


# HALOCHOSCOPE

TOI

The graphic shows a black telescope-like shape with a lens. Inside the lens, there is Hebrew text: "ה' אלהינו ה' אחד", "אלהינו ה' אחד", "אלהינו ה' אחד", "אלהינו ה' אחד", "אלהינו ה' אחד". The word "TOI" is written above the "O" in "HALOCHOSCOPE".

Corrections to last issue: Section A discussed the Pesach offering made in the wilderness. This was the second Pesach offering ever made. The first, at the time of the Exodus, was brought by all Jews. They were all considered ritually unclean at the time. The sentence discussing "those individuals who were unable to participate in the second Korban Pesach ..." refers to the Pesach brought in the wilderness. It does not refer to Pesach Sheini, the make-up for the main Erev Pesach Korban.

In section B, the sentence beginning "If Pesach begins on Shabbos ..." is wrong. The chance of *Beha'b* falling on *Pesach Sheini* is when the first day of Pesach falls on Sunday. Thus, *Pesach Rishon*, i.e., *Erev Pesach*, the first chance for bringing the Pesach offering, is on Shabbos.

**May a man rely on an *Eruv Techumin* to walk to a *Mikveh* before Shul on Shabbos morning? May it be relied on to permit walking to an "Oneg" Shabbos party?**

**The issues:**

- (A) *Techum Shabbos*, the boundaries for walking on Shabbos
- (B) *Eruv Techumin*, the formula used to relax the restrictions of the *Techum*
- (C) Using a men's *Mikveh* on Shabbos

**(A) *Techum Shabbos***

The Torah says that one may not leave "his place" on Shabbos, implying that one must remain within certain confines on Shabbos. Though the Talmud debates the matter, we consider this restriction Rabbinical rather than Scriptural. [Some Poskim maintain that there is also a Scriptural boundary, but much larger, twelve times the regular *Techum Shabbos*.] Therefore, on Shabbos, one may walk within the four cubits he is in at the beginning, no matter where he is. He also has a space of four thousand cubits outside of this four cubit space, in all four directions. The Talmud measures this as a square, thus gaining the corners which are more than the two thousand cubits from the center. One's home is considered his four cubits, as is his entire city. Thus, one may walk as far as he wishes within the built up area. Once he ventures into the open country, he may walk no more than a *Techum Shabbos*, two thousand cubits. This is based on Scriptural measurements given for the territorial space around a Levite city. For the purposes of our discussion, let us assume it is three quarters of a mile.

If he crosses the "line," he is not allowed to move more than four cubits from his spot. The Talmud debates how these are measured, in a two cubits radius, as a four cubit square, of which he may choose the direction, or as an eight cubit

square, four cubits in each direction. The same is true of the initial four cubits given to one who camps in the open. Thus, when leaving the Techum one loses his extra space. His own four cubits is considered one spot, and moving around within it is not considered moving at all.

If one enters another built up area before he walks the two thousand cubits, then also leaves before it is completed, the entire new built up area is counted as four cubits. After leaving the new city, he may continue for the remainder of his Techum. If, however, the Techum ends in the middle of the new city, he may not go any further. As we shall see, this is learned from the details of Eruv Techumin.

To be considered a built up area, (as opposed to single dwellings) there is a minimum amount of sturdy homes (configured in courtyards and alleys). Then, the area is squared off to include the empty spaces at the edges. The outermost houses are used as the boundaries of the "city", and the *Ibur*, empty outer space of seventy and two thirds cubits, is considered an extension of the built up area. Once the outermost houses are found, the city is "squared" in a rectangle of any orientation. Two thousand cubits are measured from the edges of this square. If the settlement is fenced in after it was built, such as a bungalow colony, the measurements are made from the fence. Any kind of dwelling within the *Ibur* extends the settlement further. A river that is usually full is considered the end of the town. Occasionally, a river curves such that one may use the two outermost parts of the one bank to include the inner part of the other bank. Otherwise, a river divides one settlement from another, and if the distance from one built up area across the bridge to another is more than the Techum, an Eruv is needed.

If two settlements' *Iburim* overlap they are considered one continuous settlement. The Techum is measured from the outer points of the combined towns. [See Eruvin 49b 52b 55a-57b60a-61b, Poskim. Tur, Shulchan Aruch Orach Chaim 396, 398, 399, 405, 408, commentaries.]

### **(B) Eruv Techumin**

One has the proscribed distance of permissible walking in all directions based on having determined before Shabbos where he wishes to base himself for Shabbos. This is called being *Koneh Shvisah*. If one does not formally do this, he loses the additional two thousand cubits and must remain confined to his four cubits. If one determined his home base to be more than a Techum from his location at the beginning of Shabbos he is now outside his Techum. Living in a town or home is considered automatic *Shvisah*. One can, however, deliberately make his *Shvisah* in

another place within two thousand cubits of his home or town. Then his home is simply another spot in his new Techum. He has changed his center to his new *Shvisah*. The way to do this would be to go to that new spot and wait for Shabbos to begin. One may also fix it by sight from a distance, if he has accurate landmarks. The third way is to place two meals of food at the site before Shabbos, thereby claiming that this is where he really considers "home." This is the *Eruv Techumin*. He now has four thousand cubits in a square centered on his new location, including the place where he will actually spend the beginning of Shabbos. He may now leave his real house in the direction of the Eruv and walk two thousand cubits past his Eruv. He will lose part of his original Techum in the opposite direction, having moved his base away from his old center. The Poskim debate whether he is confined to the true borders of the new Techum even if they end abruptly in the middle of his home town. Some say that he may not move freely about his town past his new Techum. Others maintain that his entire old town is considered four cubits.

