

CARRYING ON SHABBOS SCENARIOS

by Rabbi Doniel Neustadt

Right before Shabbos, one who lives in a community that does not maintain a proper eiruv is commanded to empty his pockets[1] of all items, so that he does not come to inadvertently carry on Shabbos[2]. Moreover, it is strongly recommended that during Shabbos one not put any item, e.g. a tissue or a key, into his pockets, since we are concerned that he will forget that the item is there and will inadvertently carry it outdoors[3].

It happens, though, that people do forget and walk outdoors on Shabbos with something in their pocket. Perhaps one was under the assumption that the community maintains an eiruv only to discover that it does not; perhaps the eiruv was down for that particular Shabbos. Be that as it may, one winds up in a situation where even the slightest wrong move can have serious halachic consequences. No matter what one does, whether one stops abruptly or continues walking[4], he will run afoul of a Shabbos desecration. In this Discussion, we will review some of the options discussed by the poskim as to the best course of action under the circumstances. Note that the halachos discussed in these pages, hotly debated among poskim, are extremely complex and confusing. What follows is an attempt to simplify a complicated matter, taking into account what would be most practical given our present lifestyle.

Question: What should one do if he discovers that he is carrying a tissue, etc., or an item of little value in his pocket[5] while walking in an area which is not enclosed by an eiruv?

Discussion: As soon as he discovers his mistake he may not stop walking for even a moment, and while continuing to walk he should:

Option 1: Turn his pocket inside out until the tissue drops out and falls to the ground. [The same procedure is followed if he made a mistake and stopped walking; he may not start walking again until the item is released from his pocket.]

Option 2: Pick up his pace and trot[6] or run[7] back to his point of departure without stopping along the way at all[8]. If his point of departure is too far or otherwise not accessible, he should trot or run to the closest possible enclosed area (Private Domain) that he can find[9], without stopping along the way at all[10]. But for this option to work, two conditions[11] must be met:

1. He must be sure that he never stopped at all along the way from the time he left his point of departure. If, for instance, he stopped at a red light or to wait for traffic to clear at any point along the way[12], this option cannot be used.

2.He will be able to enter his point of departure [or any other enclosed area] without interrupting his walking. For instance, if he has a yard or a porch that can be entered without first stopping, or if his house is surrounded by an eiruv, or if there is somebody available to open his front door and allow him to enter without stopping, then he can avail himself of this option. Otherwise, this option should not be used.

Option 3: Locate an area classified as a makom p'tur, an Exempt (neutral) Area, and while continuing to walk, remove the item from his pocket and place it on the Exempt Area. An Exempt Area is any enclosed space over 11 inches high and smaller than 14 inches square, such as a fire hydrant, a parking meter, a small mail box on a post or an emergency telephone box protruding from a telephone pole. Preferably, the Exempt Area should be over 35 inches high[13]. But for this option to work, two conditions must be met:

- 1.The Exempt Area must be located within 7 feet of where he is standing when he realized he was carrying[14].
- 2.The item must be placed in the Exempt Area in such a way that it can rest on it at least momentarily and not roll off immediately. If it will roll off immediately, then it is considered as if it was placed on the street.

Important Note: No clear consensus emerges from the poskim as to which one of the above three options is halachically superior. Each one of the three options is recommended by some poskim as being preferable to the other two[15]. What is clear, however, is that option 1 is by far the most practical, since options 2 and 3 are only viable when a host of conditions are present. It follows, therefore, that unless one is clear about all of the conditions pertaining to options 2 and 3 and is able to make the right decision on the spur of the moment, the best choice remains option 1. For that reason, we have listed that approach as option 1.

Question: What should one do if he discovers that he is carrying a wearable item, e.g. a yarmulke or gloves, in his pocket while walking in an area which is not enclosed by an eiruv?

Discussion: As soon as he discovers his mistake he may not stop walking for even a moment, and while continuing to walk he should:

Option 1: Turn his pocket inside out until the item drops out and falls to the ground. [The same procedure is followed if he made a mistake and stopped walking; he may not start walking again until the item is released from his pocket.] He should then stop walking, pick up the item from the ground, put it on, and then continue walking. Under no circumstances may he don the item while continuing to walk[16].

Other examples of wearable items that may be found in one's pocket and put on after stopping include the following: A scarf, ear muffs, a woman's rain bonnet, a large handkerchief[17],

eyeglasses, contact lenses, a hearing aid, a gold wristwatch, a gartel, a tie, a hair or wig pin, braces and most kinds of jewelry.

According to some poskim, this option can be used for an inexpensive wristwatch[18] and a man's rain hat[19] as well.

Option 2 and Option 3 are available in this case as well. See Important Note in the previous Discussion.

Question: What should one do if he discovers that he is carrying money or a gold pocket watch [or any other valuable, non-wearable item] in his pocket while walking in an area which is not enclosed by an eiruv?

Discussion: In this case, where there is a possibility of monetary loss involved, the Rabbis were concerned that one may panic and carry[20] the money in a way which is clearly forbidden, possibly min ha-Torah. In order to keep this from happening, the Rabbis made some exceptions and permitted certain actions which are normally restricted mi-derabanan. The three options described earlier, with some modification, can be employed here as well, in addition to two more options as follows:

As soon as one discovers his mistake he may not stop walking for even a moment, and while continuing to walk he should:

Option 1: Turn his pocket inside out until the item drops out and falls to the ground. [The same procedure is followed if he made a mistake and stopped walking; he may not start walking again until the item is released from his pocket.] He should then stay put and guard the money until Shabbos is over, or look around for a non-Jew who is willing to do so. If the non-Jew volunteers to deliver the money to his home or shul, he need not object. If the non-Jew cannot be trusted to guard the item, the non-Jew may be asked explicitly to bring it (the item or the money) to the Jew's home or shul[21].

