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Carrying Less Than Four Amot

The beginning of the final *perek* of *messechet Eiruv* discusses a case where one finds pairs of *tefillin* in the public domain. The *Mishnah* present solutions for how one can legally transfer these *tefillin* from this vulnerably open space to a more protected location. For example, if there were only a few pairs then one could put the *tefillin* on and transfer them as 'clothing'. (Incidentally, the *Mishnah* records the debate regarding how many pairs one can wear at a time.) If however there are many pairs of *tefillin* and due to various threats, staying there till after *Shabbat* or covering them there are not options, the various *Tana'im* present different possible solutions.

As the prohibition of carrying in the public domain is for a distance of four *amot* the *Tana Kama* suggests that one can transfer them all intermittently for distances of less than four *amot*. In other words, he should carry the *tefillin* for a distance of less than four *amot*, pause for a moment and then carry for an additional distance of less than four *amot*.

R' Yehuda however presents a different solution. He suggests that the person should carry the *tefillin* for a distance of less than four *amot* and then hand them to another person who will carry them for that distance and who will inturn hand them on to another person.

The *Gemara* (*Eiruv* 97b) proceeds to explain the reason for the different opinions. The *Tana Kama* prefers his solution, since because *R' Yehuda* involves many people, a level of disrespect to *Shabbat* will be needlessly publicised. *R' Yehuda* however prefers his solution since because the *Tana Kama's* solution involves only the individual carrying intermittently, there is a strong chance that at one point the person will carry the object more than four *amot*.

One may ask whether the two opinions are mutually exclusive. In other words does each opinion present the sole solution to the problem or do they represent preferential solutions. The language of the *Gemara* seems to suggest that each provide a preferred solution as it uses the language "*adif*". The *Tosfot* (*Ibid.*) appear to understand the debate in this way. They explain that in a case where the person who found the *tefillin* is alone, *R' Shimon* would agree that they may employ the *Tana Kama's* solution. One could understand however that the *Bartenura* disagrees and suggest that *R' Shimon* would not allow the *Tana Kama's* solution (see the *Bartenura* and the *Beit Yosef* (301:42)).

The *Rambam* (*Shabbat* 19:23) and the *Shulchan Aruch* (301:42) bring both these opinions as *Halacha*. A simple reading would suggest that either solution would be appropriate with no preference given to either one. Nevertheless, the *Tosfot Yom Tov* preferred to explain that the *Rambam* was ruling according to the opinion of *R' Shimon* and that the *Tana Kama's* opinion was only included in the case were the person is alone. (See the *Beit Yosef* (301:42) for an alternative resolution.)

Till now we have dealt only with a special circumstance – saving the *tefillin*, an object of *kedusha*, from desecration. What if one wishes to carry something through the public domain for more mundane needs – would these options be available?

The opinion presented by *R' Yehuda* suggests that the "human-chain" option presented by *R' Shimon* would be permissible. The *Rambam* brings this down as *Halacha* (*Shabbat* 12:17) stating that it is permissible to carry in such a manner through the public domain. The *Ra'avad* qualifies the *Rambam's* statement that it is only permissible in pressing circumstances or great need. The *Orach HaShulchan* (349:4) writes that this must indeed be the *Rambam's* intention.

The *Shulchan Aruch* (349:3) also brings this "human-chain" option without any qualification. He also adds however that there are some opinions that do prohibit carrying in such a manner. Consequently the *Mishnah Berurah* (349:13) rules that in general one should adhere to the opinion that forbids carrying in this manner.

The interesting point to note is that when it comes to permissible carrying techniques for mundane needs only "human-chain" option is cited. Why? The *Orach HaShulchan* (*ibid.*) states that only this method would be permissible as there are a number of people involved that could ensure that no one carries the object more than four *amot*. The *Taz* (349) explains similarly adding that under normal circumstances the *Chachamim* prohibited a single person carrying intermittently out of the concern that they would carry more than four *amot*.

[As always one should consult their *Rav* before drawing any conclusions from this article.]

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Revision Questions

עירובין ט: ד' – י: י"ג

- Explain the debate regarding whether one can fix a *mavoi* that is open at both ends. (ט: ד')
- What other similar case is debated in that *Mishnah*? (ט: ד')
- Explain the debate regarding the number of *tefillin* one can wear on *Shabbat* in order to carry them to a protected area. (יא: י')
- What should one do if they find many pairs of *tefillin* in the public domain? (יא: י')
- What is *R' Shimon's* solution to the above described problem? (יב: י')
- *R' Yehuda* argued that *R' Shimon's* solution could be applied to transfer a barrel of water to people outside the *techum*. What was the *Chachamim's* response? (יב: י')
- If a scroll, being read by someone sitting on the roof, unravels, when can he retrieve it by rolling it back up? (Include all three opinions) (יג: י')
- Can one, standing in the private domain, make use of a peg overhanging the public domain? (יד: י')
- Can one stand in the public domain and move objects about within the private domain? (יד: י')
- Can one spit from the private domain to the public domain? (יה: י')
- What additional law does *R' Yehuda* add regarding the previous question? (יה: י')
- When is a person standing in the private domain allowed to drink water from the public domain? (יז: י')
- Describe the case where there is a water-hole in the public domain outside someone's window and they would be allowed to draw water from it into their house. (יז: י')
- When would the area under a tree be defined as a private domain? (יח: י')
- When is one prohibited from sitting on the roots of a tree and why? (יח: י')
- What concern is cited in the *Mishnah* regarding unlocking doors and what is the remedy presented? (יט: י')
- Explain the debate regarding whether one can use a latch with a weighted ball at the end to bolt a door shut. (יז: י')
- Where does *R' Yehuda* permit the use of a latch (*neger*) that is attached (but not hanging) to the door by a chain? (יא: י')
- Which door hinge does the *Tana Kama* permit to be fixed in the *beit ha'mikdash* and why? (יב: י')
- Which door hinge does *R' Yehuda* permit to be fixed outside the *beit ha'mikdash* and why? (יב: י')
- Are the *levi'im* allowed to fix the strings on their musical instruments in the *beit ha'mikdash* on *Shabbat*? (יג: י')
- What other two cases appear in the same *Mishnah* that share the same laws as in the previous question? (יג: י')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
25 th December כ"ד כסלו Eiruvim 10:14-15	26 th December כ"ה כסלו חנוכה א' Pesachim 1:1-2	27 th December כ"ו כסלו חנוכה ב' Pesachim 1:3-4	28 th December כ"ז כסלו חנוכה ג' Pesachim 1:5-6	29 th December כ"ח כסלו חנוכה ד' Pesachim 1:7-2:1	30 th December כ"ט כסלו חנוכה ה' Pesachim 2:2-3	31 st December ל' כסלו חנוכה ו' - ר"ח Pesachim 2:4-5

