The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, Feb 11 2025 ■ י"ג שבט תשפ"ה
סימן ש"צ סעיף א'-ב'

Overview

Siman 390 Seif 1:

If there is a gentile on one side of a *mavoi* and on the other side are Jews and another Jew has an adjacent house that opens to the public domain rather than to the *mavoi* but there is a window that connects from that house to the Jewish owned house in the *mavoi*, they may not make an *eruv* via the window between them to transport objects to the *mavoi* through his neighbor's house that opens to the *mavoi*. If there is an entrance between them it is permitted. There is another authority that prohibits this even if they have an entrance between them.

- Meaning a yard. (M.B. 2)
- If the other yard also opened to the mavoi there would be two Jewish residents in the *mavoi* and they would have to lease space in the *mavoi* from the gentile and make a *shituf* between them. (M.B. 3)
- Chazal prohibited transporting objects through his friend's house to the *mavoi* so that the *mavoi* resident will not want to remain alone with the gentile which puts him at risk for learning from his behavior. (M.B. 5)
- Even without the *eruv* he will not fear living with the gentile since his neighbor will use the entrance regularly and the injunction was never issued in such a circumstance. (M.B. 6)

Siman 390 Seif 2:

If there is a gentile on one side of a *mavoi* and Jews on the other side and there are windows that connect from the Jew's yard to another Jew's yard and they made an *eruv* via the window, although they are considered as though they reside in one house and may transport objects through the window, they are prohibited from using the *mavoi* via the entrances until they lease space from the gentile.

- This is certainly true if there is an actual entrance between them. (M.B. 8)
- The *eruv* does not combine them into one for matters involving a gentile. (M.B. 10)

Halacha Highlight

Jewish neighbors that do not share a *mavoi*

Shulchan Aruch Siman 390 Seif 2
וחלון בינו לבין ישראל הדר במבוי
A window between his yard and the yard of the Jew who lives in the *mavoi*

Shulchan Aruch (סעי' א') discusses a circumstance in which there is a *mavoi* that contains gentile residents from one yard on one side and Jewish residents in one yard on the other side. On the side of the *mavoi* where the Jewish yard is located there is a second yard that contains Jewish residents but that yard opens to the public domain rather than the *mavoi*. In the event that the second yard opened to the *mavoi* as well, it would be a circumstance in which there are two Jewish yards and a gentile yard and it would then be necessary for the Jews to lease the *mavoi* from the gentile and they would have to make a *shituf* together (מ"ב סק"ג). Although the second yard does not open to the *mavoi,* there is a window between the two Jewish yards. However, despite the presence of the window that allows them to pass objects from one yard to the other, they may not make an *eruv* to permit transporting objects from the second yard (the one that opens to the public domain rather than the *mavoi*) into the first yard and from there to the *mavoi*. The reason Chazal do not allow them to make an *eruv* was out of concern that if the other residents were able to transport objects to the *mavoi* via the yard, the Jews who live in the *mavoi* would feel comfortable and by remaining in the *mavoi* with the gentile they would learn from their ways.

The allowance to transport items in the *mavoi* requires the presence of a *lechi* or *korah*. Although generally, when permitting a *mavoi* with a *lechi* or *korah* there must be at least two yards that lead to the *mavoi* (שו"ע סי' שס"ג סע' כ"ו), in this case since the gentile's yard leads to the *mavoi* as well, this prerequisite is met. However, Maamar Mordechai (סק"א) notes that in the Jewish yard there must be at least two Jewish homes since another prerequisite to permit transporting objects in a *mavoi* is for there to be at least two homes per yard.