The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שצ"א סעיף א'

Overview

Siman 391 Seif 1:

The laws of nullification that apply to one who forgot to join an *eruv* in a yard applies to a *mavoi*. Therefore, if residents of a yard did not join the *mavoi*, they may nullify their domain to the other residents of the *mavoi* or vice versa, even though they are numerous since the residents of the yard are comparable to an individual in a yard. The laws involving a yard shared by a Jew and gentile apply to a *mavoi* or a city. Therefore, it is not prohibited to transport objects in a *mavoi* or city enclosed by a wall unless there are two yards occupied by Jews but if only one yard contains Jews, even though there are many houses that open to them, it is not prohibited. The above assumes that the city was surrounded by a wall for residential purposes. Standard cities were enclosed for residential purposes but standard forts were not enclosed for residential purposes. When there are two yards occupied by Jews in a city, it is necessary to lease space from each yard occupied by gentiles and leasing space from an officer of the city is insufficient. Some maintain that the above restriction is limited to transporting objects in and out of the gentile's domain but for transporting objects in the *mavoi* it is sufficient to lease space from the officer since he controls the *mavoi* and may remove all the gentiles from the area. **The above is true regarding an officer who does not own the houses and has no authority to use the houses even during a time of war but when the officer is involved in all of the decisions regarding what happens in the city or his appointee, leasing space from him or his *sachir* or *lakit* is effective since he has the authority to place people or utensils in people's homes during times of war without their consent.**

- Nullification is only effective for the yard that was the recipient of the nullification but the residents of the other yards may not transport objects from their yard to the public *mavoi*. Even nullifying their homes is not sufficient since the public does not become guests of individuals. (M.B. 3)
- If there is no wall it is categorized as a *karmelis* until they fix it with a *lechi* or *korah*. (M.B. 5)
- They prohibit one another from transporting household items to the *mavoi* if they did not make a *shituf*. Additionally, the gentile prohibits them until they lease from him space. (M.B. 6)
- This is true even if both yards are attached to different *mevo'os* because the wall enclosing the city makes it as though there is one *mavoi* so that the Jews prohibit one another. (M.B. 10)
- This is true even though the houses are his and are given to people on condition that they pay taxes. The reason is that he may not evict the tenant as long as the tenant pays the taxes. (M.B. 11)
- Authorities follow the position cited by Rema. (M.B. 12)
- Meaning to transport objects in and out of the Jewish homes. (M.B. 13)
- Accordingly, it is acceptable to lease space from the king's officer since the king may place people or objects in homes without their consent and consequently, each slave is considered a *sachir* or *lakit* from whom one may lease the space. (M.B. 18)

Halacha Highlight

Leasing space from government officials

Shulchan Aruch Siman 391 Seif 1
ואין מספיק במה שישכר משר העיר
It is not sufficient to lease space from the city officer

Shulchan Aruch discusses whether leasing space from the city officer suffices to permit transporting objects in the *mavoi* or whether it is necessary to lease space from each gentile resident. He states that the discussion relates to a city officer who does not own the houses nor does he have the rights to use the houses, even in a time of war. However, if the city officer does have these powers, leasing space in the *mavoi* from him is effective to permit transporting objects in the *mavoi*. Moreover, since he has control over the homes in the city, the Jewish residents may even lease space from his *sachir* or *lakit*.

Poskim discuss how this *halacha* translates to our government officials. Teshuvas Shoel U'Meishiv (מהדו"ת ח"ב סי' ס"ב) wrote that it is sufficient to lease space from the official in charge of collecting the property tax. Although collection of the property tax by itself is not sufficient authority, nevertheless, since the official can evict people who are delinquent in paying their taxes, it is considered as though he has control over the citizen's homes. Teshuvas Shevet HaLevi (ח"ח סי' צ"ז וסי' קע"ז (ב) אות ח') writes that it is no longer effective to lease space from city officials or even the chief of police since laws have changed and the authority to enter people's homes against their will is very limited. Sefer Chochmas HaLev (עמק החכמה סי' י"ג) cites Rav Yosef Shalom Elyashiv who also maintains that one should not lease space from a city official or chief of the police since they do not have the legal authority to place items in people's homes. Kuntres Takanas HaEruv (פ"ה) cites Rav Nissim Karelitz who contends that it is effective to lease space from the city treasurer since they are authorized to send employees to people's homes to read the water or gas meter.