taken out by force, he not able to walk more than four *amot*. If he however was returned, then it is considered as if he never left. The *Mishnah* continues that if he was forcibly taken outside the *techum* and placed in another city or enclosure, then there is a debate. *R' Elazar ben Azarya* maintains that he can walk in that entire area. In other words, that entire space is considered like the four *amot* space he is limited to. *R' Yehoshua* and *R' Akiva* however disagree. We shall try and understand the opinion of *R' Elazar ben Azarya*.

The *Bartenura* explains that since the space is surrounded by walls, it is considered like four *amot*. To be clear, he explains that the requirement of walls also applies to the city. In other words, if the person was placed in a city that was not walled, then *R' Elazar ben Azarya* would agree that he can only walk four *amot*. It is important to remember, that the city in which one dwells is considered like four *amot* for the laws of *techum*, irrespective of whether it is walled. The case in our *Mishnah*, where one is placed in another city, is therefore treated differently. The city would need to be defined as a *reshut ha'yachid* much like the parallel case of the enclosure.

Indeed, the *Shulchan Arucha* rules that the city would need to be walled. The *Mishnah Berurah* (*Biur Halacha* s.v. *mukefet*) explains that this is the opinion of most of the *Rishonim*. The *Ramban* however rules that the city need not be walled. The *Magen Avraham* cites the *Riaz*, who explains that even the *ibur* (70 *amot* strip) at the edge of the city would be considered as being “inside” the city for these purposes.

The *Mishnah Berurah* continues that the *halacha* follows the *Shulchan Aruch*. Nevertheless, considering that the *issur techum* is rabbinic, in pressing circumstances, one could rely on the more lenient position of the *Ramban*. The position of the *Riaz* however, that also includes the *ibur* is too much of

a leniency, considering that the *Ramban* does not count the *ibur*.¹

The *Mishnah Berurah* cites the *Ohr Zaruah* who bring *R' Yoel* that comments that he would also be tempted to permit the case where the city did not have a wall. He however continues that even if one requires a wall for the city, even if there was a public domain running through the city, it would be sufficient. Note that the public domain would prevent one from carrying in the city – even with a *shituf mavoit*. He explains that the reason is that the permit to walk is not dependent on the permit to carry.

Perhaps the comment of *R' Yoel* may help us to understand the debate regarding our *Mishnah*. The *Chachamim* restricted one from walking two thousand *amot* outside the city. If one did, then they are limited from walking more than four *amot*. The issue that our *Mishnah* addresses is how to relate to an individual that was forcible placed in another location outside the *eruv*. What mechanism could the *Chachamim* use to assist the individual in this situation who can only walk four *amot*? According to most of the *Rishonim*, considering the individual is outside the *techum* far away from his *shvita* we need to look to another area of *halacha* that can effectively “shrink” a large space to be considered as if it was four *amot*. We find that in the laws of carrying objects on *Shabbat*. If an area is defined as a *reshut ha'yachid* the one can carry in that entire space. Consequently, the city he is placed in must share the qualities of a *reshut ha'yachid*. According to the *Ramban* however, carrying has nothing to do with the law of *techumim*. Instead we look to the laws of *techumim* itself to see when a large space, a *makom shvita*, can be considered like four *amot*. For that we find a city qualifies, even if it is not walled nor can one carry in that city.

Yisrael Bankier

¹ The *Chazon Ish* (109:15) however differentiates between two types of *ibur*. The type the *Ramban* rejects is the seventy *amot* perimeter around the city, or when one house extends outside the city, such that limit of the city on that face is extended to that point. The other type of *ibur* however is the

space between two houses that extend on one side of the city or the space between turrets. That is the *ibur* that the *Riaz* is referring to, about which the *Ramban* would agree.

Revision Questions

עירובין ג' ה' – ד' ט'

- Can one place two *eirubin* on a particular condition such that only one will be valid? (ג': ה')
- Explain the debate regarding placing two *eirubin* for *Yom Tov* and *Shabbat* that immediately follows it. (ג': ו')
- Describe the *Chachamim's* solution to the previous question. (ג': ו')
- Is there a similar debate by the two days of *Rosh Hashanah*? (ג': ו')
- What are two cases debated regarding the two days of *Rosh Hashanah*? (ג': ו')
- What are the two opinions about how one should reference *Rosh Chodesh* on *Rosh Hashanah*? (ג': ו')
- If someone was forcibly taken outside the *techum*, how far can he walk? (ג': ו')
- If that person was then forcibly returned inside his *techum*, how far can he walk? (ג': ו')
- Explain the debate regarding one that was forcibly removed from his *techum* and placed in a walled-off area. (ג': ו')
- Explain why *Rabban Gamliel* ruled that the passengers of a boat that only reached the port on *Shabbat* were able to leave the boat. (ג': ו')
- In what cases is one allowed to leave the *techum Shabbat*? (ג': ו')
- If one of these people left the *techum Shabbat* and completed their task, how far can they walk from that spot? (ג': ו')
- Describe the debate regarding someone who was travelling and was unaware that at the onset of *Shabbat* he was within the *techum* of a city. (ג': ו')
- List the four opinions regarding a traveller that was asleep at the onset of *Shabbat*. (ג': ו')
- If three people are standing in a row, and each only able to walk four *amot*, and the region of the middle person overlaps the regions of the outer two, which parties are able to join and eat together? (ג': ו')
- To which case does *R' Shimon* compare the case in the previous question? (ג': ו')
- If someone is travelling, and they wish to make the *makom shvita* by a particular tree (in the distance) how should they phrase the proclamation? (ג': ו')
- Explain the two opinions of how the distance of two thousand *amot* for *techum Shabbat* is measured. (ג': ו')
- What are the two methods of making an *eruv techumim* and to whom do they apply? (Include all three opinions) (ג': ו')

Shiurim

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Reuven Spolter
mishnah.co

Rabbi Chaim Brown
www.shemayisrael.com/mishnah/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

APPS

Mishnah Yomit
mishnahyomit.com

All Mishnah
 Orthodox Union

Mishna Yomi
 Our Somayach, South Africa

Kehati

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 February כ"א שבט	13 February כ"ב שבט	14 February כ"ג שבט	15 February כ"ד שבט	16 February כ"ה שבט	17 February כ"ו שבט	18 February כ"ז שבט
Eruvin 4:10-11	Eruvin 5:1-2	Eruvin 5:3-4	Eruvin 5:5-6	Eruvin 5:7-8	Eruvin 5:9-6:1	Eruvin 6:2-3

