The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שנ"ח סעיף י'

Overview

Siman 358 Seif 10:

If one has a garden in his yard and it occupies a majority of the yard, even if the entire yard is only two *bais seah*, he should not transport things from the yard to the house. If it is larger than two *bais seah* he may not transport items in it or in the yard beyond four *amos*. If the garden occupies a minority of the yard and is larger than two *bais seah* it prohibits the entire yard but if it is two *bais seah* or smaller it is prohibited to transport things from it to the house.

- It is teaching that just like the seeds nullify walls that were used to enclose an area for residential purposes, so too, it nullifies the walls of a courtyard. (M.B. 73)
- Referring to the entire courtyard. (M.B. 74)
- It is permitted to transport things throughout the yard. (M.B. 76)
- The yard becomes like a *karpeif* in that it is prohibited to transport things from there to one's house and from the house to it. This is true even if the *karpeif* is less than two *bais seah* and even if one person owns them both. (M.B. 77)
- Meaning, if the area that contains the growing plants is this size. (M.B. 80)
- Although the yard is a majority of the total area, nevertheless, its status as a residential enclosure is lost due to the herbage since the area is larger than two *bais seah*. For that reason it is prohibited to transport things throughout the yard since it is open entirely to a place that is prohibited. (M.B. 81)
- The implication is that it is permitted to transport items from the yard to the house, but other authorities prohibit transporting things from the yard to the house. If the herbage is smaller than two *bais seah*, there is no reason to adopt a stringent approach concerning transporting items from a yard to a house. Some are lenient even from the garden to the house or vice versa and one may rely on this in a pressing circumstance. If there is a partition, the two parcels of land are not connected and the presence of the garden has no effect on the yard. If the area is two *bais seah* or smaller it is permitted to transport things throughout the area and from it to a yard and vice versa except for utensils that began Shabbos in the house which may not be transported from the yard to the garden. Therefore, one should not eat or drink in his garden since it is impossible to avoid this. (M.B. 83)

Halacha Highlight

Transporting items from a *karpeif* to a house

Shulchan Aruch Siman 358 Seif 10
לא יטלטל ממנו ומן החצר לבית
One may not transport items from it or from a yard to a house

Shulchan Aruch addresses one who has a garden growing in his yard. He rules that when the garden occupies a majority of the yard, even though the entire yard is only two *bais seah* or less, one may not transport items from the yard to the house. Mishnah Berurah (סי"ק ע"ו) explains that in this scenario there is no issue with transporting items throughout the yard, even in the area of the garden. Although the garden does nullify the walls from being a residential enclosure, nevertheless, since the entire area is two *bais seah* or smaller it is permitted to transport items throughout the area. However, since the area is no longer considered residential it is categorized as a *karpeif* and that is the reason it is prohibited to transport items from the yard (*karpeif*) to the house and vice versa. This is true even though, as mentioned, the *karpeif* is less than two *bais seah* and belongs to a single individual (מ"ב סי"ק ע"ז).

Chazon Ish (או"ח סי' פ"ח סי"ק י"ח) notes an inconsistency between Mishnah Berurah's ruling in our *seif* and his ruling in Biur Halacha elsewhere. In our *seif* Mishnah Berurah rules that it is prohibited to transport items from a *karpeif* to a house even if the *karpeif* is smaller than two *bais seah*. However, Biur Halacha (סי' שנ"ט סע' א' ד"ה רחבה) writes that it is permitted to transport objects from a *karpeif* that is smaller than two *bais seah* to a house. It is only when the *karpeif* isgreater than two *bais seah* is it prohibited to transport items from the *karpeif* to the house. He contends that there is no reason to differentiate between the case that is discussed here and the case that is discussed there. In a pressing circumstance Biur Halacha (סי' שע"ב סע' א' ד"ה או) permits one to transport items from a house to a *karpeif* provided that the two areas belong to the same person or two people who made an *eruv* together and Chazon Ish (סי' פ"ח סי"ק י"ח וסי' פ"ט סק"ז) agrees that one may be lenient in a *b'dieved* circumstance.