The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Fri, May 5 2023 ■ י"ד אייר תשפ"ג
סימן רס"ו סעיף ז'-ט'

Overview

Siman 266 Seif 7:

If none of the above mentioned people are available he should transport it in increments of less than four amos. This applies to one's wallet or lost object that one has already taken into his possession but if it has not yet been taken into his possession he may not do this.

- The concern is that one will transport it more than four amos in the public domain. (M.B. 16)
- This is effective only when in a public domain or a karmelis but when transporting the object from one domain to another one must throw it into the second domain in an unusual manner. (M.B. 17)
- Taz criticizes those who carry a baby in increments of less than four amos to transport the baby for his bris since it will involve a transfer from one domain to another. Therefore, any transfer from one domain to another should be done by a gentile. According to Magen Avrohom even this should not be done and instead the bris should be performed in the baby's home. (M.B. 17)
- Some are stringent and require the person to sit after each increment or to place down the object between increments. Later authorities write that two people should alternate carrying the object in increments of less than four amos. (M.B. 18)

Siman 266 Seif 8:

Some maintain that these allowances apply to someone who got caught on the road and thought that he would reach his destination before Shabbos but one who left shortly before Shabbos and mistakenly transported something into the public domain may not utilize these leniencies.

- He is considered negligent since he should have been concerned that he may transport something in the public domain. (M.B. 21)
- He should follow the procedure described in seif 12 by Rema. Elya Rabba cites authorities who disagree with this position and concludes that one may rely upon the lenient position. (M.B. 22)

Siman 266 Seif 9:

When one reaches the outermost courtyard that is protected one may remove the items that may be moved and regarding those that may not be moved one must undo the ropes and allow them to fall. If one was transporting glass that one may not move, for example, cups used for blood-letting which are not usable on Shabbos since they are repulsive, and if they fall to the ground they will break, one may place beneath them pillows and blankets. This is true for small packages where it will be possible to eventually remove the pillows and blankets but if the packages are large and one will not be able to remove the pillows and blankets, one may not place them beneath the fragile package since that nullifies the vessel from its use. Instead one must release it gently so that it should not break and one should not leave it on the back of the animal since it will cause the animal distress.

- Magen Avrohom is disturbed by this ruling since if the animal stops walking as it reaches the private domain the animal will then transport the object from the public domain to a private domain after coming to a state of rest. Different solutions are suggested to avoid this potential problem that involve removing from or placing the object on the animal while it is walking since an animal may perform a melacha for which a person is Biblically exempt. (M.B. 23)
- Even if the vessel contains more than 15 seah it is permitted out of concern for causing the animal distress. (M.B. 24)
- Many Poskim limit this to utensils which if broken would constitute a significant loss but not if it is just large pieces of glass that would become smaller pieces of glass. There is a dispute whether it is permitted to nullify a utensil from its use for the entire Shabbos when it would otherwise involve a significant loss. (M.B. 27)

Halacha Highlight

Transporting a lost object

Shulchan Aruch Siman 266 Seif 7

אבל אם לא באה לידו לא

But if it did not reach his hands it is not permitted

Shulchan Aruch (סעי' ז') addresses what a traveler should do when he does not have the option to place his items on an animal or give his items to one of the people who could transport it for him. The option that Shulchan Aruch presents is for him to walk in increments of less than four amos at a time. Mishnah Berurah (ס"ק י"ח) adds that between increments one must rest for a moment in order to fully separate between one increment and the next. He then notes that there are authorities who require the person to either sit or place the object down between increments to further confirm that each increment is independent. In the event that there are two people traveling and they could alternate carrying for each increment, all opinions would agree that it is unnecessary for either one of them to sit in between increments since each act is completely independent of the other. Mishnah Berurah (ס"ק י"ז) also emphasizes that this procedure only addresses the issue of transporting something in the public domain, but when transporting the item from one domain to another this approach is not effective. Therefore, in this case when he approaches his house he will have to throw the item into his house in an unusual manner.

Shulchan Aruch adds an important qualification to this ruling, namely, that walking in increments that are less than four amos is effective only for one's wallet or for a lost object that is already in his possession, but if he has not yet taken possession of it, he may not employ this procedure. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פכ"ב הע' פ"א) writes that according to the Poskim who maintain that our streets are not considered a public domain it should be permitted to kick the lost wallet in increments of less than four amos. Since one is moving it in an unusual manner it seems logical that one could rely on Rambam's opinion that it could be transported even in an actual public domain.