The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שמ"ט סעיף א'-ב'

Overview

Siman 349 Seif 1:

Every person is allotted four *amos* in the public domain in which he is permitted to carry. It is measured based on the size of his *amah*. If his *amah* is small, we assign him four *amos* measured in accordance with an average person which is comprised of six *tefachim* (see below *siman* 396).

- They are measured using a compact measurement. (M.B. 2)
- If a person is tall we measure based on his long *amah* so that it will emerge that his four *amos* will be larger than other peoples. (M.B. 3)
- Shulchan Aruch refers to one who is average sized but his *amah* is short and if his four *amos* were measured subjectively he would not have enough space. (M.B. 4)
- Regarding *techumim* we use wide measurements in contrast to here where we measure with compact *amos*. (M.B. 5)

Siman 349 Seif 2:

Four *amos* are measured by the diagonal of a four *amah* square so that the measure is five and three-fifths *amos*. Some maintain that between four *amos* and five a three-fifths *amos* he is exempt although it is prohibited.

- Authorities subscribe to this position. (M.B. 7)
- It is permitted to transport something less than four *amos* even according to this position. (M.B. 8)
- Gra asserts that even according to Rambam if one designated four *amos* in which he would carry it is permitted for him to transport something up to five and three-fifths *amos* and the disagreement is limited to where one wishes to carry the item straight or if he did not designate four *amos*, in which case he may only carry four *amos* straight without the diagonal. When it is said that one is liable for transporting an item four *amos* it is necessary for the item to be transported entirely beyond the four *amos* and if part of the item remains within its original four *amos*, he is exempt. (M.B. 9)

Halacha Highlight

Moving an item less than four *amos*

Shulchan Aruch Siman 349 Seif 1

ארבע אמות ברשות הרבים שיכול לטלטל בהם

Four *amos* in the public domain in which he may move an item

Shulchan Aruch (סע' א') teaches that each person is allotted four *amos* in the public domain in which he is permitted to carry. Mishnah Berurah (סק"א) explains that this *halacha* is derived from the phrase שבו איש תחתיו and the intent is that each person is given the area that is considered תחתיו which is understood to mean the size of his body. Chazal further clarify that this area is four *amos*; three *amos* for the actual size of the person and an additional *amah* for him to extend his arms and legs. Rambam (הל' שבת פי"ב הט"ו) rules that the *amah* for this measurement is determined by the size of each individual person rather than measuring based on a standard *amah*. Therefore, a person who is tall with longer than average limbs may move objects in the public domain further than someone who is average height. Tosafos Rid (עירובין מ"ח מה"ת) disagrees and contends that only regarding *techumin* do we measure *amos* subjectively but when it comes to transporting items in the public domain it is measured objectively. The simple reading of Shulchan Aruch seems consistent with Rambam's position (however, see Sha'ar HaTziyun 3 regarding Pri Megadim's understanding of Shulchan Aruch).

Generally, when something is prohibited and punishable at a particular measure, e.g., eating an olive's volume of prohibited food, one violates the prohibition even if he violates that prohibition in a smaller measure. This is the prohibition of חצי שיעור—half a measure. Two explanations are given why transporting something less than four *amos* in the public domain does not violate the prohibition of חצי שיעור. Chavos Yair (סי' ט"ו) explains that since the prohibition is derived from the words שבו איש תחתיו the implication is that it is permitted to move an item תחתיו and only when it is moved beyond the area of תחתיו has a prohibition been violated. Clearly, however, moving an object less than four *amos* is permitted. Pri Megadim (פתיחה להל' שבת) writes that חצי שיעור involves violating the prohibition but in a small measure. Moving an object less than four *amos* does not constitute a violation of any prohibition and thus not subject to the prohibition of חצי שיעור.