The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שפ"ח סעיף א'-סימן שפ"ט סעיף א'

Overview

Siman 388 Seif 1:

If the yards did not make an *eruv* nor did they combine with a *shituf*, it is permitted to transport objects that were in the *mavoi* throughout the *mavoi*, regardless of whether the yards made an *eruv* with the houses or not. According to Rambam the above applies when they did not make an *eruv* with the houses but if they did, they may not transport objects in the *mavoi* more than four *amos*.

- It is also permitted to transport from the yard to the *mavoi* utensils that began in the yard and vice versa. The purpose of the *mavoi* is to permit transporting objects from the house to the *mavoi*. Obviously, we refer to where the *mavoi* has a proper *lechi* and/or *koreh*. (M.B. 2)
- Household objects would be in the yard and thus there is reason to decree out of concern that one will transport something from the house to the *mavoi* but nevertheless, it is permitted. (M.B. 3)
- We follow the first opinion. Even according to Rambam, if they repaired the *mavoi* with a *tzuras hapesach* it is permitted in all circumstances. (M.B. 4)

Siman 389 Seif 1:

If a gentile lives in a *mavoi* and he has a window in the back of his house that leads to a valley or *karpeif*, even if it [the window] is only 4 x 4 *tefachim* he does not prohibit the residents of the *mavoi* even though he brings his camels and wagons through the *mavoi* throughout the day. He prefers the back entrance that is his exclusively since that provides him with space and we consider the entrance to the *mavoi* as though he is not accustomed to use it and does not prohibit. This assumes that the valley or *karpeif* are larger than two *beis seah* but if it is only two *beis seah* it is considered small and he would not prefer to use it. If a Jew has an entrance to the *mavoi* and a back door to a *karpeif* and he forgot to join the *eruv*, if the *karpeif* is larger than two *beis seah*, he prohibits since it is not fit for use and does not withdraw from the *mavoi*. If the *karpeif* was enclosed for residential purposes, even if larger than two *beis seah*, he does not prohibit since it is fit for his use. There is an authority that maintains that the opposite is true. If it was enclosed for residential purposes, even if it is two *beis seah* it prohibits because once it was enclosed for residential purposes, it does not have open space and he does not wish to withdraw from the *mavoi* in favor of the *karpeif*.

- This would certainly be true if there is an actual entrance. (M.B. 1)
- Even if the entrance was very large it would not nullify the entrance he has to the *mavoi* and he prohibits the residents of the *mavoi*. This assumes that he is more accustomed to using the entrance that leads to the *mavoi*. (M.B. 4)
- It is categorized as a *karmelis* and he may not transport items more than four *amos* in it. If the *karpeif* is two *beis seah* or less, since it is permitted to transport objects throughout, he prefers that area. (M.B. 5)
- This opinion maintains that since it was enclosed for residential purposes it is worse since it does not provide the same air. (M.B. 6)

Halacha Highlight

Pushing someone to another domain

Shulchan Aruch Siman 389 Seif 1
וישראל שיש לו פתח למבוי
If a Jew has an entrance to the *mavoi*

Shulchan Aruch (סי' שפ"ט א') discusses the case of a Jew who has an entrance from his yard to the *mavoi* and a back door that leads to a *karpeif*. This Jew forgot to join the *eruv*. The effect he has upon the others is subject to the size of the *karpeif*. If the *karpeif* is larger than two *beis seah,* he prohibits the others. The reason is that he does not want to be associated with the *karpeif* since it is too large and treated like a *karmelis* so that he may not transport objects any more than four *amos* (מ"ב סק"ה). In the event that the *karpeif* is two *beis seah* or less, we will associate this person with the *karpeif* and consequently he will not prohibit the others (מ"ב שם). Furthermore, if the *karpeif* was enclosed for residential purposes so that regardless of its size he is permitted to transport throughout the *karpeif*, he does not prohibit the others.

Chazon Ish (או"ח סי' פ"ו ס"ק י"ט) challenges Shulchan Aruch's ruling that when the *karpeif* is larger than two *beis seah* and was not enclosed for residential purposes that he should prohibit since he would not want to be associated with the *karpeif* since he cannot transport objects more than four *amos*. Above Shulchan Aruch (סי' שפ"ו סע' ט') discussed a yard that is located between two *mevo'os* and the residents of that yard generally use one *mavoi* rather than the other. The residents of the *mavoi* they regularly use made their own *eruv* and the other *mavoi* did not make any *eruv*. The *halacha* is that we will associate the residents of the yard with the *mavoi* that they do not regularly use in order to not prohibit the residents of the yard that is regularly used. Since the residents of the yard will be prohibited either way, there is no reason to associate them with the *mavoi* that they regularly use if it will only have a damaging effect upon them. In this case as well we should associate this person with the *karpeif* since if he is associated with the *mavoi* he will prohibit them. He answers that the principle that we can push someone to another domain is limited to associating him with one *mavoi* or another since they are similar domains. The principle does not allow us to move someone from a *mavoi* to a *karpeif* since they are different types of domains.