The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Sun, Jan 19 2025 ■ י"ט טבת תשפ"ה
סימן שע"ז סעיף א'

Overview

Siman 377 Seif 1:

If there are two upper stories that are on opposite sides of a yard and one of them dug a hole in the yard that is less than four *amos* to pour out waste water and the second upper story did not dig a hole but they made a joint *eruv* it is permitted for them to pour out waste water. If they did not make a joint *eruv* but one side made an *eruv* and the other side did not make an *eruv*, the one that did not make an *eruv* is prohibited and the one that did make an *eruv* is permitted provided that he pours out the water on the second story and from there it flows into the pit rather than pouring the water into the pit directly. Transporting something via one's force is permitted in a yard that does not have an *eruv*. The same is true if the yard is more than four *amos* and both are permitted in that instance and do not require the pit.

- He may pour water directly into the pit. (M.B. 3)
- Meaning, the residents that dug the pit made an *eruv*. (M.B. 4)
- They are prohibited even if they dug a pit. Not only is it prohibited to transport items from their homes to the yard or even the balcony but they may not even pour out water in their home so that it should flow to the balcony and from there to the pit. (M.B. 5)
- Without a hole it is prohibited to pour out water in one's home or even the balcony so that it should flow into the yard since it will inevitably flow into the street. (M.B. 6)
- This is allowed even though they each have rights in the yard and the water is flowing into the pit via his force. (M.B. 8)
- Meaning, it is permitted for both sides to pour water onto their balcony to flow into the yard and we are not concerned that he will transport a utensil containing water into the yard to pour it out into the pit dugout by his friend being that the yard is large enough for the water to be absorbed into the yard. (M.B. 9)
- In other words, even if the other residents dug a pit close to their upper story, we are not concerned that the other residents will transport water in a utensil to that pit. (M.B. 10)

Halacha Highlight

Pouring out waste water

Shulchan Aruch Siman 377 Seif 1
ואחת עשתה גומא בחצר
And one of them made a pit

Shulchan Aruch addresses the use of a pit that was dug to collect waste water that is located in the yard which is less than four *amos* that is between two upper story residential buildings. Even if it was the residents of one upper story that dug the pit adjacent to their landing (מ"ב סק"א) and the residents of the other upper story did not dig a pit, as long as they made a joint *eruv* they are both permitted to pour their waste water into the pit. Mishnah Berurah (סק"ג) emphasizes that in this case it is even permitted for the residents to pour their waste water directly into the pit as opposed to some other circumstances in which it is only permitted to pour out the water elsewhere with the expectation that it will flow on its own into the pit. Even though the pit was dug by one group and it is adjacent to their residence, it is permitted for the other group to also pour out their water since the *eruv* combines them into one group and it is permitted for both of them to transport household items into the yard.

Sha'ar HaTziyun (סק"ב) emphasizes that even though the pit was dug by one set of residents, we are not concerned that it will become full as a result of the numerous people pouring out their waste water and he instructs us to look above in Mishnah Berurah *siman* 357:8 for the reason. Mishnah Berurah there explains that once a pit is dug that could contain the amount of waste water a household produces in a day (סאתים) it is permitted to pour into that pit as much water as one wants. The purpose of the enactment is to serve as a reminder that it is prohibited to transport the water to the public domain. Once one implemented the reminder it is permitted to pour out as much water as one wants even if it is clear that it will flow into the public domain. The same is true in our case where the different groups made an *eruv* so that they are considered a single household and thus permitted to pour out as much water as they want.