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

Overview

Siman 352 Seif 1:

If one is reading from a scroll on a threshold and one end rolls out of his hand while he retains his grasp on the other end, he may roll it back, even if it rolls more than four *amos*. This is true even if it rolls into a public domain and the threshold is located in a private domain out of concern for sacred writings and many people walk on a threshold. This allowance is limited to sacred writings but it is prohibited to pull back other items even if they fell into a *karmelis*.

- This is true even if it is a private domain. The decree that could have been instituted would be to prohibit rolling it back out of concern that one will be lenient even if it falls entirely from his hand. The reason the decree was not instituted was out of concern for sacred writings. (M.B. 2)
- Shulchan Aruch refers to where it came to rest on the ground because otherwise there are no grounds for the decree. (M.B. 3)
- If both ends fell from his hands it would not be permitted to retrieve it, even if it fell into a *karmelis*. (M.B. 5)
- When one retains one end of an object in his hands, Biblically, it is not considered to have come to a state of rest but Rabbinically it is prohibited but out of concern for sacred writings, it is permitted to roll back the end that slipped out of one's hands. (M.B. 7)
- Many authorities are lenient but in our public domains one should not be lenient since according to many authorities it qualifies Biblically as a public domain. (M.B. 10)

Siman 352 Seif 2:

If one was reading on a roof and one end of a scroll rolled out of his hands, if it did not reach within ten *tefachim* of the ground, he may roll it back. If it reached within ten *tefachim* but the roof is sloped so that it rests on it, it is prohibited to roll it back and to prevent disgrace it should be turned on its face. If it is not sloped and did not reach the ground, it may be rolled back to him.

- The roof is a private domain and in front of it is a public domain but if it did not reach within ten *tefachim* of the ground, it is in a *makom patur* and one may roll it back. (M.B. 11)
- This is permitted even for items that are not sacred writings. (M.B. 12)
- It is considered as though one end is on the ground and the concern exists that he will roll it back even if it lands completely in the public domain. (M.B. 13)
- This is true only if people place items there to adjust them but otherwise it is a *karmelis* and if he retained one end in his hands it would be permitted to roll back sacred writings according to all opinions. (M.B. 14)
- There is a disagreement whether we are lenient even for other items that did not reach the ground but are within ten *tefachim* of the ground but if it fell into the airspace of a *karmelis* all opinions agree that it is permitted. (M.B. 15)
- Gra contends that once something falls within three tefachim of the ground, it is as if it is at rest on the ground. (M.B. 16)

Halacha Highlight

Dangling items

Shulchan Aruch Siman 352 Seif 2

היה קורא בו על הגג

If one was reading on the roof

Shulchan Aruch (סעי' ב') discusses someone who is sitting on his roof (that is a private domain) reading from a sacred scroll and one end slips away. If the scroll does not fall within ten *tefachim* of the ground, it is permitted to pull the scroll back up to the roof. If the scroll did reach within ten *tefachim* of the ground, the matter depends on whether the wall is sloped or not. If the wall is sloped so that the unwound scroll could rest on the wall, it is not permitted to pull the scroll up and the most that could be done is turn the scroll on its face to limit the extent of the disrespect. If the wall is not sloped it is permitted to pull the scroll back up to the roof provided that it did not reach the ground.

Magen Avrohom comments that Shulchan Aruch's *halacha* is limited to sacred writings, but one is not permitted to pull other items back onto the roof even though he is holding on to the other end.The reason is that we are concerned that a person will bring the object back on to the roof even when it fell entirely onto the ground. At first glance one may think that Magen Avrohom's statement applies even when the object remained more than ten *tefachim* above the ground which is *makom patur*. Sha'ar HaTziyun (סק"ז), however, points our attention to Pri Megadim who writes that Magen Avrohom's comments are directed towards the second half of the *seif* where Shulchan Aruch discusses a circumstance in which the scroll fell within ten *tefachim* of the ground.In such a case there is a distinction to be made between sacred writings and other objects. However, when the dangling object does not fall within ten *tefachim* of the ground, it is permitted to pull the object back to the roof since that act involves transporting it from *makom patur* to a private domain and according to all opinions is permitted.