Setting an Eruv Techumin [and, according to some, even walking to be *Koneh Shvisah*] is only permitted to serve a need for performance of a Mitzvah. Typical examples are to attend a wedding celebration or a house of mourning (to be able to get to the house immediately after Shabbos.) Additional examples are to go to a *Shiur*, to greet a Torah scholar or close friend if he has been on a long trip, to daven with a *Minyan*, a *Bris Milah* or other *Simcha*, including a *Vort*. Even to spend Shabbos at home, or to take a leisurely Shabbos stroll in the orchards is considered a *Dvar Mitzvah*, due to *Oneg Shabbos*. The Talmud says children may walk along their mother's Eruv route, though they are not obliged in Mitzvos. The Poskim say that there is still a Mitzvah of *Chinuch*. Accordingly, a child going to an *Oneg Shabbos* would be permitted to use his parents' Eruv, due to his *Chinuch* in this Mitzvah, besides the enjoyment of his friends' company. Furthermore, the Poskim discuss attending a celebration of simple Jews, whose *Simcha* might not fit the category of Mitzvah. If they sing songs of praise to Hashem, it is considered a *Dvar Mitzvah* in its own right. Therefore, a child may attend an *Oneg* by using the Eruv. [See Eruvin 31a 82a Psachim 49a, Poskim. Tur Sh. Ar. 415:1, commentaries.]

### **(C) Mikveh for men on Shabbos**

*Tevilah* in a *Mikveh* removes the status of *Tum'ah*, ritual uncleanness. Such cleansing improves the item or person who immerses. Therefore, it is Rabbinically forbidden to immerse a utensil, because this could be viewed as *Mesaken*, repair. However, a human may immerse; the onlooker will not necessarily presume that he

does so for Tevilah, but to cool off. However, washing the whole body even in cold water, or part of the body in water heated on Shabbos is forbidden Rabbini- cally. Other restrictions apply, such as squeezing one's hair. Thus, if a person goes to a Mikveh nowadays it is quite obvious that he does so for Tevilah. Ac- cordingly, women only immerse to remove their Tum'ah on Shabbos if they were not ready before Shabbos. [Tum'ah remains for a time period before which immersion can not work to remove it.] Men, too, have a level of Tum'ah for which they should immerse. If this can be done before Shabbos, they should not do it on Shabbos. However, men's Tum'ah is a result of a Rabbinical institution. True Tevilah is to permit one to partake of holy foods etc. Nowadays this does not apply. A Rabbinical Tevilah was instituted, as a prerequisite for Torah and Tefilah. This, in turn was later abolished. Thus, nowadays, even if one wishes to practice stringency in this regard, he may do so on Shabbos. There is no longer the appearance of repairing oneself. [There is a minority view that it was only abolished as a prerequisite for Torah, but remains for Tefila. Thus, one would indeed be giving the appearance of repairing, which should be restricted if it was possible before Shabbos. However, onlookers need not presume the stringency.] Furthermore, some immerse daily to increase their own level of sanctity. [In fact, one who practices this totally defeats the purpose of the previ- ous institution, since he has no deterrent to minimize impurity.] This is not to purify oneself, and therefore, is not Mesaken, and is permitted.

The issue is whether this practice qualifies as a Dvar Mitzvah for Eruvei Techumin. When the Talmud limits the Eruv to Dvar Mitzvah, it is as opposed to *Dvar Reshus*, a reason of personal comfort or pleasure. This Tevilah is not done for personal comfort. However, if that is the case, the person immersing has removed his excuse to *Tovel* in the first place. How can he rely on people presuming that he does it to cool off, if he used an Eruv to get there? If, however, his Tevilah is for additional sanctity, which does not require the excuse of personal comfort since it is not *Nireh Kimesaken*, he may use the Eruv, since it is certainly not a *Dvar Reshus*. [See Shabbos 39b-40b 147a-b Beitzah 17b-19a, Poskim. Tur Sh. Ar. O.C. 323:7 326:8, commentaries.]

© 2000 Rabbi Shimon Silver

**This issue of *HalochoScope* is sponsored by the Silver family in memory of R. Shimon ben R. Eliezer Blumenthal, zt"l, whose Yahrzeit is on the 25th of Iyar.**

1516 KANSAS AVE.

WHITE OAK, PA 15131 (412) 673-6274

e-mail: [halochoScope@altavista.com](mailto:halochoScope@altavista.com)