The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, Jan 21 2025 ■ כ״א טבת תשפ״ה
סימן שע״ח סעיף ד׳-סימן שע״ט ב׳

Overview

Siman 378 Seif 4:

If an individual lives in the inner yard and another individual lives in the outer yard or if two people are in the outer yard but made an *eruv*, the individual from the inner yard does not prohibit the outer yard. The same is true when many people have the status of an individual and do not have to make an *eruv* as explained above in *siman* 370.

- Those two people made an *eruv* but not with the individual who lives in the inner yard. (M.B. 18)
- Even though they did not make a joint *eruv* since a person who is permitted in his place does not prohibit in a place that is not his. (M.B. 19)
- Meaning a father and his children who are supported by him and similar cases. (M.B. 20)

Siman 378 Seif 5:

If there are three yards, one behind another and each is occupied by one person, even though many people have rights of passage through the outer yard, they do not prohibit since each one of them is permitted within his own yard. If there are two residents in the inner yard, they prohibit on the other individuals who reside in the middle and outer yards. The rule is that one who is prohibited in his yard prohibits in another yard but one who is permitted in his yard does not prohibit in another yard.

Siman 379 Seif 1:

If there are two yards with three houses between them that open to one another and they all wish to make a joint *eruv*, the residents of one yard will go through one house to place the *eruv* in the middle house and the residents of the other yard will enter the house on the other end to reach the middle house and place the *eruv* there and they are all permitted. The reason is that each house that is adjacent to the yard is a gatehouse that does not have to contribute bread and the middle house is where the bread is stored and they do not have to contribute bread.

- Although generally if residents of a house do not contribute towards the *eruv* it is prohibited for them to transport objects and they prohibit others as well but in this case it is possible that residents of three houses do not contribute and they are all permitted. (M.B. 1)
- This is due to the fact that the residents of the yard are transporting the *eruv* through their domain. Some write that the same is true if the *eruv* is placed in one of the houses adjacent to the yards or one of the houses within the yards since the middle houses become a gatehouse for the house or yard that contains the *eruv*. (M.B. 3)

Siman 379 Seif 2:

If there are two yards with two houses between them and the residents of each yard made an *eruv* but they did not make a joint *eruv* and the resident of one yard enters the house adjacent to him and places his *eruv* in the second house and the resident of the second yard enters the house adjacent to him to place the *eruv* in the other house, the *eruvin* are ineffective since each one placed his *eruv* in the gatehouse of the other yard.

Halacha Highlight

Contradictory perspectives (תרתי דסתרי)

Shulchan Aruch Siman 379 Seif 2
שתי חצרות ושני בתים ביניהם

If there are two yards and two houses between them

Shulchan Aruch (סי׳ שע״ט סע׳ ב׳) addresses the circumstance of two yards, each containing multiple homes, and between the yards are two adjacent houses. In other words the order of the properties is yard, house, house and then a yard. The residents of the two yards made individual *eruvin* for their yard but did not make a joint *eruv*. In an effort to rectify the situation so that they should be permitted to transport objects from their yard to the other yard, the residents of the first yard take their *eruv* through the house adjacent to their property into the second house. The residents of the second yard also take their *eruv* through the house that is adjacent to them and place it in the house more distant from their property. Shulchan Aruch rules that in this case, as opposed to the previous *seif* that had three houses between the two yards and both *eruvin* were placed in the middle house, the *eruv* is ineffective to permit transporting objects out of their respective yards. The reason given by Shulchan Aruch is that the residents of each yard placed their *eruv* in the gatehouse of the other yard.

The Gemara (עירובין ע״ו.) explains why the placement of the *eruvin* in the houses is ineffective. If we see each house as a gatehouse for the other house the *eruvin* are invalid since an *eruv* must be placed in a residential structure and a gatehouse is not considered residential. If we see each house as a house the *eruv* is ineffective since there is a house that separates between each yard and the house that contains their *eruv*. Furthermore, although in other circumstances *halacha* allows us to look at something from contradictory perspectives (תרתי דסתרי) in this circumstance since it is evident that one is adopting contradictory perspectives, it is invalid.