
THE HALACHOS OF SUPERHEROS

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If any Superheroes have questions or comments on this Shiur, or would like Halachic advice on other Superpower-related matters, please feel free to contact R' Yossi at yossi@sirote.net. Secret identities will be kept in the strictest of confidence.

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SHIUR 1: ORIGINS

INTRODUCTION

These shiurim are Purim Torah. They are intended to use the classic Halachic process and apply it to questions that Superheroes may have. It is in no way intended to make fun of Halacha in any way. These Shiurim in fact illustrate the way that Halacha deals with new situations or new technologies. **A freilecher Purim.**

MAY ONE BECOME A SUPERHERO KNOWING THAT IT MAY ENDANGER ONE'S LIFE?

Most Superheroes do not choose to become Super, they are usually born mutants (such as the X-Men) or mutate later in life due to accidents¹ (Spiderman), or they come to Earth from a different planet (Superman). Some Superheroes do in fact choose this route as a life choice (Batman). In either case, just being Super is certainly not a violation of any Halacha. Clearly the intention of the question is – May one put oneself in a position that may endanger one's own life in order to save others?²

DANGEROUS OCCUPATION

The Halacha is very clear that one may take up a dangerous occupation such as a policeman or a firefighter. The **Gemora** in Bava Metzia (112a) states:

Why does he climb a ladder or hang from a tree or risk death? Is it not for his wages?

The Gemora is referring to paying wages to workers on time, and points out that many risk their lives for their jobs, that is, for their wages, thus one is obligated to pay on time. No challenge is made that the laborer should not engage in such a profession in the first place.

Therefore, one may become a policeman or firefighter. But this does not address our altruistic superheroes who are not paid for the dangers they encounter³.

¹ E.g. falling into a vat of acid, or being bitten by a radioactive spider

² This question does not apply to Superheroes that are invulnerable or immortal.

³ It is noted that "Heroes for Hire" did not work out, as the damage they caused was routinely more than the compensation they received. We will later address the issue of damages caused by altruistic superheroes.

GOOD SAMARITAN

Next we must address the obligations of a Good Samaritan. It is noted that the question is not exclusive to Superheroes with superpowers; it is actually a question that is relevant Superheroes without powers like Batman or Ironman. Should one risk his own life in order to save another?

The **Gemora** in Sanhedrin (73a) addresses this issue:

From where do we know that if a man sees his friend drowning in a river, torn by a wild animal, or bandits are coming upon him, that he is required to save him? The Torah teaches us “You shall not stand by the blood of your neighbour. (Leviticus 19:16) ” But is it learned from here? Is it not rather from there? From where do we know [that one must save his friend from] committing suicide? The Torah teaches us “And you shall return it to him. (Deuteronomy 22:2 [hashavas aveida])” If from there [thou shalt return] I would have thought that one is personally obligated, but that he is not obligated to take the trouble of hiring others. Thus the Torah adds [do not stand by].

In other words the Gemora points out that there are two Pesukim that teach us that one is obligated to take action to save another:

- (1) You shall return to him. (Deuteronomy 22:2) – Which teaches that one must physically act in order to save another.
- (2) You shall not stand by the blood of your neighbor. (Leviticus 19:16) – Which teaches us that one must go to extraordinary lengths to save his fellow, even to the point of hiring others to do so.

The second obligation clearly teaches us that Superheroes must use all of their powers in order to save another life.

The **Tzitz Eliezer** points out that doctors have an additional obligation to save others. But it is unclear if this additional obligation would fall on Superheroes as well. וצ"ע

SELF SACRIFICE

Clearly one is not obligated to sacrifice his own life to save another. The **Gemora** in Bava Metzia 62a addresses this issue:

Two [people] who are travelling on a journey [presumably in a desert], and one has a canteen of water, if both drink, they will [both] die, but if only one drinks, he can reach [the next] settlement - the Ben Patura taught: It is better that both should drink and die, rather than one should see the death of his friend. Until Rabbi Akiva came and taught: ‘that your brother may live with you (Leviticus 25:36)’ – your life comes before your friend’s life.

LOSS OF LIMB

The **Recanati** (470) brought an interesting case. He ruled that if a tyrant threatens to alternately to amputate one of your limbs or to kill someone else, then one should allow his limb to be amputated rather than allow a fellow Jew to die⁴.

The **Radvaz** (Responsa III:627/8 [1052/3]) was vehemently against this ruling. He argues that if there is little or no risk to life, then one may sacrifice a limb to save another – he calls this Middas Chassidus. But if there is a (significant, $\geq 50\%$) risk to life then one should not agree to this, and one who does so he calls a Chassid Shoteh (foolish saint).

SAFEK SAKANAS NEFASHOS

The **Shulchan Aruch** (OH 329:8) states that if one sees a ship sinking and there is a Jew on board, one must violate the Shabbos in order to save him. The **Mishna Berura** (329:19) based upon the **Pischei Teshuva** (Choshen Mishpat 426:2) states that one should not put his own life at risk to save another, as your life comes first. This includes even putting yourself in possible jeopardy (Safek Sakanas Nefashos). However one must weigh the situation carefully and not be overly pedantic about it. In other words, if the possible risks are small one should act, if the possible risks are great one should not.

KIDNEY DONATIONS

With respect to Kidney Donations, **Rav Ovadia Yosef** (Dinei Yisroel 7:25-43, Halacha U'Refuah II, pg 122-127), the **Tzitz Eliezer** (10:25) and others pasken that the risk is not small, but is not great either. Thus, not only may one donate a kidney, but it would even be considered Middas Chassidus.

SUMMARY

In summary, one is obligated to take extraordinary action in order to save a life. If there is a possible danger to one's own life:

- If the danger is very small, one should act;
- If the danger is not trivial but still not very great, then it is Middas Chassidus or *heroic* to act;
- If the danger is great ($\geq 50\%$) then one should not act, and doing so is Middas Shoteh.

⁴ This is obviously an easy decision for Wolverine and other Superheroes with healing powers.

