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

Overview

Siman 374 Seif 2:

If there was a partition between two yards and each yard made their own *eruv* and the partition became breached on Shabbos, it is permitted for each one to transport, even household objects on Shabbos within his yard. If the partition between a yard and the public domain or a *karmelis* became breached, it is prohibited.

- Even though each yard opens to a place that is prohibited, i.e. a yard with whom they did not make a joint *eruv*, nevertheless, since it was permitted during *bein hashemashos*, it remains permitted for the duration of Shabbos. (M.B. 7)
- When it is breached to a different type of domain altogether we do not apply the principle that once it was permitted at the outset of Shabbos it remains permitted for the duration of Shabbos. (M.B. 9)

Siman 374 Seif 3:

If a small yard became breached during the week to a larger yard and the breach is not more than ten *amos*, it is permitted to transport objects from one's home to the larger yard, assuming they made an *eruv* but it is prohibited for the residents of the smaller yard to transport objects from their home to the yard, unless they made a joint *eruv*. This is true when the partitions of the smaller yard enter the larger yard and when the walls of the smaller yard are three *tefachim* from the walls of the larger yard because if that is not the case it would be permitted to transport objects in the smaller yard since it is a circumstance in which there is a wall that is visible from the outside but even from the inside.

- On Shabbos we apply the principle that once it was permitted at the outset it is permitted for the duration of Shabbos. (M.B. 10)
- If it is more than ten *amos* we cannot say that the smaller one is an entrance to the larger one. (M.B. 12)
- The wall of the smaller one must go two or three *amos* into the larger one. (M.B. 17)
- The walls of the smaller yard that enter the larger one must be three *tefachim* away from the side wall of the larger yard because if that is not the case they would be considered a single wall. (M.B. 18)
- If the walls of the smaller one did not enter the larger one, it would be permitted even in the smaller one. (M.B. 19)

Siman 374 Seif 4:

If a small roof became breached entirely to a large roof before Shabbos, the resident of the small house may not transport objects from his house to the roof but it is permitted for the resident of the larger roof to do so. This assumes that the walls of the house are discernable to one who stands on the roof but if they are not discernable, it is a *karmelis* unless there is a window that is four *tefachim* that opens from the house to the roof.

- If the two roofs are equal in size, they prohibit one another even if they are not more than ten *amos*. (M.B. 20)
- Shulchan Aruch means that it is open to the adjacent roof and it is not necessary for there to be a wall that collapses. (M.B. 21)
- It is permitted to transport household objects to his roof since the small roof is just an entrance rather than a breach being that it is less than ten *amos*. (M.B. 26)
- Their roofs were flat so that one could see the walls of the house from the roof so that we could say אסיק גוד but if the roof extends beyond the wall, the roof would be categorized as a *karmelis* and it would be prohibited to transport objects more than four *amos*, even those utensils that began Shabbos on the roof. (M.B. 27)
- This is true when it extends four *tefachim* beyond the walls but if it extends less than that, the walls are considered discernable. (M.B. 28)
- The window causes the roof to be categorized as a hole adjacent to a private domain. However, this is effective only for utensils that began Shabbos on the roof since the roof is a private domain but it is not permitted to transport objects from the house to the roof if they did not make a joint *eruv*. (M.B. 29)

Halacha Highlight

A wall that collapses on Shabbos

Shulchan Aruch Siman 374 Seif 2
ונפרץ הכתל בשבת

And the wall collapsed on Shabbos

Shulchan Aruch (סעי' ב') addresses the circumstance of a wall between two yards that collapsed on Shabbos. He writes that if the residents of the different yards had made their own separate *eruvin* it is permitted for each of them to continue to transport even household objects within their yards. The reason is that since at the outset of Shabbos the wall was intact and it was permitted for each one to transport objects within his yard, it remains permitted for the duration of Shabbos, even though the wall has collapsed. However, if a wall separated a yard from the public domain or a *karmelis* it is prohibited for the resident of the yard to transport objects beyond four *amos* in his yard. The rationale behind the distinction is that two yards are similar domains that happened to be owned by different people. In such a circumstance the principle, once it was permitted at the outset of Shabbos it is permitted for the duration of Shabbos, applies. A Public domain and a *karmelis* are different domains altogether and in such a circumstance we do not apply the principle, once it was permitted at the outset of Shabbos it remains permitted for the duration of Shabbos.

Teshuvas Har Karmel (או"ח סי' י"ח) was asked about a *mavoi* that was adjacent to a *karmelis* and the wire from the *tzuras hapesach* that separated them snapped. Seemingly, since a *mavoi* and *karmelis* are different types of domains we cannot apply the principle that once it was permitted at the outset of Shabbos it remains permitted for the duration of Shabbos. He writes, however, that in a pressing circumstance one could rely on this principle since we can also rely on the opinion that maintains that a *tzuras hapesach* is not necessary when there are two posts (*lechaya'yim*), provided that on the other end of the *mavoi* there is a *tzuras hapesach*. Therefore, when the wire snaps, if the two side posts remain in place we have two reasons why it is permitted to continue to transport items within the *mavoi*.