Option 2: When conditions are right, follow the same rules as detailed earlier in option 2 (run to original point of departure, etc). See Important Note in earlier Discussion.

Option 3: When conditions are right, follow the same rules as detailed earlier in option 3 (locate an Exempt Area, etc) Stay put and guard the money until Shabbos is over or look around for a non-Jew who is willing to do so. If the non-Jew volunteers to deliver the money to his home or shul, he need not object. If the non-Jew cannot be trusted to guard the item, the non-Jew may be asked explicitly to bring it (the item or the money) to the Jew's home or shul.

If none of the three options described above are feasible, e.g., one is in a dangerous neighborhood, or severe weather conditions make guarding the item until after Shabbos impossible, there are two more options that one may consider. As these options are halachically less desirable, they should be used only when the first three options are not viable[22]:

Option 4: After allowing the money to fall out of one's pocket to the ground, one should stop walking, pick up the money and place it inside his shoe, underneath his hat, or between his body and his shirt, and walk to the closest place where he would feel safe to leave the money until after Shabbos[23].

Option 5: After allowing the money to fall out of his pocket to the ground, he should stop walking, pick up the money, walk less than 7 feet, stop walking[24], walk less than 7 feet, and continue to follow this pattern until he reaches the area outside of his home where he may leave the money until Shabbos is over or ask a non-Jew to bring it in for him. If he is afraid to leave the money outside of his home until Shabbos is over and a non-Jew is not available, he will need to find a way to get it into his house in an unusual manner, either in one of the ways mentioned in option 4, or by kicking it into his house, or by throwing it over his shoulder into an open door or window.

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1. Of both the clothing which he is presently wearing, as well as the pockets of any other clothing which he plans to wear on Shabbos.
 2. O.C. 252:7. Even in a community that has an eiruv, one should check his pockets to rid them of any muktzeh items; Mishnah Berurah 252:55.
 3. O.C. 303:17; Rama, O.C. 310:7. See Shulchan Aruch ha-Rav 303:23, Ma'asei Rav 141 and Sha'ar ha-Tziyun 310:22.
 4. If he stops abruptly, he will be unwittingly completing the Labor of Carrying by performing hanachah, depositing in a Public Domain (or a Karmelis). Continuing to walk is also not a solution, since it is forbidden to carry in a Public Domain (or a Karmelis) more than four amos at a time.
 5. Most of the halachos described below also apply when one realizes that he is inadvertently carrying an object in his hand.
 6. Trotting or running is required so that one will remember not to stop until he reaches his destination; Mishnah Berurah 266:31.
 7. Although running on Shabbos is generally restricted, here it is permitted since it is considered as if he is running for the purpose of a mitzvah; O.C. 301:1.
 8. This option is based on the idea that by returning to one's original point of departure without stopping at all along the way, both the akirah (lifting) and the hanachah (depositing) are being performed in the same Private Domain, thus not transgressing the Labor of Carrying at all.
 9. Rav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 18, note 233). In this case, it is preferable to let the item drop out of the pocket in a backhanded manner; Orchos Shabbos 28:71.
 10. It follows, therefore, that this option cannot be followed if going back to the point of departure or

closest Private Domain would require stopping along the way for any reason, such as waiting for a traffic light, etc.

11. See Mishnah Berurah 266:36.

12. Sha'ar ha-Tziyun 349:18.

13. To satisfy the first view quoted by Rama, O.C. 345:19 (see Beiur Halachah, s.v. v'yesh) who holds that an Exempt Area in a Karmelis must be over 10 tefachim tall, as per O.C. 345:18.

14. Since otherwise it would be forbidden to walk four amos in a Public Domain (or a Karmelis) even if the hanachah will be in an Exempt Area; see Kitzur Hilchos Shabbos (Posen) 39:16.

15. See Nefesh Chayah, O.C. 5; Eretz Tzvi, 1:76; Igros Moshe, O.C. 2:112; Nesivos Shabbos 9, note 35; Shemiras Shabbos K'hilchasah 18:59.

16. Igros Moshe, O.C. 2:112. See also Chazon Ish, O.C. 105:6.

17. See Mishnah Berurah 301:133.

18. Based on Igros Moshe, O.C. 1:111; Shulchan Shelomo 301:22-2.

19. Based on Chelkas Yaakov 2:100; Shulchan Shelomo 301:11.

20. Or do something else which is strictly forbidden, such as digging a hole in the ground and burying the money, etc.

21. Mishnah Berurah 266:37. In this case, the rabbis lifted the rabbinical restriction against amirah l'aakum.

22. See Chayei Adam 54:4; Mishnah Berurah 266:37.

23. Based on Mishnah Berurah 301:123. In this case, the Rabbis lifted the rabbinical restriction against muktzeh and against carrying in an unusual manner.

24. Some poskim recommend that he place the item on the ground as well. If it is difficult to do so, one may rely on the lenient opinions who do not require it; see Mishnah Berurah 266:18, Sha'ar ha-Tziyun 349:18 and Shulchan Shelomo 266:6.

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