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

Overview

Siman 372 Seif 1:

Roofs, yards and enclosures are considered one domain with regards to utensils that rested in them and may be transported from one to the other. Even if there are many owners who did not make a joint *eruv* it is permitted to transport objects from one yard to another or to a roof or the top of the wall that separates the two yards. Objects may be transported from one roof to another even if one is significantly higher than the other and from a roof to an enclosure that does not contain two *bais seah* or if it was enclosed for residential purposes even if it is more than two *bais seah* or to a *mavoi* that was rectified with a *lechi* or a beam even if they did not make an *eruv*. This is true even if the residents of each yard made their own *eruv* so that household objects would be found in the yard and it is permitted to transport objects that were in one yard to another and we are not concerned that they will also transport objects that were in the house to another yard, roof or enclosure.

- Shulchan Aruch refers to where the roof does not extend beyond the walls of the house. (M.B. 1)
- People do not regularly use these domains and thus they are not separate domains and it is permitted to transport objects from one domain to another, even without an *eruv*. The enactment of an *eruv chatzeiros* is to permit transporting objects from a house to the yard or vice versa. (M.B. 3)
- A *mavoi* is also not used regularly and thus it is permitted to transport objects from it to the other domains. A *shituf* is necessary to transport objects to and from a house to the *mavoi*. (M.B. 11)
- When the residents of the yard did not make an *eruv* it is certainly permitted to transport objects that were in one yard to another since there is no concern that someone will transport objects from their home to the yard. (M.B. 13)
- Utensils that began in a house and were transported to a yard in a permitted manner because an *eruv* was made may not be transported to another yard if they did not make a joint *eruv*. Similarly, if one transported an objected from one yard to another when they did not make a joint *eruv*, for example, one walked to another yard and removed a garment, that garment may not be transported from that yard to another yard and it is not clear whether those objects may be transported within that yard. If a gentile transported beverages to a house with which one did not make a joint *eruv*, since a house is a private domain it is permitted to transport the beverages throughout the house. (M.B. 16)

Halacha Highlight

Transporting garments from one yard to another

Shulchan Aruch Siman 372 Seif 1
דשכיחי מאני דבתים בחצר

Because household items are commonly found in the yard

Shulchan Aruch states that we treat roofs, yard and enclosures as a single domain with regard to those utensils that began Shabbos in one of these domains so that it is permitted to transport those objects from one of these domains to another. The rationale is that these domains do not have a use that is specific or regular and thus we do not consider them to be separate domains and it is permitted to transport objects from one of these domains to another even if an *eruv* was not made (מ"ב סק"ג). Shulchan Aruch also explains that even when residents of a yard made an *eruv,* it is permitted for them to transport objects that began Shabbos in one yard into another yard without concern that he may also transport objects that began in the house to another yard.

Mishnah Berurah (ס"ק ט"ז) notes that from Shulchan Aruch it is evident that utensils that began Shabbos in a home may not be transported to another yard even if they were brought to the first yard in a permitted manner. Shulchan Aruch HaRav (סע' א') explains that utensils that began Shabbos in a house are considered as though they are in that house wherever they happen to be, consequently, it is prohibited to transport them to another domain with which an *eruv* was not made. Chazon Ish (או"ח סי' ק"ד ס"ק כ"ה) further explains that such utensils are considered household utensils rather than yard utensils and thus it is prohibited to transport them to another yard.

Mishnah Berurah (שם) also notes that if one wore a garment into another yard with which an *eruv* was not made and then removed the garment, it may not then be transported to another yard since it is considered a household item. There is a disagreement between Shulchan Aruch HaRav (שם) and Chazon Ish (או"ח סי' צ' סס"ק כ"ז) whether Reuven's garment that was removed in Shimon's yard may be returned to Reuven's yard.