The “hero” part of Superhero means that they must act with “Middas Chassidus”. By their very definition, Superheroes must use their abilities and risk their lives to save others. In order to be Halachically heroic, they need to risk their lives to a moderate extent, but not so much as to enter into Middas Shoteh.

Since the vast majority of Superhero battles actually end with little to no permanent damage to the heroes, then, according to the **Mishna Berura**, a Superhero should not be overly pedantic in assessing the risks before acting to save someone.

WHAT ARE THE HASHKAFIC IMPLICATIONS OF SUPERHERO-“GODS” LIKE THOR?

The second of the **Rambam’s** Thirteen Principles of faith is: **I believe with perfect faith that Hashem is One. There is no unity that is in any way like His. He alone is our Hashem, He was, He is, and He will be.**

Thus we KNOW that Superhero “gods” are not divine at all. Clearly they have superpowers which have gone to their head and now they have a god complex; they are delusional and believe that they are gods.

In this case, we should recommend psychiatric help. Of course there is no harm in benefitting from their superpowers, just as there is nothing wrong with interacting with other people who have mental illness.

ARE SUPERHEROES LIABLE FOR THE COLLATERAL DAMAGE THAT THEY CAUSE?

In general the Torah is very careful to preserve property rights and generally one is responsible for damage that one causes.

However, the **Gemora** (Baba Kama 117b, and also in Sanhedrin 74a) points out an exception to this rule:

Rava said ... if a someone (Superman) was running after a someone (Lex Luthor) who was pursuing someone else (Lois Lane) [to murder her], with the intention of rescuing her [(Superman) intended to rescue (Lois)] and he (Superman) [accidentally] broke utensils, whether they belonged to the pursued (Lois) or to any other person, he is not liable. This [rule] is not out of [strict] law, but [based upon pure logic] for if we were to rule otherwise, no one would bother to save his friend from pursuit.

The **Shulchan Aruch** (CM380:3) brings this down as the Halacha. Thus, as long as a superhero is trying to prevent others from perishing, he is not liable for damages he causes.

ARE MAGIC TALISMANS AVODA ZARA?

Many magic based superheroes use magic talismans such as Dr Strange and the Superheroine called ‘Talisman’

Magic talismans are clearly recognized as valid according to Halacha, and it is clear that in the days of the Gemora and Shulchan Aruch, talismans were in wide use. Thus they are not considered Avoda Zara.

Mishnah Shabbos 6:2 – One may not go out ... with a talisman which is not from an expert.

The **Gemara** (Shabbos 61b) states explicitly that if the talisman is from an expert, one may wear it in a Reshus Harabim on Shabbos.

The **Shulchan Aruch** (OH301:25) brings this down as Halacha, and states that if a talisman has been proven to work, then one may go out wearing it on Shabbos in a place without an Eiruv. Moreover, the Shulchan Aruch (OH308:33) points out that even an unproven talisman is not Muktzah.

Being that the talismans of veteran Superheroes are “proven”, they are not Avoda Zara, and moreover, they may wear them on Shabbos even when there is no Eiruv.

DOES MULTIPLYING COUNT AS A MINYAN?

A Superhero who has the power to multiply himself has several independent bodies but only one consciousness. The question reduces to: may one count in a Minyan someone with a body but no consciousness – for example someone who is sleeping?

The **Gemara** in Brachos (48a) brings opinions that say that a minor may be included in a Minyan as the tenth man (ie 9 regular adult men, plus one minor). L’halacha we do not pasken like this (**Shulchan Aruch** OH55:4). However, based upon this Gemara, the **Hagaos Maimonios** (Tefilla 8:9) argues that a minor does not have sufficient holiness (Kedusha) for things that need holiness (Devarim she’be’Kedusha), but an adult does – thus even a sleeping adult may be counted as the tenth man in a Minyan.

The **Shulchan Aruch** (OH55:6) paskens like the Hagaos Maimonios and brings that a person who is sleeping may count as the tenth man in a Minyan. The **Taz** (55:4) questions this. The **Mishna Berurah** (55:32), based upon the **Elya Rabbah**, suggests that perhaps even more that one person can be sleeping, as long as the majority are awake. But he concludes that we should be Maikil for only one of the ten men that make up a Minyan. He does say (55:34, and the **Biur Halacha** there), that we should of course try and wake the person. The Mishna Berura (55:33) also points out that for Megila reading, a sleeping person would not count since he is needed for Persumei Nissa, which would not apply to a sleeping person.

In summary, in a time of pressing need, if there are eight men plus our multiplying Superhero, he may multiply once in order to make the Minyan. This Heter will not help for reading the Meggila on Purim as multiplying does not increase the Persumei Nissa.

IS ONE ALLOWED TO READ OTHERS' MINDS⁵?

Many X-Men, such as Professor X, Emma Frost, and Jean Gray have the ability to read other people's minds, and sometimes even control them. Here I will only address the permissibility of reading minds, the halachos of mind control will have to wait for another day.

Amongst the many Cherems of **Rebbeinu Gershom** is the prohibition to read others' mail. (See Be'ar Hagolah YD 334:end for a complete list of the Cherems).

There are several reasons given for this Cherem:

- The **Halachos Ketanos** (1:276) explains that the Cherem was made so that the reader should not come to gossiping and reveal others' secrets, violating "do not go about gossiping in your nation" (Vayikra 19:16).
- The **Toras Chaim** (3:47) says that the problem is that the reader is "borrowing" the letter without permission, and is thus stealing.
- The **Chikikei Lev** (YD49) says that it is a violation of "you should love your fellow as you love yourself." (Vaykira 19:18)

There are several Nafka Minahs (Halachic implications) in the difference between the three answers: according to the first and third answers, it would be Mutar to read a non-Jew's mail since he is not "in your nation" nor "your fellow." According to the second answer, since one may not steal from a non-Jew, one may not read his mail either. Apparently, according to Rav Elyashiv, the custom is that this Cherem does not apply to non-Jews (Moadanei Yom Tov 2 pg 237-8).

