The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, Dec 31 2024 ■ ל' כסלו תשפ"ה
סימן ש"ע סעיף ו'-ח'

Overview

Siman 370 Seif 6:

Someone who has five wives and five slaves who receive food and eat in their own home as well as a student who receives food from his *rebbi* and eats in his own home, they do not prohibit if there are no other residents in the yard or if the *eruv* is stored by them.

- They are subordinate to their husband or master. (M.B. 48)
- Receiving food is effective only because they are subordinate to the one sending the food but between friends this *halacha* is not true. (M.B. 50)

Siman 370 Seif 7:

If there are ten houses in a row that are connected and the residents walk through the houses to exit from the last one to the yard, the two inner houses require an *eruv* but the other houses are exempt since they are considered gatehouses.

Siman 370 Seif 8:

A guest in a yard, even if he is staying in a house by himself does not prohibit the other residents provided that he is not a regular guest, meaning he will be there for 30 days or less. Accordingly, he and the others are permitted in his home as well as in their homes. This is true even if there are many guests and one homeowner. The above applies when there is one permanent homeowner so that the guests are subordinate to him but if there are only guests in the yard they prohibit one another. See below the end of *siman* 391 (If there is a gentile guest see below *siman* 384).

- Once it is more than 30 days he is a permanent resident and prohibits and this applies even if he borrowed the house. It is logical to assume that if he intends to remain for more than 30 days he prohibits immediately. Taz writes that a guest prohibits when the community does not have an *eruv* because if they do the guest was included in the original *eruv*. (M.B. 55)
- There is a disagreement regarding that status of someone who is a frequent guest. (M.B. 56)
- There are many guests in the yard and each one will eat in his home. (M.B. 58)
- Rema refers to where that was the only yard in town but if there are others and collectively an *eruv* is made, these guests are subordinate to the other residents. (M.B. 59)
- If there are gentiles they must also lease from him his domain. (M.B. 60)

Halacha Highlight

Hospital patients

Shulchan Aruch Siman 370 Seif 8
המתארח בחצר

One who is a guest in a yard

Shulchan Aruch (סעי' ח') rules that a guest does not prohibit the other residents of the yard, even if he will reside in a house by himself. The guest to which Shulchan Aruch refers is one who will remain for thirty days or less, but if he will remain for more than thirty days he is considered a resident and must join the *eruv* just as any other resident must join. Mishnah Berurah (ס"ק נ"ה) writes that it seems logical to him that if a guest intends to remain for more than thirty days he will prohibit the others immediately. Rema notes that this ruling remains in force even when there are numerous guests and a single permanent resident. However, if the only people residing in the yard for Shabbos are the guests and none of the permanent residents are there, they prohibit one another. The reason a permanent resident must be there is so that the guests could be subordinate to him but when a permanent resident is not present there is no one to whom the guests become subordinate and thus they prohibit one another.

Poskim discuss whether patients in a hospital prohibit one another. Sefer Chochmas HaLev (פ"ט סע' י"ט ובהע' שם) cites authorities who adopt a stringent position and offers the following explanation. Although one could argue that the patients are not considered permanent residents, since the hospital could move them to another room at any time, even if they will be hospitalized for long term treatment, nevertheless, they prohibit. The reason is that Rema taught that we cannot be lenient concerning the presence of guests unless there is a permanent resident there to whom the guests will be subordinate. Since there are no permanent residents of the hospital Shulchan Aruch's ruling concerning guests does not apply. Other authorities adopt a lenient position and explain that patients in a hospital are not even considered guests since they have no essential right of residency, the food they are fed are part of their treatment and as such they are even less than guests (ע"ע ססר ארחות שבת ח"ג פכ"ח סע' צ"ו בשם הגר"נ קרליץ).