The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שס"ו סעיף ז'-ט'

Overview

Siman 366 Seif 7:

If one person conveys ownership of the *eruv* to the others he may use a piece of bread.

Siman 366 Seif 8:

An *eruv* may be made with rice or lentil bread but not bread made from millet.

- People eat bread made from rice or lentils but not from millet. (M.B. 47)

Siman 366 Seif 9:

If one person wants to give bread on behalf of the others that is fine provided that he conveys ownership to them via a third party. The one who accepts the bread on behalf of the others must lift the bread off the ground a *tefach*. He must have in mind that he is acquiring it on behalf of the residents of the yard or *mavoi* as well as new residents who will come. Some authorities maintain that even if he did not have new residents in mind explicitly, *bais din* stipulates that they are included. If new residents arrive after the quantity of bread was diminished, additional bread must be added to the *eruv*.

- He must be told to acquire it on behalf of the other residents and he must have them in mind as well. (M.B. 50)
- Even if the *eruv* is placed in his hand, it must be lifted a *tefach*. (M.B. 51)
- If this is not done when new residents arrive they will prohibit others from using the *eruv* until more food is added for them but if they include new residents from the outset, it is not an issue. (M.B. 52)
- Although *halachically* this is not acceptable, nevertheless, nowadays we rely on this since we make a new *eruv* every year and have in mind the people who will settle in the course of the year. (M.B. 53)
- Perhaps when Chazal stated that any remnant is sufficient they intended those who were included when the *eruv* was first made but those who arrived afterwards must be certain that there is the minimum quantity before they can join. As such, someone must keep track that the minimum is present at all times for the sake of new arrivals. (M.B. 54)

Halacha Highlight

Acquiring the bread for others

Shulchan Aruch Siman 366 Seif 9
צריך להגביהו מן הקרקע טפח

One must lift it off the ground a *tefach*

Shulchan Aruch (סעי' ט') writes that it is acceptable for one member of the community to donate bread to be used for the *eruv* provided that he conveys ownership of that bread to them. This is done by having someone acquire the bread on behalf of the others who will be part of the *eruv*. That person must understand that he is acquiring the bread on behalf of the others. Even though the other residents did not appoint him to act as their agent, it is valid since one can act as an agent for someone when that agency is designed to provide that person with benefit (מ"ב סק"נ). Additionally, Shulchan Aruch writes that the bread must be lifted a *tefach* off of the ground in order for this conveyance to be valid. Mishnah Berurah (ס"ק נ"א) notes that even the opinion in Choshen Mishpat (Rema 198:4) which maintains that the *kinyan* of lifting requires one to lift the object three *tefachim* would agree in this case that lifting it one *tefach* is sufficient since making an *eruv* is only Rabbinic and one could follow the lenient opinion.

Mishnah Berurah (שם) notes that according to Taz even if the owner of the bread placed it in his hand that was already in the air, it is necessary for that person to lift his hand an additional *tefach* once the bread is in his hand. Avnei Nezer (אהע"ז סי' ק"ס אות ח') disagrees and cites Ritva who maintains that what is necessary is for the bread to be off the ground a *tefach* rather than the person actually lift his hand. Furthermore, Biur Halacha (ד"ה צריך) writes in the name of the Nesivos HaMishpat that if the bread is completely contained in his hand so that none of it extends beyond the edge of his hand it is a valid *kinyan* even if it is not lifted altogether since there is a *kinyan* called hand (יד) in addition to the *kinyan* of lifting (הגבהה).