Clearly the first and third answers would also apply to mind reading, whereas the second answer would not. However, the second answer would also not prohibit eavesdropping on a telephone call – which is ossur (said in the name of **Rav Yisrael Pesach Feinhandler**).

Ashkenazim abide by the Cherem of Rabbenu Gershom (**Rama** YD 334:22), but in general Sefardim do not (**Mechaber** EH1:10). The Rama (EH 1:10) brings down that one can violate the Cherem in the face of a mitzvah, but he also says that there are those that argue (thus, based upon the rule "Stam-v'Yesh Halacha k'Stam", we would follow the first opinion).

⁵ Based upon *Halachically Speaking*, Vol 5, Issue 17. <http://www.thehalacha.com/attach/hssample.pdf>

In summary, a Sefardi Superhero may read minds, an Ashkenazi Superhero may not, unless there was a Mitzvah involved (or of course, a life threatening situation).

IF YOU HAD 8 ARMS HOW DO YOU PUT ON TEFFILIN?

First, allow me to address the issue for people with two arms, and then I will address multiple arms. The **Gemora** in Menachos (36a-37b) addresses the issue of which arm one is supposed to put Tefillin on. The Gemora brings the Pasuk (**Deuteronomy 6:8**) “**and you shall bind them as a sign upon your hand**” – the term used is “hand”, the Torah usually refers to the right hand explicitly as “right hand”, thus just a “hand” must be the left hand. Moreover, the Torah says “you shall write them” and “you shall bind them” – implying that one should use the hand that writes to do the binding, and hence they should be placed on the weaker hand. Lastly, for the term “your hand” the Torah uses the letters “ידכה” and not the usual “ידך”, which was expounded to mean “יד כהה” or “your weak hand”.

Interestingly enough, while the Gemora asks the question where Tefilin shel Rosh should be placed if one has two heads, it does not address the multiple arm issue. Nonetheless, based upon the above it is clear that one should use the arm that one writes with to bind the Tefillin on the weakest arm. I am assuming that a multiple-armed man has a hand that he prefers to write with, and stronger and weaker hands. If he is perfectly ambidextrous then he should use his rightmost hand to bind the Tefillin on their leftmost arm. (See **Shulchan Aruch** 27:1,6, **MB** 27:22).

SHIUR 2: SHABBOS

MAY A SUPERHERO VIOLATE SHABBOS?

A Jewish Superhero is of course bound by the laws of Shabbos just like all other Jews. If there are life-threatening circumstances, he may violate the Shabbos, just like all other Jews.

The **Mishnah** in Yuma (8:4-5) states: **All questionable life-threatening situations push aside (דוחה) Shabbos. If an avalanche falls on someone – if it is a question if he is there or not, if it is questionable whether or not he is still alive, if we are not sure if it is a Jew or not – we dig him out.**

The **Shulchan Aruch** (329:1) writes as follows: “כל פקוח נפש דוחה שבת, והזריז הרי זה משובח” – **all life threatening situations suspend Shabbat, and alacrity is praised.**

Furthermore the **Gemora** in Yuma (84b) explains who should violate the Shabbat in the case of need: **And we do not do this via non-jews nor children, but by “גדולי ישראל – Gedolei Yisroel”.** Gedolei Yisroel is alternately translated as “Elders of Israel” (**Rambam**) or “Adult Males” (**Bais Yosef**). An alternate translation would be “Heroes of Israel”. From here we see that if a crisis arises on Shabbos, it is the duty of Jewish Superheroes to act and save us from peril. This does however exclude Superhero children like Robin (the Boy Wonder), or the Young Avengers.

CAN WOLVERINE EXTEND HIS CLAWS ON SHABBOS⁶?

Wolverine has claws that retract into his arm. When he extends them they come out of the back of the hand across from the wrists. As they are ejected they puncture the skins, which heals quickly due to wolverines healing powers. Nonetheless this tearing of the skin may be Ossur on Shabbos.

One may not make a wound on Shabbos (**Shulchan Aruch** 316:8). There is a Machlokes between the **Rambam** and others regarding the derivation of the problem of Chovel (wounding), which of the 39 Melachos it violates. The Rambam (8:7) learns it from Dash (it is forbidden to separate the wheat grains from its husks), and likewise one may not separate blood from the body.

Most Rishonim (the **Bi’ur Halacha** ‘v’hachovel’ names **Rashi, Ramban, Rashba, Ritva, Meiri** and **Tosefos**) hold that it is on account of “Netilas Neshama,” the taking of life (the Melacha of Shechita). The Bi’ur Halacha explains that since blood is a body’s life, as the Possuk says (Devorim 12:23) ‘Ki haDam hu

⁶ This answer is based upon Rav Ostroff of Yeshivas Pirchei Shoshanim, Shabbos Shiurim II:19 and III:19.

haNefesh', extracting blood from any part of the body is considered removing life from that part of the body.

If the issur of extracting blood is because of Dash, then in order for Chovel to be a Melacha she'Tzricha l'Gufa (deriving benefit from the Melacha the way it was done in the Mishkan), one must draw blood with intention to use the blood. This is because Dosh is used to separate good from bad and obviously it was done for the sake of the good.

Thus when one needs the blood, either to give it to one's dog (Shabbos 106a) or for a blood transfusion, it would qualify as a Melacha she'Tzricha l'Gufa. Bloodletting is a Melacha she'Tzricha l'Gufa because it is beneficial to have the blood removed from the body even though the blood itself is not needed.

The Rambam writes (Hilchos Shabbos 8:7) "wounding an animal for no reason is Mekalkel (destructive), and therefore Pattur" (but not permitted).

