The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Fri, Dec 13 2024 ■ י"ב כסלו תשפ"ה
סימן שס"ה סעיף ח'-סימן שס"ו סעיף א'

Overview

Siman 365 Seif 8:

If the residents of a *mavoi* made a *shituf* and the beam broke, it remains permitted to use the yard in which the *eruv* was stored as well as the adjacent yards that open to it but the other yards that do not open to it are prohibited.

- In other words, they made a *shituf* but the residents of the yards did not make individual *eruvin*. (M.B. 37)
- There are windows or entrances that would allow transporting items from one yard to another without having to transport the item through the *mavoi*. (M.B. 38)
- These parameters apply when the rectification for the *mavoi* breaks during the week but if it breaks on Shabbos it is permitted to transport objects in all of the yards provided that objects do not have to be transported via the *mavoi*. (M.B. 39)
- Even within a single house it is prohibited if each room belongs to another person and others do not have access to that room. (M.B. 40)

Siman 366 Seif 1:

When there are a number of houses that open to a yard Chazal prohibited transporting objects from the houses to the yard unless they make an *eruv*. This involves collecting food from each house and placing it in one of the houses in the yard and by doing so it is as if they all live in that house and the yard becomes associated with that house specifically.

- The same is true from one house to another within the yard or within the *mavoi* even though the *mavoi* was rectified with a *lechi* or beam. In a yard it is permitted and even from one yard to another it is permitted since Chazal did not prohibit this. (M.B. 2)
- Rambam explains that when everyone shares food and no one excluded himself from the group it is considered one domain and consequently, people will not erroneously conclude that it is permitted to transport objects from a private domain to a public domain or vice versa. (M.B. 4)

Halacha Highlight

The enactment of an *eruv* in a yard

Shulchan Aruch Siman 366 Seif 1

שגובים פת מכל בית ובית

They collect food from each household

Shulchan Aruch (סי' שס"ו סע' א') teaches that Chazal prohibited transporting objects from one's home to the yard when there are many homes that share a common yard unless they make a joint *eruv*. Making an *eruv* involves collecting food from each of the residents of the yard and then placing the collected food into one of the houses in the yard. By doing so we look at it as though all of the residents of the yard live in that house and that the entire yard is associated with that house. Mishnah Berurah (סק"ב) emphasizes that the Rabbinic restriction against transporting objects applies even from one house to another within the yard. In other words, even if two houses are adjacent to one another and it is possible to transport items directly from one to the other via an opening that connects the two of them, nevertheless, it is prohibited (שעה"צ סק"א).

The Gemara (Eiruvin 49a) actually presents two opinions why Chazal instituted the necessity for an *eruv*. According to Rabbah the reason is to establish residence. Rashi (ד"ה משום דירה) explains that people's intent is on their food and thus the place of one's food is his residence and it is as if he lives there. Shmuel contends that an *eruv* is a form of a *kinyan*. In other words, by placing food in a residence it is considered as though one acquired a part of that residence and the primary purpose is to acquire residence and does not have to be made specifically with food. Although Rambam and Rashi follow Rabba's explanation there is a difference between them. According to Rambam (פ"א מהל' עירובין ה"ו) the purpose of the *eruv* is to make all of the residents of the yard partners in the house where the food is stored and once they are partnered in the house where the food is stored, they are partners in the other houses in the yard as well. Rashi (שם), however, explains that contributing food for the *eruv* makes one a resident of the house where it is stored and the other houses become subordinate to that house.