The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ש"ע סעיף ג'

Overview

Siman 370 Seif 3:

If five groups settled in a large hall and divided the space with partitions and they traverse the same space since there is one doorway to the yard that goes through the last area only the inner two areas require an *eruv* since the outer ones are considered a gatehouse for them. If each one has a doorway to the yard or if they do not traverse the same area since each area opens to the gatehouse which leads to the yard **and the partitions reach within at least three *tefachim* of the ceiling so that each area is considered a separate room, even if the partitions are made from sheets and the *eruv* is placed in one of the other homes of the yard, each group in the large hall must give towards the *eruv*. If the *eruv* is stored in the large hall the members of the groups do not have to contribute since they all live in that house and those who live in the house where the *eruv* is stored do not have to contribute food towards the *eruv*. If there are no other residents in the yard they do not have to make an *eruv*. If the space is divided with partitions that do not reach the ceiling** (even if) **the *eruv* is stored in one of the other houses those in the large hall contribute one portion towards the *eruv*.** If some groups made partitions but others did not, those that did are considered separate and those that didn't are one single group. **If some settled on an upper floor, even if the *eruv* is stored in the large hall, each group must contribute separately towards the *eruv*. One who has a teacher or scribe living in his home or if there are students who live in separate rooms in their *rebbi*'s home, even though each one has his own doorway to the yard and they eat and sleep in their own room, they do not prohibit.**

- The second area does not qualify as a gatehouse since it only serves one area. Shulchan Aruch refers to walls that reach the ceiling because otherwise one *eruv* would suffice for those two groups. (M.B. 19)
- Shulchan Aruch presented a circumstance in which each area has a separate doorway to the yard and Rema adds a circumstance in which they each have separate doorways to the gatehouse. Accordingly, in our homes where many people live in the same building even though they walk outside from the same door they are considered separate and each one must contribute towards the *eruv*. Therefore, if the community *eruv* spoils one may not transport objects from his room to his friend's room. (M.B. 21)
- The sheets must be secured so that they do not blow in the wind. (M.B. 23)
- These are temporary walls because if the area was separated with regular walls they would all have to contribute separately. (M.B. 25)
- The roof combines them together since the partitions are inferior. (M.B. 26)
- This is true even if the walls are permanent and even if they are ten *tefachim* high. (M.B. 27)
- As partners they contribute one portion towards the *eruv*. (M.B. 30)
- Even if there are no other residents in the yard they must make an *eruv chatzeiros*. (M.B. 32)
- Since they eat the host's food it is considered as though they all live together. If the guests acquired or leased the rooms or even if they borrowed the rooms and each one eats his own food in his own room, they prohibit since both factors are necessary to be lenient. (M.B. 33)
- They do not prohibit the other residents in the yard nor one another. (M.B. 35)

Halacha Highlight

Lending a house

Shulchan Aruch Siman 370 Seif 3

מי שיש לו מלמד או סופר בביתו

One who has a *rebbi* or scribe in his home

Shulchan Aruch rules that one who has a tutor living in his home or if one has students who live in his home their presence does not prohibit the others. This is true even though each person has his own room in which he eats and sleeps and each room has a separate doorway that provides direct access to the yard. The reason, Mishnah Berurah explains (ס"ק ל"ג), is that once they share the food that the homeowner prepares it is considered as though they all eat and sleep in one place. Mishnah Berurah then notes that this *halacha* is true when he lent them (שאלה) a room in which to live but if they leased the room from the homeowner they are considered independent of the homeowner and will prohibit if they do not contribute towards the *eruv*. Ketzos HaChoshen (סי' ר"ב סק"א) also differentiates between leasing a house and borrowing a house.

Da'as Torah (סע' ג'), however, cites other authorities (ט"ז אהע"ז סי' כ"ח ס"ק ל"ו וסי' נ"ז סק"ד) who equate borrowing with leasing and just like one who has a lease is considered the owner during the period of the lease, so too, one who borrows something is considered the owner for the period that he has the right to use that object. He also notes that it would seem that Rema agrees that there is no distinction between leasing or borrowing a home. Rema rules (סי' שפ"ב סע' א') that one who lends or leases his home to a gentile, that gentile does not prohibit the other residents since his intent was not to lend or lease the house to prohibit the others. Since the Rema equated lending and leasing it would seem that he agrees that *halachically* we treat both circumstances in the same manner.