The **Shulchan Aruch** (308: 11) writes that one may use a needle to remove a thorn on Shabbos. Is there not a problem of drawing blood? The **Bi'ur Halacha** ("hakotz") says that in this case, the drawing of blood is of no concern, because (a) it is Mekalkel (destructive), (b) it is a Melacha she'Eina Tzricha l'Gufa (one does not require the blood), (c) it is done to relieve pain – given all three reasons, it is allowed. The **Magen Avraham** (328:32) seems to say that one must worry about blood, and one can only remove the thorn if there is no blood. The **Mishna Berura** (328:88) explains that we can be Maikil in the case of pain.

Whether or not Wolverine is allowed to eject his claws from his wrist on Shabbos depends on whether or not he bleeds when he does so. If no blood comes out, then there does not appear to be any Halachic problem. If blood does come out, then since (a) it is Mekalkel (the wound and blood coming out, not the claws per se), and (b) it is a Melacha she'Eina Tzricha l'Gufa (he doesn't need the blood to come out), then if (c) it is done to alleviate some sort of pain (ie Wolverine has a Superpox virus⁷ and he needs to scratch his back in a place that only the claw could reach), it would be Mutar. But, under most non-life-threatening circumstances it would be Ossur.

IS THERE A PROBLEM WITH SUPER-SPEED (EXERCISE)⁸?

Mishnah Shabbos 22:6 says that on Shabbos "לא מתעמלין"

Rashi says that מתעמלין means to exert pressure when massaging. The Mishna Berurah (327:7) explains that exerting pressure is an Uvda de'Chol, a weekday

⁷ Wolverine could not contract normal chickenpox as he has healing powers.

⁸ This answer is based upon Rav Ostroff Shabbos Shiur VII:2

activity, and therefore forbidden. Thus, according to Rashi there is no Issur to exercise on Shabbos.

The **Rambam** (21:28) however explains מִתְעַמְלִין to mean exertion, and says that one may not rub one's body in such a way that it will cause one to sweat. Likewise one may not walk in order to sweat, because sweating is a Refuah (which is problematic on Shabbos).

The **Shulchan Aruch** brings both Rashi and the Rambam as Halacha (OH 301:7, 327:2 and 328:42). Thus, P'Halacha, it is Ossur to cause oneself to sweat (when it is done as a Refuah – according to many opinions, maintaining health is also a form of Refuah).

The **Mishna Berura** (328:129) says that calisthenics are Ossur on Shabbos, and the explanation he offers is because it causes body heat and hence sweating occurs. It would seem that if one wishes to relieve a slightly stiff neck and gently massages one's neck, or if one wishes to loosen one's arms and legs by shaking them and doing very simple, basic exercises, it would be Mutar. Such motions do not produce sweat and one has no intention to sweat.

The answer to this question would thus depend on the level of exercise and sweat that Super-speed produces. For a Superhero can run superfast without breaking a sweat, such as The Flash, it would be Mutar on Shabbos. If on the other hand it requires exertion and he is doing it for exercise, to maintain his Super-fitness, it would be Ossur. Of course it goes without saying that if the Super-speed must be done to save a life then Pikuach Nefesh overrides Shabbos.

IN LIFE THREATENING SITUATIONS, MUST A SUPERHERO MINIMIZE VIOLATION OF THE SHABBOS?

Thor, who usually uses his might hammer Mjolnir, could fight crime using “only” his god-like strength. Way he nonetheless use Mjolnir, which is muktza, on Shabbos? This question can be restated as: “If we must violate the Shabbos in life-threatening situations, are we obligated to minimize the violation?”

Rava addresses this question in **Gemora** Menochos (64a-b): If two figs were prescribed for a sick person on Shabbos and there happened to be two figs on two stalks and also three figs on one stalk, which are we to pick? Should we bring the two figs as they only are needed, or the three, for they can be picked in a single action? Surely it is obvious that we should bring the three figs [on the one stalk].

The **Shulchan Aruch** (OH328:16), codifies this as Halacha, and expounds in our case: **If [a sick person] is diagnosed as being required to eat two figs and the possibilities are either to pick two figs that are hanging from two individual stems or three figs that are hanging from a single stem, we pick the stem with three figs. If there are two figs hanging from a single stem or three figs**

hanging from a single stem, we must pick the stem with the two figs.
RAMA: in an emergency one must not be particular because it might lead to a delay.

To answer our question: since weapons are Muktzeh, and, even under life threatening situations one should try to minimize violations of the Shabbos, the Superhero should ideally not use the weapon. However, as the Rama points out, if time is of the essence, one should not be too particular, and then the weapon should be used.

MAY ONE MOVE A MUKTZE OBJECT BY TELEKINESIS ON SHABBOS?

Telekinesis, or the ability to move objects with ones mind, is a power that many Superheroes share, such as Silver Surfer and Martian Manhunter. May these Superheroes move muktza objects for no particular reason⁹ on Shabbos.

The **Shulchan Aruch** (OH 308:41) states “One may move Muktzeh by blowing on it.” The **Rama** (OH308:3) elaborates “It is also permitted to move a Muktzeh object through blowing it, as it is only moving the Muktzeh object Kilachar Yad (back-handedly) and is therefore not called Tiltul (moving).”

Is blowing Muktzeh permitted because it is not the normal way to move things, or is it because blowing not considered Tiltul at all? The Nafka Mina (Halachic difference) ⁸ would be blowing a feather. According to the first explanation, blowing at a feather would be forbidden, because it is normal to blow at a feather to move it. According to the second explanation, blowing at a feather would be Mutar, because it is not considered a form of Tiltul at all.

The **Eshel Avraham** (d.h. “*butchatch*”) says that one may move anything through blowing, because blowing is better than Kilachar Yad, as it is not moving at all. Similarly, telekinesis is not Tiltul at all, and is better than Kilachar Yad. Therefore one may move Muktzeh items telekinetically on Shabbos.

CAN A TIME TRAVELER TRAVEL IN AND OUT OF SHABBOS? CAN HE SKIP A SHABBOS?

Time travel is a common phenomena amongst Superheroes. Such abilities can be the result of Superpowers (Hiro Nakamura), magic spells (Dr. Strange), or a time machine (Kang the Conqueror). In any case, “time travel” is dealt with in Halacha at length, mainly with jet travel and the Halachic Dateline.

