The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, Aug 28 2024 ■ כ"ד אב תשפ"ד
סימן שמ"ט סעיף ג'-ה'

Overview

Siman 349 Seif 3:

A person may lift an object that is in the public domain and hand it to his friend who is within his four *amos* and that friend may hand it to another friend, even if it turns out that the object was moved many *mil* in the public domain provided that it is not removed from its *techum*. Some authorities prohibit this (See above *siman* 301:42).

- An object that has an owner should not be removed from his *techum* since it acquired its place of rest – *shevisa*. Authorities note that none of the people should intend to take possession of the object since the object would then be confined to his *techum*. (M.B. 11)
- According to this position even in circumstances in which it is permitted to move an object less than four *tefachim*, it may not be moved by multiple people since that disparages Shabbos. (M.B. 12)
- Shulchan Aruch there follows the lenient opinion but for discretionary matters one should be cautious for the stringent opinion. This allowance certainly does not permit transporting an item from one domain to another via multiple people. Taz writes that one may not even ask a gentile to transport something from the house to the street and see Biur Halacha. (M.B. 13)

Siman 349 Seif 4:

If the four *amos* of one person overlaps the four *amos* of a second person, e.g., there is a distance of six *amos* between them, they may bring food to the shared area provided that food is not transported from one person's exclusive domain to the other person's exclusive domain. If there are three people and the middle person is overlapped by the four *amos* of the other two, e.g., there are eight *amos* between the outer two people, the middle person is permitted to transport things to both sides where his four *amos* overlaps with theirs but the outer two people may not transport things into each other's domain.

Siman 349 Seif 5:

It is prohibited to transport objects in increments of less than four *amos*, even during *bein hashemashos* and even in a *karmelis*.

- We are concerned that he will transport something four *amos* at once since there are times he will not be attentive and will violate the Biblical prohibition. The restriction is to walk in multiple increments of less than four *amos* but it is permitted to walk less than four *amos* at one time. (M.B. 16)
- After he stands to rest he begins another increment. If he stopped to adjust the load, it is considered as though he walked four *amos* without stopping and is liable. (M.B. 17)

Halacha Highlight

Transporting a *sefer* Torah

Shulchan Aruch Siman 349 Seif 3

וחברו לחברו שאצלו

And one person to his friend standing next to him

Shulchan Aruch (סעי' ג') presents a disagreement whether it is permitted for someone to hand an object to a friend who is within his four *amos* and then that friend to another and then to another, even though the object will be moved much further than four *amos*. According to the first opinion it is permitted provided that the object is not taken out of its *techum*. According to the second opinion it is prohibited to do this because it demonstrates contempt for Shabbos. Rema directs us to *siman* 301:42 where Shulchan Aruch subscribes to the lenient position; however, for non-*mitzvah* activities one should accommodate the stringent opinion (מ"ב ס"ק י"ג).

Mishnah Berurah (שם) then emphasizes that even the lenient opinion only permits transporting items within the public domain or within a *karmelis* but this leniency does not permit transporting items from one domain to another. Consequently, those who transport a *sefer* Torah from a house to a *bais haknesses* via a *karmelis* by handing the *sefer* Torah from one person to the next are acting improperly since, as mentioned, this leniency does not permit transporting the item from one domain, (private domain which is the house and *bais haknesses*) to another domain (*karmelis*). Sha'ar HaTziyun (ס"ק י"ד) references Even HaOzer who allows one person to lift the *sefer* Torah in the private domain and then stretch out his hands to the *karmelis* where a second person will take it from the first person and then start the assembly line of hand-offs until the *sefer* Torah reaches the point where it must be brought into another domain where the same procedure must be followed of one person lifting it in one domain and a second person takes it and deposits it in the second domain. This leniency is rooted in another position of Even HaOzer, namely, the contention that Rabbinically prohibited actions (in this case where one person lifts it in one domain and a second person deposits it in another domain) are not prohibited in a *karmelis*. Beis Meir, however, disagrees with this leniency and does not allow its use.

- If we were lenient in this case it is likely that one will transport something four *amos* at one time. Gra asserts that anything that may not be done in the public domain is Rabbinically prohibited in a *karmelis*. If it is also *bein hashemashos* there are authorities who are lenient but according to some, one may only be lenient if it is for the sake of a *mitzvah*. (M.B. 19)