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

Overview

Siman 359 Seif 1:

If a back lot behind a house is larger than two *bais seah* and was not enclosed for residential purposes, one may not transport items more than four *amos*. If one opened an entrance to one's house and then enclosed the area, even if there is a granary in the back lot, it is considered enclosed for residential purposes. The reason we are not careful to avoid transporting items in back lots is that nowadays they are generally enclosed for residential purposes as explained above regarding a *karpeif*.

- Back lots were generally not enclosed for residential purposes and thus they are treated the same as a *karpeif*. (M.B. 1)
- It is certainly prohibited to transport items from the back lot to the house. If the area only contains two *bais seah* it is permitted to transport items from the back lot to the house since it is not a separate domain as is a *karpeif*. (M.B. 3)
- Even if the granary was there before the area was enclosed it is not assumed that the area was enclosed for the granary, rather it is assumed that the entrance was made to use the back lot so that it is now enclosed for residential purposes. (M.B. 4)

Siman 360 Seif 1:

If an individual settled on Shabbos in a field and erected inferior partitions, e.g., vertical but not horizontal or horizontal but not vertical, if the area is up to two *bais seah* it is permitted to transport things throughout but if it is larger one may only transport things four *amos*. The same is true when two people settle there but if there are three people they are treated like a caravan and are permitted to transport things throughout, even if the area is very large provided that they do not enclose more than necessary. Meaning, they should not include in their enclosure two *bais seah* of space that is not needed. If they did so they may only transport items four *amos* in the enclosure. This restriction applies if they enclosed more than six *bais seah* but if they did not enclose more than six *bais seah* they may transport items throughout even though two *bais seah* are empty, being that there are three people. A non-Jew does not count towards making a caravan and some maintain that even a minor does not count towards creating a caravan.

- The same is true regarding an inhabited area and the reason Shulchan Aruch emphasized a field is that one may have thought there is more room for leniency since materials to construct a better partition are not available. (M.B. 1)
- Some maintain that even when there is more standing wall than open space (עומד מרובה על הפרוץ) it is an inferior wall but most authorities do not subscribe to that position. (M.B. 3)
- He may not transport things if the area is larger than two *bais seah*, even if it is needed for his stuff. (M.B. 4)
- It is not considered a *karmelis* so that it would be permitted to transport items from a *karmelis* to it or vice versa since it is in reality a private domain which is treated more stringently. (M.B. 5)
- We do not give the two of them more than two *bais seah*. (M.B. 6)
- Many authorities disagree with Shulchan Aruch and maintain that any time there is two *bais seah* that is not used, it is prohibited. (M.B. 8)

Halacha Highlight

Inferior partitions

Shulchan Aruch Siman 360 Seif 1

כגון שתי בלא ערב

For example, it contains vertical pieces without horizontal pieces

Shulchan Aruch (סי' ש"ס סע' א') addresses one who settles in a field for Shabbos and enclosed the area with inferior walls. For example, if he surrounded the area with posts that are vertical and between each post is less than three *tefachim* but he did not include in this partition any horizontal beams or ropes. Alternatively, one constructed a partition comprised of horizontal beams or wires without any vertical beams or wires. In both of these cases, although the partition is inferior, if the enclosed area is two *bais seah* or smaller, he may transport objects throughout the enclosure. However, if the area is larger than two *bais seah*, he may not transport items more than four *amos*. Mishnah Berurah (סק"ה) explains that since such a large area is enclosed by inferior partitions, Chazal assign it the status of a *karmelis*, thereby restricting one from transporting items more than four *amos*. However, the area it is not considered a *karmelis* for all matters, being that there is a partition around the area that renders it a private domain and thus it is prohibited to transport objects from this area to an actual *karmelis*.

Sha'ar HaTziyun (סק"ב) cites Pri Megadim who writes concerning a partition that is comprised of only vertical beams that if one adds one row of horizontal beams or ropes, the partition is no longer considered an inferior partition. Chazon Ish (או"ח סי' י"ג סק"ד) expresses surprise at Pri Megadim's comment. If a single horizontal rope is enough to upgrade a partition that was comprised of only vertical posts what was Shulchan Aruch's case of a partition comprised of only horizontal posts or ropes? How could one construct horizontal posts without anything vertical to hold up the horizontal pieces? Furthermore, the Gemara indicates that in order to be considered a standard partition, all of the vertical pieces as well as the horizontal pieces must be within three *tefachim* of one another and obviously that does not apply when there is only one horizontal piece added to a series of vertical pieces.