⁹ That is, for a Kli Shemlacho L'Issur may they move it for reasons other than L'Tzorech Gufo or M'Komo? For example to protect the muktza object, or simply for fun. For other categories of muktza, may they move the objects in non-life threatening circumstances?

CROSSING INTO SHABBOS

According to the **Chazon Ish**, the Halachic Dateline hugs the east coast of Australia. According to his calculations the dateline actually goes through Australia, but he judged that it would be impossible to have a situation where it is Friday on one side of a street and Shabbos on the other, and he paskened that landmasses must all be on the same side of the Dateline, according to the majority of the landmass. He also seems to imply that it would be Ossur for one to purposely skip a Shabbos by crossing the dateline. In Australia (some) people are careful not to get in a boat or go into the water to the east of the continent on Sunday which would take them into Shabbos.¹⁰

FLYING THROUGH SHABBOS (PARTIAL)

The following description appears in an unattributed forum entry, delineating various ways one can fly into and out of Shabbos:

“As business travel to the Far East has become more prevalent, there has been a concomitant increase in incidences of unintentional Chilul Shabbos. Flights leaving from the Far East to North America on Friday often land on Friday in North America, hiding the fact that they travelled during Shabbos. How does this happen? The plane often encounters sunset of Erev Shabbos before crossing the dateline. The plane continues flying during Shabbos until it crosses the dateline. At that point, the day reverts to either late Thursday night or early Friday morning. Finally, the plane lands on Friday afternoon in North America. Sunday flights from the Far East also inadvertently incur Chillul Shabbos. If the plane crosses the dateline before sunset, then the local time reverts from Sunday to Shabbos. The plane will then be traveling during Shabbos until the sun sets (which begins the night of Motzei Shabbos). In the latter case, the plane lands on Sunday in North America. This scenario can also occur for Sunday flights from Australia to North America.”¹¹

FLYING INTO AND OUT OF SHABBOS

Moreover I found a reference to a ruling on this topic¹²: **Rav Michael Broyde** responded to a similar question about flying to Australia on Erev Shabbos, in which case one would start before Shabbos and then all of the sudden be at the end of Shabbos. Rav Broyde distinguished between two cases: when it becomes Shabbos on the plane and then skips ahead to the end of Shabbos (in which case, this should not be done Lechatchila, unless one's livelihood is at risk), and a case where it goes from pre-Shabbos to the middle of Shabbos (which one should not do under any circumstance). In the former case, one would simply observe Shabbos for the hour or two on the plane. In the latter case, one would not observe Shabbos at all, since "one cannot 'poof' appear into Shabbos," and thereby nullify a positive mitzvah.

¹⁰ <http://www.star-k.org/kashrus/kk-trav-dateline.htm>

¹¹ <http://www.chaitables.com/Introduction%20to%20the%20Chai%20Air%20Travel%20Tables.htm>

¹² <http://judaism.stackexchange.com/questions/10806/am-i-allowed-to-fly-from-australia-on-motzei-shabbos>

SUMMARY

In summary, a time traveler should neither travel into nor out of Shabbos. It is noted that this halacha applies to the ability to fly and teleportation as well, and Superheroes with such powers are well advised to be careful of where/when they fly or teleport of Friday and Sunday, lest they inadvertently enter Shabbos.

SHIUR 3: ERUVIN

MAY CLARK KENT WEAR HIS GLASSES IN A PLACE WITH NO ERUV ON SHABBOS?

It is one of the 39 melochos not carry in a Reshus Harabim (a public place) on Shabbos, on Shabbos, unless there's an Eruv. The **Gemora** (Beitza 12a, Horayos 4a) cites Jeremiah (17:22) '**Neither carry forth a burden out of your houses on the Sabbath day**' – that is the carrying must be a burden. The **Gemora** (Shabbos 60a) further states "**Shabbos mishum ma'sui amar Rachmana - G-d instituted Shabbos [to relieve us] from burden.**" The Gemora thus concludes that one may wear clothing and certain other 'useful' items on Shabbos that are not a burden.

The category that these other 'useful' items are generally classified as are called 'Tachshitim' or jewelry. Interestingly enough the **Gemora** (Shabbos 57a, 62a, 64b) actually rules that a woman may not go out with certain kinds of jewelry on Shabbos for fear that she will take it off to show it to her friend and carry it. The **Sefer Haterumah** rules, based upon his understanding that there are no Reshus Harabim d'Oraisa nowadays, that women may wear jewelry in public nowadays. The **Mechaber** (303:18) rules likewise¹³. The **Rama** (ibid) adds that nowadays when jewelry is very common, women do not remove their jewelry to show them to friends and hence the original Takana is no longer in force.

This category of Tachshit (jewelry) includes items worn for protective or medicinal purposes (SA OH301:22, 28 and elsewhere). For example, we saw in our last shiur that one may wear amulets and talismans on Shabbos.

The **Mishna** in Shabbos 64b lists items that a woman may not go out with on Shabbos. One of these items is a ribbon in her hair. The **Gemora** explains that we are concerned that she will take off the ribbon and walk 4 Amos in a Reshus Harabim. Thus we learn a principle that one may not wear Tachshitim that might be taken off and carried in a Reshus Harabim.

Rashi (Shabbos 65a v'afilu) says that threads worn by girls to keep the piercing in their ears opened may be worn on Shabbos. Rashi explains that even though these are not adorning jewelry (Tachshit Noy), they are still permitted since they normally worn as such. The **Shulchan Aruch** brings this as Halacha in OH 303:20, and the **Mishna Berura** (303:69) further explains that since they are normally worn like that they are not considered a burden.

¹³ This is problematic as the Mechaber rules elsewhere (OH345) that there are Reshus Harabim d'Oraisa nowadays. Rav Bentzion Abba Shaul (Or Letzion 1:30 & 2:23:11) explains that the Mechaber holds that there is no Reshus Harabim d'Oraisa for Issurei d'Rabbanan, but he is Machmir with respect to Issurei d'Oraisa.

