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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ש"א סעיף מ"א-מ"ג

# Overview

Siman 301 Seif 41:

**There is an opinion that maintains that it is prohibited to go out with a hat for protection from the sun out of concern that the wind will lift it and he will transport it four amos in the public domain. It is permitted if the hat fits tightly, is deep so that one's head goes far into the hat and the wind will not be able to separate it or if it has a strap that goes under one's chin so that there is no concern.**

- The cap under discussion is one worn on a smaller hat (yarmulke). This instructs us to make sure that when wearing a hat over a yarmulke one should make sure that it fits tightly. (M.B. 153)
- Taz implies that one should be stringent about this even outside of the eruv. (M.B. 154)

Siman 301 Seif 42:

**If one finds tefillin lying in disrespect in a place where it is not protected, if it is a time of danger where there is a decree against wearing tefillin one should cover them and walk away. If it is not a time of danger and they have straps so that it is evident that they are tefillin rather than an amulet and the straps have knots so that one could wear them he should wear a pair at a time until he brings all of them to a safe location. If there are numerous pairs so that he cannot transport all of them if he were to wear a pair at a time, he should remain with them until dark and then bring them to a safe location. If one fears remaining with them due to thieves he should transport them in increments of less than four amos or hand them to a friend who will hand them to a friend until one reaches the outermost courtyard.**

- Magen Avrohom writes that since nowadays it is uncommon to make amulets, even if they do not have retzuos one should at least remain with them until dark. (M.B. 156)
- If the retzuos do not have knots there is no alternative other than to remain with them until after Shabbos. (M.B. 157)
- One brings them to the first safe location and then goes back for the next pair. Magen Avrohom writes that since women do not commonly wear tefillin they cannot wear them even for this purpose since it is a burden. Other authorities disagree since according to the Gemara it is acceptable for a woman to wear tefillin. There is a similar dispute whether a woman is liable for wearing a talis with tzitzis. (M.B. 158)

Siman 301 Seif 43:

**If one finds a sefer Torah in a field and it is not a dangerous era he should sit with it until after dark (this is Rambam's wording and in a time of danger he should cover it and walk away). If rain was falling he should wrap himself in the parchment and then cover himself with a garment until he enters a safe location.**

- Since the Torah would become ruined Chazal permitted this since protecting it from rain is the means to honor the Torah. (M.B. 160)

# Halacha Highlight

## Wearing a hat

Shulchan Aruch Siman 301 Seif 41

**לצאת בשבת בכובע שבראשו**

**To go out with a hat on one's head**

Shulchan Aruch (סעי' מ"א) discusses the permissibility of going out with a hat on one's head for protection from the sun. Mishnah Berurah (ס"ק קנ"ג) explains that Shulchan Aruch refers to a circumstance in which one wears a small hat on his head (yarmulka) and then a larger hat on top of that for protection from the sun. Shulchan Aruch cites a stringent position that prohibits going out wearing such a hat out of concern that the wind will lift off the hat and he will then carry it four amos in the public domain. Mishnah Berurah (שם) further explains that this is an issue only when one wears his hat on a smaller hat because when wearing one hat there is no concern that someone would allow himself to walk without any covering on his head. Thus if he is wearing a small hat so that he will not be bareheaded there is a concern that he will carry his hat but if he is only wearing a single hat there is no concern that he will transport the hat four amos since that would leave him bareheaded. If the hat rests tightly on his head or there is a strap that prevents it from falling off, it is permitted.

Rav Yosef Shalom Elyashiv (ארחות שבת ח"א פ"ט הע' ע"א) notes that people are lenient about this matter nowadays and wear a hat over their yarmulke and suggests that the reason is that for this matter they rely on the eruv. Accordingly, in those places that do not have an eruv one must be stringent and make sure that his hat rests tightly on his head. Rav Nissim Karelitz (חוט השני פפ"ח ס"ק י"ח) wrote that one's hat must be tight enough that when a common wind (for that place and season) blows it will not come off. It must be that tight even if at the time that he walks outside the wind is not blowing. If the wind is blowing in an unusually strong manner it must be tight enough to remain in place even for that strong wind.