The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שע"ב סעיף ד'-ה'

Overview

Siman 372 Seif 4:

Two yards may not make a joint *eruv* unless there is an entrance between them or a window that is four *tefachim* by four *tefachim* and some of that window is within ten *tefachim* of the ground. In such a circumstance they may choose to make a joint *eruv* and they may choose to make independent *eruvin* (See below *siman* 386:2 regarding how Jews who live in two or three places should make an *eruv*.).

- If the two yards made a *shituf* for the *mavoi* it becomes one yard and they may transport objects from one to the other even if there was only a small connecting hole between them. (M.B. 27)
- This permits transporting household items from one domain to another. (M.B. 28)
- If the window is round it must be large enough that it could contain a square of four *tefachim* by four *tefachim*. (M.B. 30)
- Regarding a round window, it is not sufficient for just the round part to be within four *tefachim*, the part of the imaginary square must be within ten *tefachim* of the ground. (M.B. 31)
- If the entire window or entrance are higher than ten *tefachim* it is ineffective since beneath it is a partition that divides the yards and consequently they cannot make a joint *eruv*. (M.B. 32)

Siman 372 Seif 5:

A window between two houses allows them to make a joint *eruv* even if it is higher than ten *tefachim*. The same is true concerning a skylight that connects the ground floor with the second story so that even if it is higher than ten *tefachim* they may make a joint *eruv* if they so choose and this applies even if there is no ladder between them. However, we require the width of the window to be four by four *tefachim*. If they put lattice in front of the window, it loses its status as a window.

- Shulchan Aruch refers to where they did not make an *eruv* in the yard. (M.B. 33)
- The reason is that a house with a roof is considered as though it is full and thus the window is not higher than ten *tefachim*. (M.B. 34)
- Rema refers to windows as well as skylights. (M.B. 37)
- If they have the right of passage besides the skylight, even if the skylight is not four *tefachim* by four *tefachim* an *eruv* may be made. (M.B. 38)
- The reason is that it is necessary to have four *tefachim* of open space and the smaller holes do not combine. (M.B. 39)

Halacha Highlight

Windows connecting two houses

Shulchan Aruch Siman 372 Seif 5
חלון שנין שני בתים
A window between two houses

Shulchan Aruch (סע' ה') discusses two houses that are attached and wish to make a joint *eruv*. He rules that if there is a window between the two houses they have the option to make a joint *eruv*. He then contrasts a window between two houses and a window between two yards. In the previous *seif* he ruled that two yards may make a joint *eruv* only if there is a window that is four *tefachim* by four *tefachim* and is within ten *tefachim* of the ground. If the entire window is above ten *tefachim*, the ten *tefachim* of wall that separates them constitutes a dividing partition that prevents them from combining. Although the window between the houses must be four *tefachim* by four *tefachim*, nevertheless, it is does not have to be within ten *tefachim* of the ground. The reason is that a house that contains a roof is considered full and thus it is not considered as though the window is within ten *tefachim* above the ground (מ"ב ס"ק ל"ד).

The principle that a house is considered full is explained by Rabbeinu Yehonason (עירובין כ"ד. בדפי הר"ף ד"ה ואין). It is common for people to have couches and footstools in their homes and those pieces of furniture allow one to freely use a window that is higher than ten *tefachim*. Chazon Ish (או"ח סי' צ"ו סק"כ) demonstrates that according to Mishnah Berurah, any area that is covered by a roof is considered full. Chazon Ish disagrees and contends that this *halacha* is unique to houses that are designated for dwelling, even if they are not used for eating or sleeping. A structure used as a storehouse for straw or a yard that has a roof over it is not considered full since it is not common to have furniture which effectively raise the height of the floor and thus a window connecting to a non-dwelling structure must be within ten *tefachim* of the ground.