Similarly, the **Ramban** on Shabbos 66b says that wrapping one's foot with cloth which is not normal clothing would still not be carrying on Shabbos as it is not a burden.

Perhaps surprisingly the **Mishna Berura** (301:44), based upon the **Chayei Adam**, rules that one may **not** wear glasses in a Reshus Harabim on Shabbos. Apparently the Mishna Berura was referring to pince-nez glasses which do not have ear support, but are held up via pinching the nose. The Mishna Berura was concerned that they would fall off. Modern Poskim all pasken that our modern glasses may be worn on Shabbos (**Rav Ovadia Yosef, Rav Shlomo Zalman Aurebach** SSK18:16&fn71).

There is a Machlokes between **Rav Ovadia Yosef** and **Rav SZ Aurebach** regarding sunglasses. Rav Ovadia (Kitzur Yalkut Yosef Vol 1 p.557), who is known to wear sun glasses, says that one may wear sunglasses when there is no Eruv as one will not be tempted to take them off. Rav Shlomo Zalman, whom I have never seen photographed wearing sun glasses, says that one may not wear sunglasses lest he go into a shaded area and take them off and carry them four Amos in a Reshus Harabim (SSK18:18(8)).

Clark Kent wears glasses as a disguise; the glasses actually project a hypnotic suggestion and make him look different than Superman. As such, he does not wear them as clothing, nor as an ornament (Tachshit Noy), nor for medical purposes – is this allowed? I would argue that based upon the examples above brought by Rashi and the Ramban (ie that girls can wear a thread in their ear because it is usual for one to do so, and wrapping ones foot in cloth is not carrying as it is not a burden) it can clearly be argued that Clark Kent always wears his glasses, for a constructive purpose, and it is not a burden for him (especially given his super strength).

However, there is a chance that Clark Kent will have to change into Superman and hence take off his glasses and walk (or fly, see below) four Amos in a Reshus Harabim. As we saw above (Shabbos 64b), we in general do not allow people to go out with things that they may take off and end up carrying. Thus it would be Ossur for Clark Kent to wear glasses on Shabbos. (This ruling would not apply to his clothing as we will see in the next question). I would suggest that Clark Kent move out of Metropolis (which **Rav Moshe** paskens cannot have an Eruv¹⁴) to a city which has an Eruv.

In addition, Superman normally stores Clark Kent's clothing in a compressed state in a pocket of his cape. This would be a serious problem with respect to carrying and Superman should make other arrangements for Shabbos (a solution for this problem can be found in the answer to the next question).

¹⁴ Igros Moshe OH 1:138-9, 4:86-89

MAY ONE WEAR HIS SUPERHERO COSTUME UNDER HIS SECRET IDENTITY CLOTHING WITHOUT AN ERUV?

As stated above, on Shabbos Superman may not carry his civilian clothing compressed in his cape. Similarly The Flash may not carry his Superhero costume compressed in his spring-loaded ring. What should they do instead on Shabbos?

One may wear clothing in Reshus Harabim without an Eruv on Shabbos (OH301:7), the **Biur Halacha** (ibid Kol Hayotzei) brings the general principle that ‘**items that are clothing or Tachshit are permitted from the Torah**’. Two explanations are given: (1) that Hashem clearly did not intend for us to go naked in a Reshus Harabim on Shabbos (**Aruch Hashulchan** OH301:48), and (2) clothing are subordinate to the wearer (**Rabbi Ribiat**, The 39 Melochos, Hotza fn272).

The **Gemora** in Eruvin 95b says that if there is a fire and one wants to save items in the house he may put on as much clothing as he can at once and go out to a field take them off, and go back and repeat this. The **Shulchan Aruch** OH301:36 says that one may go out on Shabbos with two garments, and the **Mishna Berura** 301:132 says that this is despite the fact that the wearer derives no benefit from the second one.

In general as long as a garment is worn in a normal fashion (Derech Levishah) any number of garments may be worn for any number of reasons. Thus a Superhero may wear his costume under his secret identity clothing. The opposite would also be true – on Shabbos it would be advisable for Superheroes to wear their secret identity clothing under their Superhero costumes when they make the change, rather than carry them in a special pocket of their capes.

MAY ONE FLY IN A RESHUS HARABIM?

The **Gemora** Shabbos (94a) brings the principle of “Chai Nosei es Atzmo” – a living being carries itself. We rule there that this principle does not apply to animals nor to children that cannot walk (ibid). The principle theoretically does apply to carrying other people, but there is an Issur d’Rabbanan not carry even those that can carry themselves (**MB** 308:145).

If a child who can walk stops in the middle of the street on Shabbos and refuses to move, **Rav Moshe** (Igros Moshe OH4:91) holds that in a Carmelis (Halachic designation for most of our streets), one may carry the child, but in a true Reshus Harabim (such as Broadway in Manhattan) one may not unless it is dangerous.

The principle of ‘Chai Nossei es Atzmo’ clearly applies to carrying oneself, and hence flying is permissible even in a Reshus Harabim on Shabbos.

MAY ONE CARRY IN A RESHUS HARABIM WHILE FLYING?

Superman carries his Clark Kent suit inside a pocket of his cape; sometimes, while rescuing Lois Lane, he carries her while flying. May he do that on Shabbos?

This is a very complex question and we will have to learn some basic background Halachos of Eruvin in order to answer this.

THE BASIC ISSUR

Hotzaa, or transferring (often called ‘carrying’), is one of the 39 Melochos. The Issur can be accomplished in one of two ways (**Gemora** Shabbos 6a, **Shulchan Aruch** OH346:1-2):

- Transferring an object from a Reshus Harabim (public domain) to a Reshus hayachid (private domain).
- Transferring an object more than four Amos in a Reshus Harabim.

