The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Feb 1 2025 ■ ג' שבט תשפ"ה
סימן שפ"ב סעיף י"ט-כ'

Overview

Siman 382 Seif 19:

If a Jew and gentile share a yard and another Jew owns a house adjacent to the Jew's house that does not open to the yard but there is a window between the properties, they may not make an *eruv* via the window between the houses in order to transport objects through the other's house into the yard but if there is an entrance between the houses it is permitted. There is an authority that maintains it is prohibited even if there is an entrance between them.

- Shulchan Aruch is teaching that the second Jew may not transport his objects through the window of the adjacent Jew's house and from there to the yard even if the Jew's made an *eruv* via the window. The reason is that if it was permitted the other Jew would feel comfortable sharing a yard with the gentile and may learn from his behavior. (M.B. 67)
- Even without an *eruv* the Jew will not fear to live near the gentile since the other Jew is always there and for this reason there is no injunction against using the *eruv*. (M.B. 68)
- One should be stringent in accordance with this view. (M.B. 69)

Siman 382 Seif 20:

In a yard in which a Jew and gentile reside and there are windows that connect the house of one Jew to another Jew and they made an *eruv* via those windows, although it is permitted to transport items from one house to another via the windows, they are prohibited from transporting items from one house to the other via the entrances due to the presence of the gentile, unless they lease space from him. If many Jews are on a ship and each person has his own room, they must make an *eruv* and lease space from the gentile boat owner or roll together the cost of the lease with the cost of the trip and see above *siman* 366:2.

- An *eruv* would certainly be effective if they made it via the entrances. (M.B. 71)
- We do not consider them to be one household by virtue of the *eruv* and thus leasing of space would not be necessary. (M.B. 73)
- Meaning, via the airspace of the yard. (M.B. 74)
- There are two or more Jews and each one has his own individual space to eat because if they shared eating space they would be considered one person. (M.B. 75)
- Bais Yosef maintains that leasing from the boat owner is effective only before he leased space to other gentiles because once he leased space to other gentiles, the Jews must lease space from each one of them unless the owner retains the right to store his items in their space. (M.B. 76)
- When they rent space on the boat from him they specify that their payment includes the lease of his space so that they should be permitted to transport their objects. (M.B. 77)

Halacha Highlight

Leasing space from a gentile when travelling by boat

Rema Siman 382 Seif 20

ספינה שיש בה ישראלים רבים

A boat that has many Jewish passengers

Rema (סע' כ') extends the discussion of Jews sharing a yard with a gentile to Jews and a gentile travelling by boat. He writes that if the passengers have their own space where they will eat (מ"ב ס"ק ע"ה), the Jews must make an *eruv* amongst themselves and lease space from the gentile owner of the boat. An alternative approach is to include in their regular payment extra money for leasing the space. In the event that the passengers eat together, they are considered one entity and it is not necessary to lease space from the gentile. Biur Halacha (ד"ה ויש להם) rules that even if the Jews will not be on the boat for thirty days or more it is still necessary to lease space from the gentile. The reason it is necessary to emphasize this point is that one could assert that if they are on the boat for less than thirty days they should be categorized as guests who would not be required to lease space from the gentile. The reason this argument is not valid is that people are not considered guests when all of them would thereby be categorized as guests and since all of the passengers would be categorized as guests, they cannot be categorized as such. Furthermore, the presence of the gentile boat owner is not enough for them to be considered guests since they do not become subordinate to him since the residence of a gentile does not qualify as a residence.

Teshuvas Minchas Yitzchok (ח"ד סי' נ"ה) subscribes to Biur Halacha's position about this matter but adds that in a pressing circumstance there is room for leniency. The reason is that Teshuvas Chaim Shi'al (ח"ב סי כ"ב) maintains that when Jews will be guests for less than thirty days and the gentile is a permanent resident, the Jews do become subordinate to his residence.