The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Fri, Jan 17 2025 ■ י"ז טבת תשפ"ה
סימן שע"ה סעיף ג'-סימן שע"ו סעיף א'

Overview

Siman 375 Seif 3:

If there is a four *tefach* tall monument in front of the landing, the residents of the landing do not prohibit the residents of the yard since they are separate from them.

- Even if the mound or post is ten *tefachim* tall and within four *tefachim* of the landing they do not prohibit since by placing the monument in front of the landing they indicate that they are separate from the yard. (M.B. 13)

Siman 375 Seif 4:

Projections from the wall that are within ten *tefachim* of the ground are considered part of the yard and the residents of the yard may use them. If they are within ten *tefachim* of the upper story, the residents of the upper story may use them. Those projections that are higher than ten *tefachim* from the ground but not within ten *tefachim* of the upper story are shared by both domains and they prohibit one another and may not be used for household objects unless they made a joint *eruv*.

- The *seif* refers to where each domain made an *eruv* and the projections are four *tefachim* wide. (M.B. 14)

Siman 376 Seif 1:

If there is a water pit between two yards and there is no entrance or window in the dividing wall through which they can make a joint *eruv*, or if there is but they did not make a joint *eruv*, they may not draw water on Shabbos unless they made a ten *tefach* tall partition above the water. At least one *tefach* of that partition must be in the water. If the partition is in the water at least a *tefach* must extend above the water so that it should be discernable that the two halves are separate. Similarly, if they placed a four *tefach* wide beam over the pit, each one may draw water from his side of the beam. This is true if they wish to use household utensils to draw the water but if they will use utensils that were in the yard, no rectification is necessary since yards are all one domain as mentioned above in *siman* 372.

- They must divide between domains so that each one draws water that is in his domain. The existing wall is ineffective for this since it must be constructed for this purpose and located within the pit rather than above it. (M.B. 3)
- The wall that divides must be discernable in the water. (M.B. 4)
- It is certainly effective if half of it is in the water and half of it is out of the water. (M.B. 5)
- That one *tefach* will assure that the utensil does not go to the other side. (M.B. 7)
- It was placed above the pit for the purpose of dividing the water but if it was not placed there for that purpose it is ineffective. (M.B. 8)
- We are not concerned that the bucket will go to the other side of the pit since Chazal determined that the bucket will not go beyond four *tefachim*. (M.B. 9)
- If they did not make a rectification, they may not bring the water into their respective homes. (M.B. 10)

Halacha Highlight

A wall that runs over a water pit

Shulchan Aruch Siman 376 Seif 1

בור שבין שתי חצרות

A pit that is between two yards

Shulchan Aruch (סי' שע"ו סע' א') discusses a water pit that is between two yards that has a wall separating the two yards that runs over the middle of the water pit. The *halacha* is that if the wall does not contain an entrance or window that allows them to make a joint *eruv* or even if there is the potential to make a joint *eruv* but the residents did not do so, the residents of the yards may not draw water from that pit unless a rectification was made. The rectification involves constructing a partition that is at least ten *tefachim* tall, is located within the pit submerged in the water and at least one *tefach* of that wall must be above the water line. Such a wall serves to clearly delineate the two halves of the pit from one another.

Another method of rectification is to place a beam that is four *tefachim* wide over the top of the pit. Mishnah Berurah (סק"ח) notes that a beam is effective only if it was placed there to permit the residents to draw water but if it was not placed there for that purpose they remain prohibited from drawing water on Shabbos. The reason why the beam is effective even though it does not enter the airspace of the pit is that we apply the principle of פי תקרה יורד וסותם—the edge of the beam descends down and creates a virtual wall within the pit. Additionally, there is no concern that one will draw water from the other side of the pit since Chazal determined that a bucket will not go more than four *tefachim* horizontally. Biur Halacha (ד"ה וכן) references Bais Yosef who cites Rashba who contends that if the wall separating the two yards is four *tefachim* wide we can apply the principle of פי תקרה and no additional rectification is necessary. Chazon Ish (או"ח סי' ק"ג ס"ק י"ג) cites another Rashba who maintains that when there is a wall that is four *tefachim* wide it is permitted to draw water even without invoking the principle of פי תקרה. Accordingly, even if the bottom of the wall is sloped or jagged so that פי תקרה cannot be utilized, it would be permitted.