It is beyond the scope of this Shiur to define what is a public domain, however it suffices to say that the majority of public areas today would not be considered a public domain for these purposes. Most public areas today are a Carmelis. Certain very large areas (i.e. Tiananmen Square, Broadway in Manhattan) may be a Reshus Harabim d’Oraisa. A Carmelis has the same rules as a Reshus Harabim, but these are only a d’Rabbanan (Shabbos 6a, OH346:1). Thus, it is Ossur d’Rabbanan to:

- Transfer an object from a Carmelis to a Reshus Hayachid.
- Transfer an object more than four Amos in a Carmelis.

AKIRA AND HANACHA

I have chosen to use the term ‘transferring’ rather than ‘carrying’ because in order to violate the Issur d’Oraisa one needs two steps – the item must be uprooted (Akira) from its current location and put down (Hanacha) in the other area (**Mishna** Shabbos 1:1, OH 347:1). Akira or uprooting is accomplished by any method of removing an object from its stationary place. This can be accomplished by holding an object (which is considered stationary) and starting to walk, or taking off to fly, or throwing or kicking the object, or teleporting out (MB 347:2). Hanacha is performed by returning the object to a back to a set place. This can be accomplished by stopping to walk, landing from flying, the object coming to rest after kicking or throwing it, teleporting in, or placing the object on the ground (ibid).

Performing only one of Akira or Hanacha and not both (where someone else performs the other half) is Ossur d’Rabbanan (ibid)¹⁵.

¹⁵ However it would seem that if only an Akira was done, but a Hanacha was never done, this may not be Ossur. For example apparently it would be muter for Dr. Strange to teleport an object out of space and time from a Reshus Ha’Rabim on Shabbos.

Walking itself is not a Hanacha. The **Gemora** (Shabbos 5b-6a) says that if one walks while carrying something from a Reshus Harabim into a Reshus Hayachid, but walks through a Carmelis (an area that is de'Rabbanan), he is Chayav for an Issur d'Oraisa, rather than for an Issur de'Rabbanan. The reason, as the Chachamim explain, is that Mehalech lav keAmed Damei - walking is not like standing; while one is continually walking no Hanacha is done. Since the person walked without stopping through a Carmelis the Carmelis is irrelevant and the person has simply transferred from a Reshus Harabim to a Reshus Hayachid (which is d'Oraisa).

If walking is not Hanacha, clearly, flying is also not Hanacha. In addition, simply hovering in place while flying would also not be considered a Hanacha.

ABOVE 10 TEFACHIM IN A RESHUS HARABIM

The **Mishna** Shabbos 100a says (according to the explanation of the Gemora) that one who throws a ripe date 4 Amos across a Reshus Harabim onto a wall in the Reshus Harabim will be Pattur if it sticks to the wall above 10 Tefachim, and will be Chayav if it sticks to the wall below 10 Tefachim. The **Gemora** Shabbos 7b learns from this Mishna that the Reshus Harabim stops at 10 Tefachim, and above that is a different category called Mekom Petur - an area where there are no restrictions to carry whatsoever.

The **Shulchan Aruch** (345:10) when defining a Reshus Harabim states: ... **in a Reshus Harabim [...] From 10 Tefachim and above [...] is a Mekom Petur.**

In other words the airspace above 10 Tefachim in a Reshus Harabim is a Mekom Petur – a permitted area. In contrast, a Reshus Hayachid extends up indefinitely (Shuchan Aruch OH345:5).

MOVING FROM DOMAIN 'A' TO DOMAIN 'B' VIA DOMAIN 'C'

As we saw above, if one transfers from domain A to domain B via domain C, and does not stop in domain C at all, it is as if domain C does not exist. (See Shulchan Aruch 346:1)

The **Gemora** (Shabbos 6a) says that one **may** stand in a Makom Petur and:

- receive an item from someone in a Reshus Hayachid or Reshus Harabim, or
- hand an item to someone in a Reshus Hayachid or Reshus Harabim.

But one **may not** (de'Rabbanan) stand in a Makom Petur and both:

- receive an item from someone in a Reshus Hayachid, **and** hand it to someone in a Reshus Harabim, or vice versa.

This Issur d'Rabbanan includes two cases:

- taking an item from a Reshus Harabim and placing it in a Makom Petur, then picking it up from the Makom Petur and setting it down in a Reshus Hayachid.
- walking from a Reshus Harabim with an item in one's hand into or onto a Makom Petur and **standing still** (Hanacha) and then continuing from the Makom Petur into a Reshus Hayachid.

The **Mishna** in Shabbos 96a (and Gemora on 97a) says that one who throws an object from a Reshus Hayachid into another Reshus Hayachid via a Reshus Harabim is Pattur (but Ossur). Actually there are two cases:

- Below 10 Tefachim it is a Machlokes between the Chachamim who say that it is Ossur d'Rabbanan, and Rabbi Akiva who say that it is Ossur d'Oraisa. We pasken like the Chachamim because there is no Hanacha in the Reshus Harabim.
- Above 10 Tefachim the Chachamim instituted a Takana (decree) to prevent this.

Mishna Berura (347:8) elaborates that one who throws from a Reshus Harabim to a Reshus Harabim via a Reshus Hayachid, or from a Reshus Hayachid to a Reshus Hayachid via a Reshus Harabim is Pattur. However if the item was thrown from a Reshus Harabim to a Reshus Harabim via a Reshus Hayachid and it traversed altogether more than 4 Amos in the Reshus Harabim one is Chayav.

PENALTIES

The **Shulchan Aruch** (OH348), based upon the **Gemora** Shabbos 3b states:

One who is standing in a Reshus Hayachid and stretches a hand filled with fruit into a Reshus Harabim within ten Tefachim: if it was done unintentionally one may return one's hand to the same yard but it is prohibited to put the fruit in another yard. If it was done deliberately, it is prohibited even to return one's hand to the same domain.

HALACHA L'MAASEH

Thus one may carry something while flying if:

- He leaves from a Reshus Hayachid, flies up to an altitude of at least 10 Tefachim, enters the airspace above a Reshus Harabim, always keeping at a height of at least 10 tefachim high (in the Mekom P'tur) and return to the **same** Reshush Hayachid; or
- He leaves from a Reshus Harabim, flies 10 tefachim high, never enters the airspace above a Reshus Hayachid, and lands within 4 amos of where he originally took off.

It is an Issur d'Rabbanan to transfer something via flying from a Reshus Hayachid to another Reshus Hayachid via Reshus Harabim, or Carmelis (independent of the height one flies, since flying does not count as Hanacha).

If one flies while holding something from a Reshus Hayachid and enters a Reshus Harabim (within 10 Tefachim of the ground), or takes off from a Reshus Harabim and enters anywhere in the airspace of a Reshus Hayachid then:

- If it was done unintentionally one may fly back from where they came;
- If it was done intentionally then the aforementioned penalty would apply and one would be required to fly or hover in that same space (in the Reshus Harabim within 10 Tefachim from the ground, or over the airspace of the Reshus Hayachid) until the end of Shabbos¹⁶.

It is an Issur D'Oraisa to transfer something via flying:

- from a Reshus Hayachid to a Reshus Harabim (no matter how one gets there, again as flying is not Hanacha).
- from a Reshus Harabim to another area in a Reshus Harabim outside of four Amos of the take-off site (no matter how one gets there, again as flying is not Hanacha).

MAY ONE FLY OUT OF TECHUM SHABBOS?

INTRODUCTION TO TECHUMIM¹⁷

The Possuk says “**Let every man stay in the place he occupies, no man shall leave the place on the seventh day**” (Exodus 16:29). The Rif (end of the 1st Perek of Eiruvim) and **Rambam** (Hilchos Shabbos 27:1) learn that it is Ossur d'Oraisa to walk outside the 12 mil¹⁸ perimeter on Shabbos, the breadth of the encampment of B'nei Yisroel in the Desert, while the **Rosh** and **Tur** learn that this Possuk is teaching us that carrying is Ossur but there is no concept of Techumim at all d'Oraisa.

In any case, the Rabbis (see for example **Mishna Eruvin 4:1, 5**) prohibited one from walking more than 2000 Amos outside the town's perimeter.

¹⁶ Actually it would depend on whether or not the Superhero needed to use energy in order to hover or not. If it was effortless for the Superhero to hover, then the penalty would apply as written. However if flying and hovering was very draining to the Superhero and he was in jeopardy of falling (for example if Green Lantern's ring was running out of power) then he should return to the same reshus that he flew out of, because if he would land he would be over an Issur d'Oraisa.

¹⁷ This introduction is based upon Rav Ostroff Eruvin Shiur II:9

¹⁸ An Amah is about 50 cm. 2000 amos is 1 mil, or about a kilometer.

One measures the 2000 Amos from one's place where one resides (Makom Shvisa). Therefore, one who is in the middle of nowhere when Shabbos begins, one's Makom Shvisa is just there and one may walk 2000 Amos in any direction (OH397:1).

One whose Makom Shvisa is within Mechitzos (boundaries), the entire area is considered as 4 Amos and one measures the 2000 Amos from the edge of the Mechitzos (396:2). We consider the entire area enclosed within an 'Eiruv' to be one big Mechitza.

TECHUM ABOVE 10 TEFACHIM

The **Shulchan Aruch** (OH404) says:

One who walks out of the Techum over 10 Tefachim high, for example that he jumped on poles that are 10 Tefachim high (but less than 4 Tefachim by 4 Tefachim), there is a doubt if there is a Techum over 10 Tefachim or not, and whatever is a d'Rabbanan, we are lenient in the case of doubt. Rama: But if one would walk this way by jumping [on poles] farther than 12 mil, we would be Machmir for the opinion that says that Techum greater than 12 mil is d'Oraisa. And since over seas and rivers there is not Techum d'Oraisa for a Reshus Harabim, because it is not similar to the [Israelite] camp in the desert, someone who arrives by boat on Shabbos and comes to the port, if when Shabbos started until he arrived at the port he was continually above 10 Tefachim from the bottom of the sea or riverbed, he can get off [the boat] and we do not prevent him, and he has 2000 Amos from the place that he reached above 10 Tefachim.

The **Mechaber** and **Rama** both seem to be Maikil for this law only when Techum is clearly a d'Rabbanan – the Rama is explicit about this, and the Mechaber implies this by bringing the case of a ship at port. However the **Mishna Berura** (404:7) brings the **Gra** who says that all Techumim are d'Rabbanan.

Clearly it is quite impractical to jump from pole to pole (on poles that are 10 tefachim high but less than 4x4 tefachim in length and width) for any meaningful distance, and certainly this would seem impractical for 12 mil. It would seem that this halacha applies much more practically to flying than to pole jumping.¹⁹

The **Biur Halacha** (*Mimakom shepaga*) says that perhaps if one is moving on a boat then since he is not stationary even if he comes within 10 Tefachim of the bottom of the sea, it is difficult to argue that this is now his established place for Techumim for all of Shabbos. He leaves this as a Tzorich Iyun.

¹⁹ Perhaps Rav Yosef Karo wrote this in answer to a question from his angelic Maggid.

SUMMARY

There is a rabbinical enactment not to go beyond 2000 Amos from ones established place on Shabbos. There is a Machlokes if there is a biblical prohibition to go beyond 12 mil or not. Similarly, there is a Safek whether the Techum extends above 10 Tefachim or not. Using the rules of Safek d'Rabbanan l'Kula, Safek d'Oraisa l'Chumra yields the following : If one flies above 10 Tefachim²⁰, he may fly outside the 2000 Amos Techum Shabbos but not beyond the 12 mil potential d'Oraisa barrier. According to the Gra one may even fly beyond the 12 mil barrier.

²⁰ According to the Biur Halacha if one is flying continuously below 10 Tefachim from when Shabbos came in there may be reason to be Maikil as well, as one never establishes their spot. וצ"ע למעשה.